

These minutes are subject to review and revision.

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A Regular Meeting of the Board of Building Design of the Incorporated Village of Lawrence was held on Monday, November 1, 2010 at the Lawrence Village Hall, 196 Central Avenue, Lawrence New York 11559 at 7:15 P.M.

Those members present were:           Chairperson Benjamin Sporn  
  Member Ronni Berman  
  Member Eva Staiman  
  Member Barry Pomerantz

Those members absent were:           Member Barbara Kupferstein

Also present were: Thomas P. Rizzo, Secretary to Board of Building Design and Gail Daniels, Building Department.

Chairperson Sporn called to order the regular meeting of the Board of Building Design at 7:15 PM. Proof of posting for the meeting was submitted. The meeting was called to order with the following members present: Chairperson Sporn, Member Berman, Member Staiman and Member Pomerantz. Mr. Rizzo informed Chairman Sporn that Mrs. Kupferstein had contact him on Monday afternoon to inform the Board that she would try to be at the meeting tonight but most likely she would not be attending and asked that the Board not to wait for her. Chairman Sporn asked if Mr. Goldman would be attending the meeting, Mr. Rizzo advised the Chairman that he had not heard from Mr. Goldman about whether he would not be attending the meeting. Mr. Rizzo asked Chairman Sporn if the Board wished to wait for Mr. Goldman or if the Board would proceed with the meeting. Chairman Sporn stated that the meeting would proceed without Mr. Goldman.

The meeting agenda included six new applications and three prior applications. Mr. Rizzo explained that there were residents and other representatives present for the meeting regarding individual applications. Mr. Rizzo asked the Chairman if he would entertain a motion to take the applications out of order. Chairman Sporn said he would.

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A motion was made by Mr. Pomerantz, seconded by Mrs. Staiman and unanimously approved by Chairman Sporn and Members Berman Staiman and Pomerantz take the applications out of order.

*The following old application was considered:*

**Chabbott – 33 Muriel Ave.** – Install paving in rear yard. Mr. Rizzo briefly reviewed that application with the Board and reviewed questions that the Board had from the first review of this application at a prior meeting that resulted in the Board deferring the application and requesting additional information. The applicant had submitted the additional information which was distributed to the Board. The Board did not provide a decision regarding the additional information provided so the application was placed on the agenda for this evenings meeting. Mr. Rizzo advised the Board that the applicant was present, Mrs. Chabbott came forward and identified herself as the property owner, she stated that she had provide the additional information requested and was not sure what the Board needed. Chairman Sporn explained that the first filing from the application did not adequately indicate the shade, size and location of the requested paving in the rear yard which was at a great distance from the house. Mrs. Chabbott explained that she had provided the informed to the Board, the paving would be located five feet from her rear and side property lines. Mrs. Berman asked if there was a reason for the paving to be located in the rear yard all the way in the back of the property. Mrs. Chabott explained that she had a deck on the rear of her home that over looked the area of the yard where she wanted the paving, she wanted an area where her children could roller skate and play, her driveway was very steep with a basket ball hoop at the end and she just wanted an area where her children could play and the paving would replace the existing swing set which is in that location now. Mrs. Chabbott explained that the plan was to remove the

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swing set and put the paving in that area. The Board discussion the location of the paved and plantings in the area and that there was a swing set already in the area. Mrs. Berman questioned how close the neighbors behind Mrs. Chabot's property were, Mrs. Chabott explained that there was a great distance in the rear neighbor's property, the neighbor had a pool at one time that has since been removed and there was an existing chain link fence that was covered with ivy. Mrs. Chabbott pointed out that the other rear neighbor was her grandmother who did not object to the paving. Mrs. Berman stated that the Board was concerned about the paving being close to the side neighbors and questioned why the paving could not be moved in closer to her home. Mrs. Chabbott explained that this is the location where her children play now just changing from swings sets to skates and other toys. No one appeared before the Board to support or oppose the application. Chairman Sporn asked if the Board was ready to vote. A motion was made by Member Pomerantz to approve the application for a thirty foot by thirty foot paved area in the rear yard of the subject property, five feet from the rear and side property line. The motion was seconded by Mrs. Berman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

Mr. Goldman, attorney to the Board of Building Design, arrived for the meeting and the Board proceeded to review the next application.

*The following new applications were considered:*

**Ross – 5 Sterling Pl.** – Front porch addition, second floor front and rear addition, two story rear addition and detached one car garage. The Board reviewed and discussed that elevation drawings and material samples submitted. Mr. Rizzo advised the Board that the architect was present if they had any questions. Mr. Michael Bonacasa came forward and

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identified himself as the architect for the project. Mrs. Berman questioned if the existing window shutters would be kept on the house and Mrs. Staiman asked about the stone siding above and around the front door. Mr. Bonacasa explained that revised drawings had been submitted and the stone siding had been eliminated and the area around and above the front door would be sided in a vinyl shake single siding in a color to match the proposed Dutch lap vinyl siding to be used on the front and side of the house. The Board discussed the colors choices for the house. Mr. Bonacasa explained that the color for the siding was coastal sage and existing brick would be painted the coastal sage color also. Mrs. Staiman questioned if that was some kind of green color and Mr. Bonacasa explained yes, coastal sage. Again Mrs. Berman asked about shutters for the house, Mr. Bonacasa explained that the owner didn't plan to have shutters but did not think his client would be opposed to having shutters on the house. Mr. Pomerantz asked why the new windows were divided with window grills while the existing windows had no grills dividing the window glass, Mr. Bonacasa explained that the existing windows in the house were one large glass pane over another while the new windows were to be six over six divided light windows. Mr. Bonacasa explained that he could investigate to see if grills could be added to the existing windows not being changed, but stated it might be easier to remove the grills from the new windows so that the new windows would match the existing windows in the house. Mrs. Staiman and Mrs. Berman both stated that the house would look nicer if all the windows had grills to divide the glass. Mrs. Staiman stated that the new windows on the second floor front of the house looked larger than the existing windows; Mr. Bonacasa explained that the new windows had to be larger to comply with egress requirements. Mrs. Staiman asked if the old windows could be changed to match the new larger windows and Mr. Bonacasa explained that would create a large expense since the existing walls and brick siding would have to be altered to

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install larger windows on the first floor to match new windows on the second floor. Mrs. Berman asked if grills were available to be added to the existing windows so that they would match the new windows and requested that shutters be added to the house, Mr. Bonacasa stated he would investigate to see if grills could be added to the old windows and also state that shutter in a contrasting color could be added to the design. Mrs. Staiman asked about the colors for the siding again, Mr. Bonacasa explained that the new vinyl siding would be the color coastal sage and the existing brick on the house would be painted the same coastal sage color and the trim would be antique parchment which was a kind of off-white. Mrs. Staiman and Mrs. Berman both questioned if the whole house would be just one color, the coastal sage, and Mr. Bonacasa stated that was correct. Mrs. Staiman and Mrs. Berman suggested that the brick be painted a different color than the coastal sage for the siding. Mrs. Berman suggested that shutters be added to the house and a different color be used to paint the existing brick, Mr. Bonacasa did not think the owners would object to these ideas. Mr. Pomerantz asked if the roof color was the pewter gray color, Mr. Bonacasa stated the roof would be the pewter gray color. The Board discussed that the existing two car garage in the rear yard was to be replaced by a new one car garage which would be sided to match the house. No one else appeared before the Board to support or oppose the application. A motion was made by Member Staiman to approve the application with the conditions that: 1) Grills are to be addition to the existing windows to match the new windows if possible. If it is not possible to add grills to the existing windows, the grills will not be installed on the new windows. 2) Shutters will be added to the windows on the front of the house, excluding the bay window, with the shutters to be the antique parchment color used for the trim. 3) The brick siding will be painted the antique parchment color to match the trim. The motion

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was seconded by Mrs. Berman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

**Rosenfeld – 156 Harborview S.** – Install replacement fence on part of left side property line fence to be six foot high PVC and install six foot high PVC fence on rear property liner, fence to be white or tan PVC. Mrs. Berman and Mrs. Staiman asked what the height of the existing fence was on the side property line that was to be replaced, Mr. Rizzo stated that he did not know how tall the existing fence was but that the home owner was present and might be able to provide that information. Mr. Avi Rosenfeld came forward and identified himself as the property owner. Mr. Rosenfeld explained his request for a fence to the Board and explained that he had pictures on his lap top computer to show the existing fence on the right side of his property. Mr. Goldman explained that if they could not be submitted as part of the record now that maybe Mr. Rosenfeld could print them and submit them to the Board at a later date. Mr. Goldman asked Chairman Sporn if he wanted to proceed, it was decided that for now the Board would review the photos on Mr. Rosenfeld's lap top computer. Mr. Rosenfeld brought his computer forward to display his pictures to the Board. Mr. Rosenfeld explained to the Board and indicated with his computer pictures that the neighbor on the right side of his property had a white PVC fence. The neighbors white PVC fence was approved and put up to match an adjoining fence located on a property on Lawrence Ave. Mr. Rosenfeld explained that he wanted to comply with the fence code but at the same time did not want several different fence colors in his yard. Mrs. Berman asked Mr. Rosenfeld to explain where this existing white PVC fence was, Mr. Rosenfeld indicated that the fence was located on the right side of his property and went from the rear of his neighbors home back to the rear property line. Mrs. Berman asked Mr. Rosenfeld if he

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had any fence on his rear property line, he explained that he did not have any fence at all, the neighbor behind him had a green chicken wire fence on their property that was installed to keep a dog in but the people no longer had a dog. Mrs. Berman stated that Mr. Rosenfeld was requesting to install a six foot high fence on his rear property line and Mrs. Staiman stated that he wanted to install a five foot high fence on his side property line then, since the Board of Building Design only approved five foot high fences on side property lines. Mr. Pomerantz questioned what was the existing fence on his left side property line to be replaced, Mr. Rosenfeld show a picture and explained that the neighbor on his left side had a thirty year old wood fence that was in disrepair and he had approached his neighbor about sharing a fence but had not gotten an answer so he was putting up a fence. Mr. Rosenfeld explained that he has had his property line staked out by the land surveyor and the staked indicate that the neighbors fence was on his property and he had informed the neighbor of this and sent the neighbor a letter about the fence location and offer the neighbor time to investigate the location of his fence but the neighbor had done nothing. The Board agreed that Mr. Rosenfeld had done what he could to inform the neighbor about the property line location so Mr. Rosenfeld could install a fence. The Board noted then that the application was to install a six foot high fence on the rear property line and a five foot high fence on part of the left side property line. Mr. Rosenfeld asked the Board to considered that the neighbors property at 160 Harborview South slopes down away from the house to the rear property line and that the five foot fence on the neighbors side line is installed level as it goes to the rear property line and that the open space under the fence that is created by the slope of the land has been filled in with additional fence boards. Mrs. Staiman stated that what Mr. Rosenfeld was saying was that at the end, the fence on the side property line was higher than five feet due to the slope of the land; Mr. Rosenfeld stated that that was the situation. Mr.

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Rosenfeld stated that he did not want his rear yard to look so different with one fence white and one fence beige and one fence six feet high and another fence five feet high. Mrs. Berman stated that Mr. Rosenfeld could install a five foot high fence on his rear and left side property line and keep two sides of his property looking the same. Chairman Sporn asked Mr. Rosenfeld if he had a situation in his rear yard similar to the neighbor that his rear yard sloped down and away from his house to the rear property line; Mr. Rosenfeld explained that was correct. Chairman Sporn asked Mr. Rosenfeld if what he wanted to do then was to install a five foot high fence straight not angled to match the property. Mr. Rosenfeld stated that is what he wanted to do to match what his neighbor had done and have some symmetry in his rear yard. Mr. Goldman wanted to clarify what Mr. Rosenfeld was requesting, that the request was for a five foot high fence on the side property line that may become six foot high to keep the appearance of a five foot high fence that is what Mr. Rosenfeld was requesting that the Board approved, Mr. Rosenfeld stated Mr. Goldman was correct. Chairman Sporn stated he had no problem with that idea but Mrs. Berman stated that was fine as long as the fence starting at five feet did not become seven feet high. Mr. Rosenfeld explained that his contract with the fence company is for a fence not to exceed six feet high, maybe six foot one or six foot two inches high. Mrs. Berman questioned if what was being talked about now was the back fence, Mr. Rosenfeld explained that the rear line fence will be six foot high because the ground is level there, only the side line fences will have an issue regarding the grade level. Mrs. Berman asked if the fence on the side line will start at five feet high, which the Board allows and then perhaps get higher because of the grade. Mrs. Staiman stated that she thought Mr. Rosenfeld was talking about the fence the other way around. Mr. Rosenfeld stated that in order to have that balance. Mrs. Berman stopped Mr. Rosenfeld and stated that a six foot fence is never going to be the same as a five foot high fence.

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Mr. Rosenfeld stated that the physical fence will not be higher than five feet, what the fence company will put under the fence to keep it level, Mrs. Berman questioned if the entire fence would have something underneath it or will it be half way down that it will have something underneath the fence? Mrs. Berman asked will the fence start out as a five foot high or will it start out a six feet? Mr. Rosenfeld stated that at the rear of the property where the grade gets lower, where the side line fence meets the rear yard fence it will be six foot so that the fences match. Mr. Goldman questioned Mr. Rosenfeld to clarify the issue of what Mr. Rosenfeld was asking for with the fence and Chairman Sporn stated what Mr. Rosenfeld was saying was that on the neighboring property at the rear line the side fence starts out at six feet high and gets lower and lower as the side line fence goes forward toward the front of the property. Chairman Sporn questioned what the height of the fence would be at the front and Mrs. Berman stated that the side line fence at the front ending could not be higher than five feet. Mr. Rosenfeld stated that the fence would be level but lower than five feet, he did not know how much lower. Mrs. Berman questioned then if the plan was to take a five foot fence and running it back on the side property line, starting near the house, and run the fence to the rear property line level and just fill in the space under the fence, this triangle space or are you going to start out with a bigger fence? Mr. Rosenfeld stated that they would start out with a five foot fence and asked the Board to look at the picture on his laptop computer of what his neighbors fence was like, he described that the neighbor's five foot fence starts out at the rear line with two boards under the fence to close up the space. Mrs. Berman questioned if those two boards run under all of the side fence and Mr. Rosenfeld explained that the two boards get lower and lower as you get closer to the beginning of the property. Mrs. Staiman asked if Mr. Rosenfeld meant the front of the property or the back of the property, Mr. Rosenfeld stated he meant the front of the property. Mrs. Staiman stated

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that is what Mrs. Berman was asking about. Mr. Rosenfeld stated that because the grade level of the property was lower in the back the space would be filled in and less in the front because the grade was higher. Mrs. Staiman stated that she believed that is what Mrs. Berman was asking about. Mrs. Berman stated she wanted to make sure that it was a five foot high fence that was just being filled in under where it was needed to be. Mr. Rizzo reminded the Board that the request was still for a white PVC fence, Mrs. Berman stated that the Board did not approve white PVC fences, the fences come in an off white color and Chairman Sporn stated fences are available in an ivory color. Mr. Pomerantz questioned that the neighbor's fence was white; Mrs. Berman stated that the neighbor's fence did not extend down the side line to the street and the neighbor's fence could not be seen from the street. Mr. Rosenfeld stated his fence would be installed the same way, not down to the street and not seen from the street. Mr. Rosenfeld asked that the same consideration be used, as when his neighbor was approved for a white fence because his neighbor on Lawrence Ave. adjacent to his property had a white fence. Mr. Rosenfeld stated that the Board would have had to or should have considered that someday another neighbor might come and request a white fence to match his neighbor's fence so as not to have two fence colors in Mr. Rosenfeld yard. Mrs. Berman stated that at a previous meeting, the Board had an application where a fence was requested in white PVC to match the rear line fence of another property and the Board approved an ivory colored fence. Mrs. Berman stated that she was not in favor of white PVC fences and the Board had not approved a white fence in a while. Mr. Goldman asked Mr. Rosenfeld why he was adverse to something other than a white fence; the situation was not such that one fence was to be green and one fence was red there was not to be that type of difference in color. Mr. Berman asked Mr. Rosenfeld if he had any shrubs in his back yard, he stated no. Mrs. Berman suggested that a few shrubs or trees in the corner would break up the

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color change where the two fences meet. Mr. Rosenfeld agreed that might help and thank the Board for its suggestions and acknowledged that this would come to a vote but stated that the Board needed to be consistent with its decisions. Mrs. Berman stated that the Board had been pretty consistent with its decisions. Mr. Rosenfeld requested that if his adjoining neighbor had been approved for a white fence because his adjoining neighbor had a white fence that this same principal should be applied to him. Mr. Goldman asked that Board what, if any, would be the bad effects of granting the request for a white fence, is it the principal that the Board doesn't allow white fences or will the white fence have some visual impact on someone else? Mrs. Berman stated that yes there would be visual impact on the adjoining neighbor and because at some point Mr. Rosenfeld's neighbor may want to install a fence on his property and request a white fence because Mr. Rosenfeld has a white fence and the next neighbor and so on. Mrs. Staiman stated that at some point the white fence would become visible. Mrs. Berman pointed out that the Board has been criticized in the past for approving white fences at other locations and the Board does not want to repeat those mistakes and there are so many other colors. Mr. Rosenfeld stated that there must be some distinction between other open locations and locations between adjoining neighbors where one fence is old and corroded and a white fence would be a significant improvement over the old fence. Mrs. Staiman pointed out that a nice beige fence would be an improvement also. Mrs. Berman noted that with a planting in the corner and if an ivory colored fence was installed it would break up the white fence from the ivory fence. Mrs. Berman stated that she just was not in favor of white fences. Mr. Rosenfeld noted that the Board, in earlier application in the evening, was concerned about outwardly seen colors, that he should be allowed concern over the colors seen from inside his yard and that the Board had approved a white fence for his neighbor. Mrs. Berman questioned if Mr. Rosenfeld was going to

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install the same style fence as his neighbor, a solid fence with a lattice top, Mr. Rosenfeld stated his fence would be all solid without a lattice top section. Mr. Goldman asked Mr. Rosenfeld if his neighbor had the glossy finished type of white PVC fence and did he care if the fence was off white and not the same bright white of his neighbor fence? Mr. Rosenfeld stated that they had looked at a tan fence but there was a contrast compared to the white fence. Several Board members discussed possible colors with Mr. Rosenfeld. Chairman Sporn suggested a compromise of a two tone colored fence, white boards at the top, bottom and sides with the center section beige. Mr. Rosenfeld stated that was impressed how in the previous application that the architect had agreed to color changes without consulting his client, Mr. Rosenfeld stated that this fence color had been chosen by his wife and that is what they wanted for the fence. Mr. Rosenfeld stated that he and his wife had requested tan or white for the fence color, because if they could comply, if there is not such a stark difference they wished to comply with the Boards request but if, in their discretion, they see a stark contrast they wish to be allowed the fence color they want. Mrs. Berman suggested that Mr. Rosenfeld investigate what the lightest colors are available for the fence that are not white and see how he feels about those colors since the Board is really not in favor of white. Chairman Sporn again suggested the idea of a two tone fence white with another color. Mr. Rosenfeld stated that this fence had been in the planning stage for months and he did not wish to come back and waste the Boards time or his time, he appreciated the Boards input but wished to stay with his request for a tan fence, if this is not acceptable to the Board so be it, whatever way the Board votes he will comply. Mrs. Berman asked Mr. Rosenfeld what was the color of his house, Mr. Rosenfeld stated it was a kind of cream color, with wood shingles and a brown roof and a black front door. Mrs. Berman suggested a cream colored fence. Mr. Rosenfeld asked if there was a vote. Chairman Sporn stated the Board was saying an color other than white

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however if you wanted the fence that is white on the top, bottom and sides with the beige in the middle, Mr. Rosenfeld said that he and his wife were not in favor of the two tone fence. Mrs. Staiman and Mrs. Berman both suggested that Mr. Rosenfeld investigate other lighter colors that are available for the fence. Motion was made by Mrs. Berman to approve a six foot high fence on the rear property line and a five foot high fence, fence to be installed level, on the left side property line, fence to be any color other than white. The motion was seconded by Mrs. Staiman with the follow votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

**Zeidman – 92 Margaret Ave.** – Install back up electric generator in side/rear yard area.

The Board reviewed the application. The Board held a brief discussion regarding the generator location. No one appeared before the Board to support or oppose the application. A motion was made by Member Berman to approve the application for a generator in the side/rear yard of the subject property as per submitted plan. The motion was seconded by Mrs. Staiman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

**Carpenter – 275 Barrett Rd.** – Install back up electric generator in side/rear yard area.

The Board reviewed the application. The Board held a brief discussion regarding the generator location. No one appeared before the Board to support or oppose the application. A motion was made by Member Berman to approve the application for a generator in the side/rear yard of the subject property as per submitted plan. The motion was seconded by Mrs. Staiman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

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**Lifshitz – 160 Hollywood X.** – Full second floor addition and interior and exterior alterations to existing residence. The Board reviewed and discussed the application. Several members of the Board had questions regarding the proposed stucco finish for the altered home. Mrs. Staiman and Mrs. Berman noted that the proposed design was lacking any detail on the elevation drawings for the stucco house and that additional details would improve the look of the proposed altered house. After a discussion regarding the submitted elevation drawings Chairman Sporn summed up the Boards thoughts regarding the application by stating that the drawings lacked details regarding the texture of the stucco finish and any details regarding the finished look for the house and it was suggested that more detailed drawings be submitted and that the applicant or his representative appear before the Board to go over the design with the Board of Building Design. A motion was made by Member Berman to defer the application and ask for more details regarding the stucco finish and add more details to the outside of the house. The motion was seconded by Mrs. Staiman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

**Kaplan – 119 Hards Ln.** – New residence and paving. The Board reviewed and discussed the application. The Board discussed the variance granted for this application. Mrs. Staiman questioned the ceiling height in the attic space and Mr. Pomerantz noted that the basement area was to be finished. The Board reviewed the finish material samples for the new house. Mr. Rizzo pointed out to the Board that the original number of variances had been reduced and originally the application was for additions and alterations to the existing house but now the house would be completely new and relocated to remove some requested variances. The Board discussed the brick siding for the house. Mrs. Berman questioned the brick corbel designs shown on the corners of the

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proposed house and Mrs. Staiman noted that the design looked very nice. No one appeared before the Board to support or oppose the application. A motion was made by Member Staiman to approve the application for the house per the submitted plans and material samples. The motion was seconded by Mrs. Berman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

*The following old applications were considered:*

**Reich – 82 Harborview W.** – One story front and second floor rear addition, applicant submitting revised finish materials for review for a previously approved application. The Board reviewed new finish materials submitted. The original plan was to have siding and roof the new additions to match the existing house, a decision was made to reside the whole house. The new siding would go on the three side of the house, on the front of the house there would be new stone siding up to the bottom of the first floor windows and then the same siding used on the rest of the house would be on the front wall above the stone. Mrs. Staiman noted that the materials look fine. No one appeared before the Board to support or oppose the application. A motion was made by Member Staiman to approve the new finish material for the previously approved application. The motion was seconded by Mrs. Berman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

**Shalhon– 540 Atlantic Ave.** – Install four foot high estate fence as part of pool enclosure. Mr. Rizzo reviewed the original application with the Board, the original request was for a four foot high estate style fence to be installed on the rear and side

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property lines as part of the required pool enclosure, the Board approved the originally requested fence. The applicant changed his plans and installed a six foot high green chain link fence on the rear and side property lines with a green fuzzy privacy screening installed as part of the fence. Mr. Rizzo advised the Board that the applicant was now in the process of obtaining the certificate of occupancy for the home and was advised that no certificate of occupancy would be issued until the fence issue was addressed. Mrs. Berman asked what the property owner was asking for now, Mr. Rizzo explained that the applicant was requesting to keep the green chain link fence on the side property lines but reduce the height of the fence from six feet to five feet high and remove the green fuzzy privacy screening from the fence. Mrs. Berman asked if the privacy screen would be removed immediately. Mr. Rizzo noted that the certificate of occupancy could be held back until he complied. Mrs. Berman questioned again that originally the applicant requested an estate style fence but now wanted a chain link fence. Mr. Rizzo reminded the Board that it did allow chain link fences when used as part of a pool enclosure. Mrs. Berman questioned that the applicant wanted to keep the six foot high chain link fence on the rear property line but wanted to know if the green privacy screen would be kept on the rear fence. Mr. Rizzo stated that if the Board asked for all the green privacy screening to be removed, then the applicant would be told to remove all of the privacy screening. Mrs. Staiman agreed all of the green privacy screening must be removed. Mr. Pomerantz questioned if the existing six foot high chain link fence would have to be removed to cut the fence down to only five feet high on the side property lines. Mr. Rizzo stated that he did not know if the existing six foot high fence could be cut down to five feet while in place, or if it had to be completely removed, that is an issue to be addressed but the property owner and the fence contractor. Mr. Rizzo noted that if the Board approved a five foot high chain link fence the applicant would have to change the

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fence to five feet high, whatever method was used to get the fence to the height the Board approves. Mrs. Berman stated that if the applicant must replace the entire fence, it should be replaced with a black chain link fence. Mrs. Staiman noted that he is not replacing the entire fence, that the six foot fence on the rear property line was not being replaced. Chairman Sporn noted that the fence could be cut down to the approved height, but Mr. Goldman noted that the green color could not be changed, Chairman Sporn stated that he realized that the fence color could not be changed but he was sure that the fence contractor could pull the fence out, cut the fence down to an approved size and reinstall the existing fence. Mrs. Staiman understood the idea that the existing fence could be cut down but questioned why the Board would allow the owner to keep this fence when the Board had approve a different fence. Mr. Rizzo stated that the Board could take a very hard line with the applicants request but again pointed out to the Board that the Board did allow chain link fences to be used to provide the required pool enclosures. Mr. Goldman noted that the applicant stated in his letter sent to the Board that he admitted honestly that he had made a mistake when he installed the chain link fence. The applicant's reason for changing the fence was to offer more protection as an adjacent neighbor who had young children and he wanted to protect them from his pool. Mrs. Berman noted that the property owner stated in his letter that he was made aware of the problem with the fence, the Village of Lawrence told him about this problem with the fence two years back. Mr. Goldman noted that the applicant was requesting a certificate of occupancy now and was cleaning up problems. Mrs. Berman asked if a separate fence was being installed just around the swimming pool. Mr. Rizzo stated that the fenced in the back yard was to protect the pool. The Board continued to discuss the application. No one appeared before the Board to support or oppose the application. A motion was made by Mrs. Berman to lower the green chain link fence from six foot to five feet high

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on the side property lines and remove the green privacy screen from any fences on the property and approve the six foot high chain link fence on the rear property line. The motion was seconded by Mrs. Staiman and the following votes cast, Member Pomerantz yes, Member Berman yes, Chairman Sporn yes and Member Staiman yes.

Mr. Rizzo advised Chairman Sporn that on the Friday before the Board of Building Design meeting an application to replace an existing fence had been submitted but he was out on the Friday and did not receive the application till Monday morning and did not have time to distribute the application to the Board members. Several Board members had questions regarding the application which Mr. Rizzo could not answer. Chairman Sporn asked that the application be put on the agenda for the December meeting.

There being no further business the meeting was adjourned at 8:37PM

This is to certify that I, Thomas P. Rizzo, Secretary to the Board of Building Design, have read the foregoing minutes and the same are in all respects a full and correct record of such meeting.

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Thomas P. Rizzo