

Lawrence, New York October 4, 2010

A Regular Meeting of the Board of Building Design of the Incorporated Village of Lawrence was held on Monday, October 4, 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

Those members absent were: Member Barry Pomerantz
 Member Barbara Kupferstein

Also present were: Thomas P. Rizzo, Secretary to Board of Building Design and Gail Daniels, Building Department. Mr. Rizzo explained to Chairman Sporn and the other Board members that Ronald Goldman, Attorney to Board of Building Design, would not be attending tonight's meeting as he was required to attend a seminar.

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 and Member Staiman.

The meeting agenda included seven new applications and three prior applications. Before the Board proceeded with the agenda items, Mr. Rizzo explained that there were residents and contractors present for the meeting regarding their 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. A motion was made by Mrs. Staiman, seconded by Mrs. Berman and unanimously approved to take the applications out of order.

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The following new applications were considered:

Schwartz – 45 Briarwood Ln. – Install tennis court. Mr. Rizzo advised the Board that the owner and contractor were present. Chairman Sporn stated the Board would review this application first. Mrs. Berman noted that she had difficulty finding the address for the property; she did not see the address posted anywhere. Mr. Rizzo explained what the setback distances were from different property lines. Chairman Sporn asked if a variance had been granted. Mr. Rizzo explained originally that a variance had been applied for but was denied. The present tennis court design did not require a variance. While the Board was reviewing the application Member Pomerantz arrived and joined the other members of the Board of Building Design. Mrs. Staiman questioned if the design for the tennis court included lighting. Mr. Rizzo advised the Board that there were representatives present regarding this application. Mr. Chuck Panetta came forward from the firm of Bladykas and Panetta and identified himself and informed the Board that Mrs. Schwartz was present as well Glen Katz of Tennis Planning Corp who developed a landscape plan for the tennis court. Mr. Panetta reviewed the application, drawings and drainage plan with the Board. Mr. Panetta noted that the applicant was considering lighting for the court but that lighting was not part of the present application and would be dealt with as a separate application as there maybe some zoning issues to deal with. Mrs. Staiman noted that the area for the court was surrounded by homes. Mr. Rizzo noted that zoning rules did control tennis court lighting and Mr. Panetta stated that the landscape plan may need to be adjusted for lighting and a variance maybe required to install lights. The applicant was considering lighting but the present application was for a tennis court without lighting. The Board members discussed the lighting issue and Mrs. Berman noted that there had been issues regarding lights shining in the windows of homes. Chairman Sporn

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noted that this application for the tennis court did not include lighting so the Board would review the application as submitted without lighting. Mr. Panetta noted this and said if the applicant was to consider lighting they would file the required applications and any lighting that would be installed would be shielded or meets other requirements.

Chairman Sporn asked several questions regarding the plants for screening the tennis court. Mr. Glen Katz of Tennis Planning came forward and provided specific information regarding the trees, bushes and flowers and other plants that would be part of the screening, the height of the plantings and submitted pictures of the trees and other plantings proposed and noted that the eight to ten foot high plants to be installed would grow to be twelve to fifteen feet tall within a year or two. The Board reviewed the landscape plan. During the discussion, member Barbara Kupferstein arrived and took her place with the other Board members. No one else appeared before the Board to support or oppose the application. Mr. Rizzo explained to the Board members that to properly record the vote on the applications that each Board members vote must be recorded individually. The Board voted on the application, Chairman Sporn voted to approve the application, Member Berman voted to approve the application, Member Pomerantz voted to approve the application, Member Staiman voted to approve the application. Member Kupferstein stated that she was not present for all of the Boards discussion of the application; she abstained from voting on the application.

The following prior applications were considered:

Bergman – 10 Manor Ln. – Install inground swimming pool, pool equipment, paving and fence. Mr. Rizzo explained that at the Boards request a landscape plan for the pool area had been provided as well as photos of the existing landscape work on the property.

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The Board reviewed the submitted landscape plan and photos and discussed the new plants to be installed. The Board noted that Mr. Bergman the property owner was present at the meeting. No one else appeared before the Board to support or oppose the application. The Board voted on the application, Chairman Sporn voted to approve the application, Member Pomerantz voted to approve the application, Member Berman voted to approve the application, Member Staiman voted to approve the application, Member Kupferstein voted to approve the application. Mr. Bergman thanked the Board for their consideration.

Pockriss/Ocean Property – Ocean Ave & Narraganset Ave. – Install six foot high wood stockade fence with lattice top on Ocean Ave side of property and Narraganset Ave side of property to fill in between landscaping and install moveable black chain link fence to close off driveway for safety. Mr. Pockriss came forward and identified himself as the property owner. The Board members reviewed the application again, the Board had questions regarding the requested fence, and Mr. Pockriss explained that he was not able to attend the previous meeting when the Board first reviewed the application. Mrs. Berman noted that she had spoken to Mr. Pockriss when she had visited the site and asked him if he had been able to take any photos of the property. Mr. Pockriss explained that since he had met Mrs. Berman when she visited his property, the rainy weather had kept him from taking pictures. Mrs. Berman suggested that maybe Mr. Pockriss should explain to the Board where he wanted this fence on his property. Mr. Pockriss explained that he wanted the fence to start where the other property owner's fence is along Narragansett and stopping short of the old carriage house on his property, about ten or fifteen feet short of the existing structure. Mrs. Berman asked how many feet into the property would the fence be located, Mr. Pockriss stated whatever would please the

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Board. Mr. Rizzo advised the Board and Mr. Pockriss that at the moment everyone was looking at this wide open area where the fence is to be installed and at the moment Mr. Pockriss and the Village do not know the location of the property line along Narragansett Road or Ocean Ave and that Mr. Pockriss can only install the fence on his own property. At some point Mr. Pockriss will have to have his property line staked out so he knows the location of his property line. Mr. Rizzo explained that Mr. Pockriss could put up the fence set in from his property line but not off of his property. Mr. Pockriss agreed. Mrs. Berman questioned if the Village of Lawrence owned ten feet between the street and the property at this location? Mr. Rizzo explained at this moment he did not know the distance between the edge of the paving and the property line. Mr. Rizzo stated that the line would have to be staked out. Mr. Pockriss stated that: "they had previous surveys and could have it staked out". Mrs. Staiman explained she was having a difficult time understanding about the two properties. Mr. Pockriss explained that he owned both properties, the two lots. Mrs. Staiman questioned that the request is for a fence along Narragansett? Mr. Pockriss indicated the location of his home (which was not shown on the submitted drawing) is located on Ocean Ave. Mrs. Staiman again questioned Mr. Pockriss that his home was the new house constructed on Ocean Ave. where an old house had been taken down? Mr. Pockriss stated Mrs. Staiman was correct. Mrs. Berman questioned if the old carriage house was being fixed? Mr. Pockriss stated that the roof and windows had been repaired and that the site had been cleaned. The next step was to have the building painted. Mrs. Staiman questioned if he was keeping the whole property for himself? Mr. Pockriss stated: "for the time being he would hold both lots". Mrs. Staiman stated she had walked by the property and was wondering how the fence was to be installed? Mr. Pockriss explained that the request was to have the entire wood fence except for a very small section of black chain link fence located on the corner lot.

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Mr. Pockriss indicated by pointing to the submitted drawing that the fence would be installed along the Narragansett side of the property for privacy and put a fence through the trees along Ocean Ave. and add more plantings. Mr. Pockriss explained that there was an additional request for a four foot chain link fence/gate that would be hidden behind the new wood fence and would only be seen when closed across his driveway. His driveway is higher than the road so his children could play in the driveway and be protected from going out into the street. Mr. Rizzo confirmed with Mr. Pockriss that his plan was to only have the black chain link fence closed across his driveway when his children were playing and that when the gate was open the black chain link would not be seen. Mr. Pockriss agreed. Mr. Pockriss explained that all of the wood fence would be on the separate corner lot which would provide privacy to the lot with his home. Mrs. Staiman questioned the different yards of the separate lot. Mr. Rizzo explained that the lot at Narragansett and Ocean was a separate corner lot with the line along Narragansett as a side property line and the line along Ocean as a front property line. Mrs. Staiman questioned that the code does not allow front yard fences, Mr. Rizzo pointed out that nothing in the Village code prohibits front yard fences. The Board of Building Design guidelines did not normally allow front yard fences, but if the Board viewed this as one property it could allow the fence along Ocean Ave. Mrs. Berman noted that it is a separate building lot even though it is being used as one property. Mr. Pockriss confirmed that the two lots are owned as separate entities but that he owns both entities. Mrs. Staiman confirmed with Mr. Pockriss that he owned both lots and he agreed. Mr. Pockriss stated that the property along Ocean Ave was raised above the road and that even a five foot high fence will be fine but requested a six foot high fence at the other location along Narragansett. Mrs. Staiman questioned if Narragansett was to be considered the front yard and Mr. Rizzo explained that for this corner lot Ocean Ave. was

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considered the front yard not Narragansett. Mrs. Berman noted that the submitted plan indicated that the fence section be installed broken up with plantings between, Mr. Pockriss explained that originally this was seen as more pleasing to look at but agreed that the fence could be installed without open spaces with plantings in front of the fence. Mrs. Berman questioned the location of the school bus stop; Mr. Pockriss stated that the bus stopped on the Narragansett side of the property. Mrs. Berman suggested that the fence continue with a gate for the children to get to the bus and not have the fence stop and start and stop and start with plantings between. Chairman Sporn asked if Mr. Pockriss was agreeable to this idea, Mr. Pockriss agreed to the idea. Mrs. Staiman asked if there would be plantings around or just fencing, Mr. Pockriss explained that on the Ocean Ave side of the property the fence would run through some dense group of trees, on the Narragansett side they could add plantings if requested to do that. Mrs. Berman was concerned about the exact location of the fence, Mr. Pockriss stated that he could submit a Google earth overhead picture of the property to show the location of the fence but Mrs. Berman noted that he must be concerned about the property line location. Mrs. Staiman stated that she did not think it would be pleasant to walk down and see this wall of fence and plants would help, Mrs. Berman noted that some plantings had been done so maybe some more plantings on the Narragansett side would help, Mr. Pomerantz agreed that having that long run of fence on the Narragansett side would look better with plantings in front of the fence. Mr. Pockriss pointed out that running the fence through the trees on the Ocean Ave side would most likely be sufficient; Mrs. Berman agreed that there were lots of trees on the Ocean Ave. side. Mrs. Staiman was concerned about the Narragansett side. Mrs. Berman asked Mr. Pockriss if he would consider a five foot high fence instead of a six foot fence and Mr. Pockriss agreed. Mr. Rizzo asked what section of fence Mrs. Berman was referring to, Mrs. Berman asked for a five foot high

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fence on the Narragansett side as well as the Ocean Ave. side. Mr. Pockriss agreed to the five foot high fence on Narragansett and Ocean Ave. The Board asked to know what the set back would be for the fence and what the fence would look like. The Board agreed that the information could be provided and sent out to the Board and not have to wait for the next meeting. Mrs. Berman asked if the plantings would be done at the same time the fence was installed. Mr. Pockriss stated that was the plan but if the plantings could not be done till the spring the Narragansett side fence would not be installed till then, but he requested to be able to install the Ocean Ave. side fence and driveway gate now due to the existing trees and plantings on the Ocean Ave. side and the need to close off the driveway so his children could play safely. The Board was agreeable to this but Mrs. Berman wanted to see exactly where the fence would be installed on the Ocean Ave. side. Mr. Pockriss stated that he had a survey and would provide that information to the Board. A proposal was made to approve the wood fence at five feet high on Narragansett and Ocean Ave with landscaping in front of the fence on the Narragansett side and the black chain link gate/fence at the driveway and the applicant was to provide a picture of the wood fence and provide information as to the location of the fence in relation to the property line location on the Narragansett and Ocean Ave. side of the property. No one appeared before the Board to support or oppose the application. The Board voted on the application, Member Berman voted to approve the application with the applicant to submit additional information regarding the wood fence to be installed and the location of the fence, Member Pomerantz voted to approve the application with the applicant to submit information regarding the wood fence to be installed and the location of the fence, Chairman Sporn voted to approve the application with the applicant to submit information regarding the wood fence to be installed and the location of the fence, Member Staiman voted to approve the application with the applicant to submit

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information regarding the wood fence to be installed and the location of the fence, Member Kupferstein voted to approve the application with the applicant to submit information regarding the wood fence to be installed and the location of the fence.

The following new applications were considered:

Chabbet – 33 Muriel Ave. – Install paving in rear yard. The Board reviewed the application. Mrs. Berman noted that the request was for a very large amount of paving in the rear yard far from the house. The Board held a lengthy discussion regarding the use of the paved area and questioned how far the paved area would be from the rear and side property lines. The Board asked what the required setbacks were for paving and Mr. Rizzo explained that the code did not require a setback for paving for patios. The Board asked if any permanent structures would be located on the paved area. Several Board members stated a scaled drawing of the proposed paved area in the rear yard would be helpful. The consensus of the Board was to defer the application and request a scaled drawing of the paving and indicate the distance from the side and rear property lines to the paving. No one appeared before the Board to support or oppose the application. The Board voted on the application, Chairman Sporn voted to defer the application and request a scaled drawing with setback distances for the paving, Member Berman voted to defer the application and request a scaled drawing with setback distances from the paving, Member Pomerantz voted to defer the application and request a scaled drawing with setback distances from the paving, Member Staiman voted to defer the application and request a scaled drawing with setback distances from the paving. Member Kupferstein voted to defer the application and request a scaled drawing with setback distances from the paving

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Blaivas – 40 Stevens Pl. – Second floor rear addition and interior alterations. The Board reviewed the application, plans and the submitted pictures. Mr. Rizzo noted that a variance had been granted for this application. Mrs. Berman noted that this property was adjacent to Chairman Sporn's home; Chairman Sporn stated that he had no issues regarding the granted variance. The Board noted that the addition was on the rear of the existing house and did not alter the front of the existing house. The plans noted that the new materials would match the existing finish materials. Mrs. Staiman and Mrs. Kupferstein both noted that there was nothing really wrong with the proposed addition. No one appeared before the Board to support or oppose the application. The Board voted on the application, Member Pomerantz voted to approve the application, Member Berman voted to approve the application, Chairman Sporn voted to approve the application, Member Staiman, and Member Kupferstein voted to approve the application.

Zrihen – 2 Heather Ln. – Install five and six foot high tan PVC fence on side property line, and on rear property line, to match existing PVC fence. The Board discussed the application and noted that a while back this property had requested and been granted a permit to install a tan six foot high PVC fence on the property along the Broadway side. Mr. Rizzo explained that the request now was to replace the existing wood fence at the rear and on the left side of the house with a matching six foot high PVC fence and in the left side yard area at the rear corner of the house. Also install a five foot high matching fence in the right side yard area to enclose the yard. Mrs. Berman suggested that some landscaping be required to be planted in front of the five foot high PVC fence sections in the right side yard area. Several members of the Board agreed with this idea. Mrs. Berman also noted that the applicant stored their trash cans in the left side yard area in

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front of the wood fence that is being replaced. Mrs. Berman suggested that the applicant extended the requested fence along the left side property line and moves the fence section and gate in the side yard area forward so that the trash cans are behind the gate and fence. Mrs. Staiman agreed that was a good idea. Also Mrs. Berman suggested that the new fence and gate in the left side yard area should only be five feet high to match the five foot high fence requested for the right side yard area. No one appeared before the Board to support or oppose the application. Mr. Rizzo noted that there was a general proposal from the Board members to conditionally approve the fence application with the following conditions: 1) The five foot high PVC fence sections being installed in the right side yard are required to have landscaping in front of the fence, 2) The replacement fence on the left side property line shall be extended forward along the side property line to enclose the existing trash storage area behind the fence, 3) The section of fence and gate in the left side yard area can only be five feet high to match the five foot high fence approved for the right side yard area, 4) The new fence is to match the style and color of the existing PVC fence. The following votes were cast to approve the application conditionally with the four conditions, Members Pomerantz Aye, Member Berman Aye, Chairman Sporn Aye, Member Staiman Aye and Member Kupferstein Aye.

250/255 Central Ave Owners – 250 Central Ave. – Install replacement six foot high wood stockade fence on part of rear property line and right side property line. The Board reviewed and discussed the application. Mr. Rizzo pointed out that the applicant requested to install the fence on the side property line down to Central Ave. Mrs. Berman stated that the existing fence stopped just forward of the front wall of the apartment building and suggested that the new fence be installed in the same location. Mr. Rizzo advised that Board that the existing fence was old and the finished side of the

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existing fence faced into the property, the new fence must have the good side face out.

Mr. Pomerantz asked if the adjoining property owner agreed could the new fence have the finished side face in, Mr. Rizzo explained that the current fence code requires that the finished side of a new fence must face out. No one appeared before the Board to support or oppose the application. Mr. Rizzo noted that there was a general proposal from the Board members to conditionally approve the fence application with the following conditions: 1) The finished side of the new fence must face out as required by the fence code, 2) The new fence on the right side property line cannot extend closer to Central Ave. than the existing fence. The following votes were cast to approve the application conditionally with the two conditions, Member Pomerantz Aye, Member Berman Aye, Chairman Sporn Aye, Member Staiman Aye and Member Kupferstein Aye.

Neumann – 173 Briarwood Crossing. – Install five foot high black estate fence on front property line. The Board reviewed and discussed the application; Mr. Pomerantz noted that the applicant pointed out in his application that adjoining properties had similar estate style fences. Mrs. Berman noted that the property did not have an estate style fence anywhere on the property and that the property was surround by a brick wall and the amount of fence to be installed was not a large amount but a brick wall to match the existing brick wall would be so much nicer. Mrs. Staiman agreed with Mrs. Berman that the amount of fence to be installed was not a lot but a brick wall would be better than the requested fence. Mrs. Berman stated that she understood the reason for the requested fence and she had seen for herself, during the recent holiday that kids did congregate in the area all over the street and onto the private property. Mr. Rizzo noted that the property survey submitted with the application indicated an area with a wood fence adjacent to the road; Mrs. Berman stated that she did not see any wood fence on the

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property. Mrs. Staiman stated she had no problem with the proposed fence but the amount of fence to be installed was so small that a brick wall would be better. The Board noted that there was a hedge on the property but the hedge was between the house and the adjoining property and the hedge may belong to the other property. The Board discussed deferring the application with the suggestion that the applicant install a three or four foot high brick wall. Mrs. Staiman suggested that if they wanted to install the estate fence that maybe they should be required to landscape in front of the fence. Several Board members noted that they could landscape in the area with trees to keep people off of their property and not need a permit. No one appeared before the Board to support or oppose the application. A proposal was made by Mrs. Berman to defer the application with the suggestion that a brick wall, between three and four feet high be installed not the estate fence requested, The Board voted unanimously to defer the application.

Madsen – 266 Causeway. – Install inground swimming pool/spa tub, pool equipment, paving and fence. The Board reviewed and discussed the application.

The Board discussed the location of the pool, pool equipment and the requested black chain link fence to surround the rear yard as the pool enclosure. Mrs. Berman questioned if the proposed pool location was in a wet lands area, Mr. Rizzo advised the Board that the applicant had submitted a copy of an approved permit from the DEC to install the swimming pool. Mr. Rizzo noted that the plans submitted with the application indicated that the pool location was outside of a wet lands area. Mr. Pomerantz questions if there would be ground water when they dig for the pool, Mr. Rizzo explained that the application was to install an inground concrete pool to deal with ground water, not a vinyl liner type of pool. Mrs. Kupferstein questioned the height of the chain link fence to enclose the pool and Mrs. Berman and Mrs. Staiman asked about any landscaping to hide

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the requested chain link fence. Mr. Rizzo quoted from the plans that the stated chain link fence would be concealed by new plantings on the side property lines and in the side yards. Mrs. Staiman and Mrs. Berman wanted to know what type of plantings would be installed. Mrs. Kupferstein requested that the chain link fence be limited to a maximum of five feet high. A proposal was made to defer the application and request additional information regarding the plants to be installed to conceal the chain link fence with the request that the chain link fence be limited to five feet high. No one appeared before the Board to support or oppose the application. The Board voted on the proposal to defer the application with the request regarding additional information about landscaping and the request to limit the fence height to five feet, the following votes were cast, Chairman Sporn Aye, Member Pomerantz Aye, Member Berman Aye, Member Staiman Aye, Member Kupferstein Aye.

The following prior application was considered:

Gerlitz – 44 Central Ave. – To amend a previously approved fence application, for a five foot high tan PVC fence on a portion of the right side property line, to add additional fencing on a portion of the left side property line and install a fence in the left side yard area and change the fence color from tan to white. The members reviewed and discussed the application and the request to add additional PVC fencing but in white. Mrs. Berman noted that the existing house is all white with a stucco finish and a tan fence would not look good with the all white house, Mrs. Berman suggested that they approve a matching five foot high fence on the left side property line and in the left side yard area. Mrs. Staiman stated that she did not see how the Board could approve the request for a white fence. Mrs. Staiman asked how the Board had approved the white PVC fence for the neighbor at the rear of this property. Mr. Rizzo advised that Board that the white PVC

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fence on the rear of this property had been approved and installed about five, six or possibly seven years ago. Mrs. Berman suggested that maybe if the applicant agreed to a matte or dull finished white PVC fence it could be approved. Mrs. Staiman stated that the Board should not agree to that, if the Board agreed to this for one property owner how could the Board prohibit a similar request from other residents, it would set a precedent for white PVC fences. Mrs. Staiman suggested possibly a beige and white PVC fence with the edges of the fence being white PVC and with the center section being beige PVC. Mrs. Staiman asked Mrs. Kupferstein about this idea of a two tone fence. Mrs. Staiman stated she changed her mind, she was not happy with the idea of a two tone fence. Mrs. Berman asked the other members about the idea of a white PVC picket type fence that would not look so solid and white. Mrs. Staiman and Mrs. Kupferstein both agreed it would still be approving a white PVC fence and open the Board to more requests for white PVC fences. Chairman Sporn stated that agreeing to a white PVC fence now would lead to more requests for white PVC fences and would nibble away at the Boards guide lines. Mr. Pomerantz wanted to confirm that the house is all white. Chairman Sporn suggested that the Board stay with the originally approved tan. Mrs. Kupferstein agreed with the idea of a tan fence. Mrs. Staiman suggested that maybe an ivory or bone colored PVC fence could be installed. A proposal was made to defer the application with the suggestion that the fence be beige, tan, gray, bone or any other color but not white. No one appeared before the Board to support or oppose the application. Chairman Sporn voted to defer the application with the suggestion regarding color of the fence, member Berman voted to defer the application with the suggestion regarding color of the fence, Member Pomerantz voted to defer the application with the suggestion regarding color of the fence, Member Staiman voted to defer the application with the

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suggestion regarding color of the fence and Member Kupferstein voted to defer the application with the suggestion regarding color of the fence.

There being no further business the meeting was adjourned at 8:31PM

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.

Thomas P. Rizzo