

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

August 24, 2011  
7:40 p.m.

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APPLICATION: Fistel  
100 Cumberland Place  
Lawrence, New York

P R E S E N T:

MR. LLOYD KEILSON  
Chairman

MR. ELLIOT FEIT  
Member

MR. EDWARD GOTTLIEB  
Member

MR. THOMAS V. PANTELIS, ESQ.  
Village Attorney

MR. MICHAEL RYDER  
Building Department

Mary Benci, RPR  
Court Reporter

1           CHAIRMAN KEILSON: The matter of Fistel,  
2 would they or their representative please step  
3 forward.

4           MR. FISTEL: David Fistel, my address is 100  
5 Cumberland Place in Lawrence. And I'm requesting  
6 three variances tonight.

7           One is -- I'm trying to put on a 30-foot by  
8 29-foot-9-inch addition in the rear of the house.  
9 And in order to do that I'll only be 25 -- 25 feet  
10 three inches from the -- as a rear-yard setback  
11 instead of the required 30. And my house  
12 currently is only nine foot -- nine feet from the  
13 property line of my next-door neighbor, instead of  
14 the required ten feet. And I would like to have  
15 the addition continue in a straight line rather  
16 than having to build in one foot.

17           CHAIRMAN KEILSON: On the same nonconforming  
18 line?

19           MR. FISTEL: Yes.

20           CHAIRMAN KEILSON: Just further down.

21           MR. FISTEL: Right. And then the third  
22 variance is side-yard aggregate which normally  
23 needs to be 25 feet, and we're asking that at the  
24 shortest point, I believe it's -- I wrote on the  
25 petition I believe it's nineteen and change.

1 CHAIRMAN KEILSON: Nineteen nine.

2 MR. FISTEL: Yeah, nineteen and  
3 three-quarters at the shortest point, and then it  
4 slopes greater, you know, you have more room as  
5 you go further back, till I think in the way back  
6 it's probably just about 25 feet.

7 CHAIRMAN KEILSON: Tell us a little bit about  
8 what you're adding in terms of the bedrooms and  
9 the like and the need.

10 MR. FISTEL: Right now we have -- we have,  
11 you know, a starter house, a three-bedroom house  
12 with a den and a playroom. And we've been forced  
13 to turn the den and the playroom into bedrooms.  
14 We have -- you know, we've had two kids since  
15 we've been in the house, which has been three  
16 years, and we anticipate more. And we need a den  
17 and a playroom for those kids, but at the same  
18 time we need a place for those kids to sleep.

19 Also, my wife has ten siblings who each have  
20 a lot of kids and they live in Florida most of  
21 them and --

22 CHAIRMAN KEILSON: I don't think you have  
23 enough bedrooms for all of them.

24 MR. FISTEL: Yeah, I know, not if they all  
25 come at the same time. But I'm working on that.

1 But even if one of them comes with their family,  
2 you know, we need at least one guest room and then  
3 we could probably pile some of their kids with our  
4 kids. So I feel like we need -- like we're going  
5 to need seven bedrooms.

6 And this plan really calls for six bedrooms  
7 and a playroom off of the den. But the playroom  
8 will have sliding doors where it can be used as a  
9 bedroom, you know, when it's necessary. And I  
10 want to remind -- I guess you guys all know the  
11 property, but it's on the -- it's on Cumberland  
12 Place, right, and my neighbor in the back is the  
13 Long Island Rail Road tracks.

14 CHAIRMAN KEILSON: Right.

15 MR. FISTEL: It's not even --

16 CHAIRMAN KEILSON: Do they keep you up at  
17 night? No more than the babies.

18 MR. FISTEL: Not more than the babies, no,  
19 definitely not.

20 CHAIRMAN KEILSON: Okay.

21 MR. PANTELIS: In addition to your  
22 relationship to the railroad, can you continue to  
23 describe the other surroundings adjacent. I think  
24 that's important in this particular case.

25 MR. FISTEL: Yes, right. So that's the back.

1 So and we're not -- we're not in front of a  
2 station. We're between the Inwood station and the  
3 Lawrence station, but we're very close to the  
4 opposite end of the Inwood platform and there is  
5 -- there's Lord Avenue. You guys may recall that  
6 it used to go through, but now they've cut it off  
7 and there's a little -- a little cul de sac with a  
8 rotary that's directly on the east side of the  
9 property where we're asking to build out five  
10 extra feet. Although it's not extra for that side  
11 but it's extra in the aggregate.

12 CHAIRMAN KEILSON: Understood.

13 MR. FISTEL: So basically, we don't have any  
14 neighbors.

15 CHAIRMAN KEILSON: Who's the neighbor on the  
16 right? I think that's the most we're concerned  
17 with.

18 MR. FISTEL: So that was -- well, it was  
19 actually the Heslins until last -- until last  
20 Wednesday, and a new family just moved in.

21 CHAIRMAN KEILSON: They're moving because of  
22 your construction?

23 MR. FISTEL: Yes, brought them to the  
24 neighborhood. So they're all for it; without it  
25 they're moving out. No, but they are aware of

1 what we're doing. They've seen the same documents  
2 that you're looking at.

3 CHAIRMAN KEILSON: Who's moving in?

4 MEMBER FEIT: Who moved in?

5 CHAIRMAN KEILSON: Moved in, sorry.

6 MR. FISTEL: Kapelowitz. They didn't have  
7 official notice because I gave in the radius maps  
8 before they moved in, and I didn't know who they  
9 were. And the Heslins were keeping it secretive;  
10 they were paranoid they wouldn't be able to close.  
11 But so I sent it to them but --

12 CHAIRMAN KEILSON: Understood.

13 MR. FISTEL: -- but -- but when they moved  
14 in, you know, we've seen each other and we're  
15 friendly. And we showed them our house in case  
16 they were wondering how to lay it out, and we  
17 showed them our plans and we mentioned what we're  
18 doing.

19 MEMBER GOTTLIEB: So they can come here and  
20 ask for the same.

21 MR. FISTEL: If they want to.

22 CHAIRMAN KEILSON: At some later date.

23 MR. FISTEL: I don't think they have the  
24 money to do that right now; they just got here.

25 MEMBER GOTTLIEB: Mr. Fistel, is there any

1 way you could have designed the addition being  
2 four feet nine inches shorter, such that you could  
3 maintain the 30-foot rear yard?

4 MR. FISTEL: So that's how we -- originally,  
5 we weren't sure if we were going to ask for that  
6 variance. The problem is that, you know, the  
7 existing house -- in other words, really to --  
8 like you can't have a bedroom that spans from --  
9 you can't have a room really that spans from the  
10 current house into the addition on the -- on that  
11 side, on the left side of the house, because then  
12 the room would be oddly shaped and it would be  
13 kind of --

14 MEMBER GOTTLIEB: I understand, sure.

15 MR. FISTEL: So we started there and you can  
16 see there's a schematic and we found that in order  
17 to -- in other words, all the bedrooms basically  
18 had to -- I mean, even bedroom three was difficult  
19 to -- you know, we didn't want it to be in the  
20 living room and in the dining room.

21 MEMBER GOTTLIEB: Bedroom three is on the  
22 upper level?

23 MR. FISTEL: That's on the upper level.

24 MEMBER GOTTLIEB: Got it, okay.

25 MR. FISTEL: Yeah, the upper level was the

1 most challenging because if you have the master  
2 bedroom on the upper level and you can't have  
3 higher ceilings or anything on the lower level,  
4 and the living room and dining room belong on the  
5 upper level, so and then in order to do that if we  
6 have two infants at a time so we can't put them on  
7 the lower level. So we squeezed in bedroom three  
8 on the upper level instead of putting it on the  
9 bottom because we -- because they'll wake each  
10 other up if they're in the same room. So I felt  
11 we needed a little bedroom, that bedroom three  
12 over there; and once you have that you need a  
13 bathroom that services those two bedrooms. And my  
14 wife has a lot of clothes, a lot of clothes. So  
15 the walk-in closet is important.

16 CHAIRMAN KEILSON: Is that a political  
17 statement for this evening?

18 MR. FISTEL: And basically, my office, I'm an  
19 accountant, and my office is as it is, four feet  
20 wide by ten two.

21 MEMBER GOTTLIEB: Just so I can find your  
22 office.

23 MR. FISTEL: It's all the way up in the  
24 corner. So it's not exactly -- you know, I would  
25 love for it to be five or six feet so I could



1 actually fit a chair inside, but you know, as it  
2 is we're trying to -- we're trying to --

3 MEMBER GOTTLIEB: Are you planning on putting  
4 a deck or swimming pool in the back or other  
5 structure?

6 MR. FISTEL: No.

7 MEMBER GOTTLIEB: It would just be a grassy  
8 area.

9 MR. FISTEL: Yes. We don't want to lose the  
10 whole back. A swing set might go into the back at  
11 some point.

12 MEMBER GOTTLIEB: That's not what I meant,  
13 but okay.

14 MEMBER FEIT: Is there a typo on this code  
15 relief? You said existing is eighteen eight and  
16 proposed is nineteen.

17 MR. FISTEL: That's correct. I mean, I think  
18 that's correct.

19 MEMBER FEIT: Aggregate side-yard setback.

20 MR. FISTEL: Yeah, because in the front, like  
21 I said, it's sloped, you know, since we're the  
22 corner lot. So our property slopes sort of like  
23 this (indicating), and it gets wider as you go  
24 back. So all the way in the front the existing  
25 structure is actually only eighteen eight

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1 aggregate side yard in the front where the garage  
2 is, but as you go back it gets more. But then  
3 when we build the addition we're building it out  
4 five feet more but we're already -- we're already  
5 seven feet or six or seven feet more width than we  
6 had at the outset, so that's what I meant by that.  
7 Maybe I wrote it not correctly.

8 CHAIRMAN KEILSON: That's fine.

9 Is there anyone in the audience that wanted  
10 to speak to the matter?

11 (No response.)

12 CHAIRMAN KEILSON: Gentlemen, any further  
13 questions?

14 MR. FISTEL: My wife is for. She just  
15 doesn't want to speak. Probably doesn't want to  
16 wake the baby.

17 CHAIRMAN KEILSON: Okay, so in reviewing the  
18 five criteria in terms of area variances, weighing  
19 the benefit of the variance to the applicant as  
20 opposed to the concern for the neighborhood.

21 And I think we'll vote at this point.  
22 Mr. Gottlieb.

23 MEMBER GOTTLIEB: I will vote for this, and  
24 bearing in mind that there is no area -- rather,  
25 surface coverage or building variance that is

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required. I want to mention that in particular.

CHAIRMAN KEILSON: Mr. Feit.

MEMBER FEIT: Considering that his backyard neighbor is the Long Island Rail Road, I vote for.

CHAIRMAN KEILSON: And I'll vote for as well.

MR. FISTEL: Thank you.

CHAIRMAN KEILSON: Indicate how much time you need. Two years, take two years.

MR. FISTEL: Two years, that's what I was thinking.

CHAIRMAN KEILSON: So you don't have to come back and ask for an extension.

MEMBER FEIT: You have to go to Building Design. It's your first time here. Mr. Ryder will fill you in.

MR. FISTEL: I was hoping for ten years, but two years we should be able to finish.

(Whereupon, the hearing concluded at 7:50 p.m.)

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Certified that the foregoing is a true and accurate transcript of the original stenographic minutes in this case.

Mary Benci

MARY BENCI, RPR  
Court Reporter