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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

March 30, 2011  
7:45 p.m.

APPLICATION: Fox  
51 Herrick Drive  
Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON  
Chairman
- MR. ELLIOT FEIT  
Member
- MS. ESTHER WILLIAMS  
Member
- MR. J. PHILIP ROSEN  
Member
- MR. EDWARD GOTTLIEB  
Member
- MR. RONALD GOLDMAN, ESQ.  
Village Attorney
- MR. MICHAEL RYDER  
Building Department

Mary Benci, RPR  
Court Reporter

## Proceedings - 3/30/11

1           CHAIRMAN KEILSON: Good evening, ladies and  
2 gentlemen. Welcome to the Lawrence Board of  
3 Zoning Appeals.

4           First of all, proof posting, Mr. Ryder.

5           MR. RYDER: Yes, Mr. Chairman, we have proof  
6 of posting. I do this every time, but it is here  
7 and it's in the back room, but it was done. It  
8 was posted.

9           MR. GOLDMAN: I make the representation that  
10 it's been posted.

11           CHAIRMAN KEILSON: We understand that to be  
12 the case. Just a reminder to turn off all cell  
13 phones so we won't be distracted.

14           Thank you all for joining us. It's nice to  
15 have a large crowd for what I consider to be a  
16 historic evening. I will defer to Mr. Ron  
17 Goldman, Counsel to the Board, who has requested  
18 an opportunity to make an opening statement.

19           MR. GOLDMAN: Thank you, Mr. Chairman.

20           As a point of personal privilege, and I don't  
21 want to burden everyone, but this marks my final  
22 appearance as counsel to the Board of Zoning and  
23 Appeals. After seventeen years of performing that  
24 function, I'm going to be moving on to other  
25 things, hopefully to serve the Village in another

1 capacity.

2 What I want to do, however, is take this  
3 opportunity to thank both this Chairman and all  
4 the members, particularly of this Board. I would  
5 note that this Board is a particularly unique  
6 Board insofar as it's a volunteer Board, as are  
7 all our Boards in the Village, but this Board  
8 bears the brunt of having to render decisions that  
9 really impact on neighbors. They withstand a lot  
10 of pressure. They want to do the right thing by  
11 everybody, but ultimately they have to do the  
12 right thing by the Village as an entity, and it's  
13 been my privilege to work with them.

14 I want to thank the current Chairman, he  
15 should live and be well, and I put that in that  
16 context because I had the privilege of working  
17 with the late Shep Melzer of blessed memory, as  
18 well as Robert Hart, all of whom or both of whom  
19 were great chairpersons who really extended  
20 themselves.

21 I want to thank, of course, the current  
22 members of the Board, as well as all the  
23 alternates. And again, I would thank Mr. Ryder.  
24 I thank Miss Benci, who is our reporter, who again  
25 puts up with a lot of my nonsense and is nice

## Proceedings - 3/30/11

1 enough not to report everything I say that is  
2 somewhat silly.

3 I would note on behalf of Mr. Ryder, his  
4 predecessor Mr. Herron, Mr. Perrone, Mr. Overs.  
5 These are names that many of you remember. And  
6 when you look into what makes this Village great,  
7 those are names that contributed to that greatness  
8 in a very strong way.

9 Of course, Mr. Castro, Miss Daniels and  
10 Mr. Rizzo currently of the Building Department.

11 So all I can do is say thank you. I'm a  
12 resident of this Village. It's been my privilege  
13 to work with you, but it's my greater joy to live  
14 with you, and I thank all of you for that  
15 opportunity.

16 CHAIRMAN KEILSON: I think I would be remiss  
17 if I allow you to step off stage left without  
18 acknowledging your contribution to the Village and  
19 more specifically to the Board of Zoning Appeals.

20 Ron Goldman is an exceptional public servant.  
21 His entire raison d'etre, his sole motivation, has  
22 been to serve the citizens of this Village in the  
23 most supportive and positive way possible. His  
24 eloquence, his professionalism, his joie de vivre,  
25 the equanimity of his personality have served to

1            imbue the Village proceedings with a warmth and  
2            friendliness that are normally unattainable in the  
3            public realm.

4            The Village of Lawrence is a special place to  
5            live because of Ron's manifest interest in making  
6            the system work for all its citizenry. And Ron  
7            has been the guiding light for the Board of Zoning  
8            Appeals for all these many years. His clear  
9            thinking, his insightful comments, his ability to  
10           rise above emotion have served to ensure that this  
11           Board has been able to navigate the treacherous  
12           shoals without floundering.

13           We will miss you and your boundless knowledge  
14           and experience at these hearings, and it will be a  
15           yawning gap in the Village Administration. We all  
16           wish you the greatest success in whatever path you  
17           choose. Somehow I believe that this is not the  
18           last we have heard from you.

19           MR. GOLDMAN: Thank you, Mr. Chairman.

20           CHAIRMAN KEILSON: Do you want to offer your  
21           normal preamble?

22           MR. GOLDMAN: I better. Thank you, and I  
23           appreciate the words of the Chairman. And now  
24           perhaps I should do my job.

25           Let me explain on behalf of the Board for the

1 many residents and citizens that are here, this  
2 Board, as I've indicated to you, is a volunteer  
3 Board. It meets tonight publicly and in terms of  
4 its consideration of the applications before it,  
5 it does that publicly.

6 However, prior to these meetings, they, each  
7 member of the Board, receives a full packet with  
8 the application and with all the exhibits,  
9 et cetera, that are germane and relevant to the  
10 presentation of the application. I tell you that  
11 because this is a very focused Board. They come  
12 here having reviewed everything, and so they will  
13 focus in on the salient issues and come up with  
14 very specific questions. I again tell you this  
15 because it may look like they're giving short  
16 shrift to the application, but that is not because  
17 they're giving short shrift to it. They've been  
18 on-site as individuals looking at it, and they've  
19 pretty much focused in on what they want to focus  
20 in on. Everyone will be permitted to speak  
21 subject to the Chair's approval, of course, and  
22 everyone will have a fair share to state an  
23 opinion.

24 So having said that, I defer to the Chair,  
25 and I personally again thank him for his kind

1 remarks.

2 CHAIRMAN KEILSON: The first matter this  
3 evening is that of Fox. Will they or their  
4 representative step forward.

5 Good evening, Mr. Capobianco.

6 MR. CAPOBIANCO: John Capobianco, architect,  
7 159 Doughty Boulevard.

8 Mr. Goldman, you will be greatly missed.

9 MR. GOLDMAN: Thank you. You will still see  
10 me.

11 MR. CAPOBIANCO: We appreciate all the help  
12 you've given over the years to my office and our  
13 clients.

14 MR. GOLDMAN: Thank you. It's been a  
15 privilege to work with you as well.

16 MR. CAPOBIANCO: That said, my client is here  
17 this evening to kind of resurrect an application  
18 in part that was granted by this Board, maybe not  
19 exactly this Board, but in 2003 for a one-story  
20 addition on the rear of their house, which was  
21 slightly smaller at the time than what we're  
22 presenting tonight. I just want to make mention  
23 to that because I thought it was important because  
24 at that time there was a lot of good thought and  
25 good planning, you know, presented that evening

1 and good comments that were made. And you know,  
2 at that time we were presenting an application and  
3 that involved a slightly smaller addition, but  
4 basically with the same rear yard and a slightly  
5 smaller building coverage.

6 What we're presenting this evening is an  
7 addition that just squares off the addition a  
8 little bit which adds a little bit to the north.  
9 And the reason for that little extra area this  
10 time as opposed to the first time was because her  
11 mother-in-law, his mother, took ill and, you know,  
12 they needed a bedroom on a lower level to be a  
13 little larger than what was there as small little  
14 quarters in the back, so we just had squared it  
15 off and made it a little larger.

16 The neighbors were, you know, canvassed, and  
17 I have a letter that I'd like to put into evidence  
18 of seven neighbors in the immediate area which  
19 have reviewed the application, reviewed the site  
20 plan and the drawings and basically are in favor  
21 of the application. So I'd like to put that in  
22 evidence. I don't want to have to read each one.

23 MR. GOLDMAN: This is the one?

24 MR. CAPOBIANCO: Right.

25 MR. GOLDMAN: Mr. Chairman, I have a letter

1       dated March the 8th, indicating a list of  
2       neighbors who have reviewed the proposed site  
3       plan, they cite on the letter the specific  
4       variances that are requested, and they conclude  
5       that they are supportive of it. It is  
6       representing 71 Causeway, 53 Herrick Drive,  
7       55 Herrick Drive, 5 Rolling Hill Lane, 43 Herrick  
8       Drive, 42 Herrick Drive and 18 Manor Lane. It's  
9       being submitted -- well, actually, we won't deem  
10      it, we'll mark it. It's marked Applicant's 1 and  
11      being submitted to the Board for its review with  
12      the Board's permission. Thank you.

13           MR. CAPOBIANCO: I also have a copy of a  
14      letter, I don't know if it's necessary, of the  
15      decision made in '03 which was granting the  
16      addition at that time of the one-story addition  
17      that we're presenting, but I don't know if it's a  
18      matter of necessity.

19           MR. GOLDMAN: Well, we'll put it in as a  
20      matter of form and we'll just show it to the Board  
21      and it will be made part of the record.

22           MR. CAPOBIANCO: All right.

23           MR. GOLDMAN: The letter dated June 26th,  
24      2003 from the Building Department indicating what  
25      was granted at the June 25, 2003 meeting, and it's

1           been marked Applicant's 2.

2           MR. CAPOBIANCO: Thank you.

3           The one-story addition on your plan in front  
4           of you shows that we've increased the size of the  
5           kitchen and breakfast area approximately six feet  
6           to the rear of the house, and then there's a small  
7           area behind the garage which squares off the rear  
8           addition which is an additional 150 square feet  
9           that was added to the first go around for this  
10          project, which actually increases the size of the  
11          bedroom and it squares off the house, still  
12          maintaining the side yard that exists so that  
13          we're maintaining the existing side yard that's  
14          already there and we're also maintaining the rear  
15          yard that was once granted of 20 feet.

16          The building coverage in this case was really  
17          a small area over. We are allowed 2,367 and we're  
18          presenting 2,524, which we feel is a small  
19          percentage over the required building coverage.

20          CHAIRMAN KEILSON: It's 3.6, right?

21          MR. CAPOBIANCO: Yes. The surface coverage  
22          fully complies and the side-yard variance really  
23          now requires 15. We have -- we have 9.24, which  
24          is the present side yard on the north side of the  
25          property line that we would be aligning with.

1           The other variance is the rear yard. The  
2 rear yard of 40 feet which we're asking for is 20.  
3 The original house is at 26. So we're looking for  
4 a six-foot addition holding 20 feet, and there is  
5 an evergreen hedge in the rear which buffers the  
6 rear property owners which we've talked to and  
7 they're very happy with it and don't have an  
8 objection to it.

9           Basically, you know, I'm here to answer any  
10 questions the Board may have, but that's primarily  
11 our case. It's a one-story. You've seen the  
12 elevation. It's a one-story addition.

13           CHAIRMAN KEILSON: Any questions? Anyone  
14 else wants to speak to the issue on the Fox  
15 matter? No one present.

16           Okay, then we call for a vote.

17           MR. GOLDMAN: Well, actually, the Board is  
18 conferring.

19           CHAIRMAN KEILSON: Yes, the Board is  
20 conferring and then it's voting.

21           Mr. Gottlieb.

22           MEMBER GOTTLIEB: I just want to explain that  
23 given that this was an unusually -- this is an  
24 unusual property lot in that it's almost  
25 pie-shaped, and that even though you're providing

## Proceedings - 3/30/11

1 for a 20-foot rear yard, which is exceptionally  
2 small, there is an exceptionally large area on the  
3 left side of the property.

4 MR. CAPOBIANCO: Right, this side  
5 (indicating).

6 MEMBER GOTTLIEB: Given that consideration,  
7 I'm for this.

8 CHAIRMAN KEILSON: Mr. Feit.

9 MEMBER FEIT: I agree with Mr. Gottlieb. I  
10 am for it.

11 CHAIRMAN KEILSON: Miss Williams.

12 MEMBER WILLIAMS: For.

13 CHAIRMAN KEILSON: Mr. Rosen.

14 MEMBER ROSEN: For.

15 CHAIRMAN KEILSON: For.

16 MR. CAPOBIANCO: Thank you.

17 CHAIRMAN KEILSON: How much time do you need?

18 MR. CAPOBIANCO: Eighteen months.

19 CHAIRMAN KEILSON: Take two years.

20 MR. CAPOBIANCO: Two years.

21 MR. GOLDMAN: You understand that you have to  
22 appear before the Board of Building Design.

23 MR. CAPOBIANCO: Thank you very much.

24 (Whereupon, the hearing concluded at  
25 7:55 p.m.)

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

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MARY BENCI, RPR  
Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

March 30, 2011  
7:55 p.m.

APPLICATION: Lowy  
13 Lakeside Drive West  
Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON  
Chairman
- MR. ELLIOT FEIT  
Member
- MS. ESTHER WILLIAMS  
Member
- MR. J. PHILIP ROSEN  
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- MR. EDWARD GOTTLIEB  
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- MR. RONALD GOLDMAN, ESQ.  
Village Attorney
- MR. MICHAEL RYDER  
Building Department

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## Proceedings - 3/30/11

1           CHAIRMAN KEILSON: The next matter is Lowy.  
2           Would they or their representative step up.

3           Good evening, Mr. Rosenfeld.

4           MR. ROSENFELD: Good evening.  
5           Meir Rosenfeld, 466 Central Avenue, Cedarhurst,  
6           New York.

7           CHAIRMAN KEILSON: We want to take note,  
8           Mr. Rosenfeld, that you had a wedding of a son.

9           MR. ROSENFELD: I did, four weeks ago.

10          CHAIRMAN KEILSON: Congratulations.

11          MR. ROSENFELD: Thank you very much.

12          I also wanted to on the record express on  
13          behalf of I guess almost everybody who's appeared  
14          before this Board our fervent hope that your  
15          success will use as much -- half as much heart and  
16          mind as you have throughout your tenure here. And  
17          I've been -- I think I'm probably the senior  
18          member of the Village of Lawrence bar here, and I  
19          can tell you that it has been actually a pleasure  
20          being before this Board and in great measure  
21          because of your assistance both before, during and  
22          after the hearings, and you will be missed.

23          MR. GOLDMAN: Thank you.

24          MR. ROSENFELD: What we have before us this  
25          evening, ladies and gentlemen, Mr. Chairman, is

1 people who moved into a dilapidated house some  
2 five years ago, fixed it up, became embedded in  
3 part of the community, now wish to remain there,  
4 and it is a particularly nice part of town in the  
5 Sutton Park area, and they do have a growing  
6 family.

7 As it stands now, the house is quite  
8 strained, most of their children have doubled up  
9 in the bedrooms, and the living space is very  
10 small. It's also, as with the previous  
11 application, somewhat of an interestingly shaped  
12 -- not so much shaped lot, but the topography of  
13 the lot, inasmuch as there is a four-foot drop in  
14 the grade from the front of the house to the back  
15 of the house, and it continues down towards what I  
16 can only presume was at one point some kind of a  
17 ravine.

18 The proposal that we have before us this  
19 evening, and I should note that this is by some  
20 reckoning the fourth try of the Lowys to get a  
21 variance, not before the Board, but the original  
22 plans called for a 24 percent coverage, whereas  
23 the -- whereas the -- I'm sorry, 24 percent over  
24 what was required of the building lot coverage and  
25 that was in consultation with the Building

## Proceedings - 3/30/11

1 Department, and our architect reduced to its  
2 current request of 17 percent, 383 square feet.  
3 And I should note that most of the --

4 CHAIRMAN KEILSON: You're not implying that  
5 they approved it?

6 MR. ROSENFELD: No, no, no. Correct.

7 CHAIRMAN KEILSON: As a reaction to the  
8 discussion.

9 MR. ROSENFELD: No, correct, correct.

10 CHAIRMAN KEILSON: I just want to be clear.

11 MR. ROSENFELD: No. In an effort to get to  
12 present something that is more palatable to the  
13 Board, they've reduced voluntarily the coverage  
14 that they seek to 17 percent, most of which occurs  
15 in the rear of the property in architectural  
16 features.

17 In addition, we are seeking a surface  
18 coverage variance of approximately 522 feet, 489  
19 feet of which is made up of a proposed deck and  
20 stairs, and one of the reasons that this deck is  
21 necessary is because of the aforementioned sloping  
22 of the rear yard where it's very hard to utilize  
23 in a meaningful way the backyard because of the  
24 slope. And in fact it's -- I've been before this  
25 Board long enough to know that there is a sukkah

1 clause. There is really no place to put a sukkah  
2 in the rear of the house unless they put it on a  
3 deck because it would just -- to just play the  
4 rabbi for a second -- it would not be a kosher  
5 sukkah on the slope that exists. So that is one  
6 of the reasons that they are seeking the deck.

7 And it should be noted also that this deck  
8 which makes up -- which the majority of which  
9 comprises the overage on the lot coverage also  
10 encroaches into the rear yard by three feet, and  
11 the stairs to that deck encroach a further three  
12 feet. So in total it encroaches into the rear of  
13 this sloping yard for a distance of six feet.

14 The side lot -- the side -- the coverage of  
15 the house and the setbacks are not going to be  
16 changed from what they currently are. It's  
17 important to note that there are pre-existing  
18 encroachments on both the left and the right side  
19 and no change over the pre-existing encroachment  
20 is contemplated. They're merely going to continue  
21 along those lines and these pre-existing  
22 encroachments. The neighbors are here, they've  
23 lived with it for at least since the house was  
24 erected, and they've lived there without issue,  
25 and if we want to hear their testimony I'm sure

1 they will testify to the fact that this continuing  
2 existence will not impinge their enjoyment of the  
3 neighborhood.

4 Finally, originally, the Lowys sought to get  
5 a variance for third floor living space. Upon my  
6 advice, upon the advice of the architect and in  
7 consultation with the Building Department, it was  
8 thought better of and it was agreed that the attic  
9 would be used for storage space.

10 The dormers that are to be placed there which  
11 also require a variance are in effect decorative  
12 and it is something along the lines of what has  
13 been approved previously by this Board.  
14 Decorative dormers enhance the aesthetics of the  
15 residence and will do so here as well.

16 Finally, finally, there is a somewhat arcane  
17 law on the Village of Lawrence books that states  
18 that a combination roof where there is a flat and  
19 a gabled roof cannot exceed 27 feet. As you're  
20 all well aware, a regular straight gabled roof can  
21 reach a height of 30 feet. The only reason that  
22 this is -- that the Building Department considered  
23 this to be a combination roof is because it was a  
24 standard gabled roof that was abbreviated at the  
25 30-foot height level so as not to continue and

1 encroach on.

2 And in fact, I can recall when I had cases  
3 where combination roofs it was literally homes  
4 with multiple roofs some of which were flat and  
5 had decks on top of it, some of which were gabled,  
6 and I believe that this goes back to Mr. Hart's  
7 tenure, and I recall that that was a topic of  
8 discussion that they were creating additional  
9 living space above and beyond what would be  
10 considered the roof. That's not the case here.  
11 There's no other flat roof aside from where this  
12 gabled roof is abbreviated.

13 By a peculiarity of the law and topography,  
14 this 30-foot height that we seek in the front is  
15 31 feet from the back. Meaning, the law requires  
16 a measurement from the mean of the front and the  
17 rear yards. However, it is important to note that  
18 while in the front it complies with the 30 foot,  
19 assuming that the 30 foot would be -- would be  
20 palatable to the Board, while it complies with  
21 30 feet in the front it's 31 feet from the rear.

22 This is really a court of technical  
23 measurement. It's -- there's no greater height  
24 physically in the rear than there is in the front.  
25 It's only that the ground is lowered. I can

## Proceedings - 3/30/11

1 recall at least one or two instances where I have  
2 received for clients before this Board variances  
3 where the front of the building complied but  
4 because of gradient slope the rear was encroached.

5 CHAIRMAN KEILSON: So we have technical  
6 variances. We have arcane law variances.

7 MR. ROSENFELD: As a matter of fact, I don't  
8 even know why we're here.

9 CHAIRMAN KEILSON: A total of about eight  
10 variances, right? Almost a new record.

11 MR. ROSENFELD: No, close.

12 CHAIRMAN KEILSON: Could you share with us  
13 what is it that's being retained from the original  
14 structure and what construction is being done.

15 MR. ROSENFELD: Better than me to speak, I  
16 would like at this point to ask the architect,  
17 Mr. Martin Brandwein, to come forth and he can  
18 discuss the aspects of the -- what of the house is  
19 being retained and what is -- I mean, it is on the  
20 site plan that was submitted. The heart and the  
21 majority of the house will remain. There is an  
22 addition in the back --

23 CHAIRMAN KEILSON: Well, don't preempt him.

24 MR. ROSENFELD: I can't help it.

25 CHAIRMAN KEILSON: I know that.

## Proceedings - 3/30/11

1           Please state your name and address for the  
2           record.

3           MR. BRANDWEIN: My name is Martin Brandwein.  
4           I live at 30 1st Place, Brooklyn, New York, and  
5           I'm a licensed architect.

6           In terms of what's being maintained, we're  
7           keeping the front wall and the side walls until  
8           the addition. And we're also keeping the wall of  
9           the garage in the front, and most of the addition  
10          is in the rear.

11          MEMBER WILLIAMS: Both floors? On that?

12          MR. BRANDWEIN: Yes. We're changing -- we're  
13          keeping both floors and we'll redo the facade in  
14          terms of the brickwork. We'll keep the existing  
15          structure. We'll redo some of the openings so  
16          they can be more aesthetically pleasing, put  
17          windows in different locations.

18          MEMBER WILLIAMS: So the roof of the first  
19          floor -- the ceiling of the first floor and the  
20          ceiling of the second floor remain exactly where  
21          they are now?

22          MR. BRANDWEIN: No, we're going to change  
23          that. We'll keep the exterior walls and reframe  
24          it so to achieve higher ceilings in the first  
25          floor and the second floor.

## Proceedings - 3/30/11

1 MEMBER FEIT: Why?

2 MR. BRANDWEIN: Because the spaces have  
3 become larger and they will look better to have  
4 spaces which are more proportionate. Instead of  
5 having a large space that will have an eight-foot  
6 ceiling or eight-foot-two ceiling, the spaces will  
7 have a better -- better feel, better proportion,  
8 better look if they're raised.

9 CHAIRMAN KEILSON: Go ahead.

10 MEMBER GOTTLIEB: I was just going to ask  
11 you, are you removing everything in order to make  
12 the ceiling higher on the first floor and the  
13 second floor?

14 MR. BRANDWEIN: In terms of the interior,  
15 we're moving the interior.

16 MEMBER GOTTLIEB: So you're removing the  
17 entire interior of the house? Do I understand  
18 that you're demolishing the entire interior, just  
19 leaving up the facade and the outside walls?

20 MR. BRANDWEIN: Yes, we're leaving the  
21 outside walls and removing the framing.

22 MEMBER GOTTLIEB: Inside the house?

23 MR. BRANDWEIN: Yes.

24 MEMBER GOTTLIEB: I'm sorry.

25 CHAIRMAN KEILSON: The spaces, you're

## Proceedings - 3/30/11

1 referring to the size of the rooms, the spaces?

2 MR. BRANDWEIN: Yes, I'm referring to like in  
3 the dining room, living room.

4 CHAIRMAN KEILSON: A euphemism for the rooms,  
5 whatever room it may be.

6 MR. BRANDWEIN: Yes.

7 CHAIRMAN KEILSON: Okay.

8 MEMBER GOTTLIEB: I'm just a little -- you're  
9 asking for obviously certain variances, but it  
10 seems to me as if it's not a knockdown, but it  
11 seems like the internal will be completely  
12 removed. You are just leaving up the three walls  
13 in the front, the back of the house will be gone,  
14 and the interior will be removed, right?

15 MR. BRANDWEIN: Yes.

16 MEMBER GOTTLIEB: Is the roof coming off  
17 also?

18 MR. BRANDWEIN: Yes.

19 MEMBER GOTTLIEB: So it's almost a new house.  
20 You're leaving up 20 percent of the house?

21 MR. BRANDWEIN: I think -- well, in terms of  
22 the exterior, the exterior area of the walls and  
23 the front and the side I think that would be more  
24 than 20. If you're going in terms of the  
25 interior, I guess it would be more than 20.

1           MEMBER GOTTLIEB: So I mean virtually when  
2           you compare it to the way the house is now and  
3           then, it will be a completely new house except the  
4           facade -- part of the facade will look the same?

5           MR. BRANDWEIN: The envelope in the front  
6           will look -- it will look very similar to what it  
7           is now.

8           MEMBER ROSEN: If you look at the house from  
9           the front, you will see the house that looks very  
10          similar to the house that currently exists, right?

11          MEMBER WILLIAMS: The same shape.

12          MR. ROSENFELD: In terms of side-yard  
13          setbacks as well.

14          MEMBER GOTTLIEB: What I'm trying to  
15          understand is the interior of the house will be  
16          completely new, you can do whatever you want  
17          inside the house, that's why you do the ceilings  
18          higher than what's there now, and you can arrange  
19          it in any which manner works best.

20          MR. ROSENFELD: The existing house has low  
21          ceilings and small, cramped rooms. As with most  
22          renovations, they're looking to change the layout  
23          internally, and that in this case it includes  
24          adjusting the floor heights and the ceiling  
25          heights because in some of these homes, I don't

## Proceedings - 3/30/11

1 know the name of that type of home, but in some of  
2 these homes the ceilings are very low.

3 MR. BRANDWEIN: These are about eight foot  
4 two.

5 MEMBER GOTTLIEB: Which are pretty standard  
6 for most frame houses, right, eight foot two?

7 MR. BRANDWEIN: After a certain -- after a  
8 certain period. I mean, if you look at houses of  
9 this kind of design and this type of rooms, they  
10 would have had spaces that are more volumetric.  
11 So if you're in it you don't feel like you're in a  
12 bowling alley or just a very cramped, confined  
13 space.

14 CHAIRMAN KEILSON: What's that term,  
15 volumetric? That's jargon, meaning?

16 MR. BRANDWEIN: That the spaces are  
17 proportionate in a way that when you're in there  
18 you feel a certain presence and it feels pleasant  
19 to be in.

20 MR. GOLDMAN: It's a great word.

21 MEMBER WILLIAMS: That's a first for this  
22 Board.

23 MEMBER FEIT: Is there a basement now in the  
24 house?

25 MR. BRANDWEIN: Pardon?

## Proceedings - 3/30/11

1           MEMBER FEIT: Is there a basement now in the  
2 house?

3           MR. BRANDWEIN: Yes, there is.

4           MEMBER FEIT: So there's no water table  
5 problems?

6           MR. BRANDWEIN: They don't have any problems  
7 with flooding or water seepage.

8           MEMBER FEIT: Yes, that's basically what I'm  
9 asking.

10          MR. ROSENFELD: And I would say as with many  
11 variances that I've done in areas of Lawrence that  
12 do have flooding, in conjunction with the Building  
13 Department we will make sure because it's to the  
14 homeowner's benefit as well to install whatever  
15 sump pump and trench system is required.  
16 Certainly, it's to their advantage as well.

17          MR. RYDER: It's a good idea.

18          MR. ROSENFELD: I think that should be part  
19 of almost anything.

20          CHAIRMAN KEILSON: Absolutely. What is the  
21 present height of the existing home?

22          MR. BRANDWEIN: The existing home measured  
23 from the front grade going to the top -- going to  
24 the top from the front to the top of the roof is  
25 27-4, 27-6.

## Proceedings - 3/30/11

1 MEMBER FEIT: And the rear?

2 MR. BRANDWEIN: Well, measured from the rear  
3 it slopes down. It varies, but it maintains that  
4 height and then it goes down. I can't tell you  
5 exactly what the height is.

6 MR. ROSENFELD: I just thought I would  
7 venture to guess that if the proposed 30 is 31  
8 feet in the rear, the existing 27 is probably  
9 28.

10 MEMBER FEIT: It's in the high twenties.

11 MR. ROSENFELD: Yeah, right. And I would say  
12 that the homes in the area, and this is also a  
13 point that I wanted to make, and then  
14 Mr. Brandwein can confirm from an architectural  
15 point of view, there is no real uniformity of the  
16 houses even within the -- certainly within the  
17 300-foot radius of the subject property. But  
18 across the street there are very large homes.  
19 Right next to them is a house that was similar to  
20 theirs that had extensive work done. There is in  
21 that -- I would say in Sutton Park probably in  
22 total, but specifically in that area of Sutton  
23 Park each of the homes have unique architectural  
24 styles and, you know, height varies greatly.

25 CHAIRMAN KEILSON: What would you say the

## Proceedings - 3/30/11

1 height of the homes are to the left and to the  
2 right?

3 MR. ROSENFELD: The one -- the one to the --  
4 the one to the right is approximately of the same  
5 height. So it looks -- the photograph shows it  
6 approximately, so if it's 27 it's probably 26.

7 MR. BRANDWEIN: I confirm that, that the ones  
8 to each side are approximately the same height.

9 MEMBER WILLIAMS: The same right now?

10 CHAIRMAN KEILSON: Same as presently,  
11 correct.

12 MR. ROSENFELD: Presently.

13 MEMBER GOTTLIEB: So the proposal will be  
14 this house will stand four feet taller at the  
15 ridge?

16 MR. ROSENFELD: No, less than three feet.

17 MEMBER GOTTLIEB: It was 27, to 31.

18 MR. ROSENFELD: No, it was 27 -- 27-4 -- 27-6  
19 and 30 is two and a half feet.

20 MEMBER FEIT: I thought you said 31.

21 MR. ROSENFELD: No, no, no. That's only a  
22 technicality. From the front of the house -- no,  
23 no, no, excuse me. This is -- we're working  
24 within the framework of the ordinance. From the  
25 front of the house it will be 30. The way it will

1 be viewed will be along with every other house on  
2 the block, that is, 30 feet of which there are  
3 some. From the rear, because it's not as if the  
4 roof goes up in the rear. It's 30 feet from the  
5 front throughout the house. Only when you stand  
6 in the backyard does it appear to be 31 feet  
7 because you're on a lower -- you're on a lower  
8 grade than in the front of the house.

9 MEMBER FEIT: Now I'm really confused.

10 MR. ROSENFELD: Really?

11 MR. GOLDMAN: But right this minute -- I'm  
12 not all that clever at this stuff. See, right  
13 this minute you -- right this minute though as you  
14 look at the photo it's the same size as the house  
15 to the left.

16 MR. ROSENFELD: That's correct.

17 MR. GOLDMAN: Now, when you do what you want  
18 to do, how will it be in relation to the house to  
19 the left?

20 MR. ROSENFELD: Two and a half feet larger.  
21 Two and a half feet higher.

22 MR. GOLDMAN: So in fact higher.

23 MR. ROSENFELD: Yes.

24 MR. GOLDMAN: So in looking in the three  
25 houses that will be the highest house of the

1 three.

2 MR. ROSENFELD: Of the three, yes.

3 MR. BRANDWEIN: But I think the fact that it  
4 doesn't have a gable on the side, the relationship  
5 in terms of the height to the ones on each side  
6 will not be quite as apparent. It will have a  
7 unique architectural character.

8 MR. ROSENFELD: And I would also add that if  
9 we expand that three-house category to five or  
10 seven it will be probably well within the height  
11 of some of the neighboring homes. The homes  
12 across the street are 30 feet high.

13 MR. GOLDMAN: Right. But the house to the  
14 left and to the right will be shorter than this  
15 one.

16 MR. ROSENFELD: Right, as they are shorter  
17 now than the other 30-foot houses, 30-foot-height  
18 houses on the same block and I believe on either  
19 side of those houses. Meaning, that right now it  
20 looks a little sawtooth. But the houses on the  
21 extremities of the two houses that would be most  
22 affected are already at 30 feet.

23 MEMBER FEIT: Let me just see if I  
24 understand. From the front of the house to the  
25 rear of the house there is a down slope of about

## Proceedings - 3/30/11

1 one foot.

2 MR. ROSENFELD: I'm not an engineer, but what  
3 I've been told by the architect and the Building  
4 Department --

5 CHAIRMAN KEILSON: Let him speak for himself.

6 MR. ROSENFELD: I want to let you know I'm  
7 not an architect.

8 MEMBER FEIT: Is this what you're saying,  
9 that there is a one-foot drop between the front of  
10 house and the rear of the house?

11 MR. BRANDWEIN: No, in the rear in terms of  
12 what was calculated with the mean there's a  
13 one-foot drop. It is greater than one foot in the  
14 back.

15 MEMBER FEIT: It's a slope down.

16 MR. BRANDWEIN: It's a slope. It's a slope  
17 down.

18 MEMBER GOTTLIEB: So you're using the average  
19 and that's how you get 31. It might be a two-foot  
20 drop, but you average the front to the rear and it  
21 is one foot.

22 MR. ROSENFELD: Yes.

23 MEMBER GOTTLIEB: The location of the ridge,  
24 you're building the house deeper than it is now.

25 MR. BRANDWEIN: Yes.

1           MEMBER GOTTLIEB: Will the ridge be further  
2 back?

3           MR. BRANDWEIN: There won't be a conventional  
4 ridge. It will be flat and then it will be sloped  
5 on all the sides.

6           MEMBER GOTTLIEB: The top of the house.

7           MR. BRANDWEIN: The top of the house will be  
8 flat.

9           MEMBER GOTTLIEB: Where right now it's pretty  
10 parallel to the house, left and right, will that  
11 what I'll call the ridge, the very high point,  
12 will that be recessed? Will that be further back  
13 from the curb than it is now, or will that be  
14 exactly in the same location that it is now?

15          MR. ROSENFELD: You mean the front of the  
16 house, is the front of the house set back from  
17 where it is going to be?

18          MR. BRANDWEIN: Are you talking about the  
19 relationship if you look at the other houses in  
20 terms of the gable and where that -- in terms of  
21 our slope would actually be further -- further to  
22 the front. In terms of when you reach that high  
23 point you reach it at a quicker point so you would  
24 see it closer at the front. That's what you're  
25 trying to determine.

## Proceedings - 3/30/11

1           MEMBER GOTTLIEB: Exactly. I thought it was  
2 going to be further back, but you got some flack  
3 because part of the roof is going to be flat.

4           MR. BRANDWEIN: Yes.

5           MEMBER GOTTLIEB: So what I'm calling the  
6 ridge, which isn't really the ridge --

7           MR. ROSENFELD: The sort of ridge, right.  
8 Would be the ridge.

9           CHAIRMAN KEILSON: You're returning to the  
10 volumetrics. If you were asked to drop the house  
11 by 150 square feet, where would it impact  
12 negatively?

13          MR. BRANDWEIN: A hundred fifty square feet?

14          CHAIRMAN KEILSON: Or 100 square feet. I'm  
15 just trying to understand where the --

16          MR. BRANDWEIN: It would impact negatively in  
17 the rear.

18          CHAIRMAN KEILSON: In the rear. Where would  
19 you take it off of? You have a sun room?

20          MR. BRANDWEIN: Yes. That's kind of a unique  
21 architectural feature. It would --

22          CHAIRMAN KEILSON: You have a living room  
23 feeding into a dining room into a sun room?

24          MR. BRANDWEIN: Yes. And the family room  
25 needs to be of a certain size, so it's a very --

1           it's something we couldn't do without impacting  
2           the program because if we take out from the --

3           MR. ROSENFELD: If you reduce the dining room  
4           you're not changing the setback because that's --  
5           I'm sorry. If I may. Even reducing the living  
6           room or the dining room would not affect the  
7           coverage because those are interior rooms and they  
8           wouldn't be affected. The fact is, is that the  
9           exterior rooms are symmetric and create an  
10          architectural feature. Taking off from one --

11          CHAIRMAN KEILSON: The exterior rooms  
12          referring to the?

13          MR. ROSENFELD: Meaning like in the rear --

14          MR. BRANDWEIN: So in the rear we have a  
15          series of bays that help to soften the appearance  
16          of the house; they're architectural features.

17          For the sun room it's set back. They don't  
18          actually come out the same. One is coming forward  
19          and one is coming back. But if we reduced it  
20          drastically we would reduce that feature of the  
21          bay which it helps to balance it even though  
22          they're not exactly symmetrical.

23          CHAIRMAN KEILSON: Why didn't you pull the  
24          sun room out so that it would have balance?

25          MR. BRANDWEIN: We did it in an earlier,

1 earlier version, but it was -- we wanted to reduce  
2 the coverage.

3 CHAIRMAN KEILSON: Look, what a coincidence.

4 MR. ROSENFELD: We sacrificed symmetry for  
5 volumetrics. No, but I do stand by my earlier  
6 which I think is actually brilliant. Taking down  
7 the dining room or any of the interior room volume  
8 would not really affect the coverage issue.

9 I also, Mr. Chairman -- I also am not sure if  
10 it's necessary to submit, but I do have a number  
11 of letters of support.

12 CHAIRMAN KEILSON: I'm sorry, go ahead.

13 MR. ROSENFELD: I do have five letters of  
14 support from each of the surrounding neighbors  
15 most affected. They are not the typical letters  
16 of support that I submit. These actually -- each  
17 of them have been submitted upon my advice to the  
18 Building Department, and I trust that each of the  
19 members of the Board have had a chance to review  
20 it.

21 CHAIRMAN KEILSON: We have them in our file.

22 MR. ROSENFELD: And I would save Mr. Goldman  
23 the hardship of having to read through each of  
24 them.

25 MR. GOLDMAN: Let the record reflect that

## Proceedings - 3/30/11

1 11 Lakeside Drive West, another one -- oh,  
2 9 Beechwood Drive, and I won't take the time to  
3 try to dope out the specific locations.  
4 Nevertheless, one, two, three, four, five letters  
5 are going in collectively in support of the  
6 application, and we'll mark them collectively as  
7 Applicant's 1.

8 MR. ROSENFELD: And I would just point out  
9 that each of these letters represent an adjacent  
10 neighbor as well. They're across the street and  
11 on each side.

12 MEMBER ROSEN: It's actually six, Ronny, it's  
13 six letters.

14 MR. ROSENFELD: The Board has six. I didn't  
15 have one.

16 MR. GOLDMAN: So I have five that I've made,  
17 and apparently there's an additional one for a  
18 total of six.

19 MR. ROSENFELD: Yes, Mr. Feit.

20 MEMBER FEIT: The thing that bothers me and  
21 probably I would think some of my colleagues here,  
22 is the attic height. You have a stairways going  
23 up and the height there is such that as soon as  
24 you get a CO that gets converted into a bedroom.

25 And pardon me -- pardon me, but I'm very

## Proceedings - 3/30/11

1 cynical because we've seen it too much before. I  
2 want -- the height has to be dropped in the attic  
3 to make it a true storage area and not convert it  
4 to living, and I don't know too many people that  
5 have regular staircases going up to the attic  
6 unless they're grandfathered in. All of us have  
7 to get our exercise.

8 MR. ROSENFELD: Fair enough, Mr. Feit. I  
9 just wanted to point out that in some respects the  
10 Lowys are being penalized for being too honest.  
11 When they originally came before the Board they  
12 asked to have a third floor, a variance for a  
13 third floor. That was withdrawn on their own. I  
14 believe that because they had expressed an  
15 interest at one point in having a third floor it  
16 now seems as though they're looking to get a third  
17 floor one way or the other. I agree that the  
18 staircase may be -- I'm sorry.

19 CHAIRMAN KEILSON: Hold it.

20 MEMBER GOTTLIEB: I have to cut you off. I  
21 was not aware of any prior applications or any  
22 prior plans.

23 MR. ROSENFELD: Not submitted to the -- not  
24 submitted to the --

25 CHAIRMAN KEILSON: He wasn't aware there was

## Proceedings - 3/30/11

1 any history.

2 MR. ROSENFELD: Oh, okay, I'm sorry.

3 MEMBER GOTTLIEB: You tell me that they're  
4 being penalized. What I'm saying is you're saying  
5 we were prejudiced by the fact that --

6 MR. ROSENFELD: No, no.

7 MR. GOLDMAN: First of all, stop. The Chair  
8 is in charge.

9 MEMBER GOTTLIEB: Just to make it clear, I  
10 was not aware of an application where they wanted  
11 to use the third floor up until now. You're  
12 saying that we were prejudiced because we thought  
13 they were trying to get away with something. Not  
14 at all the case.

15 MR. ROSENFELD: Understood, understood.

16 MEMBER FEIT: Mr. Rosenfeld, if you drop the  
17 roof height or the attic height by two feet, you  
18 don't need a height variance, and I think myself  
19 and probably some of our members would be much  
20 more comfortable because the ceiling is so low it  
21 cannot be used as a bedroom.

22 MR. ROSENFELD: You then have a five-foot  
23 attic which renders it useless.

24 MEMBER FEIT: Make it six foot. But useless  
25 is what we're trying to do as far as habitability,

1 not storage.

2 MR. ROSENFELD: Right. I believe that there  
3 may be -- there may be another way, with your  
4 permission, to address that issue. I think that  
5 if we could make the Board comfortable in the  
6 respect that the staircase will be altered to a  
7 storage type pull-down, as you said, the exercise  
8 type staircase, and not one that is made for  
9 people going up and down, I think that we could  
10 address that.

11 I think also as well as Mr. Gottlieb pointed  
12 out earlier we are moving around floor plates.  
13 Possibly one of the things that we can do is raise  
14 the floor plate of the second floor a few inches  
15 to then take away from the habitability, so to  
16 speak, of the attic.

17 The 30-foot height is important for a couple  
18 of reasons. Firstly, as Mr. Brandwein pointed  
19 out, aesthetically if it was to remain as you say  
20 two feet lower, it would give the appearance of a  
21 squat, almost like a mansard roof, which is not  
22 something that the Village has been in favor of, I  
23 know from personal experience. To keep it at 30  
24 feet will enable them to have enough leeway within  
25 the house to create volumetric space. There's no

## Proceedings - 3/30/11

1 other word for it.

2 I would submit that we would -- that we would  
3 take whatever steps are recommended by the  
4 architect and the Building Department to  
5 internally ensure that the floors -- that the  
6 attic would be used for storage space and not  
7 living space.

8 MEMBER WILLIAMS: How high is the attic now?

9 MR. ROSENFELD: Right now in the current  
10 house or the proposed?

11 MEMBER WILLIAMS: In the proposed plans.

12 MR. BRANDWEIN: Seven-six.

13 MR. ROSENFELD: Seven-six at its highest.

14 MR. GOLDMAN: May I ask just one question.

15 MR. BRANDWEIN: Actually, I would like to say  
16 that if we're actually talking about structure  
17 going across the flat -- the flatter roof, certain  
18 structural members there increase so it may in  
19 fact end up being seven-two, seven-three.

20 CHAIRMAN KEILSON: Interior height.

21 MR. ROSENFELD: Right, because of the  
22 girders.

23 MR. GOLDMAN: In conference with the Building  
24 Department I just have a question. Can the whole  
25 thing be reduced just a bit all in proportion so

1           that it comes forward and it takes less surface,  
2           it would reduce the surface coverage? In other  
3           words, everything in proportion, not eliminating  
4           one particular room or whatever, but everything  
5           just somewhat smaller.

6           MR. ROSENFELD: Not with the attic.

7           MR. GOLDMAN: I'm off the attic right now and  
8           I'm addressing the question to the architect.

9           MR. BRANDWEIN: Well, we can't really do that  
10          because we have to work within the footprint to  
11          maintain those walls because once we start pushing  
12          it in and tearing in we're subject to the fifteen,  
13          to the rules relating to setbacks. So we're  
14          trying to work off the existing setbacks.

15          MR. ROSENFELD: You would have a front yard.

16          MR. RYDER: If you keep the footprint and the  
17          layout the same of the first floor. Let's not go  
18          to the second floor. The living room, the dining  
19          room size would be smaller, but you still would  
20          maintain that sun room, excuse me if I'm wrong,  
21          playroom on the left or den area, still keep that  
22          octagon look.

23          MR. ROSENFELD: Do we have a front-yard  
24          variance issue?

25          MR. RYDER: Not bringing the house forward,

## Proceedings - 3/30/11

1 just cutting off the back.

2 MR. BRANDWEIN: In the back is the only area  
3 we could really reduce.

4 MR. ROSENFELD: I guess what they're saying  
5 is not to reduce it off here, but to sort of like  
6 take it from the middle, almost taking it from  
7 within and just moving it back. Do I understand  
8 that correctly?

9 MR. RYDER: That's correct.

10 MR. GOLDMAN: I'll defer to my colleague.

11 MR. RYDER: Go ahead, I'm sorry.

12 MR. BRANDWEIN: Well, there's issues I think  
13 the client might want to address in terms of how  
14 the house is being used.

15 MR. ROSENFELD: I would like at this point --

16 CHAIRMAN KEILSON: Please step forward.

17 MR. ROSENFELD: -- to present the Lowys, the  
18 petitioners, and very nervous.

19 With the Board's permission, if it's  
20 possible, there are a number of people --

21 CHAIRMAN KEILSON: I think let's resolve  
22 this. We'll hear from all the neighbors. We'll  
23 stay all night if necessary. That doesn't bear on  
24 what we're discussing.

25 MR. ROSENFELD: Okay.

1 MS. LOWY: First of all, thank you so much  
2 for your time. I do understand that as a Board  
3 it's important to try to maintain a certain  
4 regularity of the houses in the neighborhood.  
5 When we decided to make this particular house it  
6 was only with very practical implications. Thank  
7 God we have a growing family. And for, you know,  
8 for my husband's family and my family as well it's  
9 not hypothetical when I talk about using these  
10 rooms. I know that you had spoken about maybe  
11 condensing them.

12 Generally, on Pesach, we have about 30  
13 people, and that was last year. Every holiday,  
14 Purim, Sukkoth, we are hosting about -- last year  
15 we had about 45 people. So we are constantly  
16 using this for ourselves as well as the community.  
17 We are very lucky to live in an area, which is why  
18 we are trying so hard to hold onto our location,  
19 where they are constantly using these houses for  
20 philanthropic reasons, sick children and teaching  
21 people about Judaism. And very often I'm forced  
22 to say no because I just don't have the room, and  
23 that's very hard for us because that is  
24 specifically why we want this house. We thought  
25 about it for a very long time what we should do

1 and then we realized that, no, we would like to  
2 open or home.

3 And if you look at our -- if you look at the  
4 plans, you will see that there was nothing done  
5 not with a practical reason. You keep talking  
6 about a sun room. It's not a sun room. What it  
7 is, is so that when my table and hopefully I'm  
8 putting 40 people on that table, I can then extend  
9 it and have an extra area. That is what that  
10 purported sun room is. If you note, we already,  
11 you know, took it down most of the way so that,  
12 you know, we can try to comply.

13 We are trying to comply with the requests,  
14 but for us to make this house these were the  
15 reasons that we were doing it. To be able to  
16 teach our children why we have homes, why we are  
17 able to afford to live in this neighborhood, that  
18 is why we want to be here and that is what we want  
19 to utilize the house for. And that's why although  
20 I do understand what you're trying to say, it  
21 would not benefit us to have to make those rooms  
22 smaller.

23 MEMBER ROSEN: I think -- I appreciate that.  
24 Could I speak? I think that everybody has to  
25 realize that what we are focused on is trying to

1 find a way to make this work and not have you  
2 change the house. I mean, you've got a Board,  
3 you've got Mr. Ryder, Mr. Goldman, everybody's  
4 trying to allow you or get to a place where we  
5 allow you to do everything you want to do in the  
6 house. So I think the issues that we're focused  
7 on have little to do with, you know, the size of  
8 the rooms. We're focused on at least now, and  
9 hopefully that may be it, but we're focused on an  
10 issue involving the attic, and how to make the  
11 attic one foot smaller to try to fix it.

12 MS. LOWY: Initially, I met with Mr. Ryder  
13 who had told me if I sprinkled -- put sprinkler  
14 systems in the attic that he doesn't necessarily  
15 have an issue with it. I was trying to do  
16 everything. We are very straight people and we  
17 only will do things legally.

18 After that meeting we were then told that  
19 that is not an option. So we rescinded the attic.  
20 At this point as my architect has explained to me  
21 and as I've driven around, you know, if you have a  
22 house with rooms this size and you have a ceiling  
23 this low, it really gives off a very awkward  
24 appearance and, obviously, we are making this  
25 house practically, there are the aesthetics as

1 well. We appreciate that.

2 So if we're putting the dormers in and then  
3 we have lower -- you know, we have no problem  
4 taking off the stairs to go up to the attic. I  
5 have no issue with that. And I have no issue  
6 with, you know, rearranging things so as to make  
7 the Board comfortable, that's fine. But, you  
8 know, to then say that we need to now truncate the  
9 house and make it, you know, let's say, a certain  
10 amount of feet less, it just aesthetically it will  
11 look quite strange, and you know.

12 MEMBER ROSEN: That's why we're focusing our  
13 attention on your architect to try to figure out  
14 how to do it.

15 MS. LOWY: No, I was just responding to the  
16 request of, you know, you said about moving it  
17 forward, and I was saying, well, I do respect that  
18 request. I was just trying to explain why that  
19 wouldn't be feasible.

20 MEMBER ROSEN: I appreciate that.

21 MR. GOLDMAN: You did very well too.

22 MEMBER ROSEN: We're focused on trying to  
23 figure out a solution.

24 MS. LOWY: I haven't really eaten or breathed  
25 all day.

## Proceedings - 3/30/11

1 MR. GOLDMAN: You should come here more  
2 often.

3 CHAIRMAN KEILSON: Thank you.

4 MS. LOWY: Thank you.

5 CHAIRMAN KEILSON: We're going to open the  
6 floor to neighbors or anyone else who wants to  
7 comment. If you raise your hand, I'll recognize  
8 you, you'll come forward, and keep your comments  
9 brief. Please step forward, please.

10 MR. FRIEDMAN: Marc Friedman, 15 Lakeside  
11 Drive West. I'm the neighbor to the immediate  
12 west. I have gone over the plans with the Lowys;  
13 I've spoken to them. I've watched the family  
14 grow, and I fully support what they're doing.  
15 They're not encroaching on my property. I have no  
16 -- I'm not going to sit there and say 27, 28, 29,  
17 30. It looks fine to me, for the record.

18 CHAIRMAN KEILSON: Thank you very much.

19 MR. HIRTH: Mitchell Hirth. I live on the  
20 block.

21 CHAIRMAN KEILSON: What's your address?

22 MR. HIRTH: 7 Lakeside Drive, several houses  
23 down. I'm very familiar with the house. There's  
24 a history that I know about. It's formerly owned  
25 by Rabbi Alpert. It's a small house.

## Proceedings - 3/30/11

1 I would like to say to the Board that over  
2 the 30 years that I've been in the neighborhood  
3 I've seen a lot of developments. I've seen houses  
4 grow exponentially taller than this house. My  
5 house is taller than this house. There's many  
6 houses in the area that really became big.

7 Granted --

8 CHAIRMAN KEILSON: You appeared one evening,  
9 I think --

10 MR. HIRTH: Several times. I was here at  
11 myself. My neighbors were here.

12 CHAIRMAN KEILSON: -- expressing concern  
13 about the height of the houses.

14 MR. HIRTH: I don't think I had an issue with  
15 the height. I think I beat you guys on the height  
16 before you came. But the point is -- the point is  
17 that there's been a lot of development and there's  
18 really some very large homes.

19 Now, the point I want to make is that,  
20 granted, there's a lot of land behind those homes,  
21 but the Lowys, which I feel are very important  
22 people to have in Sutton Park, I think I speak on  
23 behalf of -- I didn't sign a letter, but I speak  
24 for many in the park that would like to see these  
25 people stay, and I don't think they should be

## Proceedings - 3/30/11

1 penalized because their land is small that they  
2 are not afforded the same right that I had and  
3 other people in the neighborhood had where they  
4 grew these big houses, big houses, and you're all  
5 aware of that. And I think that you should, you  
6 know, take that into consideration and grant their  
7 application. And thank you very much.

8 CHAIRMAN KEILSON: Thank you.

9 MEMBER FEIT: Mr. Brandwein, I have one  
10 question.

11 CHAIRMAN KEILSON: Ladies first. Your name  
12 and address.

13 MS. STEINBERG: Rita Steinberg, 14 Lakeside  
14 Drive. I've been in my house 49 years.

15 CHAIRMAN KEILSON: Wow.

16 MS. STEINBERG: All right. I'm an old-timer  
17 and a native and born and raised in the Five  
18 Towns. So they're my neighbors from across the  
19 street.

20 I live in back of a house that took two  
21 pieces of property and built a monster. Their  
22 back, their pool and their pool house is smack  
23 against my fence. I've seen what they've done in  
24 the houses in Sutton Park. I have no objection.  
25 I'm still there. They are lovely, lovely people.

## Proceedings - 3/30/11

1 I'd like them to stay. I have no objection to  
2 whatever they're doing because they're not doing  
3 half of what three-quarters of the people did in  
4 Sutton Park.

5 CHAIRMAN KEILSON: So if you had your way  
6 we'd tear down those other houses?

7 MS. STEINBERG: What? I have a bungalow. I  
8 have a bungalow in Sutton Park.

9 CHAIRMAN KEILSON: Thank you very much.

10 MS. STEINBERG: All right, that's how long  
11 I'm there.

12 CHAIRMAN KEILSON: Mr. Katz, you wanted to  
13 say something?

14 MR. KATZ: Good evening, ladies and  
15 gentlemen. Shlomo Katz, 14 Beechwood Drive,  
16 Lawrence. I'm a relative newcomer to the Five  
17 Towns. I'm living here 40 years, not 49. And  
18 yes, there are some incredibly large houses in  
19 Sutton Park, we all know which ones they are. And  
20 the Lowys could build on every square inch of land  
21 that they own and still not be out of proportion  
22 with those homes. I understand that's not the  
23 issue we're addressing tonight.

24 But I've looked over what they've shown me,  
25 and I'm in full favor of it. I don't think that

1           it will be out of whack on the block or take away  
2           from the block. The houses that are large have  
3           become gems of the community. What those homes  
4           have been used for and what they are used for on a  
5           weekly basis are why we all raise families in the  
6           Five Towns. They're an asset to the Five Towns,  
7           and I commend the Board for approving those  
8           applications, and I ask as well that they approve  
9           the Lowys' application as well.

10           And if I may address the Honorable Mr. Feit  
11           for a second, as a paramedic with Hatzolah for  
12           sixteen years I wish the Board would get rid of  
13           the pull-down steps. I'd have a lot more time to  
14           spend with my family instead of transporting  
15           people to the hospital with fractured hips, ribs,  
16           ankles, knees and everything else. So that's my  
17           vote on the pull-down stairs. Thank you.

18           CHAIRMAN KEILSON: Mr. Wolfson.

19           MR. WOLFSON: Daniel Wolfson, 344 Beach 9th  
20           Street, Far Rockaway, New York. I'm a relative  
21           newcomer to Sutton Park. I bought a house behind  
22           the Lowys about four and a half weeks ago. I've  
23           not seen -- I've not seen a detailed sketch of the  
24           plans.

25           MEMBER ROSEN: What is your address?

## Proceedings - 3/30/11

1 MR. WOLFSON: 344 Beach 9th Street.

2 MEMBER WILLIAMS: The new address.

3 MR. WOLFSON: Oh, my new address? 203  
4 Lakeside Drive South. It's good. I got it.

5 MR. ROSENFELD: It's in the rear. It's  
6 adjacent to Pluchenik's house.

7 MR. WOLFSON: I have not seen the plans in  
8 detail, but the Lowys have conveyed to me what  
9 they're interested in doing, and I fully support  
10 everything they're interested in doing.

11 CHAIRMAN KEILSON: We could resolve the  
12 problem if you would negotiate with them and deed  
13 some of your property.

14 MR. WOLFSON: Would you like to negotiate?  
15 I'm not willing to pay Mr. Rosen's hourly fee.

16 CHAIRMAN KEILSON: I think that's the  
17 cleverest line tonight.

18 MR. ROSENFELD: Made by a non-attorney.

19 MR. WOLFSON: My father says that.

20 MR. LOWY: Eli Lowy, 9 Lakeside Drive West.  
21 I looked at their plans. Everything is perfect,  
22 and I can't tell you how important it is to us  
23 that they're able to house the families that comes  
24 into town. We're obviously in full support of  
25 everything that they'd like to do.

1           CHAIRMAN KEILSON: Okay, thank you very much.

2           MR. PERLYSKY: Hi, Dov Perlysky, 2 Lakeside  
3 Drive West. I'm also down the block from the  
4 Lowys. I've been living in the neighborhood just  
5 about twenty years. And I've lived in about four  
6 different houses in Sutton Park. So I've had a  
7 nice view of different areas.

8           The Lowys bring a lot to the neighborhood,  
9 they bring a lot to the street, and I think it  
10 would be tragic really for Sutton Park and really  
11 for Lawrence for them to live out in Cedarhurst or  
12 elsewhere and get the kind of house that they  
13 really need in order to do what they're trying to  
14 do, which is bring in people to the community, let  
15 people see how giving the community is, and what  
16 we can do for others.

17           I would like to address what Mr. Feit said as  
18 well. I know at least -- I mean, without even  
19 thinking, at least half a dozen houses on their  
20 block that have standard staircases up to the  
21 attic, that do not have bedrooms in the attic, but  
22 rather spaces to be used. And I think, you know,  
23 when we put a lot of money into a house, the idea  
24 isn't, you know, let's just, you know, you know,  
25 live within some kind of guideline. They're here

1 for a variance. They're here for sort of a little  
2 bit of relief from that guideline, and the idea is  
3 to live in the house and make it usable, livable.

4 I go up and down to my attic, you know, I  
5 don't know, numerous times each day. If I had to  
6 crouch down, if I had to pull down a ladder, it  
7 just wouldn't be a usable space anymore; it would  
8 be a place maybe to store some things and maybe I  
9 wouldn't even bother with that.

10 MEMBER FEIT: That's the fire code. That's  
11 the problem.

12 MEMBER ROSEN: What do you use your attic  
13 for?

14 MR. PERLYSKY: Storage. I use it for storage  
15 that I can get to on a regular basis, not for the  
16 one time a year for my Passover dishes, which I  
17 have up there as well, through suitcases, other  
18 things that I don't need in my living space, and  
19 to make that a difficult use of space I just don't  
20 think you're resolving an issue. I think the idea  
21 is to live in the home and not to make it into a  
22 difficult place to live in.

23 MEMBER FEIT: However, the fire code  
24 requires, which I think has fairly recently been  
25 passed, required if the third floor is living

1 space you have to sprinkle, sprinklize or put  
2 sprinklers in the entire house. So part of our  
3 job is to make sure that the third floor is not  
4 used as living space but only as storage. We have  
5 fire codes to worry about and other codes. So  
6 it's not that we're not sympathetic to it, but --

7 CHAIRMAN KEILSON: I think he's suggesting  
8 that if we adjust the height of that space to  
9 ensure that it's restricted to storage then the  
10 stairway to heaven is not nearly as critical.

11 MEMBER FEIT: Yeah, that's basically it.

12 MR. PERLYSKY: Thank you.

13 CHAIRMAN KEILSON: Any other comments?

14 MS. STAHLER: Hi. Esti Stahler. I got  
15 dressed up. Mr. Gottlieb, Mr. Feit, Chairman  
16 Keilson, Esther, Mrs. Williams, Mr. Rosen and the  
17 rest of you. Should I address you?

18 MR. GOLDMAN: No.

19 MS. STAHLER: I e-mailed you, so I know you.

20 CHAIRMAN KEILSON: Your address.

21 MS. STAHLER: My address?

22 MEMBER WILLIAMS: One of them.

23 MS. STAHLER: 17 Beechwood Drive. Formerly,  
24 10 Lakeside. 8 Lakeside, 7 Sutton Place. That's  
25 when I lived with my mother, because nobody gave

## Proceedings - 3/30/11

1 me a variance. So it took us twenty years to  
2 build our house. I don't wish the same on you.

3 But anyway, I was supposed to be at a  
4 wedding, a very, you know, important wedding,  
5 Rabbi Weinberg, myself, my sister.

6 CHAIRMAN KEILSON: We were all supposed to be  
7 at the wedding.

8 MS. STAHLER: We're supposed to be at that  
9 wedding, but I'll tell you, it can't be as good as  
10 tonight.

11 First of all, I brought all our neighbors  
12 out. I haven't really met you yet. Welcome to  
13 the neighborhood. But the reason we're all here  
14 is we're very, very, very supportive of them.

15 If you know the house, it's an inconspicuous  
16 house on a dead-end. I don't think anybody will  
17 ever see it, know it, know the variance, know the  
18 height. Maybe somebody looking out their window  
19 might. But as you say, a house is to live in, to  
20 love in, to experience.

21 I think that if you make the ceilings low, I  
22 mean, my kids slept on floors this high  
23 (indicating). So if somebody wants to sleep up in  
24 the attic, they're going to sleep in the attic.  
25 You know, that's how my kids grew up.

## Proceedings - 3/30/11

1           Unfortunately, they had to sleep in very small,  
2           low rooms. But I'm just saying that's not what  
3           you prevented. Like they say, the house is to  
4           live in, to open, to have the family rooms. We  
5           love these people. We wouldn't all be here  
6           tonight if we didn't care so much about them, you  
7           know. Some of them are related to them and they  
8           even like them. We're unrelated to each other and  
9           we're living near each other because we care about  
10          each other. And I think what the Board is doing,  
11          and you know, I respect you, I don't know how you  
12          do this all the time, and I know you take it  
13          seriously and you want to do the best, but your  
14          purpose, and we understand it, is to do the best  
15          for the community, and the best for the community  
16          is to grant these people and they've been so good  
17          about trying to -- I know they really have been  
18          trying to accommodate. I'm not paid by the minute  
19          so I could talk.

20                 MEMBER ROSEN: Just one second, please. I'm  
21                 going to address you.

22                 MS. STAHLER: No, no, no, I'm saying -- and  
23                 as far as like you're talking about in the -- I  
24                 know what the property is, it literally slants  
25                 like four feet. You know, sometimes I cut through

1 the backyard and it's so steep that there's  
2 nothing else you could do with the property except  
3 build on it. You know, it's really irrelevant. I  
4 mean, children can't even play on it, that's how  
5 steep the slope is. So as far as building back,  
6 it at least serves a purpose, and that's what land  
7 is for, to serve a purpose.

8 So whatever you can do, whatever we can do to  
9 help, and I know the Board is very much in favor,  
10 and, you know, we understand that you have an  
11 important job to do and we respect that very, very  
12 much, but if you can try in any way possible to  
13 truly accommodate them because they have  
14 accommodated you, we on behalf of all of those in  
15 Sutton Park -- I could give you the names of  
16 people who are in there; Renark and Portnoy and my  
17 sister, Mrs. Rosen.

18 MEMBER FEIT: You just introduced your one  
19 sister?

20 MS. STAHLER: This beautiful sister here is  
21 my mother. I want that on the record. Everyone  
22 tells me she looks like my sister.

23 Thank you very much, each one of you for what  
24 you do. Thank you.

25 CHAIRMAN KEILSON: Thank you.

## Proceedings - 3/30/11

1           MR. ROSENFELD: I think that I would just  
2           like to say that, you know, given the guidelines  
3           for deciding, I think that the petitioner has made  
4           its case that, you know, detriment to the  
5           neighborhood would be minimal by granting the  
6           variance and certainly the damage to them would be  
7           greater.

8           CHAIRMAN KEILSON: I think Mr. Rosen wants to  
9           address that. Are you ready to address that?

10          MEMBER ROSEN: No. I'll do it when we vote.

11          CHAIRMAN KEILSON: Mrs. Davis wants to speak.  
12          If you would like to say a word, Mrs. Davis.

13          MS. DAVIS: Razi Davis, 7 Sutton Place South,  
14          for the past almost fifty years. I raised my  
15          children here, and I'm very lucky that my four  
16          daughters live in Sutton Park. And they chose to  
17          live in Sutton Park because they wanted to be near  
18          each other and their good friends and good people  
19          kept moving into that area. They, each one, also  
20          built a house. When you talk about, you know, oh,  
21          there's a big house there, so maybe it could be  
22          one of them, it could be, but you have to see what  
23          happens in that house. There are meetings all the  
24          time, there are people for special children. We  
25          have weekends for all these children, for people

1           who have no homes, for people who have no  
2           language, for children who are not well, and they  
3           call it off the path, you know, and they use their  
4           home only for that. There isn't that much  
5           furniture in it, there's chairs and tables, you  
6           know, just to have these. And this couple who  
7           wants to raise a family, I could understand that,  
8           you know, they want to raise a family there. They  
9           have a brother living on the block and there's  
10          nothing nicer, you know; I have your brother  
11          living close by.

12                 CHAIRMAN KEILSON: That's your misfortune.

13                 MS. DAVIS: He's a good guy, but he says I  
14           don't remember everything. So you know, it's very  
15           important. We pray every morning and one of the  
16           prayers say, you know, how important it is to have  
17           good neighbors and good neighbors make good  
18           friends, and good friends make good communities.  
19           And this couple has come along and they have  
20           enhanced the community, they do things for the --  
21           they're very community-minded, and these are the  
22           kind of people you want for neighbors. That the  
23           roof is up a little, down a little, a quarter inch  
24           here, a quarter inch there, that's what makes the  
25           area beautiful, you know.

1           Have to have a little -- not all you guys  
2           here. He's sitting down there, you're sitting up  
3           there, she's sitting over there, you know. It  
4           gives a little more oomph to the community and to  
5           the area. And I hope, you know, that you'll agree  
6           with us and, you know, a lot of us wanted to show  
7           up. We people have had different affairs to go  
8           to, but hopefully, you know, give them a little  
9           more in the attic. It's very hard to go up to the  
10          attic to put a valise, you know, when you could be  
11          a hunchback and it's too hard to do. Give them  
12          the inch. They're not going to stick their kids  
13          up there, you know. But the valises, if you could  
14          get a kid into a valise, you get a kid into a  
15          valise. Hopefully, you will side with them.

16                 CHAIRMAN KEILSON: Thank you very much.  
17                 Thank you, thank you.

18                 MS. ROSENWALD: Rivki Rosenwald, 6 Forest  
19                 Lane. I've actually never been here before.

20                 CHAIRMAN KEILSON: Welcome.

21                 MS. ROSENWALD: I actually was in the  
22                 Brooklyn DA's office with him.

23                 MR. GOLDMAN: You know, that's true. This is  
24                 a very fine person.

25                 MS. ROSENWALD: But, you know, I really

1 thought it was important to come tonight because I  
2 do think that these people are exceptional  
3 neighbors, exceptional people, and I think they're  
4 exceptionally honest. I don't know of anybody who  
5 has kids living in the attic, but when they  
6 thought of it, they applied for it, and when they  
7 heard no, they said they're not doing it. And so  
8 I just think -- I just don't think that whatever  
9 you give them, if you gave them ten feet up there,  
10 if they said they're not going to do it at this  
11 point I don't think they're doing it because  
12 nobody ever applied for it. Or most people don't.  
13 So they thought we'll apply for it, you said no,  
14 they said no. You know, she's willing to have  
15 pull-down stairs. Clearly, she just wants to use  
16 it for storage. I have mostly suitcases up there  
17 and I think I go up there all the time. Maybe I'm  
18 just always traveling. I can't figure out. But  
19 you know, so I don't think it's here or there, you  
20 know, it's up to you.

21 Also, it is at the end of a block in a  
22 cul-de-sac, nobody goes there. I drive around the  
23 neighborhood; I understand the concern that, you  
24 know, people are getting carried away with the lot  
25 coverage, but I drive around, I see houses that

1 leave no space, not on any side, not in the back,  
2 nowhere, and I can't believe these get approval.  
3 And this house which nobody is ever going to see  
4 unless they're going to visit them, you just don't  
5 see it. It's so out of the way.

6 And also, it will look almost exactly the  
7 same from the front because it can't go out to the  
8 side. Everybody I think along that block has  
9 already put on top of their garage. They're one  
10 of the few people who have a house that looks  
11 different. It will probably look more uniform.

12 And most of the houses I think there that  
13 have been built and I think, you know, a lot of  
14 people here and there have expanded their homes  
15 have only made it look nicer and prettier. People  
16 have done it in very good taste, I think.

17 And I just think that, you know, in terms of  
18 the sincerity, you know, she does have kids so she  
19 needs the space, the rooms, and she does open her  
20 home, and I think that she's not trying to be  
21 unreasonable. There are people who just want  
22 space for space sake. I don't think that's what  
23 they're doing. I think they're very sincere in  
24 everything, in taking it back and, you know,  
25 trying to keep accommodating the Board, and I hope

1 at this point they've -- you know, they've met the  
2 requirement. And thank you for your time.

3 CHAIRMAN KEILSON: Thank you very much.  
4 Thank you. We're going to caucus at this point.

5 MR. YOUNG: Hi, Yitzchok Young, 11 Lakeside  
6 Drive West, Lawrence, New York 11559. I live  
7 right next-door.

8 CHAIRMAN KEILSON: You're to the left?

9 MR. YOUNG: Facing the house I live to the  
10 left.

11 CHAIRMAN KEILSON: East.

12 MR. YOUNG: So beyond that they're really  
13 fantastically great people, a little bit of  
14 perspective, when I moved into the -- when I moved  
15 in, that house had been unoccupied for many, many,  
16 many years. It was an eyesore like you never saw  
17 in your life. The backyard was overgrown. It was  
18 like a jungle back there. The house inside was  
19 falling apart. It was full of mold. It was like  
20 a real eyesore which you guys couldn't do anything  
21 about, but it was a problem. Now, they moved in,  
22 it's a beautiful place, and they're really great  
23 people. It's not going to be a mcmansion. It's  
24 going to be a nice normal house. We should say  
25 yes.

## Proceedings - 3/30/11

1 CHAIRMAN KEILSON: Thank you very much.

2 Mr. Rosenfeld, obviously the conclusion is if  
3 we don't grant a variance we give them a plaque,  
4 right?

5 (Whereupon, a discussion was held off the  
6 record.)

7 MEMBER ROSEN: The Court is back in session.

8 CHAIRMAN KEILSON: Mr. Rosenfeld, I think the  
9 apparent consensus at this point prior to vote is  
10 that we'd like to understand from the architect in  
11 terms of raising the roof, raising the ceiling, to  
12 reduce the height of the attic I think we should  
13 come to a conclusion as to what is the recommended  
14 adjustment that's being made so we can vote  
15 precisely on that.

16 MEMBER ROSEN: So the suggestion is to leave  
17 the roof the same.

18 MR. ROSENFELD: Right. Leave the roof the  
19 same and reduce the -- or raise the floor, so to  
20 speak, of the attic.

21 MEMBER FEIT: Raise the attic floor for the  
22 second bedroom ceiling.

23 MEMBER WILLIAMS: You can do between the two  
24 bedrooms, or only one or two floors, or in one  
25 floor. It doesn't make a difference.

## Proceedings - 3/30/11

1           CHAIRMAN KEILSON: Tell us what you're going  
2 to reduce the height of the attic to and how you  
3 go about it.

4           MR. ROSENFELD: As it stands now it's about  
5 seven-two. As it stands now it would be  
6 approximately seven foot two inches. So I don't  
7 know what the threshold would be to raise it  
8 another six inches.

9           MEMBER WILLIAMS: Basically, it gives you a  
10 gift of higher ceilings in your living space.

11          CHAIRMAN KEILSON: Mr. Rosenfeld, we're  
12 recommending it to six foot, a six-foot interior  
13 height.

14          MEMBER ROSEN: For the attic, six foot for  
15 the attic so you raise the roof of the second  
16 floor. In other words, make a bigger room, a  
17 bigger room on the second floor so the attic is  
18 only six foot.

19                 (Whereupon, a discussion was held off the  
20 record.)

21          MR. GOLDMAN: So far the architect hasn't  
22 spoke.

23          MR. BRANDWEIN: It's possible we could -- we  
24 could raise the height of the second floor a few  
25 inches, but I'm concerned about how the

1 relationship of the floor slab to the cornice, the  
2 way it's constructed, if we simply push it up it  
3 may not -- it may not work structurally. Would it  
4 be possible to lower the ceiling coming down from  
5 the -- I mean, to keep the floor slab and then  
6 lower, create a soffit or something to lower the  
7 attic?

8 MEMBER ROSEN: Yeah.

9 MEMBER GOTTLIEB: Lower the attic ceiling,  
10 instead of raising.

11 MEMBER ROSEN: That would be fine.

12 MR. ROSENFELD: Excellent. That's good.

13 MEMBER WILLIAMS: Mike, are you all right  
14 with that?

15 MR. RYDER: I'm fine with that.

16 MR. GOLDMAN: That's coming down to what?

17 MR. BRANDWEIN: Well, I think six foot -- I  
18 mean, if somebody is tall and they're going in  
19 there, I mean, I think --

20 MR. RYDER: Basement we allow six-six.

21 MR. ROSENFELD: Can we do the same thing,  
22 six-six?

23 MEMBER WILLIAMS: Six-six.

24 MEMBER ROSEN: Okay, six-six.

25 CHAIRMAN KEILSON: All right, six-six. We'll

1 leave the stairway as depicted currently, and  
2 we'll leave the -- we're going to go for a vote  
3 now, Mr. Rosen.

4 MEMBER ROSEN: Okay. So I just want to make  
5 sure everybody understands what criteria we used  
6 to make our decision, and since I charge by the  
7 hour I could read this and charge a lot of money.

8 So we're basically supposed to weigh the  
9 benefit of the variance as opposed to the  
10 detriment it will cause to the health, safety and  
11 welfare of the neighborhood. That's the criteria.  
12 That's what we're supposed to do.

13 There are five criteria that go into this.  
14 One is will an undesirable change be produced in  
15 the character of the neighborhood and nearby  
16 properties.

17 Two, can the benefit sought by the applicant  
18 be achieved by some method other than the  
19 variance.

20 Three, is the requested area variance  
21 substantial.

22 Four, will the proposed variance have an  
23 adverse effect on the physical or environmental  
24 conditions of the neighborhood.

25 And five, is the alleged difficulty for the

1 applicant self-created, and that criteria in and  
2 of itself can preclude a variance.

3 The balancing has to come out in favor of the  
4 applicant, and the Board -- in that case the Board  
5 may authorize the variance.

6 In my opinion, on all five of these criteria  
7 the answer is to go in favor of the applicant and  
8 grant the variance, and I think that they've been  
9 very good in coming back and forth and in getting  
10 out the neighborhood to speak in support, so the  
11 answer is for.

12 CHAIRMAN KEILSON: Mrs. Williams.

13 MEMBER WILLIAMS: I would vote for. I agree  
14 with Phil, and on the condition that you serve me  
15 supper.

16 CHAIRMAN KEILSON: Mr. Feit.

17 MEMBER FEIT: Assuming we're talking about an  
18 amended variance so the attic would be six foot  
19 six, I'm for it.

20 CHAIRMAN KEILSON: Okay, Mr. Gottlieb.

21 MEMBER GOTTLIEB: Phil mentioned five  
22 criteria. I didn't know the sixth one, which is  
23 exceptional people and with exceptional neighbors.  
24 I don't think I've ever sat with such a group of  
25 support. I vote for.

1           CHAIRMAN KEILSON:  Okay, the Chair votes for.

2           How long do you need?

3           MR. ROSENFELD:  What are we giving?

4           CHAIRMAN KEILSON:  Two years.

5           MR. ROSENFELD:  Two years, I'll take it.

6           CHAIRMAN KEILSON:  Okay.

7           (Whereupon, the hearing concluded at

8           9:05 p.m.)

9           \*\*\*\*\*

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

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MARY BENCI, RPR  
Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

March 30, 2011  
9:13 p.m.

APPLICATION: Eisenberg  
3 Copperbeech Lane  
Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON  
Chairman
- MR. ELLIOT FEIT  
Member
- MS. ESTHER WILLIAMS  
Member
- MR. J. PHILIP ROSEN  
Member
- MR. EDWARD GOTTLIEB  
Member
- MR. LESTER HENNER  
Member
- MR. RONALD GOLDMAN, ESQ.  
Village Attorney
- MR. MICHAEL RYDER  
Building Department

Mary Benci, RPR  
Court Reporter

## Proceedings - 3/30/11

1           CHAIRMAN KEILSON: We reconvene. The  
2 Eisenberg matter, will they or their  
3 representative please step forward.

4           We also welcome Mr. Henner, one of our  
5 alternates, who is sitting in tonight.

6           MR. HOCH: Good evening. Benjamin Hoch,  
7 H-O-C-H, on behalf of the petitioners, Shira and  
8 Jeff Eisenberg. We have been here before for a  
9 different set of plans about eight months ago, but  
10 we actually pulled those and have submitted a new  
11 set of plans for the property at 3 Copperbeech  
12 Lane for construction of a new single residence,  
13 family residence structure at the property.

14           If the Board will recall, Copperbeech is a  
15 cul-de-sac, but it has an island in the middle of  
16 the cul-de-sac which contains three residences,  
17 and the petitioners' residence is one of those  
18 three at the northern end of the island. It's a  
19 unique situation in that it has three front yard  
20 required setbacks as well as a rear yard. There  
21 are no side yards or the like.

22           We're here this evening seeking four  
23 variances. The first relates to the rear-yard  
24 setback which would require a 30-foot setback, but  
25 we are asking for seven feet six inches which is

1 the existing condition. That is where the current  
2 structure stands.

3 We are also asking for an overage of 8.4  
4 percent on building area coverage of 220 square  
5 feet. And then there are two height setback  
6 changes that we need, one of them as a result of  
7 the rear-yard situation.

8 If I might, when we began, I do have a  
9 diagram that I've used when the Eisenbergs spoke  
10 to some of the neighbors that imposes the old  
11 structure on the new -- with the new structure so  
12 that you can see what the additions are.

13 CHAIRMAN KEILSON: That would be very  
14 helpful.

15 MR. HOCH: There should be like ten in there.

16 MR. GOLDMAN: So we're passing, distributing  
17 to the Board for the Board's review a --

18 MEMBER ROSEN: When you talk about the rear,  
19 the rear of the side?

20 MR. HOCH: It's the south side is the rear  
21 yard.

22 MEMBER ROSEN: So it's Copperbeech Lane West;  
23 is that the rear?

24 MR. HOCH: No. See, because this is not  
25 showing the other two structures.

## Proceedings - 3/30/11

1 MEMBER ROSEN: Right.

2 MR. HOCH: This is Copperbeech Lane here.  
3 This is west here down on the bottom. You don't  
4 have --

5 MR. GOLDMAN: Just let me interrupt to let  
6 the record reflect that there's an existing site  
7 plan superimposed over the proposed site plan  
8 that's been distributed for the Board to review  
9 and it's been marked Applicant's number one and  
10 made part of the permanent record of this matter.

11 MEMBER ROSEN: So that's the one that says  
12 drawing number D-1.

13 MR. GOLDMAN: D-1 in the lower right-hand  
14 corner.

15 MEMBER ROSEN: So I'm looking at the map of  
16 the street.

17 MR. HOCH: The radius map?

18 MEMBER ROSEN: Yes. So the rear is where  
19 Gelman and Getman border.

20 MR. HOCH: Correct, Gelman and Getman border  
21 the rear.

22 CHAIRMAN KEILSON: So again, just finish your  
23 description. So below is west, above is east.

24 MR. HOCH: Above is east and you have north.  
25 There is also North Copperbeech at the tip of the

1 island, which is the northern front yard, and then  
2 on the other side of where the Getman and Gelman  
3 homes would be would be South Copperbeech.

4 CHAIRMAN KEILSON: Very good.

5 MR. HOCH: Now, on there what I've done is  
6 the existing structure, the old house is the lined  
7 area in black and white, the shaded area. The  
8 yellow highlighted areas are the proposed -- what  
9 I'll call them additions. I mean, this is --  
10 we're knocking down the home and we'll be  
11 constructing an entirely new home, but those are  
12 what I would call the additions to what currently  
13 exists.

14 MEMBER ROSEN: Could you go back now that we  
15 have this in front of us.

16 MR. HOCH: Yes.

17 MR. GOLDMAN: Folks, I have to ask you please  
18 to be quiet because the reporter needs to hear,  
19 and it's getting late, please. Thank you.

20 MEMBER ROSEN: Can you go back over what  
21 variances you're asking for again.

22 MR. HOCH: Okay. So there is a rear-yard  
23 line that's on the south side, okay, seven --  
24 we're asking for seven feet six inches on a  
25 portion of the home and that that as you can see

1 the existing house is already there. The addition  
2 that we're putting in the back, actually we've  
3 indented another nine feet, and the reason for  
4 that is because the Gelman home even though it's a  
5 rear-yard line that's actually sort of like a side  
6 yard because his driveway is there and his house  
7 faces East Copperbeechn. So we pushed it back  
8 because, you know, in most side yards you're  
9 required to have fifteen feet in this district, so  
10 we pushed that addition back to give him that  
11 fifteen feet.

12 MR. GOLDMAN: So that's in compliance?

13 MR. HOCH: Well, there is no side yard.

14 MEMBER GOTTLIEB: But if there was --

15 MR. HOCH: If the rear yard was considered a  
16 side yard we would be in compliance with that  
17 addition. We would not be in compliance with  
18 respect to the front of the house because we would  
19 still be asking for the seven-six, but it's an  
20 existing condition.

21 Then we are also, Phil, asking for some  
22 height setbacks. One height setback is as a  
23 result of that rear yard, we're just too close to  
24 the rear-yard line. There is a front height  
25 setback on the east and that's because we did bump

1 out four feet on that corner of the home. It just  
2 went out slightly four feet. Even though we are  
3 well within the setback at that portion of the  
4 house we do have a slight front yard height  
5 setback issue even though the height of the home  
6 complies with code.

7 And just as a start, as you could see in this  
8 diagram we have that interior triangle, and what  
9 I'm trying to show is that designing this home was  
10 extremely difficult as a result of the uniqueness  
11 of the property. Because you have three  
12 front-yard setbacks and a rear-yard setback, we  
13 had a very tight triangle in order to design. As  
14 a matter of fact, were we to remove the existing  
15 house further away from the rear yard line we'd be  
16 in significant noncompliance with all the other  
17 code regulations of the Village even with the  
18 existing code.

19 So what we've done here and what the  
20 architect tried to do was put the bulk of the  
21 living spaces towards the south of the property.  
22 Now, this is a family with four children, and  
23 Mr. Eisenberg's mother plans on moving. For the  
24 most part she will be in Florida for a couple of  
25 months in the winter, but for the other months she

1 will be moving. Hopefully, she should live long  
2 and be well with the Eisenbergs, and they needed  
3 to have a bedroom on the first floor which they've  
4 put on the other side of where the garage will be  
5 towards the north, the northern end of the  
6 property. And you know, we did that because, A,  
7 for more privacy, in order to put it further away  
8 from the other living spaces in the home where the  
9 living room, dining room, family room would be.  
10 And you know, we were sort of restricted because  
11 the property starts to narrow so significantly and  
12 we didn't want to run afoul once again of the  
13 front-yard setbacks as we had in our previous  
14 plans.

15 So as you can see we've designed the home in  
16 a way that actually, you know, uses the property  
17 well, tries to get them everything they can, it  
18 gets over on the building coverage to eight  
19 percent because we do need that additional  
20 bedroom, and it was difficult to design that  
21 bedroom in the other part of the house to get real  
22 good privacy. We had to start moving it all the  
23 way towards the northern side.

24 The second floor will not go out as far, as  
25 you can see on the elevations. The second floor

1 will be eight feet short of the property. And if  
2 you like, I also do have a sort of a colored  
3 elevation for you and I can -- so that you can  
4 see.

5 MR. GOLDMAN: Are you making it part of the  
6 record?

7 MR. HOCH: Yeah, I'm going to make it part of  
8 the record.

9 MR. GOLDMAN: Counsel, do you want to  
10 describe this? Because it's not described.

11 MR. HOCH: Well, this is a color-depicted  
12 elevation. It's exactly the same that you'll find  
13 in the plans that you're looking at. But we've  
14 just added color and sort of made it 2D so that  
15 you'll sort of be able to see what the house  
16 actually looks like.

17 MR. GOLDMAN: So this is Applicant's number  
18 2. It's being made part of the record. I'm  
19 submitting five copies, but we need one back for  
20 the record.

21 MR. HOCH: With respect to color, we  
22 understand that will be required to be in front of  
23 the Board of Building Design, so please don't take  
24 the color as absolute.

25 MR. RYDER: You're not going with the brown

## Proceedings - 3/30/11

1 brick?

2 MR. HOCH: Well, it is brown brick, but I'm  
3 just saying it's not -- that's not set in stone.  
4 No pun intended.

5 MEMBER FEIT: You're not asking for a height  
6 variance?

7 MR. HOCH: No, no. There is a height setback  
8 but not a height.

9 MEMBER FEIT: We're not talking about the  
10 height yet.

11 MR. HOCH: I can't even explain that to you.  
12 I don't do this enough to be able to explain that  
13 to you.

14 CHAIRMAN KEILSON: Don't try.

15 MEMBER GOTTLIEB: Is this a -- is this a flat  
16 roof? Is this a mixed roof?

17 MR. HOCH: No, no, it is not. It's  
18 completely pitched.

19 MEMBER GOTTLIEB: I couldn't tell.

20 MR. HOCH: It's completely pitched.

21 MEMBER FEIT: One of our favorite questions:  
22 Why can't you build what you want as of right?

23 MR. HOCH: Well, this is as I explained, the  
24 designing of this house was quite difficult, and  
25 so because we were in that tight triangle, and by

1 the way, as of right you're talking about the  
2 building area coverage, not the setback.

3 MEMBER FEIT: No, you say you're tearing down  
4 the house. New construction.

5 MR. HOCH: Correct. Let me deal with the  
6 setback first. As I mentioned, even the existing  
7 -- if we complied with all setbacks, even the  
8 existing house on the property would not comply  
9 with all setbacks.

10 MEMBER FEIT: We know that. I know.

11 MR. HOCH: As a matter of fact, on one side  
12 on the front yard we would probably be encroaching  
13 by over ten feet into one side of the front yard.  
14 On the other one it would be several feet. So we  
15 would not be in compliance, we could not be in  
16 compliance with all setbacks. Then as a result of  
17 the design given that tight triangle, because it  
18 goes to the, you know, to the north, it starts to  
19 narrow and flares out towards the south and  
20 designing to get that bedroom downstairs we had to  
21 move it to the other side of the garage.

22 We also wanted to maintain the two-car  
23 garage, as the Board will recall. At the last  
24 hearing the last set of plans we had asked for a  
25 one-car garage to try to bring the size, you know,

## Proceedings - 3/30/11

1 in compliance with building area coverage. We  
2 didn't get all the way there, but there was  
3 unhappiness on the Board's part with a one-car  
4 garage. So we decided to put that back.

5 MEMBER FEIT: Let me tell you where my  
6 problem is.

7 MR. HOCH: Okay.

8 MEMBER FEIT: Once you build as of right --  
9 excuse me. Once you build new after a teardown or  
10 a vacant piece of land, my general feeling is that  
11 it should be built as of right.

12 MR. HOCH: Correct.

13 MEMBER FEIT: Now, I understand the  
14 configuration of the land makes it difficult. But  
15 the main problem that I have is a seven and a half  
16 foot on the -- I guess you would call it the south  
17 side to the property line. You're having a tall  
18 building, and then you also have a little  
19 indentation which continues in the proposed  
20 addition which is all where the back neighbors,  
21 they're looking at a solid wall there. To me,  
22 that is my major problem here that it should be  
23 shifted some way. Now, as you said, I don't know  
24 if it can because of the configuration. The seven  
25 and a half feet really bothers me.

## Proceedings - 3/30/11

1 MR. HOCH: As I said, the existing structure  
2 is there at seven and a half feet.

3 MEMBER FEIT: Right, we can't do anything  
4 about that, but once you tear it down --

5 MR. HOCH: I understand, I understand. But  
6 what I'm trying to say is even the existing house,  
7 if that were shifted, that's smaller, if that were  
8 shifted away from the rear yard line, if we were  
9 to build the exact same house we would not be in  
10 compliance with code on two of the three front  
11 yards.

12 MEMBER FEIT: Understood.

13 MR. HOCH: Significantly, significantly.

14 MEMBER FEIT: Yes. But --

15 MEMBER ROSEN: So he's between a rock and a  
16 hard place if he moves it.

17 MEMBER FEIT: The angle, let's call it the  
18 triangle part, the two sides, they're by the  
19 street. The street is on either side --

20 MR. HOCH: Yes.

21 MEMBER FEIT: -- of the triangle.

22 MR. HOCH: Yes.

23 MEMBER FEIT: There are no houses directly  
24 behind them but you have the street.

25 MR. HOCH: Correct.

## Proceedings - 3/30/11

1           MEMBER FEIT: The south side you have houses  
2 directly behind it. It's a completely different  
3 situation. I have no problem depending on the  
4 design with the variances for the two triangles.  
5 Let's call it the east and west side.

6           MR. HOCH: That's the seven-six, right.

7           MEMBER FEIT: Right. Because the seven and a  
8 half feet on the south side --

9           MR. HOCH: No, no, no. Those are where the  
10 two homes are.

11          MEMBER FEIT: The two homes are on the south  
12 side?

13          MR. HOCH: Yes.

14          MEMBER FEIT: Right. And that's seven and a  
15 half feet. That's what's bothering me with new  
16 construction. What's there is there, but once you  
17 take it down I feel there has to be some  
18 accommodation.

19          MR. HOCH: Well, what I was trying to explain  
20 is that portion of the house that matches the  
21 existing structure will remain at seven-six. With  
22 the additional square footage that we're adding on  
23 the east side and the southeast side we indented a  
24 further nine feet to give it sixteen feet.

25          MEMBER FEIT: Basically, I'm asking if you're

1 going to build new, take off the back wall, extend  
2 it fifteen, twenty feet south side and build  
3 westerly, you know, sort of widen the house and  
4 cut back the length or vice versa.

5 MR. HOCH: You can't because then we run  
6 afoul on the front yards.

7 MEMBER FEIT: But the difference is, again,  
8 we're talking about a very unique piece of real  
9 estate. It's really very unique. But there are  
10 no houses that you're backing up on the west side.  
11 You have the street. The south side has the  
12 houses.

13 MR. HOCH: All right, part of our last  
14 application asked for that. And not only the  
15 Board but the neighbors on that west side --

16 MEMBER WILLIAMS: Were very vocal.

17 MR. HOCH: Yes.

18 MR. GOLDMAN: And what about north?

19 MR. HOCH: Look, we have eighteen neighbors.  
20 You know, obviously, there are some here tonight;  
21 they'll speak. We just couldn't. We tried to  
22 meet with as many as we could. We tried to  
23 accommodate as much as we could with respect to  
24 this. We scrapped our old set of plans because  
25 people were unhappy with that arcane mansard roof

1 that's subject to arcane law. People were unhappy  
2 with the turret and the rounded study. And we  
3 scrapped the entire set of plans at significant  
4 time and expense to try to build a house that we  
5 felt was more in line with the surrounding homes  
6 in the neighborhood and we -- you know, and we  
7 really worked hard to design it within what I  
8 would call a unique situation.

9 MEMBER FEIT: No, I've seen the  
10 accommodations you've made. I'm not saying that.

11 MR. HOCH: I understand and I understand that  
12 normally you-

13 MEMBER FEIT: You understand where I am.

14 MR. HOCH: I understand. I'm saying our  
15 situation is unique. You can't always accommodate  
16 that concern.

17 MEMBER WILLIAMS: People who are living,  
18 Mr. Gelman and Mrs. -- the Gelmans and the  
19 Getmans, they are living behind. I know  
20 Mr. Gelman sent in that he was fine with it. I  
21 don't know about the Getmans, but my question is  
22 so they're a distance from the house which will be  
23 the same as it was before. They knew this and  
24 that was that.

25 MR. HOCH: Correct.

1           MEMBER WILLIAMS: Is there a height  
2 difference at that point?

3           MR. HOCH: Yes, I believe so. But I'll --  
4 this is Warren Meister, the architect.

5           MR. MEISTER: Warren Meister.

6           MEMBER WILLIAMS: Is the house getting higher  
7 than before?

8           MR. MEISTER: Actually, on the south side  
9 there's an existing gable. We're turning the  
10 house so that the low part of the gable is on the  
11 south side and the roof will slope away towards  
12 the north.

13          MEMBER WILLIAMS: Okay. All right, so  
14 basically they are seeing not much more than what  
15 they were seeing before.

16          MR. MEISTER: Right.

17          MEMBER WILLIAMS: Is that what you're saying?  
18 You're basically saying that they're not going to  
19 be seeing much more mass than they were seeing  
20 before?

21          MR. MEISTER: Right. The wall height --  
22 where the wall height on the existing house starts  
23 at a normal height and goes up towards the middle  
24 here, that wall height will remain the same across  
25 and the roof will push away.

## Proceedings - 3/30/11

1           MEMBER WILLIAMS: I mean, they've been living  
2           with that seven foot something. I just want to  
3           know it's without putting more mass.

4           MR. HOCH: One additional point, just from an  
5           aesthetic point of view, and I have to clear up a  
6           mistake in the petition. I had written in the  
7           petition that the driveway -- one end of the  
8           driveway was going to stay where it currently is.  
9           That actually was wrong. It's actually moving  
10          more south. So there will actually even be more  
11          frontage on the property when you drive into the  
12          cul-de-sac into Copperbeech. There will actually  
13          be more opportunity for us to landscape. Am I  
14          correct?

15          MR. MEISTER: Correct.

16          MR. HOCH: And we're not afoul of surface  
17          coverage at all.

18          CHAIRMAN KEILSON: Mr. Gottlieb, any  
19          questions?

20          MEMBER GOTTLIEB: (Indicating.)

21          CHAIRMAN KEILSON: Mr. Rosen, any questions?

22          MEMBER ROSEN: No.

23          CHAIRMAN KEILSON: Is there anyone in the  
24          audience who would like to --

25          MR. HOCH: Just before we actually get there,

## Proceedings - 3/30/11

1 I do have a couple of letters that I just want to  
2 hand in. Very short, so I don't know if you want  
3 to read it (handing).

4 MR. GOLDMAN: The record should reflect that  
5 there are letters of support from 3 Copperbeechn  
6 Lane.

7 MEMBER ROSEN: What's the name?

8 MR. HOCH: No, down on the bottom.

9 MR. GOLDMAN: It doesn't have an address so  
10 it's from the Fenster family. This one is  
11 11 Copperbeechn Lane. This one is 4 Copperbeechn  
12 Lane, and this one is 25 Copperbeechn Lane. All in  
13 support of the application.

14 MEMBER ROSEN: What are the names?

15 MR. GOLDMAN: Michelle Bodek, at 25  
16 Copperbeechn; Jay Fenster; and Michael Leifer at 11  
17 Copperbeechn; and Aryeh Davis at 4 Copperbeechn  
18 Lane. They're being marked Applicant's number 3  
19 collectively.

20 MEMBER ROSEN: So you've got one neighbor --  
21 two neighbors on the north and one neighbor on the  
22 west?

23 MR. RYDER: South.

24 MR. HOCH: South.

25 MEMBER ROSEN: One neighbor on the south.

## Proceedings - 3/30/11

1 MR. HOCH: South, yes.

2 MR. GOLDMAN: Actually, they're being deemed  
3 marked.

4 MR. HOCH: We did get -- we did get calls  
5 from -- we had met over the last week with a  
6 number of people on the block. We did get some  
7 calls. We just couldn't coordinate the letters.

8 MEMBER ROSEN: Could we ask one question  
9 before the neighbors speak?

10 CHAIRMAN KEILSON: Certainly.

11 MEMBER ROSEN: Does anybody know what this  
12 private cemetery is right next to Bodek's home?

13 MR. GOLDMAN: That is one of the great  
14 mysteries.

15 MR. HOCH: No, no, no, I do. No, no, no, I  
16 know. He can't talk about it.

17 MEMBER ROSEN: He can't talk about it.

18 MR. HOCH: No, no. Unless you have, you  
19 know --

20 MEMBER ROSEN: Authorization.

21 MR. HOCH: Yes.

22 MEMBER ROSEN: Okay.

23 CHAIRMAN KEILSON: Please step up.

24 MS. LANDAU: Janet Landau. I'm number 7  
25 Copperbeech Lane. And I've been standing here

1 before and this is sort of a change of pace  
2 because I'm a negative speaker this evening.

3 I do know about the cemetery, by the way.  
4 I've lived in the house for 40 years, and when I  
5 moved in there were lots of gravestones around in  
6 different houses, and on the center property and a  
7 lot in the corner, and over the years they just  
8 with the new construction in the center which I  
9 did experience, unfortunately, they were moved.  
10 But, yes, I did see it.

11 I wrote it down so I wouldn't forget what I  
12 wanted to say. These comments shouldn't be  
13 misinterpreted to indicate the Board has done  
14 anything but adhere to strict codes. And it's my  
15 hope that the Board will continue in its vigilance  
16 in protecting the unique character of this  
17 Village. And in particular, Copperbeech Lane  
18 because it is a unique situation.

19 There have been massive alterations. We've  
20 heard this evening about very large houses being  
21 built and it's increasingly become built up and  
22 city-like, but I'm going to address the five  
23 points that were made before by one of the members  
24 concerning the 8.4 percent overage in area which I  
25 consider to be far beyond a small variance, and it

1 does relate to the standards, the statute for  
2 granting the area variance.

3 And I would like to address, number one, that  
4 a large house at the entrance to this street will  
5 forever change the appearance of this area. It's  
6 very unique; it will change the character. I'm  
7 right opposite this house and I have -- if anybody  
8 would like to see a photograph of what I see from  
9 my front window I have it here in my hand. It's  
10 simply too large a plot to put up this massive  
11 house and it is a difficult lot to build on, but I  
12 think the previous architect did a very good job  
13 in making something smaller so that it would fit  
14 into this very lovely area. And while it is a  
15 cul-de-sac, we've had people walking around all  
16 the time. It's a cul-de-sac that is trafficked,  
17 traveled a great deal.

18 Granting this --

19 MEMBER ROSEN: I'm sorry to interrupt. When  
20 you say the previous architect --

21 MS. LANDAU: Yes, that put up the house.

22 MEMBER ROSEN: The original house.

23 MEMBER FEIT: The current house.

24 MEMBER ROSEN: The current house.

25 MS. LANDAU: The current house, which by the

1 way, is in code. If you look, it is 25 feet from  
2 the street. I'm on the west side so I face this  
3 corner of the point. I'm on the west side.

4 MEMBER ROSEN: I just want to make it clear.  
5 It's 25 or 30 years ago when this was done, right?

6 MS. LANDAU: It was about 30, I think about  
7 30. I've lived in it 40, so I was fortunate that  
8 my children could have the green. It was  
9 wonderful, but I did watch those three houses go  
10 up. And it will lose its country feel, this  
11 particular street. And as far as the second point  
12 goes, the feasibility, I know they want big rooms,  
13 they want a big house, they want to accommodate  
14 all kinds of people, et cetera, but it is feasible  
15 for them to decrease the room sizes slightly, and  
16 I did ask at a meeting which we had with  
17 Mr. Eisenberg why the architect couldn't design  
18 something within code, so therefore we could  
19 remove that visitor's room on the left of the  
20 garage and the whole thing could perhaps be  
21 decreased proportionally. And by the way, I know  
22 everyone wants large rooms, but on the holidays my  
23 dining room table gets extended into my hallway  
24 and you just, you know, you have to make some  
25 accommodations.

1           The third point is, is it substantial. I  
2           consider 8.4 to be extremely substantial. In  
3           fact, it's almost a change in the code itself, not  
4           merely a request for a variance. It is enormous.

5           And as far as the physical and environmental  
6           change, the view from my house I think it will  
7           definitely decrease the property value of my house  
8           without a doubt. Mr. Eisenberg is expanding the  
9           size of the driveway to a circular drive covering  
10          over existing grass, loss of lawn space, which has  
11          been substantial in Lawrence over the last few  
12          years. And I hear this evening that in fact I  
13          didn't see it at the Village, I have not seen the  
14          latest plans obviously, this driveway is going to  
15          open up exactly opposite my driveway, and recently  
16          we've already had an accident there. So it is  
17          substantial, and the physical environmental change  
18          continued here. I'm concerned about the loss of  
19          lawn because of runoff. We get a lot of water,  
20          and when there is rain I always have to make a  
21          call to sewage, to please make sure the drains are  
22          clear, and that does concern me. So not only the  
23          area, but the light, the space.

24                 MEMBER ROSEN: So you have runoff now?

25                 MS. LANDAU: Yes, we do get, yes. I have had

1           some water.

2           MEMBER ROSEN: That won't change.

3           MS. LANDAU: It's not a lot, but I'm sure  
4 someone else is going to address the problem in  
5 the street.

6           And the fifth, this was self-created. The  
7 architect had a complete disregard for the code.  
8 He was making a brand-new house. They're knocking  
9 the old one down. It could have been built to  
10 code. And if you have a piece of land, let's face  
11 it, and you can't build what you want on it, then  
12 you can't build it. And I don't understand why  
13 someone can't build a house that has the same  
14 number of rooms just by decreasing the size. I  
15 mean, it's substantial, 220 square feet with a  
16 patio now so that the patio which is now being  
17 created instead of the terrace is going to use up  
18 even more of the grass.

19           And I believe in talking to Mr. Eisenberg and  
20 the people we met with that he said he didn't  
21 really understand about building a house. But  
22 that's no excuse; it is his responsibility to know  
23 about that. I tend to think that the first set of  
24 plans and the second set that were formed with the  
25 pool and the turret and everything else was

1       ridiculous because now I believe they feel that by  
2       giving that up, which obviously was going to be  
3       given up, they now feel entitled to have what they  
4       really wanted. In fact, Mr. Eisenberg did state  
5       the other evening that he could have built after  
6       our last meeting but he chose not to because they  
7       chose to make some changes to the plan.

8             And I sort of believe that had these plans  
9       tonight been the first ones to be presented to the  
10      Board that they would -- that you would definitely  
11      -- I don't know what your decision is going to be,  
12      but would definitely have asked for some  
13      substantial decrease in the area because it is the  
14      size of this place that's mostly bothering me.

15            And I don't -- there's nowhere on the street,  
16      no one on the street has six bathrooms. You know,  
17      the place is going to overshadow everything else.  
18      It will -- you'll see it as soon as you come into  
19      the building -- into the street, and the  
20      accommodations that have been made by the  
21      architect at this time round are really not  
22      sufficient for some of us.

23            Now, we all couldn't be here tonight. There  
24      were -- there was -- someone had a death in the  
25      family. There was sickness. Someone had to look

1 after children. And I hate to, you know, after  
2 such a positive effect on the previous case, to  
3 stand up here and say negative things. I don't  
4 want to be totally negative, but I ask you just,  
5 please, to consider Lawrence as a Village, let's  
6 try and keep it with the character that its had  
7 and work around it.

8 It is within compliance. And I'm on the west  
9 side so I'm a little disturbed to hear someone say  
10 move the place to the west side. So I'm, you  
11 know, I'm sorry about that. If you would -- would  
12 anybody like to see the view from my house?

13 CHAIRMAN KEILSON: I think we'd like to see  
14 it.

15 MS. LANDAU: Okay, I can pass it (handing).  
16 I took that three weeks ago. It's in the snow and  
17 that is the view I see standing over my hedge at  
18 the north end, and it's from the west side and  
19 it's been a wonderful view and I would hate to  
20 lose it and just see this enormous edifice going  
21 on.

22 MR. GOLDMAN: This is Opposition A. Sorry,  
23 that's how it has to be phrased.

24 MS. LANDAU: The street is extremely narrow  
25 in my part on the west side, and it's -- I can't

## Proceedings - 3/30/11

1 -- I can't emphasize, you know, the size,  
2 basically, but thank you for your time.

3 CHAIRMAN KEILSON: Thank you very much.

4 Anyone else in the audience who would like to  
5 speak to the matter? Miss Gluck?

6 MS. GLUCK: Barbara Gluck. I'm at 19  
7 Copperbeeche Lane. Good evening.

8 CHAIRMAN KEILSON: Good evening.

9 MS. GLUCK: Mr. Chairman and the Board, I  
10 would like to thank you all in advance for  
11 listening to my remarks and my concerns.

12 I have a couple of questions that still have  
13 not been answered, and I have concerns as insofar  
14 as Mr. Eisenberg's property or construction, I'm  
15 sorry, new construction relates to my property.

16 To place this in a little perspective, last  
17 year Mr. Eisenberg requested a variance in  
18 rear-yard setback of eight feet eight inches.  
19 This year he is requesting a variance of seven  
20 feet six inches. In other words, he decreased the  
21 setback, more building, less --

22 CHAIRMAN KEILSON: Closer, closer.

23 MS. GLUCK: Closer, right. Even more to the  
24 point, the building coverage that he requested a  
25 variance in last year was for 122 square feet, or

1 4.7 percent overage. This year he is requesting  
2 220 square feet and 8.4 percent overage, nearly  
3 double what he requested last year. I don't know  
4 why the increase is needed. I would like to  
5 understand that.

6 Even more to the point, I would like to  
7 understand the effect of this increase, because  
8 although my expertise is English literature, not  
9 code and not petitions and this kind of language,  
10 but it seems to me that where you put building you  
11 cannot put grass, where you put grass or keep  
12 grass, you cannot put building. So if you  
13 increase the building, the edifice, you're  
14 decreasing the grass. And as you, Mr. Chairman,  
15 said, and I couldn't agree with you more, in a  
16 recent meeting of the Board: The greatest concern  
17 we have, I'm quoting, is any time a resident wants  
18 to cover over grass, we feel that's a detriment to  
19 the community.

20 MEMBER GOTTLIEB: You said that?

21 CHAIRMAN KEILSON: Very eloquent.

22 MS. GLUCK: And substantive, not just  
23 eloquent. Substantive. I am also concerned about  
24 grass. I don't know if it's -- I don't know if  
25 it's for the same reason that you're concerned

1 about grass. I mean, aesthetically speaking, I  
2 think we all moved to a community like this  
3 because of the trees, the grass, the country-like  
4 atmosphere.

5 MR. GOLDMAN: Could you use the word foliage.

6 MS. GLUCK: Flora and fauna. Flora and  
7 fauna, okay, and they are not elves.

8 My concern is a different one. It has been  
9 alluded to, but I think not adequately emphasized  
10 or explained. The more grass and ground you have,  
11 the greater absorption of rainwater. The less  
12 grass coverage you have, the less absorption of  
13 rainwater. At my end of Copperbeech Lane,  
14 whenever there is a strong rain, not a tsunami,  
15 but merely a strong rain, I cannot walk outside my  
16 front door because there is a lake. I'm not  
17 exaggerating. I've called the Village on this  
18 numerous times. My driveway is flooded. I cannot  
19 take the car out of the garage because I am  
20 petrified the brakes will get soaked, the car will  
21 be damaged. I am stuck and my husband too, if  
22 he's there. We are stuck in the house for twelve  
23 hours. That's how long it takes for the waters to  
24 recede. Not as long as, you know, Noah and the  
25 Arc, admittedly, but still an appreciable amount

1 of time. So grass is important. And removing it,  
2 to use your word, Mr. Chairman, is indeed a  
3 detriment.

4 I am concerned and last year, as I said,  
5 there was one request. This year the request has  
6 been increased. Less grass, more building. What  
7 is the effect that this will have, the runoff, on  
8 the drainage on our end of Copperbeech? And it  
9 affects not simply me and my property, but  
10 Mr. Weissman's property, Mr. Perl's property, my  
11 neighbors at that end of Copperbeech. So I would  
12 like to know what attempt has been made to  
13 ascertain these effects, and what assurances I can  
14 have that the situation we currently suffer from  
15 will not be --

16 CHAIRMAN KEILSON: Exacerbated.

17 MS. GLUCK: -- exacerbated, yes. Thank you.  
18 Eloquently.

19 CHAIRMAN KEILSON: Mr. Ryder, just  
20 informationally, they have a history of flooding  
21 over there?

22 MR. RYDER: Yes.

23 CHAIRMAN KEILSON: Notwithstanding as a  
24 Justice of the Village, you can't wait to get this  
25 remedied.

## Proceedings - 3/30/11

1 MR. RYDER: It's on the administrator's desk.  
2 This is one of the things they have looked into.

3 CHAIRMAN KEILSON: Where in the pile?

4 MR. GOLDMAN: The record should be clear that  
5 he's never attempted nor would he ever to utilize  
6 his position to gain advantage over his colleagues  
7 understandably. So the record should be clear on  
8 that.

9 MEMBER WILLIAMS: Mike, Mrs. Gluck made an  
10 excellent point. What's -- from your professional  
11 point of view, what -- realistically, how will  
12 this building impact the problem?

13 CHAIRMAN KEILSON: Will it further exacerbate  
14 a difficult situation?

15 MR. RYDER: It will. It will. It will  
16 increase it.

17 MEMBER WILLIAMS: Any building or the size of  
18 the building?

19 MR. RYDER: I think the size of it compared  
20 to the existing building because there's less  
21 foliage.

22 MEMBER GOTTLIEB: Mike, two questions,  
23 please. Does the street slope toward the south  
24 toward where Ms. Gluck's house is? Is that why  
25 she floods, because it goes in that direction?

## Proceedings - 3/30/11

1           MR. RYDER: A combination of things. Also,  
2           the dry wells, that water table is high, and at  
3           high tide and full moon.

4           MEMBER WILLIAMS: Are there any ways that  
5           this can be dealt with in a way that would -- that  
6           they could still technically, let's say, we  
7           granted this, build a house and alleviate this  
8           problem? Are there any mechanical things that  
9           could be done?

10          MR. RYDER: For the applicant to install dry  
11          wells.

12          MEMBER WILLIAMS: Which are not in the plans?

13          MR. RYDER: Which are not in the plans, but  
14          it doesn't mean that he's not doing them or didn't  
15          intend to do them.

16          MEMBER WILLIAMS: Would that solve the  
17          problem or just make it less?

18          MR. RYDER: It would make it less. I won't  
19          say solve.

20          MEMBER ROSEN: Would it make it comparable to  
21          what exists today?

22          MR. RYDER: Yes.

23          MEMBER ROSEN: So there is a solution to  
24          this.

25          MR. RYDER: Yes.

1           MEMBER GOTTLIEB: Actually, the difference  
2           between not what they have now, but what they can  
3           build by right and how much they're over, they're  
4           over by 200 feet.

5           CHAIRMAN KEILSON: 220.

6           MS. GLUCK: 220.

7           MEMBER GOTTLIEB: 220 feet surface that can't  
8           be percolated is not a tremendous amount of  
9           surface.

10          MS. GLUCK: It's 220 feet that will be  
11          probably grass.

12          MR. HOCH: No.

13          MS. GLUCK: Building. I'm sorry. Building,  
14          not grass.

15          MR. GOLDMAN: No cross-conversation, please.

16          MR. HOCH: The point is we're within surface  
17          coverage. Getting rid of grass means surface  
18          coverage, not necessarily building. Our request  
19          is for building area coverage, not surface  
20          coverage. We could, you know, cover a larger  
21          part.

22          CHAIRMAN KEILSON: A great deal more by  
23          right.

24          MR. HOCH: Correct, today, or even on these  
25          plans.

## Proceedings - 3/30/11

1           MEMBER WILLIAMS: Was there a consideration  
2           for dry wells?

3           MR. HOCH: No, because this was not raised.

4           MEMBER WILLIAMS: I'm just curious.

5           MR. HOCH: You know, it's --

6           MEMBER ROSEN: Other than cost, would it make  
7           a difference?

8           MEMBER WILLIAMS: Did you understand what he  
9           said about the surface coverage?

10          MS. GLUCK: No, I'd like to know the  
11          difference between surface coverage and building  
12          coverage, if I may.

13          CHAIRMAN KEILSON: Building coverage relates  
14          to bulk of the building. It doesn't relate  
15          necessarily to the amount of land that's being  
16          covered, so they are not really -- they've done  
17          nothing to affect the surface coverage. They  
18          still could even cover more surface by right.

19          MEMBER WILLIAMS: By code.

20          MEMBER GOTTLIEB: With patio or driveway or  
21          other materials.

22          MS. GLUCK: They have a patio and they have a  
23          -- they're getting a driveway.

24          CHAIRMAN KEILSON: They can increase it by  
25          right and there is nothing we could say about it.

1 It's not within our purview.

2 MS. GLUCK: But my point is the effect that  
3 it will have as -- I'm sorry -- Mr. Ryder?

4 MR. RYDER: Very good.

5 MS. GLUCK: As Mr. Ryder said, the effect  
6 that this is going to have on my drainage  
7 situation, and not just mine, but Mr. Weissman's,  
8 Mr. Perl's.

9 CHAIRMAN KEILSON: Thank you. Just one  
10 question to clarify. What was the request for  
11 building coverage last time?

12 MR. HOCH: It was as she stated, but it was a  
13 completely different design and we had the one-car  
14 garage. So the structure, actually, the living  
15 space now today that we're asking for is actually  
16 less than we asked for last time because we had to  
17 put back the second half of the garage, and that's  
18 200 feet. So we could have --

19 CHAIRMAN KEILSON: Which is not living space.

20 MR. HOCH: Correct. Two hundred out of 220  
21 feet is as a result of going back to the two-car  
22 garage.

23 MS. GLUCK: Code does not refer to living  
24 space, does it?

25 CHAIRMAN KEILSON: No, no.

## Proceedings - 3/30/11

1           MR. GOLDMAN: But just from a practical point  
2 of view, the parts that are yellow are currently  
3 grass?

4           MR. HOCH: No.

5           MR. GOLDMAN: What are they?

6           MR. HOCH: There's a patio.

7           MR. GOLDMAN: Let's just do it this way.

8 There are three --

9           MR. HOCH: Most of it -- let me answer it  
10 this way. Most of it right now -- not most of it.  
11 Can I have it? If I can just refer to this.

12           Just to show you there are some changes.  
13 First off, the existing driveway now which begins  
14 here, covers all the way up into the house here.  
15 So there is surface coverage of a portion here  
16 (indicating). Okay, today.

17           There is a patio, a small one, but there is a  
18 patio right here (indicating). So there is some  
19 surface coverage here.

20           The additional I don't have the calculations  
21 because I wasn't asked. I don't have them, but  
22 there is going -- of course, there is going to be  
23 some additional coverage, but again, we're well  
24 within the surface coverage.

25           That was something that we tried to be very

1 careful about.

2 CHAIRMAN KEILSON: Are there any other  
3 neighbors that want to speak to the issue? Please  
4 step forward.

5 MS. GLUCK: After that could I -- I know I  
6 asked the Board's indulgence. You had a long  
7 evening. You've been very patient, but I would  
8 like to simply repeat what I asked before, that  
9 given the fact that this will impact, according to  
10 Mr. Ryder this will impact on my situation, what  
11 assurances do I have really that --

12 MR. GOLDMAN: That's what the Board will  
13 address.

14 MS. GLUCK: Oh, thank you, thank you.

15 CHAIRMAN KEILSON: We'll address that.

16 MR. SAFFRA: Good evening, everyone.  
17 David Saffra, son of Martha Saffra who lives at  
18 8 Copperbeech. Everyone, thank you for your time  
19 once again.

20 Basically, just to summarize, there's just  
21 one quick question which was just unclear from the  
22 presentation regarding the roof line. Was there  
23 ever a request that the roof line is going up to  
24 the 30-foot limit or is it at 27 feet?

25 MR. HOCH: No, it's at --

1 MR. MEISTER: Twenty-nine six but there's no  
2 flat areas on this roof. Everything is pitched.

3 MR. SAFFRA: And is that the same level that  
4 it's at now?

5 MR. MEISTER: It's slightly higher.

6 CHAIRMAN KEILSON: Okay.

7 MR. SAFFRA: Because that being the case and  
8 within the code you're allowed to go up to 30?

9 CHAIRMAN KEILSON: Yes.

10 MR. SAFFRA: Just basically, as we know there  
11 are five criteria that you look at and the  
12 balancing tests that you need to go through for  
13 each them. The one area which happens to be of  
14 major concern is the 220 square feet that we're  
15 talking about and as so eloquently put by the  
16 Chairman and quoted by the other members speaking  
17 before you are giving up grass area which does  
18 impact the area which also has the environmental  
19 issue we're dealing with as well right now.

20 Also being said the location of that  
21 additional 220 square feet right now is coming out  
22 of the north side of the cul-de-sac which is going  
23 further up to the point. Because if you look at  
24 the drawings, if I'm reading them correctly, the  
25 additional room is being added after the two-car

1 garage, which means you are adding to an area  
2 which you're going to see as soon as you come into  
3 the cul-de-sac which once again will affect the  
4 character and nature as well as the flavor of the  
5 cul-de-sac.

6 CHAIRMAN KEILSON: The foliage that remains  
7 on the north side will serve to mass that, I  
8 assume.

9 MR. SAFFRA: Well, that's an assumption that  
10 I'm not sure.

11 MEMBER GOTTLIEB: Dr. Saffra? Mister?

12 MR. SAFFRA: Mister. I'm the lawyer. I'm  
13 the other one. I'm the other brother.

14 MEMBER GOTTLIEB: That extension you're  
15 talking about is only a one-story extension.  
16 There's no second story, so it's not quite as  
17 massive according to what I've -- from what I can  
18 see.

19 MR. SAFFRA: Well, it is a one-story  
20 extension at that point. Now, the other question  
21 being though with that one-story extension coming  
22 out it's two-fold. Number one, regarding the  
23 foliage, and we're making assumptions, but is  
24 there any way to ensure --

25 CHAIRMAN KEILSON: We'll surely clarify

1 before the evening is over.

2 MR. SAFFRA: Right. As well as with that  
3 extension the concept of since it's coming further  
4 out it's now going to be closer to the neighbors  
5 on the east and west side as well, because where  
6 right now you're talking along the driveway that  
7 comes out, that will actually be facing the front  
8 door of Ms. Landau's home, as well as my mother's  
9 home. And the concept of what could we do as far  
10 as privacy or as far as shifting windows so you're  
11 not going to be looking out from one window right  
12 into your neighbor's window right across the way  
13 where you didn't have that before. Which I  
14 believe goes to the character and flavor of the  
15 neighborhood as well as the balancing test that is  
16 paramount to any decision that you make regarding  
17 granting the variance or not.

18 CHAIRMAN KEILSON: Okay.

19 MEMBER GOTTLIEB: Would that be something  
20 that the Board of Design would look at and not  
21 this Board, whether the windows face each other?

22 MR. SAFFRA: Well, Actually, I think it would  
23 be a combination of the two, because if the  
24 building comes out far enough as we're talking  
25 here you're adding the extension, that comes

## Proceedings - 3/30/11

1           within the purview of this Board. The actual  
2           windows at that point, you have to deal with that  
3           issue first, assuming that you grant that, then  
4           the Building Design would have to deal with it  
5           before you can even get to that, though it's a  
6           question that's perfectly suitable for this Board  
7           to determine. And once again, looking at the  
8           balancing factors it could be detrimental to the  
9           neighborhood on either side.

10           CHAIRMAN KEILSON: Thank you.

11           MR. SAFFRA: Thank you.

12           CHAIRMAN KEILSON: Any other comments from  
13           the neighbors? Please. Thank you.

14           MS. GETMAN: Hi, my name is Deborah Getman,  
15           and I live at 26 Copperbeech Lane. I have a  
16           doctorate in reading education, and I've been  
17           living in the house for 26 years. My two children  
18           are in the house with me as well, Benjamin and  
19           Lisa.

20           I am sad and disappointed to address this  
21           Board tonight because, you know, I work very hard.  
22           I'm at two teaching jobs to pay the taxes and to  
23           maintain the house. And to read over the plans  
24           last year, and just recently the new plans, it  
25           seems to me quite clear that especially the back,

1 the rear back of the house will be, as Mr. Feit  
2 said, a huge brick wall will face the big -- the  
3 one, big, beautiful window I have in the kitchen  
4 and the den that for 26 years I would look out  
5 during the weekend during whenever time we would  
6 all look out that kitchen window, sit at the  
7 kitchen table and look at air, space and land.

8 Who would think that 26 years ago that I  
9 would face -- it's almost like a person buying a  
10 house in front of an ocean, and a condominium  
11 building going up in front of your window and your  
12 house and your whole -- your whole living space.  
13 That's just one of the -- that's just one, but  
14 that's so huge.

15 I think my neighbors have met together. I  
16 think my other neighbors seem to have met with  
17 Mr. Eisenberg, Mr. Gelman. I mean, it seems to me  
18 all the neighbors met with the Eisenbergs,  
19 everybody is looking for what's happening to their  
20 particular view and house and issue.

21 I mean, the biggest person really being  
22 confronted with this is myself. I'm divorced.  
23 I've been, you know, trying to maintain the house  
24 and work hard. And I'm going to -- we're going to  
25 face a huge brick building construction for one

1 year.

2 I noticed one of the neighbors put their  
3 house up for sale. They've been there for the  
4 same 26 years I have. And it's really -- it's sad  
5 and disappointing, you know, to address you. I  
6 know I wrote a letter last summer. There are  
7 other particulars that some of the other neighbors  
8 have addressed. I am not a lawyer. Maybe, you  
9 know, I may need a lawyer. Today we wind up UNET  
10 in education in Brooklyn, New York, talking about  
11 what we're doing for your children in the schools.  
12 I am sad about this, and I hope the Board is fair  
13 in its evaluation and judgment.

14 CHAIRMAN KEILSON: Did Mr. Eisenberg reach  
15 out to speak to you about the plans?

16 MS. GETMAN: I heard from one of the  
17 neighbors that they were meeting us at Gluck's  
18 house.

19 CHAIRMAN KEILSON: But specifically to you,  
20 you're the most affected.

21 MS. GETMAN: I am the most affected. To be  
22 very honest with you, Mr. Eisenberg actually might  
23 be thinking of buying my house; he's coming to  
24 look at it. I mean, that hasn't been discussed  
25 either. I'm so sad at what's happening and

1 disappointed. You know, I guess this is life, but  
2 that's what's happening. I don't want to --

3 CHAIRMAN KEILSON: Again, specifically, did  
4 he reach out to you this time to show you the  
5 plans?

6 MS. GETMAN: Did Mr. Eisenberg himself reach  
7 out to me to show me the plans? Not exactly, no,  
8 I don't believe so, no.

9 CHAIRMAN KEILSON: Okay, thank you very, very  
10 much.

11 MS. GETMAN: Okay, thank you.

12 CHAIRMAN KEILSON: Okay, I believe  
13 Mr. Meister wants to say something. Is her view  
14 going to be affected in any way?

15 MR. MEISTER: Excuse me?

16 CHAIRMAN KEILSON: Is her view going to be --  
17 is this construction going to change the view for  
18 her?

19 MR. MEISTER: Well, right now that south wall  
20 doesn't have any windows, and we're proposing  
21 seven or eight new windows on that south side to  
22 let more light into the Eisenberg house, so.

23 CHAIRMAN KEILSON: I'm not clear. I'm sorry.  
24 What is she facing currently?

25 MR. MEISTER: A wall.

## Proceedings - 3/30/11

1 CHAIRMAN KEILSON: She's facing a wall?

2 MR. MEISTER: She's facing a wall.

3 MEMBER FEIT: If you look out the kitchen  
4 window, if the kitchen window is on the side of  
5 her house, wouldn't she be looking -- wouldn't she  
6 be looking actually at space towards the, shall we  
7 say, south side?

8 MR. MEISTER: Uh-hm, and there's right now on  
9 that side of the house there are --

10 MR. HOCH: Her home.

11 MEMBER FEIT: I'm saying if you put up this  
12 proposed addition on the east side, would it block  
13 her view going east?

14 MR. MEISTER: She's -- no. Well, there are  
15 trees there, and we don't plan on getting rid of  
16 the trees.

17 CHAIRMAN KEILSON: She says that she has a  
18 clear view, Mr. Hoch. Did you want to clarify?

19 MR. HOCH: Yeah. No, she's more towards the  
20 west of the property. So we're not adding. We're  
21 adding just, what, three feet in the front three  
22 or four feet. That little piece. You have the  
23 highlighted schedule? That's all where -- right.

24 CHAIRMAN KEILSON: So that's what's being  
25 added.

## Proceedings - 3/30/11

1           MR. HOCH: By her. Now, I don't know if that  
2 will jut out to exactly where her home is because  
3 she is on the southwest corner of the island.

4           CHAIRMAN KEILSON: So it's possible it might  
5 impact on her view.

6           MR. HOCH: Yeah, I mean, yeah, okay. It's  
7 possible. There are trees there, but we, you  
8 know, we'll maintain those. It's a privacy issue.  
9 You know, it's about 80, 100 feet away.

10          CHAIRMAN KEILSON: We're caucusing.

11                  What can we do to quiet the concerns about  
12 the spill-off issue? Mr. Ryder, is there  
13 something we should be asking on the part of the  
14 Village? This is unusual construction, 220 square  
15 feet.

16          MR. RYDER: Even if the water table is high,  
17 I would recommend some horizontal dry-well system  
18 be installed in separate locations.

19          MR. MEISTER: That's doable. I mean, again,  
20 the engineering on the house hasn't been done  
21 because --

22          CHAIRMAN KEILSON: I think we want to ensure  
23 that there will be no deterioration in the  
24 situation vis-à-vis the neighbors, be it from the  
25 Gluck side or any other side. So I think --

## Proceedings - 3/30/11

1 MR. MEISTER: We would never consider doing  
2 something that would --

3 CHAIRMAN KEILSON: Well, we're not talking  
4 intentional.

5 MEMBER WILLIAMS: We're asking you to do  
6 something additionally.

7 CHAIRMAN KEILSON: It will have to be an  
8 undertaking to do dry wells.

9 MR. HOCH: We'll put in a couple of dry  
10 wells.

11 CHAIRMAN KEILSON: There's a concern raised.

12 MR. HOCH: I have to ask them. I can't make  
13 that decision.

14 CHAIRMAN KEILSON: Of course, of course. The  
15 concern was raised about whether the screening  
16 coming into Copperbeech will have to -- we will  
17 have to be assured that all the foliage and  
18 greenery and the like -- so we want to be assured.  
19 We want to be assured that whatever screening  
20 existing today will --

21 MR. HOCH: To the extent it doesn't we will  
22 replace it if it dies during construction.

23 CHAIRMAN KEILSON: We understand.

24 Mr. Feit.

25 MR. GOLDMAN: Wait. Let's make sure

## Proceedings - 3/30/11

1 everybody hears.

2 MEMBER FEIT: You said just now you said you  
3 haven't done the engineering. Now, is it possible  
4 because of the water tables and some other  
5 problems the engineering may make this project or  
6 part of the project non-feasible and you would  
7 have to come back again?

8 MR. MEISTER: Not as far as size.

9 MR. HOCH: No.

10 MR. MEISTER: No, not as far as size.

11 MEMBER FEIT: But what about any other  
12 engineering, foundations, water tables as far as  
13 putting in the French drains or dry wells,  
14 underpinnings?

15 MR. MEISTER: It's a standard foundation  
16 there now. I don't see any reason why not to  
17 continue.

18 CHAIRMAN KEILSON: Okay. Do you want to  
19 address the privacy question?

20 MR. HOCH: Yeah, for the privacy, that one,  
21 you know, that one area --

22 CHAIRMAN KEILSON: Where the driveway comes.

23 MR. HOCH: It's about 28 feet to the curb,  
24 then you have the street which is probably about  
25 25, 30 feet wide, and then that home there is at

## Proceedings - 3/30/11

1           least 30 feet.

2           Plus, we do have a large hedge all around  
3           there. It's screened. There are trees. You  
4           know, again, we're going to try to -- well, it's  
5           on the other side, Michael.

6           MR. RYDER: This side (indicating).

7           MR. HOCH: That's all going to stay.

8           CHAIRMAN KEILSON: Okay, any other questions  
9           from the Board? Mr. Rosen, any other questions?  
10          Mrs. Williams?

11          MEMBER ROSEN: No.

12          CHAIRMAN KEILSON: Mr. Hoch, do you want to  
13          clarify with your client as to whether there will  
14          be an undertaking as far as the dry wells. You  
15          said you wanted to confer with your client.

16          MR. HOCH: Yes.

17          CHAIRMAN KEILSON: Please feel free to do so.  
18          We're going to hold for a moment. They have to be  
19          present before we comment further.

20          MR. GOLDMAN: Actually, the record should  
21          reflect that the audience or the neighbors have  
22          been given copies of the illustration of the  
23          elevation.

24          (Whereupon, a discussion was held off the  
25          record.)

## Proceedings - 3/30/11

1 MR. GOLDMAN: Mr. Chairman, it's my  
2 understanding that there are several other -- in  
3 light of what's been transpiring, there are one or  
4 two other neighbors who --

5 CHAIRMAN KEILSON: We're going to give them  
6 an opportunity.

7 MR. GOLDMAN: Thank you.

8 MR. HOCH: Yes, we will put in dry wells.

9 CHAIRMAN KEILSON: Thank you very much.

10 MR. GOLDMAN: Well, wait, if I might.

11 CHAIRMAN KEILSON: We'll come back to this,  
12 the specific undertaking.

13 Your name and address.

14 MS. OLSHIN-FELLER: Miriam Olshin-Feller. I  
15 am One Copperbeech Lane, and I am on the north  
16 side. My -- the sun comes into the house on the  
17 west and on the north. And I have a bedroom over  
18 my garage, and I did not expect that that kind of  
19 building -- I wasn't told about this. I never got  
20 any plans. And I think that it's going to be  
21 taking away from my view and my sunlight, and I  
22 really wasn't going to speak but now that I see  
23 the plans I'm not happy.

24 I have put in -- I have put in a big dry well  
25 because I also get water into my basement. My

1 basement is really my first floor. It is not  
2 below ground. It is ground level. I do not have  
3 a basement. And I have water running off and this  
4 is going to be worse.

5 CHAIRMAN KEILSON: We're concerned about your  
6 concerns. Your concerns are our concerns. As far  
7 as dealing with the water runoff spill-out, we can  
8 deal with that.

9 MS. OLSHIN-FELLER: How many -- how many of  
10 these dry wells is he putting in?

11 CHAIRMAN KEILSON: As necessary. It will be  
12 the Building Department determination as to how  
13 many are necessary.

14 MS. OLSHIN-FELLER: And that's going to go  
15 under his driveway? Where is it going?

16 CHAIRMAN KEILSON: You explain, Mr. Ryder.

17 MS. OLSHIN-FELLER: I know what a dry well  
18 is. I put one in. I know how big it is.

19 MR. RYDER: They do take in water and they  
20 will be laid out with an engineer's stamp of  
21 approval sporadically where one will leach into  
22 the other.

23 MS. OLSHIN-FELLER: So it's not going to come  
24 now to the north?

25 MR. RYDER: When one fills it filters into

1 the next one. That's how it works.

2 MR. MEISTER: That's not a dry well. Dry  
3 well the water stays on the property.

4 MS. OLSHIN-FELLER: And so where is it going?  
5 That's my question.

6 CHAIRMAN KEILSON: It goes into the dry well.  
7 Mr. Ryder, please. Mr. Ryder, please explain.

8 MR. RYDER: A dry well is a well; the water  
9 filters into there and it goes inside, yes, and it  
10 has openings on the side and filters out.

11 MS. OLSHIN-FELLER: I know I put one in. I'm  
12 trying to understand because I put one in, and I  
13 still watch the water between my house and Davis,  
14 number four, and I still watch and I've made even  
15 a lip over my step so, you know, and I still watch  
16 that water and sometimes it's that far from my --  
17 from the lip and going into my basement. I have a  
18 very large basement which is my first floor. Even  
19 with this big dry well that I put in. So I don't  
20 understand where this water is going with our high  
21 water table.

22 CHAIRMAN KEILSON: I don't think -- I really  
23 don't think we're going into the engineering of  
24 it.

25 MS. OLSHIN-FELLER: Okay, but you have to --

## Proceedings - 3/30/11

1           CHAIRMAN KEILSON: I have to -- you have to  
2           allow me to respond. We have a qualified Building  
3           Department that does this day in and day out.  
4           They're very familiar with it, and they will be  
5           the determinant of whether it's acceptable and  
6           whether it will cure the issue. So I think we  
7           have to take that off the table if there's an  
8           undertaking and if we are going to pass the  
9           application and we're going to require them to do  
10          it, number one.

11          MS. OLSHIN-FELLER: Okay, so now --

12          CHAIRMAN KEILSON: Number two, you raised an  
13          issue about the view.

14          MS. OLSHIN-FELLER: The view and my sunlight.

15          CHAIRMAN KEILSON: Okay, I don't see how it's  
16          going to impact your view. It's a one-story  
17          construction jutting out from the house and the  
18          same foliage that exists.

19          MS. OLSHIN-FELLER: I just saw the picture.  
20          There are large trees there now. I don't see the  
21          large trees here. These are new trees.

22          CHAIRMAN KEILSON: All the foliage that is on  
23          the north side is remaining. Can you show her  
24          this map.

25          MR. GOLDMAN: This illustration, what is this

1 this reflective of?

2 MR. HOCH: This is just to give you a colored  
3 view of the elevation.

4 MR. GOLDMAN: Of the house. So now could you  
5 describe for the Board what's going to be the  
6 proposed landscaping, the status of landscaping.

7 MR. HOCH: We're going to try to landscape  
8 the property as beautifully as we can. You know,  
9 we need --

10 CHAIRMAN KEILSON: The concern is right now  
11 there exist trees.

12 MR. MEISTER: We're planning on keeping the  
13 existing trees.

14 CHAIRMAN KEILSON: So on the north side which  
15 is --

16 MR. GOLDMAN: Well, if I might, the concern  
17 is the yellow stuff, is it going to be -- are  
18 trees or any foliage going to have to be removed?  
19 Trees, I don't mean just grass, but trees going to  
20 be removed in order to place that in?

21 MR. MEISTER: No.

22 MR. HOCH: No.

23 MR. GOLDMAN: Now, on the other side, the  
24 other yellow, are trees going to be removed in  
25 order to put that in place, sir (indicating)?

## Proceedings - 3/30/11

1 MR. HOCH: It's all soil.

2 MR. GOLDMAN: It's all soil, okay.

3 MR. HOCH: The trees that most people are  
4 speaking of are several, on the north and west  
5 side there are several pine trees. Half of them  
6 are dead. Some neighbors have asked them in the  
7 past to remove them.

8 CHAIRMAN KEILSON: Is there going to be any  
9 change? That's the only question.

10 MR. HOCH: We're going to try not to change  
11 it.

12 CHAIRMAN KEILSON: Continue.

13 MR. GOLDMAN: Folks, please.

14 MR. HOCH: If the trees die, we'll have to  
15 replace them with something similar. That may not  
16 be exactly the same height because it's not  
17 possible to get trees that have been there  
18 potentially for 30 years, but we're going to try  
19 to keep everything that we can.

20 MEMBER FEIT: Mrs. Olshin, your house is  
21 elevated. I just don't remember your married  
22 name.

23 CHAIRMAN KEILSON: Feller.

24 MEMBER FEIT: Isn't your house elevated?

25 MS. OLSHIN-FELLER: My house is two stories.

## Proceedings - 3/30/11

1           MEMBER FEIT: Now, in relation to  
2 Copperbeech, when you come in and then it branches  
3 off, is your basement on road level, ground level?

4           MS. OLSHIN-FELLER: Ground level, yes.

5           MEMBER FEIT: Or is it also higher?

6           MS. OLSHIN-FELLER: It's the regular. It's  
7 no basement. That's why I pay such enormous  
8 taxes, thank you, because they consider my  
9 basement as my first floor.

10          MEMBER FEIT: Okay. Your first floor is it  
11 ground level, or is it also elevated?

12          MS. OLSHIN-FELLER: What does that mean? You  
13 start off with the ground, it goes up. I don't  
14 understand the question.

15          MEMBER FEIT: No, when you come into your  
16 house and you walk all the way up the steps to get  
17 into the entrance.

18          MR. MEISTER: Right side? Left side of the  
19 street when you come in?

20          MS. OLSHIN-FELLER: The first house.

21          MR. MEISTER: On the left side?

22          MS. OLSHIN-FELLER: Yes.

23          MR. MEISTER: It's elevated. So from the  
24 elevation of Copperbeech it's elevated.

25          MEMBER FEIT: The reason I'm asking is if she

1 is getting water and had to -- and the house is  
2 elevated and had to put in a dry well and she  
3 still is getting some accumulation of water, that  
4 would seem to show that the water when it rains is  
5 actually going up pretty high and then flows down,  
6 because I know Copperbeech flows down from there.

7 MS. OLSHIN-FELLER: So I might be causing  
8 Barbara.

9 MEMBER ROSEN: Let's move on.

10 CHAIRMAN KEILSON: We are going to suspend  
11 the discussion at this point and we're going to  
12 caucus and discuss.

13 MR. GOLDMAN: Let the record reflect they are  
14 caucusing.

15 (Whereupon, a discussion was held off the  
16 record.)

17 CHAIRMAN KEILSON: Mr. Hoch, assuming that  
18 the Board is of a mind to grant the application,  
19 is there going to be an undertaking that the  
20 dry-well situation will be addressed in a fashion  
21 that will satisfy the Board, the Building  
22 Department to adequately compensate for any  
23 spill-off or runoff of water due to the new  
24 construction?

25 MR. HOCH: Yes.

## Proceedings - 3/30/11

1           MR. GOLDMAN: If I could just interrupt you,  
2           if I might. There's a presumption that the word  
3           dry well was being used. What I think the Board  
4           is really desirous of is to make certain that  
5           there's an engineering study that addresses the  
6           issue of drainage, sewage, you name it, without  
7           giving the specific, and that whatever concern is  
8           discovered that that will then be. Now, if it's  
9           to be satisfied with dry wells, fine and dandy,  
10          but if it takes something else, whatever it is  
11          that is discovered and that that report on the  
12          status of the drainage, et cetera, will be made  
13          available to the Building Department before  
14          anything is undertaken to make certain that that  
15          issue, whatever that is, is addressed  
16          appropriately.

17          MR. MEISTER: We were going to do that  
18          anyway.

19          MR. HOCH: Yeah.

20          CHAIRMAN KEILSON: Number two, in terms of  
21          the screening of the construction, the north side  
22          and any other foliage that exists today, we will  
23          need an assurance, and certainly I think it will  
24          be subject to the review of the Building  
25          Department, to ensure that anything that exists

## Proceedings - 3/30/11

1           today in terms of screening the property from the  
2           north side remains in the same fashion or  
3           equivalent, and likewise on the whichever side,  
4           the west side, west side, east side, north side.

5           MR. HOCH: Yes, acceptable.

6           CHAIRMAN KEILSON: Okay, so that being the  
7           case, the Board will now confer and we'll take a  
8           vote.

9           (Whereupon, a discussion was held off the  
10          record.)

11          CHAIRMAN KEILSON: We're going to take a  
12          vote, beginning with Mr. Rosen. Mr. Rosen, who  
13          recently received that nourishment.

14          MEMBER ROSEN: I'm so ready to vote. I am  
15          obviously not happy that there are so many  
16          neighbors here expressing concern, but I do  
17          believe that the Eisenbergs have made major  
18          efforts to accommodate the neighbors and to  
19          accommodate this Board and to basically tip the  
20          balance in favor of the applicant, and as a result  
21          I vote for.

22          CHAIRMAN KEILSON: Okay, so your evaluation  
23          of the five criteria is that in this case it  
24          weighs to the benefit of the applicant?

25          MEMBER ROSEN: Exactly.

## Proceedings - 3/30/11

1           CHAIRMAN KEILSON: Mrs. Williams.

2           MEMBER WILLIAMS: I want to disagree with one  
3           thing Mrs. Landau said, even though she said it so  
4           eloquently. I think we look at each application  
5           on the night for what it is, but that being said I  
6           see just the opposite. I think having come here  
7           before with an application that was really  
8           unreasonable is what causes something like this.  
9           I find it extremely disturbing. I think had you  
10          come with this application to begin with we  
11          probably would have voted for it just the same  
12          way, and I would hope very, very much that you  
13          will make a sincere effort to be a good neighbor  
14          in the future as best as you possibly can, and you  
15          seem to be wanting to with the foliage with  
16          whatever needs to be a good neighbor, because what  
17          happened here I think really, really was as a  
18          result of a lot of unnecessary things that  
19          happened. That being said, as I said, for what I  
20          see now I would vote yes.

21          CHAIRMAN KEILSON: Mr. Feit.

22          MEMBER FEIT: I have, as I indicated, serious  
23          concerns since this house is going to be a  
24          teardown, and as I indicated I don't particularly  
25          like the south side distance.

## Proceedings - 3/30/11

1           In addition, we do have this very unique  
2 piece of property, and to quote an old expression:  
3 Sometimes you cannot make a silk purse out of a  
4 sow's ear. There are some land configurations  
5 that do not lend itself to proper building and  
6 development along the lines that the homeowner  
7 would like to. And quite frankly, I do not think  
8 the homeowner has met the criteria. I think  
9 there's no question that in my opinion that the  
10 weight of the evidence mitigates against, for a no  
11 vote, and I am voting against it.

12           CHAIRMAN KEILSON: That's for a no vote.

13           MEMBER FEIT: A no vote.

14           CHAIRMAN KEILSON: Mr. Gottlieb.

15           MEMBER GOTTLIEB: Is that a no vote? That's  
16 like an abstension.

17           MEMBER FEIT: No, it's a no vote, no vote.

18           MEMBER GOTTLIEB: It's a vote for no?

19           MEMBER FEIT: That's correct. Against the  
20 variance.

21           MEMBER GOTTLIEB: I didn't -- I really didn't  
22 understand. Okay. It is too late and I'm just  
23 going to simply cast my vote considering that, and  
24 I'll mention that generally when there is new  
25 construction I do not wish to grant variances.

1 But the variances here are really not massive and  
2 according to the balancing test that we use I will  
3 vote in favor of this.

4 CHAIRMAN KEILSON: Okay, I will not burden  
5 you with further explanation. I will vote for, so  
6 the application's passed. You have two years.

7 MR. HOCH: Thank you. I don't have two  
8 years. I'm done.

9 MR. GOLDMAN: You know they have to appear  
10 before the Board of Building Design.

11 Counselor, that's been granted but subject to  
12 the conditions as were noted.

13 (Whereupon, the hearing concluded at  
14 10:30 p.m.)

15 \*\*\*\*\*

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

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21 MARY BENCI, RPR  
22 Court Reporter

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INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall  
196 Central Avenue  
Lawrence, New York

March 30, 2011  
10:30 p.m.

APPLICATION:       Alpert  
                      455 Mistletoe Way  
                      Lawrence, New York

P R E S E N T:

- MR. LLOYD KEILSON  
Chairman
- MR. ELLIOT FEIT  
Member
- MS. ESTHER WILLIAMS  
Member
- MR. J. PHILIP ROSEN  
Member
- MR. EDWARD GOTTLIEB  
Member
- MR. LESTER HENNER  
Member
- MR. RONALD GOLDMAN, ESQ.  
Village Attorney
- MR. MICHAEL RYDER  
Building Department

Mary Benci, RPR  
Court Reporter

## Proceedings - 3/30/11

1 CHAIRMAN KEILSON: Mr. Bonesso.

2 MR. BONESSO: Good evening, Mr. Chairman,  
3 members of the Board. William Bonesso, with the  
4 law firm of Forchelli, Curto, Deegan, Schwartz,  
5 Mineo, Cohn & Terrana, 333 Earle Ovington  
6 Boulevard, Uniondale, New York, here on behalf of  
7 the applicants, Michael and Debbie Albert. They  
8 are the owners of the property situated at  
9 455 Mistletoe Way in Lawrence.

10 We are here this evening seeking variances to  
11 permit the redevelopment of a property with a new  
12 single-family house thereon and some additional  
13 structures and appurtenant constructions.

14 The applicant requires three variances. The  
15 first is a building coverage variance. The  
16 permitted coverage for the property is 6,276  
17 square feet. We are proposing 7,168 square feet,  
18 a variance of about 14 percent.

19 A surface coverage variance is requested.  
20 17,903 square feet is permitted. We are  
21 requesting 20,560, about a 14.8 percent,  
22 15 percent variance.

23 And we are requesting a height variance. The  
24 maximum permitted is 30 feet, and at our highest  
25 we are going to be -- or proposing to be at

## Proceedings - 3/30/11

1 32 feet. It is a variance of about 6.7 percent.

2 Now, that said, certainly, you're not going  
3 to be surprised that I feel that all of these  
4 variances are justified, but I do, and I'll give  
5 you my reasons. I'm going to submit to you first  
6 some aerial photographs that I've put together  
7 from the Nassau County assessor's website.

8 MR. GOLDMAN: These are all the same, yes?

9 MR. BONESSO: Yes, they're all the same.  
10 There are seven sets there, one for each Board  
11 member, one for yourself and one for the  
12 alternate.

13 MR. GOLDMAN: So I'm making it Applicant's  
14 number 1.

15 CHAIRMAN KEILSON: Mr. Bonesso, before you  
16 proceed, I'd like to have Mr. Rosen make a comment  
17 for the record.

18 MEMBER ROSEN: I just need to put on the  
19 record that I am the neighbor directly next-door  
20 to the Alpert, and so I just want to make sure  
21 that everybody knows it before we vote. I'll make  
22 my further comments in a few minutes, but I just  
23 want to make sure that that's --

24 MR. GOLDMAN: Given that status, do you think  
25 you can be fair and impartial in considering this

## Proceedings - 3/30/11

1 matter?

2 MEMBE ROSEN: Yes.

3 MR. GOLDMAN: And do you have any opposition  
4 to Mr. Rosen sitting as a member of the Board?

5 MR. BONESSO: I have no objection whatsoever.

6 MR. GOLDMAN: Let the record reflect that  
7 Applicant's number 1 is being distributed, a copy  
8 to each member of the Board and a copy for the  
9 record indicating -- what did you describe this  
10 as?

11 MR. BONESSO: These are two aerial  
12 photographs of the subject property, as well as  
13 the surrounding area. The first one on the cover  
14 page, if you will, is the subject property and  
15 about a 300-foot radius around it similar to what  
16 you have in the form of the radius map that we  
17 submitted as a requirement of the application.

18 The second page brings it out even further,  
19 to about a thousand square feet of radius. And I  
20 present that to the Board for the purpose of  
21 showing the Board just how large this piece of  
22 property is. It is an extremely large parcel of  
23 property. It is almost 70,000 square feet,  
24 69,515 to be exact, 1.6 acres. It is almost  
25 sufficient size to subdivide into two parcels, and

1 in fact even if a variance application were to be  
2 made for such a subdivision based upon the size of  
3 the lots and the surrounding area I believe in my  
4 professional opinion that they would have at least  
5 a decent fair to middling shot to getting a  
6 subdivision for a two-family house. I only bring  
7 that up to point out that this is an extremely  
8 large lot--

9 MEMBER ROSEN: What do you mean a two-family  
10 house?

11 MR. BONESSO: Excuse me. Two separate lots,  
12 two single-family lots.

13 MEMBER ROSEN: I'd be very worried about a  
14 two-family house next-door to me.

15 MR. BONESSO: I agree, absolutely. That is  
16 the first item that I would point out as a very  
17 unique aspect of this property.

18 The other unique aspect, and I guess it's not  
19 as unique as I thought because the last  
20 application had the same thing. This is a lot  
21 that has three frontages, three street frontages,  
22 and as such it has three front-yard setbacks.  
23 Most lots have a front, a rear and two sides, and  
24 by having two sides they have the benefit of  
25 having only 30-foot setback requirements on those

1 two sides. Corner lots will typically have two  
2 front yards, a side and a rear. This has three  
3 front-yard setbacks each requiring 50 feet of  
4 setback, and a rear-yard setback of 60 feet. So  
5 the setbacks are significant as required. Be that  
6 as it may, even with those heavy setbacks, we not  
7 only meet but exceed on all sides the setback  
8 requirements, and I think that in conjunction with  
9 the size of the property have a significant impact  
10 on the variances sought because they will  
11 significantly reduce any, and in fact in my  
12 opinion eliminate any impacts that the overages  
13 that we're proposing could potentially have.

14 Another unique aspect of this property is  
15 that it maintains an existing legal second  
16 dwelling. It is the carriage house situated in  
17 the northwest portion of the property. It's a  
18 two-story dwelling in very good condition, it's  
19 attractive and it is used by the Alpert family as  
20 a guesthouse for when they have relatives come to  
21 visit.

22 I neglected to add that the Alperets are here.  
23 Mr. Alpert is seated to my right. Mrs. Alpert is  
24 here with two of their four daughters, who live  
25 and reside in and occupy the house. The desire is

1 obviously to build a larger house. The house will  
2 have a total of five bedrooms on the second floor,  
3 plus a guest bedroom. Four bedrooms for each of  
4 the children, and a master suite. There is also a  
5 guest accommodation in the basement, in the cellar  
6 I should say. And the rest of the house is as  
7 indicated on the plans.

8 And I think it should also be noted from the  
9 standpoint of the lot coverage variance that the  
10 house itself that's being proposed is in fact some  
11 500 square feet less than the maximum permitted.  
12 It is only when you factor in the carriage house  
13 and the relatively modest pool house, it's a 400  
14 square foot pool house that it is proposed to be  
15 constructed in conjunction with the new pool, that  
16 we go over the building coverage requirement. And  
17 I think that's important because as much as we are  
18 over on building coverage, we -- when I consider  
19 building coverage and I think when most  
20 municipalities put in place regulations  
21 prohibiting excess building coverage or regulating  
22 building coverage limits what they're looking for  
23 is within that building envelope that you're  
24 allowed to have they're looking to prevent  
25 massing, or perhaps a better word is massiveness,

1 if that's a word at all. But they're basically  
2 looking to prevent that, a big, blocky  
3 construction that is going to take place and  
4 really create an eyesore. And in this case, as  
5 much as we are over on building coverage, we are  
6 not from the sense of being massive between the  
7 size of the property, the significant setbacks  
8 that we're going to have, and I'll get into those  
9 in a moment, and in fact that the building  
10 coverage is broken down between three structures.  
11 I think that we don't have the kind of massing  
12 that the Board would be concerned with, that the  
13 legislative side of the Village was probably  
14 concerned with when they imposed the building  
15 coverage requirements.

16 Now, on the setback issues, those have  
17 significant impacts and value to our application  
18 as well. And not only with regard to the massing  
19 and the building coverage impact but also the  
20 height impact. We are proposing a 32-foot-high  
21 building at its highest. Now, a 32-foot-high  
22 building, 50 foot set back would have a greater  
23 impact than a 30-foot-high building, 50 foot set  
24 back. Our setbacks at least on two sides are  
25 significantly greater than that. On the Mistletoe

## Proceedings - 3/30/11

1 Way side we are going to be greater than 30 feet  
2 additionally set back. We're going to be at  
3 82 feet of setback on the Mistletoe Way side. On  
4 the Hollywood Crossing side we're going to be  
5 almost 67 feet set back. And on the Ocean Avenue  
6 side, our shortest front-yard setback, we are  
7 still going to be about six and a half feet more  
8 than the 50-foot requirement, and I would point  
9 out that that side, on that side the peak roof on  
10 that side is only 31 feet as opposed to 32 feet.  
11 So I put it to the Board that when you're talking  
12 about a 30-foot-high building at 50 feet as  
13 compared to a 32-foot-high building at 82 feet or  
14 even at 67 feet, the impact is probably less than  
15 that 30-foot building at 50 feet from a visual  
16 standpoint, from a street scape standpoint. It  
17 significantly reduces the impact.

18 Now, when you add to that the fact that this,  
19 and for any of you who went to see the property,  
20 you've noticed, I'm sure, that this is a very  
21 heavily screened property. There is a lot of --  
22 there is a lot of shrubbery, there's a lot of  
23 trees. It's the applicant's intention to maintain  
24 as much of that as possible.

25 Also, there is a slope issue on the property

## Proceedings - 3/30/11

1 and that goes to the height issue as well. In  
2 addition to there being a water table issue,  
3 forcing the base elevation of the house to begin  
4 at ten feet, at an elevation of ten foot because  
5 the base water -- base flood elevation is nine  
6 feet --

7 MR. MEISTER: Ten feet below grade. We  
8 stayed a foot above the water. And we took our  
9 basically base elevation at 17 feet and that's on  
10 the Hollywood Crossing and Mistletoe side, and on  
11 the Ocean Avenue side the actual base elevation  
12 comes up to 19 feet because it slopes, the land  
13 slopes up. So our 31-foot peak on the Ocean  
14 Avenue side is really 29 feet on the Ocean Avenue  
15 side because the land is coming up.

16 MR. BONESSO: Okay. But officially for town  
17 calculation purposes it is 31 feet, 32 feet.

18 MR. MEISTER: Right.

19 MR. BONESSO: But the basis for that or at  
20 least part of the reason why we have to go to that  
21 level is because of the grade and also because of  
22 the water table.

23 MR. MEISTER: Well, we raised the house up to  
24 stay away from the water.

25 MR. BONESSO: Right.

1           Now, another factor to consider in connection  
2           with the proposed height variance is surrounding  
3           properties, and Mr. Meister, our architect, also  
4           did some studies and did some work with regard to  
5           some of the other properties around the Alpert  
6           home.

7           MR. GOLDMAN: Are those illustrated in the  
8           photos that you presented, or no?

9           MR. BONESSO: No, they're not. Mr. Meister  
10          has, let's see, three copies.

11          CHAIRMAN KEILSON: We can share, no problem.

12          MR. BONESSO: And if I may, I'll just have  
13          Mr. Meister describe what he did in the way of  
14          his --

15          MR. GOLDMAN: This is Applicant's number 2.  
16          And Mr. Meister, what are we making part of the  
17          record?

18          MR. MEISTER: What you're looking at is a map  
19          from Google maps of Mistletoe where the A is, and  
20          then where I've written in one, two, three and  
21          four, that relates back to these pictures on the  
22          next page.

23          MR. GOLDMAN: So you were describing one of  
24          one, and this is now two of two.

25          MR. MEISTER: Correct. What I did was I took

## Proceedings - 3/30/11

1 the laser level and I basically shot each of these  
2 houses to see what the heights, maximum heights  
3 were of these. I'm not a surveyor, but it's  
4 pretty accurate to within, I would say, six to  
5 eight inches.

6 MR. BONESSO: Just state for the record what  
7 your findings were.

8 MR. MEISTER: Yeah, house number one which is  
9 on Ocean Avenue which you can see on the lower  
10 left-hand corner, they're 33 foot 10 inches, plus  
11 or minus.

12 House number two which is next-door to that,  
13 they're about 34 foot three.

14 House number three which is the tallest which  
15 is directly across the street from the Alperets,  
16 across Ocean Avenue, they're tall, they're about  
17 35 foot three inches.

18 MEMBER FEIT: Is that the Hoffman house?

19 MR. MEISTER: I don't know who owns it.

20 MR. ALPERT: This is Weinstein.

21 MEMBER FEIT: Weinstein, okay.

22 MR. MEISTER: Okay. And then the house  
23 directly across the street on Mistletoe is  
24 approximately 34 foot two inches.

25 MEMBER ROSEN: Say that again.

## Proceedings - 3/30/11

1 MR. MEISTER: 34 foot two inches.

2 MEMBER ROSEN: Which house?

3 MR. MEISTER: The one directly across  
4 Mistletoe.

5 MEMBER ROSEN: Got it.

6 MR. BONESSO: We submit that for the purpose  
7 of showing that the pattern of development in the  
8 area, the character of the neighborhood has been  
9 established with tall residences certainly on that  
10 side of the property.

11 MR. MEISTER: House number one is a new  
12 house.

13 MEMBER GOTTLIEB: Mr. Bonesso.

14 MR. BONESSO: Yes, sir.

15 MEMBER GOTTLIEB: Of the three variances that  
16 you're asking on 1.6 acres, which is a rare find  
17 on the south shore in Lawrence, the height issue  
18 is the least of my concerns.

19 MR. BONESSO: I felt the same way.

20 MEMBER GOTTLIEB: You're far enough away,  
21 you're 300 feet away from the nearest house.

22 MR. BONESSO: Understood.

23 CHAIRMAN KEILSON: And the compelling need is  
24 because of the water table.

25 MEMBER GOTTLIEB: Normally, we don't approve

1           it, but in this case that's not the issue to  
2           contend with.

3           MR. BONESSO: Okay. That said, turning to  
4           the surface coverage variance, we are at about  
5           15 percent. There too I would point to the fact  
6           that the Village no longer grants credit to  
7           pervious surfaces, and a lot of what we are being  
8           required to count as surface coverage is made up  
9           of the pebble and stone driveways that we have.  
10          As you can see from the site plan, we have quite a  
11          few driveway areas, only a few of those areas will  
12          be macadam; the rest will be pervious; it will be  
13          pebble driveways.

14          Other than that, we have surface coverage in  
15          the form of the pool which is actually replacing a  
16          prior pool which -- and the new one is slightly  
17          smaller and is within the setback requirements,  
18          whereas the other one encroached on the front-yard  
19          setback on Ocean.

20          And then there's a basketball court as well,  
21          a 30-by-50 basketball court, and I recognize that  
22          it does put us over, but at the same time these  
23          are items, particularly the pool and the  
24          basketball court, that I think a municipality  
25          should want to see developed on residences with

1 families and young children so that they can make  
2 the most of their use and enjoy the house.

3 So yes, it does exceed the surface coverage  
4 limits. That said, again, the property is so  
5 large and these, all of the structures, not just  
6 the buildings but with the exception of the  
7 carriage house but the pool, the pool house, the  
8 pool and the basketball court will all be set back  
9 within and beyond the required setbacks.

10 So from an impact standpoint as much as some  
11 people might say 14 percent and 15 percent are  
12 substantial, the courts are replete with cases  
13 that have determined that substantiality is  
14 determined based on impact, and the impact of  
15 these structures and the impact of this surface  
16 coverage is nil when you come right down to it.

17 We have one adjacent neighbor and the setback  
18 from that adjacent neighbor is in excess of 120  
19 feet. It's 126 feet, I believe, and that is our  
20 rear-yard setback. That is certainly not going to  
21 have an impact. The construction, the development  
22 of this property is certainly not going to have an  
23 impact on that adjacent neighbor, clearly the most  
24 affected neighbor. All the other properties  
25 around us are across either Hollywood Crossing,

## Proceedings - 3/30/11

1 Mistletoe way or Ocean and they will not have --  
2 there will not be any significant impacts of any  
3 kind in terms of, again, the setbacks and the lack  
4 of massing that we provide.

5 So consequently, it is our position that as  
6 much as we are asking for variances they are  
7 certainly justified. When a balancing -- when a  
8 balance test is done, the benefit to the applicant  
9 is substantial, the detriment to the community is  
10 nil, and I think that's further fostered by the  
11 lack of any opposition that's here this evening.  
12 Forgive me for not bringing in all the neighbors  
13 in support of this.

14 MEMBER GOTTLIEB: You mentioned 120 feet, is  
15 that 120 feet to the pool house or to the living  
16 house?

17 MR. BONESSO: Excuse me, to the main house.  
18 It is from the pool house, which is one story --  
19 from the pool house -- I'm going to --

20 MEMBER WILLIAMS: You know what, I think the  
21 neighbor's okay with it.

22 MEMBER ROSEN: Could I just make a comment.

23 CHAIRMAN KEILSON: No, I don't think so. Let  
24 us first -- because you're the neighbor.

25 MEMBER ROSEN: I'll talk at the end.

1           (Whereupon, a discussion was held off the  
2 record.)

3           CHAIRMAN KEILSON: Mr. Bonesso, we were just  
4 conversing among ourselves that we're always  
5 impressed with your presentation, that it's highly  
6 professional and very compelling. Nonetheless,  
7 it's too much. That's the general tenor of our  
8 feeling. Notwithstanding all the distances and  
9 the like, we have to take consideration somewhat  
10 of need. I don't see any compelling needs here.  
11 The thing is being overbuilt. It's another  
12 mcmansion. Yes, there's some very good reasons  
13 and distances and the like, but I think in terms  
14 of evaluating the minimum variance needed to  
15 accomplish what you are, I just don't understand  
16 it.

17           MR. BONESSO: Well, I would object to the  
18 phrase mcmansion. I think a mcmansion is when you  
19 have a very large house on a small lot.

20           CHAIRMAN KEILSON: Okay, I'll accept that.

21           MR. BONESSO: And I would further point out,  
22 and I know we've had this discussion before --

23           CHAIRMAN KEILSON: Absolutely.

24           MR. BONESSO: -- but I was looking at the  
25 Village law before coming here this evening and I

## Proceedings - 3/30/11

1           took the section that you referred to and that is  
2           that the Board of Appeals in granting an area  
3           variance shall grant the minimum variance that it  
4           shall deem necessary, but it states that it shall  
5           deem necessary and adequate and at the same time  
6           preserve and protect the character of the  
7           neighborhood and the health, safety and welfare of  
8           the community. So I think --

9           CHAIRMAN KEILSON: It depends on where the  
10          emphasis is in that sentence.

11          MR. BONESSO: Agreed. I certainly think that  
12          the emphasis is on the variance that will preserve  
13          the health, safety and welfare and to protect the  
14          character of the neighborhood. And the variances  
15          that we're seeking certainly will not have any  
16          negative impact on either. And I know that you're  
17          concerned about precedent also.

18          CHAIRMAN KEILSON: Very much so.

19          MR. BONESSO: But by the same token, as this  
20          Board said during the last meeting, this Board  
21          looks at every case as an individual case. Each  
22          case is different and each case stands or falls on  
23          its own merits.

24          CHAIRMAN KEILSON: Notwithstanding the public  
25          at large doesn't have a discerning eye and the --

1           MR. BONESSO: That's why you make the  
2 decision and not the public.

3           CHAIRMAN KEILSON: I understand that. We're  
4 buffeted by some of those wins, and still  
5 attorneys and practitioners come to future  
6 meetings and, you know, they build on what has  
7 been done. This Board just in recent times has  
8 viewed the rulings with a little more rigidity,  
9 and I think we have a great concern. I don't want  
10 to speak for everybody. They will be speaking for  
11 themselves in terms of what's being built here. I  
12 think that's the sentiment of what I feel, and  
13 I'll certainly defer to my colleagues to express  
14 themselves.

15           MEMBER GOTTLIEB: As I indicated earlier,  
16 you've got a 1.6-acre lot. It's hard to imagine  
17 that you need variances except for height, which  
18 is understood because of -- because of issues that  
19 you cannot control. The hour is getting late. I  
20 don't usually do this, but I'm going to tell you  
21 what I want, if that's -- am I allowed to do that?

22           CHAIRMAN KEILSON: Absolutely.

23           MEMBER GOTTLIEB: I know that at 11:00 we all  
24 get double time.

25           MR. BONESSO: Me too.

## Proceedings - 3/30/11

1           MEMBER GOTTLIEB: Two things. One is, and  
2           I'll take them in no particular order, when you  
3           look at the aerial which I have gone on Google  
4           Earth, if you look carefully, not that you have  
5           to, but the trees here are just -- you don't find  
6           these trees in adjoining properties. This is a  
7           really pristine property where these trees have  
8           been allowed to grow for probably well over a  
9           hundred years.

10          MR. BONESSO: Agreed, agreed. And I  
11          understand and I have met with the applicant and I  
12          understand that their intent is to preserve them  
13          as much as possible. I don't know if we can  
14          require them to be preserved, as long as they're  
15          not where you're building or maybe they can be  
16          balled up.

17          MR. MEISTER: That was our intention.

18          MR. BONESSO: We would accept that as a  
19          condition that no trees, that no trees occupying  
20          the building envelope would be removed.

21          MEMBER GOTTLIEB: Respectfully, we've heard  
22          that before from other applicants, and then we go  
23          back at the end of the day and there are no trees  
24          left. What happened? Oh, we couldn't save them.  
25          I'm not saying that's the case here, but I don't

1 know if that's enforceable. So that was one issue  
2 is to maintain or maybe bring in new trees.

3 Regarding the surface coverage, again, you've  
4 got a huge lot. You're asking for a lot. That's  
5 okay, this is Lawrence. Everyone seems to ask for  
6 a lot, ask for much. I feel that I'd like you to  
7 give back one of three things: The pool or the  
8 pool house, or the basketball court, or what I  
9 think is the least valuable part of this property  
10 is that two-story out structure. Considering that  
11 you're putting in two extra guest bedrooms on the  
12 second floor of the house, I think two extra guest  
13 bedrooms in the lower level -- is that house  
14 really needed? Because when you talk about a  
15 detriment that's just such an unattractive piece  
16 of the envelope.

17 Those are my concerns.

18 MR. BONESSO: I understand. And I can, you  
19 know, go through with you the fact that the  
20 Alperets' family does come and stay in those -- in  
21 the guest house. Mrs. Alpert has family; both  
22 sides of her family are from out of state. One is  
23 in Israel, I believe, and the other is in Arizona.

24 MS. ALPERT: Atlanta.

25 MR. BONESSO: Atlanta, I'm sorry. So when

## Proceedings - 3/30/11

1           they come they come for extended stays; and  
2           obviously, with the holidays they, you know, use  
3           the overnight accommodations.

4           If I can have a few moments with my client,  
5           I'd like to take a moment and step outside and  
6           talk to them.

7           MEMBER GOTTLIEB: You might want to hear if  
8           any of the other Board members have any other  
9           structures they'd like removed. You might be down  
10          to the original house by the end of the night.

11          MEMBER FEIT: Let me ask you. This is a  
12          double A zoning; am I correct?

13          MR. BONESSO: Yes, it is.

14          MEMBER FEIT: If this was an A zoning, this  
15          is a 1.6 lot, could this besides the height have  
16          been built or put on as a matter of right? We  
17          know that double A lots are somewhat penalized in  
18          Lawrence; the bigger you are the less that you can  
19          build on. So if the zoning was slightly different  
20          for A, how would it affect the various requests?

21          MR. BONESSO: Mr. Ryder, can you speak to  
22          that?

23          MR. RYDER: I'm trying to understand that  
24          question.

25          MR. BONESSO: Well, I think what Mr. Feit is

## Proceedings - 3/30/11

1 saying is that A does it have a different coverage  
2 requirement?

3 MR. MEISTER: It's more lenient.

4 MR. BONESSO: Yeah, it is more lenient.

5 MR. RYDER: It goes on a percentage. You  
6 really would need to know the size of the lot to  
7 understand and that would dictate to you.

8 MEMBER FEIT: I mean, you have a 1.6 acre  
9 lot, all right. So if this instead of a double A  
10 was an A, could they have built all this as a  
11 matter of right? That's the question.

12 MR. RYDER: I really have to pull out the  
13 maps and look at that.

14 MR. GOLDMAN: A at its maximum.

15 MEMBER GOTTLIEB: It's not an A lot; it's an  
16 AA.

17 MEMBER HENNER: What's the difference?

18 MEMBER FEIT: We all know the double A's are  
19 penalized.

20 MR. RYDER: Yes, percentage-wise to a B, for  
21 example.

22 MEMBER FEIT: You know, I don't quite  
23 understand why bigger lots could build less. I've  
24 never --

25 (Whereupon, a discussion was held off the

## Proceedings - 3/30/11

1 record.)

2 MEMBER FEIT: Am I also correct that you have  
3 a major slope on the property?

4 MR. MEISTER: It slopes from at the Mistletoe  
5 end of Hollywood Crossing of about I would say 13  
6 feet above mean sea level to over 21 feet on the  
7 Ocean Avenue side.

8 MR. BONESSO: So it's better than a  
9 seven-foot change in grade.

10 CHAIRMAN KEILSON: Okay. Were you about to  
11 caucus with your client?

12 MR. BONESSO: Are there any other comments?

13 MR. GOLDMAN: Are there any other comments  
14 from your clients?

15 CHAIRMAN KEILSON: Mr. Rosen, he's  
16 speechless.

17 MEMBER ROSEN: No, the one thing I would say  
18 -- I'm not talking as a neighbor, I'm talking as a  
19 -- because I can't talk as a neighbor until I go  
20 on that side. But you know, I think as far as the  
21 community is concerned, the Alperets are to the  
22 extent that we heard before about another  
23 applicant as to what a benefit they are to the  
24 community, I think the Alperets are clearly in that  
25 category as being people who this community and

1           this block and this area need to have and are  
2           benefitted tremendously by having them there.  
3           They're just a great, great asset to the area, to  
4           the community, and to everybody who is nearby and,  
5           again, I'm not talking about as a neighbor, I'm  
6           talking about as a member of the Zoning Board, but  
7           you know.

8           CHAIRMAN KEILSON: I think the Board will  
9           second those sentiments, but as distinguished from  
10          the Lowys, the Lowys would actually be moving out  
11          of the community.

12          MEMBER GOTTLIEB: Respectfully, they can't  
13          find a larger lot in Lawrence. This is as big as  
14          it's going to get.

15          CHAIRMAN KEILSON: Are you suggesting they  
16          will move out of the community if we don't grant  
17          as suggested?

18          MEMBER ROSEN: I don't know.

19          MR. BONESSO: Well, shall we speak. If we  
20          may have a few moments.

21          (Whereupon, a recess was taken.)

22          MR. BONESSO: Thank you for your time.

23          I have spoken with my clients, and first of  
24          all, I was asked to make some clarifications.

25          One, it is Mrs. Alpert that owns the house,

1 not Mr. and Mrs. Alpert, for the record.

2 Additionally, there was an indication  
3 that there are two guest bedrooms in the basement.  
4 There's in fact only one guest bedroom. There are  
5 quarters for two housekeepers which they presently  
6 maintain. And then there's a guest suite on the  
7 second floor proposed.

8 The one thing that I neglected to point out,  
9 and I believe it is relevant, is that of the 5,800  
10 square foot, 5,778 square foot building coverage  
11 of the main dwelling, in excess of 500 square feet  
12 of that is comprised of a rear covered porch. So  
13 it's not all livable space.

14 Now, in reference to what particularly  
15 Mr. Gottlieb said about what he would ask us to  
16 give up, the applicant is very reticent to do away  
17 with either the basketball court or the pool,  
18 specifically because his family uses it  
19 significantly, and they have lots of kids, have  
20 lots of friends who come over and use it as well.  
21 It is kind of, you know, what they really want to  
22 foster at this home.

23 As for the other suggestion which is to do  
24 away with the carriage house, I think that to ask  
25 that is to basically throw out an entirely useful

1 structure which is a large chunk of both surface  
2 coverage and building coverage.

3 To that end, I talked to my client about a  
4 different concession, and in speaking with our  
5 architect what they could do certainly with regard  
6 to reducing both building coverage and surface  
7 coverage is they believe that they can make  
8 modifications to the main dwelling to remove  
9 probably 300 square feet of the main dwelling.  
10 And we would ask you to again take into account  
11 that 500 square feet, almost 570 square feet of  
12 the main dwelling is actually non-livable space in  
13 the form of the covered porch, so that somewhat  
14 makes up -- in my crazy logic that makes up 800  
15 square feet for the Board's consideration.

16 MEMBER GOTTLIEB: 890.

17 CHAIRMAN KEILSON: No, no, on the building  
18 coverage let's be very specific. You're proposing  
19 7,168 currently.

20 MR. BONESSO: On the building coverage.

21 CHAIRMAN KEILSON: That's the proposal.

22 MR. BONESSO: Yes.

23 CHAIRMAN KEILSON: That's the current.

24 MR. BONESSO: Yes.

25 CHAIRMAN KEILSON: What are you now

1 proposing?

2 MR. BONESSO: We would bring that down to  
3 6,868.

4 CHAIRMAN KEILSON: 6,868. One second. It  
5 will be 9.4 percent over. And how does that  
6 affect surface area at all?

7 MR. BONESSO: It would bring it down to  
8 20,260 which would probably bring it down to maybe  
9 about 13 percent or so. I think it would bring it  
10 down to 13 percent.

11 CHAIRMAN KEILSON: Yeah, 13.1.

12 MEMBER GOTTLIEB: So now just so I  
13 understand, you're looking at surface of 13.1.

14 CHAIRMAN KEILSON: Correct, and building of  
15 9.4.

16 MEMBER GOTTLIEB: Building will be 9.4,  
17 instead of 14.2. What part of the house is coming  
18 off?

19 MR. MEISTER: What we would do is around the  
20 perimeter I could reduce the house by six to eight  
21 inches, which would --

22 MEMBER GOTTLIEB: Would that be the soffits,  
23 you mean?

24 MR. MEISTER: No, I'm talking about bringing  
25 the house in, shrinking the house.

## Proceedings - 3/30/11

1           MEMBER GOTTLIEB: Sort of what was proposed  
2           on the other street that he had said it was  
3           impossible to shrink a house. I'm saying they  
4           said.

5           MR. BONESSO: That was a different architect.  
6           I have a much better architect this time.

7           MR. MEISTER: We can go around the perimeter.

8           MR. GOLDMAN: Just make it smaller.

9           MR. MEISTER: Shrink the house.

10          MR. GOLDMAN: By six inches all around which  
11          is what we suggested to the other guy.

12          MEMBER GOTTLIEB: Mr. Bonesso.

13          MR. BONESSO: Yes, sir.

14          MEMBER GOTTLIEB: The auxiliary house at the  
15          corner edge of the property, that's really that  
16          important to the family?

17          MEMBER WILLIAMS: What's inside that house?

18          MR. BONESSO: We provided the Village with a  
19          set of plans showing the floor plans for the first  
20          and second floor. There's two bedrooms in the  
21          building on the second floor, and on the first  
22          floor there's living area and a kitchen.

23          MEMBER GOTTLIEB: Can I ask the architect,  
24          what is a lavender? What is a lavender?

25          MR. MEISTER: It's purple.

## Proceedings - 3/30/11

1           MEMBER GOTTLIEB: Did you do the plans for  
2 the auxiliary house?

3           MR. MEISTER: We drew them.

4           MEMBER GOTTLIEB: There's a room called  
5 lavender.

6           MR. GOLDMAN: Maybe it's lavatory. It's  
7 probably lavatory.

8           MEMBER GOTTLIEB: No, it's not lavatory.

9           MR. MEISTER: That's the problem with  
10 computers. If you spell it right it's okay.

11          MEMBER GOTTLIEB: So it's just a room.

12          MR. GOLDMAN: It's lavatory probably.

13          MR. BONESSO: Mr. Gottlieb, in response to  
14 your question about the importance of the guest  
15 house, what Mr. Alpert just pointed out to me and  
16 what I should have conveyed to the Board earlier,  
17 is that the Alperets may in fact not be done having  
18 children and there is a likelihood that an  
19 additional bedroom, that bedroom on the second  
20 floor, would be needed as a fifth bedroom for a  
21 fifth child, and then you're basically looking at  
22 the need again for the guest house to accommodate  
23 guests.

24          MEMBER GOTTLIEB: The girls want a brother,  
25 huh.

## Proceedings - 3/30/11

1 MR. ALPERT: So does my father.

2 MEMBER GOTTLIEB: Does the mother have  
3 anything to say about this?

4 (Whereupon, a discussion was held off the  
5 record.)

6 MR. GOLDMAN: Mr. Chairman, is the Board  
7 conferring?

8 CHAIRMAN KEILSON: Precisely.

9 I think we have a problem with the carriage  
10 house.

11 MR. BONESSO: It just seems -- it seems a  
12 significant waste to do away with a perfectly good  
13 structure when instead we can make a modification  
14 to the dwelling to reduce the -- to reduce the  
15 building coverage and surface coverage.

16 MR. MEISTER: We're reducing the property  
17 value by removing the carriage house, and the  
18 carriage house really when I went in to measure it  
19 it's not in great shape, I mean, as far as --

20 CHAIRMAN KEILSON: Get rid of it.

21 MR. MEISTER: Hmm?

22 CHAIRMAN KEILSON: So get rid of it.

23 MR. MEISTER: They don't want to.

24 CHAIRMAN KEILSON: Oh, so then what were you  
25 adding? I don't follow you.

## Proceedings - 3/30/11

1 MR. MEISTER: It's there.

2 CHAIRMAN KEILSON: It's there.

3 MR. BONESSO: It has value in and of itself  
4 in that it is a second legal dwelling on the  
5 premises and that in and of itself has value.  
6 Certainly, it's accessory to -- it's accessory to  
7 the intended use of the main dwelling.

8 MR. GOLDMAN: If you remove the carriage  
9 house all you'll be removing was 780 square feet;  
10 is that correct?

11 MR. BONESSO: Total would be 990 square feet.  
12 There's an enclosed porch on the rear of it.

13 MEMBER HENNER: Is the house being used, the  
14 carriage house?

15 MR. MEISTER: No.

16 MR. BONESSO: It's used only for guests.  
17 It's not occupied. They don't rent it. It's not  
18 used for rentals.

19 MR. ALPERT: We haven't been using it much  
20 either.

21 MR. GOLDMAN: Is there some way to make up  
22 the 990? You said six inches around the house  
23 would reduce it by how much?

24 MR. MEISTER: I'm not sure if it's 300, maybe  
25 400.

## Proceedings - 3/30/11

1 MR. GOLDMAN: Let's assume that were the  
2 case, so now you're still short 590.

3 MR. MEISTER: The rear porch.

4 MR. BONESSO: If we took off --

5 MR. GOLDMAN: Is there a way to perhaps  
6 remove the -- or do something that's less  
7 draconian or dramatic?

8 CHAIRMAN KEILSON: I think you're missing the  
9 point of what the concern here is, Mr. Gottlieb's  
10 concern.

11 MEMBER GOTTLIEB: My concern is you've got a  
12 beautiful piece of property and a beautiful new  
13 house and pool and tennis court and cabanas, and  
14 you have really a bit of an eyesore for the rest  
15 of the street, and that was my reason for  
16 wanting --

17 CHAIRMAN KEILSON: And you're keeping, as  
18 Mr. Meister said, a decrepit old building.

19 MR. BONESSO: If we take off the enclosed  
20 porch on the carriage house, which is 196.3 square  
21 feet, and then in addition to that remove the  
22 300 square feet from the main dwelling, we're  
23 basically at 500 square feet of a reduction.

24 MEMBER WILLIAMS: Are there plans to renovate  
25 the carriage house?

## Proceedings - 3/30/11

1           MR. BONESSO: Are there plans to renovate it,  
2 no, other than, you know, just probably interior,  
3 you know, sprucing up, but no, no modifications,  
4 no modifications to the building.

5           MEMBER WILLIAMS: The outside is staying the  
6 way it is? It's decrepit outside.

7           MR. MEISTER: Well, it will be painted.

8           MR. ALPERT: The roof.

9           MR. BONESSO: They're not going to enlarge  
10 it. They're not going to change the structure.

11          MR. GOLDMAN: But assuming for the moment the  
12 concern of the Board is, for lack of a better  
13 word, and it's late, an eyesore, in order to  
14 accommodate that concern of the Board would there  
15 be an effort to make -- to remove whatever makes  
16 it an eyesore that it would no longer be an  
17 eyesore, speaking as an eyesore?

18          MR. MEISTER: We could spruce it up so it's  
19 not an eyesore. I mean, it happens to be a  
20 good-looking structure if it is just fixed up.

21          MR. BONESSO: The applicant would be willing  
22 to make renovations to it from the standpoint of  
23 improving its aesthetics, re-siding it. They  
24 already mentioned that they would remove the roof,  
25 so.

## Proceedings - 3/30/11

1 MR. GOLDMAN: So at this point you would be  
2 going from 990 down to -- 990 over to what?

3 MR. BONESSO: Basically to 490 -- 390, to  
4 basically 390.

5 MR. GOLDMAN: To 400.

6 MR. RYDER: I think 490, Bill. It was  
7 actually 496.

8 MR. GOLDMAN: To 500 over. And you would be  
9 improving it from that component to the benefit of  
10 the community.

11 Now, is there any way that you could chop off  
12 something else, like a porch? Consistent with  
13 what you folks want to do, you want to make the  
14 accommodation.

15 CHAIRMAN KEILSON: I don't want to mislead.  
16 Our concern was having the second -- you know,  
17 being an eyesore and the like, I don't understand.  
18 All this money is being spent into retaining the  
19 carriage house.

20 MEMBER GOTTLIEB: Mr. Meister, Mr. Bonesso, I  
21 don't understand how Mrs. Alpert's family would  
22 want to stay in this decrepit old house while  
23 they're in the ivory tower. Who is really going  
24 to be in that house?

25 MR. MEISTER: We would fix it up.

## Proceedings - 3/30/11

1           MEMBER GOTTLIEB: Well, now you're fixing it  
2 up because we're kind of asking you.

3           MR. BONESSO: Right, if you're asking us to  
4 do it, we'll do it.

5           CHAIRMAN KEILSON: Okay, I think we've gone  
6 as far.

7           MEMBER FEIT: I'm not sure what we're voting  
8 on now.

9           CHAIRMAN KEILSON: Well, we'll be very  
10 specific. We're voting on --

11          MR. BONESSO: Do you want me to restate it  
12 for the record, Mr. Chairman?

13          CHAIRMAN KEILSON: One second. I just want  
14 to confer.

15          (Whereupon, a discussion was held off the  
16 record.)

17          CHAIRMAN KEILSON: So summarize where we're  
18 up to so that we know what we're voting on.

19          MR. BONESSO: What the applicant is prepared  
20 to accept is a reduction in the size of the main  
21 house by 300 square feet, and the removal of the  
22 enclosed porch on the existing carriage house  
23 which is 196.5 feet, I think.

24          MR. MEISTER: Correct.

25          MR. BONESSO: And in addition to that, and in

1 addition to the conditions you referenced about  
2 maintaining trees on the property, we would agree  
3 to conditions requiring the upgrading, an  
4 aesthetic upgrade to the existing carriage house,  
5 roofing, siding and the like.

6 CHAIRMAN KEILSON: In terms of the trees, how  
7 are we going to define this, the trees? How are  
8 we going to define this retention in light of the  
9 trees? There's no way of policing it.

10 Mr. Ryder, any suggestions?

11 MR. RYDER: You can stake out the perimeter  
12 of the building and then we can walk the property  
13 and tag the trees.

14 MR. MEISTER: Fine.

15 MR. GOLDMAN: And you have to make certain  
16 with the contractors.

17 MEMBER FEIT: Bill, if a tree is sort of  
18 right outside the perimeter and maybe the  
19 construction may knock it out, can that tree be  
20 lifted out and put a root ball around it and put  
21 it on the side and then put the tree back in?

22 MR. BONESSO: I would imagine if it's a tree  
23 that has value, it's a healthy tree that is  
24 substantial, and rather than cut it down if it  
25 could be relocated that's something that the

1 applicant I think would consider.

2 MEMBER FEIT: Even keep it where it is but  
3 just protect it of having the construction ruin  
4 it. That's what I'm concerned about.

5 MR. MEISTER: That's feasible.

6 MR. BONESSO: You know, the other side of  
7 that coin is, for example, at the basketball court  
8 if there is a tree adjacent to what will be the  
9 court and there's a, you know, a chance that a kid  
10 could go running dead, you know, at a dead run  
11 into the tree, that tree, even though it's not  
12 affected by the construction shouldn't be there  
13 and we would look to, you know, remove that tree.

14 CHAIRMAN KEILSON: We understand that.

15 MEMBER WILLIAMS: I would assume that  
16 considering that they're building such a beautiful  
17 home and that they bought this property because of  
18 the foliage, that it would be in their best  
19 interest and they are interested in keeping it as  
20 much as possible, correct?

21 MR. BONESSO: Absolutely.

22 MEMBER WILLIAMS: Let's move on.

23 MR. BONESSO: This family is -- they're not  
24 new to the neighborhood. They've been here for  
25 eight years. They're part of the fabric of the

## Proceedings - 3/30/11

1 community.

2 MR. RYDER: To clarify, on the carriage house  
3 we are going to side and reroof, or paint and  
4 reroof?

5 MR. ALPERT: Could do both, paint, side,  
6 whatever.

7 MR. RYDER: Well, I need to know one or the  
8 other. Not to put you on the spot.

9 MR. MEISTER: Well, I haven't really looked  
10 at it, but yes, we will definitely remove and we  
11 will definitely repair, and if needed re-side,  
12 because right now it's clapboard. I'm not sure  
13 what the condition of the clapboard is in, but if  
14 it's good maybe basically all you have to do is  
15 strip it of paint and repaint it. If not --

16 MR. RYDER: So repair it and replace it.

17 MR. MEISTER: Right. We would definitely fix  
18 it up, the inside, repaint it and make sure that  
19 the --

20 CHAIRMAN KEILSON: They just said they will  
21 refurbish it to the satisfaction of the Building  
22 Department.

23 MR. GOLDMAN: And what are you removing?

24 MR. RYDER: 196 square feet.

25 MR. MEISTER: 196 square feet of an enclosed

## Proceedings - 3/30/11

1 screened porch.

2 MR. BONESSO: On the south side of the  
3 building, on the south side of the carriage house.

4 MR. RYDER: Okay, thank you.

5 CHAIRMAN KEILSON: Okay. Now that we have  
6 this clarification, we will confer and vote.

7 (Whereupon, a discussion was held off the  
8 record.)

9 CHAIRMAN KEILSON: At this time we're going  
10 to defer to Mr. Gottlieb first.

11 MEMBER GOTTLIEB: I am for it as well.

12 CHAIRMAN KEILSON: Mr. Feit, are you for it?

13 MEMBER FEIT: Absolutely.

14 MEMBER GOTTLIEB: He's also euphoric.

15 CHAIRMAN KEILSON: Miss Williams.

16 MEMBER WILLIAMS: For.

17 CHAIRMAN KEILSON: Mr. Rosen, do you have any  
18 doubts?

19 MEMBER ROSEN: Definitely for.

20 CHAIRMAN KEILSON: And the Chair votes for as  
21 well.

22 MR. BONESSO: Thank you very much.

23 (Whereupon, the hearing concluded at  
24 11:25 p.m.)

25 \*\*\*\*\*

## Proceedings - 3/30/11

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

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MARY BENCI, RPR  
Court Reporter

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