

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

September 20, 2011
7:40 p.m.

APPLICATION:

Katz
1 Regent 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. LESTER HENNER
Member

MR. KENNETH A. GRAY, ESQ.,
of Counsel to Thomas Pantelis, Esq.
Village Attorney

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN KEILSON: All right, good evening,
2 ladies and gentlemen. Welcome to the Lawrence
3 Board of Zoning Appeals. I ask you to please turn
4 off your cell phones in advance and, please, no
5 talking during the proceedings. If you feel the
6 urge to talk, please go outside. Try to make it
7 as expeditious as possible.

8 I just want to mention as far as this evening
9 we have Mr. Kenneth Gray sitting in for
10 Mr. Pantelis, our counsel. Mr. Pantelis's father
11 is ill, so he will be with us this evening.

12 Thank you, Mr. Gray.

13 MR. GRAY: Thank you.

14 CHAIRMAN KEILSON: As far as the Board, we
15 have Mr. Lester Henner as an alternate sitting in
16 along with us in addition to the regular panel
17 members.

18 Okay, proof of posting?

19 MR. CASTRO: I offer proof of posting and
20 publication for tonight's meeting.

21 CHAIRMAN KEILSON: Thank you very, very much.

22 Normally, at this point we invite the counsel
23 to make a preamble, and with the permission of
24 Mr. Goldman, who was counsel for seventeen years
25 to this committee, we would very much welcome you

1 to offer the preamble this evening.

2 MR. GOLDMAN: I'd be happy to do so.

3 It's with great joy that I advise you that
4 this Board is what is referred to as a hot Board.
5 Which means prior to coming here they have
6 reviewed every application, they have made on-site
7 visits and they're fully familiar with all the
8 details of every application. They have not met
9 beforehand because they're not permitted to, but
10 as individuals they reviewed everything.

11 The reason that's mentioned to you is that
12 when you approach or a representative approaches,
13 it's a strong likelihood that they won't go into
14 every single detail. They're not giving you short
15 shrift. What is happening is they know all those
16 details and they'll focus in on the salient points
17 that are of interest to them or anyone in the
18 audience and, of course, the applicant.

19 That being said, I thank you for the courtesy
20 of making the statement.

21 CHAIRMAN KEILSON: Thank you, Mr. Goldman.
22 It was a pleasure listening to you orate.

23 The first matter this evening is Katz. Will
24 they or their representative please step forward.
25 Please let the stenographer know who you are and

1 your address.

2 MR. MONTEVERDE: My name is Henry M.
3 Monteverde. My address is 230 Kingston Boulevard,
4 Island Park, New York. I'm the architect of
5 record, and I'm here on behalf of the Katzes.

6 We're here seeking variances for lot area
7 occupied and rear-yard encroachment. This piece
8 of property is 15,104 square feet. And Section
9 212-12.1 requires a building area of not greater
10 than 2,950 square feet; we're seeking a building
11 area of 3,193 square feet with an overage of
12 240 square feet, which is an 8.2 percent increase
13 over the normal.

14 We're also here seeking a variance for a
15 rear-yard encroachment. Same thing. 212-12.1
16 requires that a lot area of 15,104 square feet
17 requires a 40-foot rear yard. We're seeking a
18 rear yard of 21.5 square feet to this addition.
19 The existing house has a rear yard of 35 feet. So
20 the existing house is not in compliance as per the
21 current code.

22 My clients have been living in their house
23 for 29 years, and Mr. Katz just came down with
24 some illness and he needs to have all his living
25 space on the first floor. So they're here seeking

1 a variance to construct a one-story addition for a
2 master bedroom suite with a bathroom and some
3 closet space. That's easily -- it makes it easy
4 for him to live in the premises.

5 CHAIRMAN KEILSON: Okay, we understand.

6 Are there any questions from the Board?

7 MEMBER FEIT: Yeah. Why do you have to go so
8 deep? Why can't you keep it at the same rear-yard
9 size and rather build into the house a little bit
10 for the new bedroom?

11 MR. MONTEVERDE: I think the reason was we
12 had the bathrooms and the walk-in closets at the
13 rear, and we didn't want to cover the adjacent
14 rooms by creating a more square element. That's
15 why we projected towards the rear yard as much as
16 we did.

17 MEMBER FEIT: Couldn't you put them on the
18 side also so you don't go back that far?

19 MR. MONTEVERDE: Then it would be blocking
20 the windows. If you look on the first floor, the
21 windows, it would be blocking that dining room --
22 the existing living room window that's there. If
23 we took that whole element and pushed it over, it
24 would create an alleyway off of the living room,
25 and it would be very unattractive in terms of the

1 development of the property.

2 CHAIRMAN KEILSON: Any other questions?

3 Mr. Gottlieb?

4 MEMBER GOTTLIEB: I did have some questions
5 about how you chose to lay this out. It seems to
6 me this could have been done without a variance by
7 using the existing den as the bedroom and doing a
8 smaller bump-out with the closets and bathroom, as
9 opposed to bringing out that entire new wing of
10 the house, if you will.

11 MR. MONTEVERDE: Yes, I understand that.
12 That was the wishes of the Katzes. That's what
13 they were requesting, and we reviewed it and we --
14 they felt that they wanted the separation. They
15 didn't want to have it right off of the living
16 room because of the privacy, the sound and the
17 noise from the living room. That's why they
18 wanted that extra element, the separation.

19 CHAIRMAN KEILSON: So it wasn't just
20 whimsical; there was some very good privacy
21 reasons.

22 MR. MONTEVERDE: Yes, there was.

23 MEMBER FEIT: What noise in the living room
24 if there's only two people in the house?

25 MR. MONTEVERDE: Well, if they have help

1 living with them to take care of them as they
2 mature and in their maturity, and also when they
3 have their family over at times.

4 MEMBER FEIT: Well, it sounds more that it's
5 I want it because I want it because I want it. We
6 understand the need. I understand the obvious
7 need to it, but you're coming in asking for a
8 variance. If it can be done in another fashion, I
9 think the rules say that you have to do it that
10 way and not come for a variance, and this is just
11 because -- it's not for health reasons. They want
12 to have the big bedroom and they want to have the
13 big closet downstairs and they want to keep that
14 big den. You have to make accommodations. You
15 know, not because I want it.

16 CHAIRMAN KEILSON: I think, Mr. Feit, if I
17 might interject, I agree with you that under
18 normal circumstances we try to take the minimum
19 variance as possible. But under the circumstances
20 we have people who are aging, who are mature, who
21 live a certain lifestyle, and in their latter
22 years because of physical reasons they're
23 compelled to change or move downstairs. I don't
24 think it's unfair for us to take into
25 consideration that aspect in making their living

1 as comfortable as possible. So I think under the
2 special circumstances that are here I think it's
3 not inappropriate.

4 Mr. Katz, do you want to say something?

5 MR. KATZ: I'd like to say one thing.

6 CHAIRMAN KEILSON: For the record, please
7 identify yourself.

8 MR. KATZ: Israel Katz. I reside at 1 Regent
9 Drive, Lawrence, New York 11559.

10 Gentlemen, there's one thing I say to all you
11 people who say why I don't do this or that. The
12 fact is that we don't want to disturb the house as
13 it is. So what I need is facilities on the main
14 floor, not to disrupt the house, and I feel
15 strongly. I had a stroke, unfortunately, two
16 years ago. And it's not getting any better. The
17 condition I have, stairs are killers. I fell
18 April the 28th; I still didn't recover. And this
19 is my plea. That's the reason we need this
20 addition.

21 Now, if I do something, I want to do it
22 correctly so it's not embarrassing to anyone;
23 meaning that I want a comfortable room, which I
24 feel I'm entitled after so many years living in
25 the neighborhood. It's 29 years that we moved in.

1 We haven't done a stitch of work in the house
2 ever, and this is what this story is,
3 unfortunately, and here I am.

4 CHAIRMAN KEILSON: Thank you very much.

5 MR. KATZ: I used to be like a rock.

6 Unfortunately --

7 CHAIRMAN KEILSON: You're still like a rock.

8 MR. KATZ: All right, I'm not bragging.

9 CHAIRMAN KEILSON: I won't encourage you. I
10 won't encourage you.

11 MR. KATZ: Thank you very much.

12 MEMBER FEIT: Mr. Monteverde, we don't have
13 second-floor plans. What is the size of their
14 master bedroom now?

15 MR. MONTEVERDE: I don't have it with me
16 because we weren't getting involved with --

17 CHAIRMAN KEILSON: I had checked with the
18 Building Department. I think Mr. Ryder checked
19 for me, and I think this is more or less maybe a
20 little bit smaller than their upstairs master
21 bedroom. I did check that.

22 MEMBER FEIT: All right.

23 MEMBER GOTTLIEB: Thank you very much,

24 Dr. Katz.

25 Let me ask you a question, please. You

1 extended, seems like there's an area four feet two
2 inches before this addition starts.

3 MR. MONTEVERDE: Yes.

4 MEMBER GOTTLIEB: Can you kind of explain why
5 you have that as opposed to having it adjacent?

6 MR. MONTEVERDE: Mr. Katz wanted a
7 separation, not to have the door directly off the
8 den and a little bit of a loge area, like a
9 transition between the bedroom area and the den
10 area. That's why we created that.

11 MEMBER GOTTLIEB: Thank you.

12 MR. MONTEVERDE: Thank you.

13 CHAIRMAN KEILSON: Thank you very much.

14 Is there anyone present who wants to speak to
15 the matter?

16 MR. HOFFMAN: Yes. My name is Allan Hoffman,
17 and I live at 21 Herrick Drive which is --

18 CHAIRMAN KEILSON: One second. Mr. Katz,
19 excuse us, we have somebody speaking.

20 MR. KATZ: Sorry.

21 MR. HOFFMAN: I live at 21 Herrick Drive;
22 that's the corner of Broadway. I walk by
23 Mr. Katz's house frequently, and I have no
24 objection to what he wants to do. He's a senior,
25 I'm a senior, and I understand.

1 CHAIRMAN KEILSON: Thank you very much, very
2 much, appreciate it.

3 Anyone else in the audience who wants to
4 speak to the matter?

5 (No response.)

6 CHAIRMAN KEILSON: Okay, having discussed it
7 and reviewed it and evaluated it based on the
8 criteria that we evaluate -- why don't you
9 reiterate the criteria by which we judge these
10 matters.

11 MEMBER ROSEN: I will read the criteria for
12 variances. The Zoning Board is required to weigh
13 the benefit of the requested variance to the
14 applicant as opposed to the detriment that it
15 would cause to the health, safety and welfare of
16 the neighborhood. There are five criteria.

17 Number one is will an undesirable change be
18 produced in the character of the neighborhood and
19 nearby properties.

20 Number two: Can the benefit sought by the
21 applicant be achieved by some method other than a
22 variance.

23 Number three: Is the requested area variance
24 substantial.

25 Number four: Will the proposed variance have

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1 an adverse effect on the physical or environmental
2 conditions of the neighborhood.

3 Number five: Is the alleged difficulty for
4 the applicant self-created. Which does not in and
5 of itself preclude a variance.

6 So the balancing is done by this Board and we
7 come up with our recommendation.

8 CHAIRMAN KEILSON: Mr. Rosen, how do you vote
9 in light of that?

10 MEMBER ROSEN: In favor.

11 CHAIRMAN KEILSON: Mr. Gottlieb.

12 MEMBER GOTTLIEB: I vote in favor.

13 CHAIRMAN KEILSON: Mr. Feit.

14 MEMBER FEIT: For.

15 CHAIRMAN KEILSON: Mrs. Williams.

16 MEMBER WILLIAMS: In favor.

17 CHAIRMAN KEILSON: I vote for as well, and
18 you have two years to complete.

19 MR. RYDER: For construction.

20 CHAIRMAN KEILSON: You have to go to the
21 Board of Building Design.

22 MR. MONTEVERDE: Yes. Thank you very much,
23 members of the Board. I appreciate your time.

24 CHAIRMAN KEILSON: Thank you very much.

25 (Whereupon, the hearing concluded at

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7:55 p.m.)

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

Mary Benci

MARY BENCI, RPR
Court Reporter