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INCORPORATED VILLAGE OF LAWRENCE
BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

July 20, 2011
7:35 p.m.

APPLICATIONS FOR ADJOURNMENT:

Popack
350 Longwood Crossing
Lawrence, New York

HAFTR
33 Washington Avenue
Lawrence, New York

P R E S E N T:

MR. EDWARD GOTTLIEB
Chairman

MR. ELLIOT FEIT
Member

MR. LESTER HENNER
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Counsel to BZA

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN GOTTLIEB: Good evening, Mary, and
2 gentlemen. This is the Village of Lawrence Board
3 of Zoning and Appeals July 20th meeting. I'd like
4 to call the meeting to order. In the absence of
5 Mr. Keilson, I will be presiding chairman for the
6 evening.

7 Do we have proof of posting?

8 MR. CASTRO: Yes, I offer proof of posting
9 and publication.

10 CHAIRMAN GOTTLIEB: Mr. Pantelis, can you
11 explain a hot Board as briefly as you can.

12 MR. PANTELIS: Sure. The hot Board, because
13 it's a hot night, but actually the Board of
14 Appeals in this particular case the members are in
15 almost all cases familiar with the properties that
16 are before the Board. Typically, members go out,
17 and if they don't have personal knowledge about a
18 particular structure they will visit the structure
19 and, therefore, a lot of the questions that you
20 get are related to their observations. And you
21 can expect that if the Board does not have
22 questions then they have looked at the location.

23 What we'd like you to do is to come up when
24 your case is called, give your name, your address,
25 indicate your relationship to the applicant, if

1 you're not the applicant, and to please explain to
 2 the Board as succinctly as possible the relief
 3 that you're requesting and why you're requesting
 4 it.

5 CHAIRMAN GOTTLIEB: Thank you.

6 MEMBER FEIT: One last thing, could I remind
 7 everybody to put their cell phones on vibrate or
 8 turn them off.

9 CHAIRMAN GOTTLIEB: It's quite a crowd
 10 tonight, there could be quite a disturbance.

11 I'd like to start with the adjournments
 12 first. The case of Popack, 350 Longwood Crossing.
 13 Are there any representatives for that matter?
 14 Otherwise, I have a motion to adjourn this.

15 MR. PANTELIS: There was a request made by
 16 the applicant, I understand.

17 CHAIRMAN GOTTLIEB: I believe so. Yes, the
 18 applicant's attorney.

19 MR. PANTELIS: Fine.

20 CHAIRMAN GOTTLIEB: Do I need to vote on
 21 that?

22 MEMBER FEIT: We usually do.

23 MR. PANTELIS: Usually, you do, yes, I would
 24 think so.

25 CHAIRMAN GOTTLIEB: Can I have a vote on the

1 adjournment for Popack.

2 MEMBER SCHRECK: Yes to the adjournment.

3 MEMBER FEIT: Yes.

4 CHAIRMAN GOTTLIEB: Mr. Henner, for the
5 adjournment of Popack?

6 MEMBER HENNER: Fine with me.

7 CHAIRMAN GOTTLIEB: Thank you.

8 The next case is the Hebrew Academy of Five
9 Towns, 33 Washington Avenue. Are there any
10 representatives for that matter? There's been a
11 request to adjourn that case as well, okay.

12 MEMBER SCHRECK: Yes, for the adjournment.

13 MEMBER HENNER: Yes.

14 MEMBER FEIT: Yes.

15 CHAIRMAN GOTTLIEB: Okay, that passes
16 unanimously.

17 MR. PANTELIS: At this time would the Board
18 like to indicate publicly the date that we agreed
19 on for the next hearing or not?

20 MEMBER FEIT: August 24th.

21 MR. RYDER: The E-mail circulated. I have
22 one yea. If we could poll the Board members.

23 MEMBER SCHRECK: Yes.

24 MEMBER FEIT: You have mine.

25 MEMBER HENNER: Yes.

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CHAIRMAN GOTTLIEB: August 24th will be the next meeting of this Board, and the Hebrew Academy of the Five Towns application will be heard that evening.

(Whereupon, the hearing concluded at 7:40 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

July 20, 2011
7:40 p.m.

APPLICATION:

Hartman
74 Lawrence Avenue
Lawrence, New York

P R E S E N T:

MR. EDWARD GOTTLIEB
Chairman

MR. ELLIOT FEIT
Member

MR. LESTER HENNER
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Counsel to BZA

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN GOTTLIEB: You know what, I'll start
2 with the Hartmans, 74 Lawrence Avenue. Will they
3 or their representatives please come up.

4 Good evening.

5 MR. MACLEOD: Good evening.

6 MR. HARTMAN: My name is Charles Hartman and
7 I'm here to discuss my residence at 74 Lawrence
8 Avenue and the extension to the back of the house.
9 I would like to introduce Mr. MacLeod who designed
10 the extension.

11 MR. MACLEOD: Good evening, John MacLeod,
12 595 Park Avenue, Huntington, New York.

13 This is a fairly simple request that we're
14 asking for this evening. We're planning on adding
15 a one-story kitchen addition to the back of the
16 house and a two-story partial addition and
17 expansion to the den with a bedroom and bathroom
18 above.

19 The current property has a 33 foot nine inch
20 rear-yard setback where a 40-foot rear-yard
21 setback is required. We are actually adding to
22 the house, but the rear-yard setback that we're
23 requesting is slightly less than the existing. We
24 are requesting 33 feet two, which still has an
25 overage of six foot ten to the 40-foot rear-yard

1 setback.

2 I just wanted to point out for the record
3 that in the petition there is a number which is
4 typed incorrectly on page two, item six. It
5 states that the existing rear-yard setback for the
6 garage is 33 feet two inches, and on the survey on
7 the plot plan you will see it's actually 33 nine
8 inches, and further down in that same paragraph
9 where it says that there was a 33 foot nine inch
10 distance to the closest corner of the proposed
11 kitchen it is actually 33 feet two inches. So
12 we're actually asking for less than what was in
13 the petition.

14 The purpose of the addition for the kitchen
15 is to enlarge a very -- an existing very small
16 kitchen which is roughly eleven by twelve -- ten
17 by twelve, and due to a growing family they would
18 like to have some additional living space in that
19 area. They would also be able to expand the
20 dining room and add a breakfast area to the
21 kitchen which currently it does not have.

22 At the same time that we're doing this we
23 would like to add another bedroom upstairs and
24 bathroom, again for the growing family, and
25 enlarge the existing den which is on the ground

Hartman - 7/20/11

1 floor which is somewhat drafty, it used to be an
2 enclosed porch. So we'll be making an
3 environmentally sound structure out of that.

4 MR. PANTELIS: When you say you're removing
5 on your plan the one-story sun room, 182 square
6 feet, you're actually replacing that with regular
7 living area; is that correct?

8 MR. MACLEOD: That is correct, yes.

9 The second variance that we're requesting is
10 the height setback ratio which is created by the
11 new roof over the second-floor bedroom and
12 bathroom. And although that part of the structure
13 does meet the rear-yard setback at 40 feet two
14 inches as shown on the plot plan, the height
15 setback ratio is increased from 0.61 to 0.71 which
16 is a very slight increase in the angle of the
17 proposed.

18 CHAIRMAN GOTTLIEB: Are you maintaining the
19 existing height or does that portion raise the
20 roof?

21 MR. MACLEOD: The proposed height of the
22 addition is actually less than the existing height
23 of the ridge.

24 CHAIRMAN GOTTLIEB: And the current height of
25 the ridge is?

Hartman - 7/20/11

1 MR. MACLEOD: The current height of the ridge
2 is 29 foot six, and the proposed height of the
3 addition in the rear is equal to the other gable,
4 which I'm afraid I don't have a dimension on that,
5 but it would probably be in the order of 28 foot
6 eight.

7 MEMBER FEIT: But you were already, as far as
8 the ratio was concerned, you were already over the
9 allowable at 0.61, but according to the code
10 relief it says 0.55 is the allowable.

11 MR. MACLEOD: That is correct, 0.55 is the
12 code and we are requesting 0.71.

13 MEMBER FEIT: And the existing is 0.61.

14 MR. MACLEOD: The existing is 0.61, correct.
15 So we request your consideration in this matter,
16 and if you have any questions we would be happy to
17 answer them.

18 CHAIRMAN GOTTLIEB: My question is not with
19 the height setback, just the line that we're
20 referring to as 32.2 -- 33.2.

21 MR. MACLEOD: 33 feet two inches, yes.

22 CHAIRMAN GOTTLIEB: For what length is that
23 encroachment? Do you follow what I'm asking you?

24 MR. MACLEOD: Beyond the 40 feet?

25 MR. PANTELIS: Another way of asking it would

1 be what, what portion of the rear of that building
2 does not comply? We see you have 40 foot two
3 inch.

4 CHAIRMAN GOTTLIEB: Which does comply.

5 MR. PANTELIS: Right, which does comply.

6 MR. MACLEOD: For that particular portion of
7 the construction, proposed construction, which is
8 the kitchen area, has a width of 18 feet eight
9 inches wide, and so that would be the length up
10 and down the page that does not conform if you
11 joined -- if you did an offset line of 40 feet
12 from the rear property line, you can see where the
13 40 foot two mark is. So it's just the rear
14 portion, the last five feet, the last -- actually,
15 the last six foot ten inches of the one-story
16 kitchen addition it would be nonconforming, and it
17 is only a one-story structure with a flat roof
18 terrace above.

19 MEMBER FEIT: Is this an irregular plot?
20 It's not a square plot?

21 MR. MACLEOD: It is irregular, correct, yes.

22 MEMBER FEIT: So actually your yardage from
23 the rear changes because of the way the property
24 is designed.

25 MR. MACLEOD: That is correct. The house is

1 parallel to the street but not parallel to the
2 rear property line, so you'll see the numbers do
3 get greater, the setback numbers increase as you
4 go down the plot page.

5 CHAIRMAN GOTTLIEB: Any questions from the
6 Board? Lester?

7 MEMBER HENNER: No.

8 MEMBER SCHRECK: No.

9 CHAIRMAN GOTTLIEB: Any questions, comments
10 from the audience? No one.

11 Do you have any letters of support from
12 neighbors?

13 MR. HARTMAN: No.

14 CHAIRMAN GOTTLIEB: Have any neighbors been
15 approached by you personally?

16 MR. HARTMAN: Yes.

17 CHAIRMAN GOTTLIEB: And they didn't object to
18 it?

19 MR. HARTMAN: Specifically the one who's
20 behind me.

21 CHAIRMAN GOTTLIEB: The most affected
22 neighbor?

23 MR. HARTMAN: Yeah.

24 MEMBER FEIT: Has the Building Department
25 received any letters pro or con?

1 MR. RYDER: Phone calls inquiring, that's it.

2 MEMBER FEIT: General inquiries?

3 MR. RYDER: Yes.

4 CHAIRMAN GOTTLIEB: Do we need to confer?

5 I'll start with Mr. Henner as our first. How do
6 you vote?

7 MEMBER HENNER: Yes.

8 MR. PANTELIS: I think it's appropriate to
9 make a motion.

10 CHAIRMAN GOTTLIEB: Yes. So the motion is to
11 accept the application as presented.

12 MEMBER HENNER: I still vote yes.

13 CHAIRMAN GOTTLIEB: Mr. Feit.

14 MEMBER FEIT: I agree, I vote yes.

15 MEMBER SCHRECK: I vote yes.

16 CHAIRMAN GOTTLIEB: And I would vote yes as
17 well. Thank you, good luck. You have -- how much
18 time do you need?

19 MR. MACLEOD: If we could have eighteen
20 months? Two years.

21 CHAIRMAN GOTTLIEB: Sure.

22 MR. MACLEOD: Two years, two years.

23 CHAIRMAN GOTTLIEB: Two years. I believe you
24 have to go before the Board of Building Design.
25 You're familiar with that.

Hartman - 7/20/11

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MR. MACLEOD: I am.

CHAIRMAN GOTTLIEB: You've been here before.
Thank you very much. Good luck.

(Whereupon, the hearing concluded at
7:50 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

INCORPORATED VILLAGE OF LAWRENCE

BOARD OF APPEALS

Village Hall
196 Central Avenue
Lawrence, New York

July 20, 2011
7:50 p.m.

APPLICATION: Konigsberg
 1 Marbridge Road
 Lawrence, New York

P R E S E N T:

MR. EDWARD GOTTLIEB
Chairman

MR. ELLIOT FEIT
Member

MR. LESTER HENNER
Member

MR. MARK SCHRECK
Member

MR. THOMAS V. PANTELIS, ESQ.
Counsel to BZA

MR. GERALDO CASTRO
Building Department

MR. MICHAEL RYDER
Building Department

Mary Benci, RPR
Court Reporter

1 CHAIRMAN GOTTLIEB: The Konigsberg
2 application, would they or their representative
3 please step up.

4 MR. GOLDMAN: Good evening, Mr. Chairman,
5 members of the Board, for the applicant,
6 Ronald Goldman, 130 West 42nd Street, New York,
7 New York.

8 I would note prior to the commencement of the
9 application that I would apologize for the
10 application. I think that this petition perhaps
11 sets a record for brevity and being concise, it
12 cuts right to the chase.

13 I apologize on behalf of the applicants who
14 had expected to be here themselves, and I was only
15 retained in the past week because, as I say, they
16 had hoped to be here and they felt they would be
17 able to flesh it out on a more personal level and
18 explain the need.

19 So again, I apologize for the brevity and the
20 shortness of the petition, but I believe that
21 through illustrations and through the presence of
22 the architect J. Carlos DeFonseca, who is present
23 with us tonight, will explain to the Board these
24 folks have lived here since I believe 1980.

25 I'm not sure if the Board received a copy of

1 the letter that they presented as a response to
2 the Building Department, I don't know if they even
3 sent it, dated May the 23rd.

4 MR. PANTELIS: Yes, we have that.

5 CHAIRMAN GOTTLIEB: Yes, we have it.

6 MR. GOLDMAN: So the entire Board has it.
7 Then that they had hoped would supplement their
8 petition in terms of suggesting, one, that the
9 home was built in 1965. They moved in since 1980.
10 They've resided in the Village. So this is not
11 sort of an arrival and an immediate dismantling or
12 expansion. They need the additional space as they
13 indicate because indeed they have a modest, modest
14 kitchen.

15 They provided me with a photograph of that
16 kitchen because that's essentially what this is
17 about, and I would present it to the Board, as
18 Applicant's 1, I guess, which shows you the
19 tightness of the space, and thank God when it's an
20 expanding family in terms of not so much children
21 anymore but grandchildren and elderly parents that
22 stop by and visit. If I might, as well, also a
23 component is yet another photo of it so you can
24 get a real picture of the necessity for the
25 expansion.

1 MEMBER FEIT: Are you identifying these and
2 marking these?

3 MR. PANTELIS: Yes, I am.

4 MR. GOLDMAN: And there's a third photo that
5 shows you the proposed area that they want to
6 expand in terms of the den. So the real issue
7 before the Board is how they plan to do this
8 expansion. And for that I would note that what
9 they're essentially doing and I'll leave it to the
10 architect, it's a little -- not deliberately
11 misleading but when you look at it it's a high
12 ranch so when you look at your plot plan as I did
13 and it shows existing and proposed it sort of
14 doesn't give you a full picture of it.

15 Essentially, what is happening is they have
16 an existing, what is it, a den, which is -- well,
17 if I may permit the architect to do it far better
18 than I.

19 MR. PANTELIS: Your name and address, sir,
20 please, for the record.

21 MR. GOLDMAN: The reporter has already been
22 provided with his business card.

23 MR. DEFONSECA: Basically, what they have as
24 existing, they have an extension on the first
25 floor. We have basement on ground. Then we have

1 the first floor with all the living space. And we
2 have the kitchen at this point. Then they have an
3 existing extension which is a very small den.

4 MR. GOLDMAN: Which is what you see
5 illustrated from within.

6 MR. DEFONSECA: What they -- basically, what
7 we propose is to extend -- to extend the line of
8 the existing den. That projection of the den to
9 gain, you know, so much square feet for the
10 kitchen. That portion of the first floor doesn't
11 have a basement; it's exposed to the elements. So
12 in order to make it more energy efficient and
13 structurally also efficient we proposed also to
14 just extend the basement so we could put a proper
15 foundation and all that for the extension.

16 By the way, the soil condition of this area
17 is very bad. You know, the existing house is
18 built on piles, and so, you know, I think instead
19 of having some columns and putting a lot of
20 insulation I think this is better just to square
21 the basement that at that point and provide a
22 proper -- you know, a better foundation.

23 MR. GOLDMAN: Just if I might interrupt. If
24 I might provide you with a photograph as well that
25 sort of illustrates the hodgepodge status where

1 you have the overhang and then you have underneath
2 it, but it has a ceiling, what we are now calling
3 a basement, but I guess to some extent it's almost
4 like a first floor and I think it's better
5 illustrated.

6 You also see what is currently there in terms
7 of a doorway and a ladder. Essentially, it's just
8 a mess. And so essentially, what is being done is
9 it's squaring off that top and it's enclosing the
10 bottom, if you will.

11 It doesn't encroach on anyone except, of
12 course, obviously there's more, if you will,
13 another wall that would now be facing the
14 adjoining neighbor. That neighbor is the only
15 person, that it doesn't affect any side yards
16 other than of course the neighbor. It's not going
17 beyond. The only one that's affected would be the
18 immediate neighbor right behind where the
19 construction is happening and with whom there's a
20 shared easement, so they've been neighbors for a
21 very long time and cooperative and he's written a
22 letter indicating this letter to state that as the
23 nearest neighbor to the Konigsberg's home and
24 therefore the most affected by any new
25 construction that I have no objections to their

1 proposed construction plans, a kitchen extension
2 facing our driveway, a small deck and enclosing
3 the underneath of the extension. So I'm providing
4 that, if I may, and that pretty much is not just a
5 blanket endorsement in an isolated fashion but a
6 real cognizance of what's going on and acceptance
7 of it as well.

8 I have additional photographs that I can
9 share with you that simply show just what a mess
10 it is now, and as I say, there's a ceiling there.
11 It's all there. It's just going to be enclosed.

12 MEMBER FEIT: Mr. Goldman, the property line
13 actually goes toward the end of the easement, not
14 the fence; is that correct?

15 MR. DEFONSECA: It goes beyond.

16 MEMBER FEIT: Right. So that driveway is
17 actually the Konigsberg's property?

18 MR. DEFONSECA: Part of it.

19 MR. GOLDMAN: Part of this. They share that
20 easement.

21 CHAIRMAN GOTTLIEB: But the driveway is owned
22 by which house?

23 MR. DEFONSECA: Part of that is by the
24 Konigsbergs.

25 MR. GOLDMAN: It's Konigsberg and apparently

1 when it was all constructed it was with the
2 understanding that an easement would be granted to
3 the neighbor and so there's no --

4 CHAIRMAN GOTTLIEB: But there's an owner of
5 that driveway?

6 MR. GOLDMAN: Yes.

7 CHAIRMAN GOTTLIEB: And the driveway is owned
8 by Hudson not Konigsberg?

9 MR. GOLDMAN: Konigsberg.

10 MR. PANTELIS: If you look at the second
11 page, the basement plan and the first-floor plan,
12 that dotted line that we see on the site plan was
13 actually called property line; it's irregular.

14 CHAIRMAN GOTTLIEB: The second page?

15 MR. PANTELIS: Yes, of the plans. So it
16 would be the basement floor plan, first-floor
17 plan, both call out the property line.

18 CHAIRMAN GOTTLIEB: Oh, I see.

19 MR. GOLDMAN: Where it says lower level.

20 MR. PANTELIS: And it indicates in this
21 particular case that there's a distance at that
22 point at least the one point of eight feet two
23 inches and is that the closest point,

24 Mr. DeFonseca, or is it out, Mr. Goldman?

25 MEMBER FEIT: I think on the first-floor plan

1 it shows 5.8.

2 MR. DEFONSECA: 5.8. It's 5.8.

3 MR. GOLDMAN: One has the 5.8.

4 MR. DEFONSECA: The first floor is 5.8.

5 MR. PANTELIS: That's right. You're going to
6 the basement.

7 MEMBER FEIT: Mr. Goldman, do they -- do they
8 have the right the first time to square it off
9 without even a variance?

10 MR. GOLDMAN: I wouldn't -- we hadn't
11 considered that but --

12 MR. DEFONSECA: No, we won't comply with the
13 side yards.

14 MEMBER FEIT: In other words, so you can't
15 just square it off as of right?

16 MR. GOLDMAN: No, we're just going to fill it
17 in and square it off.

18 MEMBER FEIT: How high is the water table
19 there? I would assume they don't have a real
20 basement.

21 MR. GOLDMAN: No, they don't.

22 CHAIRMAN GOTTLIEB: It's a high ranch.

23 MR. DEFONSECA: It's very prone to flooding.

24 MEMBER FEIT: So they couldn't put a -- well,
25 let's call it basement under the ground because of

Konigsberg - 7/20/11

1 the water table?

2 MR. GOLDMAN: Yeah, what we're calling a
3 basement is probably really the first floor.

4 That's pretty much the application. And
5 again, they regret that they were called out of
6 the country.

7 CHAIRMAN GOTTLIEB: I understand that you're
8 despite what I might call koshering up by squaring
9 off a section, but you're also extending that, if
10 I understand this correctly. You're enclosing the
11 lower level where it's extended on the second
12 floor, but you're also going out further, you're
13 extending that; is that correct?

14 MR. GOLDMAN: When you say extending, we're
15 extending -- we're extending a bit of the first
16 floor though not running the entire side of the
17 house.

18 MR. DEFONSECA: This portion. Over here we
19 have a fence, you know.

20 MEMBER SCHRECK: But you're adding to that
21 first-floor basement with that extension?

22 MR. DEFONSECA: Yes, for the rear first
23 floor.

24 CHAIRMAN GOTTLIEB: Is there a reason for the
25 extension on that lower level?

1 MR. DEFONSECA: There are two reasons.
2 Number one is structural. Second, we don't want
3 that to be exposed. If we leave that open --

4 CHAIRMAN GOTTLIEB: No, no, no, I'm sorry. I
5 understand you want to build below the second
6 floor, but you're also extending it further.

7 MR. DEFONSECA: No, we don't. Only the area
8 that is right below this portion. Only the area
9 that is within where we have the existing small
10 den and the kitchen. We're not going to go beyond
11 that point.

12 CHAIRMAN GOTTLIEB: So where you're extending
13 it is where the kitchen is?

14 MR. DEFONSECA: Yes.

15 CHAIRMAN GOTTLIEB: You're extending it not
16 the second floor, but only the first floor?

17 MR. GOLDMAN: The bottom, right.

18 MR. DEFONSECA: Yes. Here, see this portion,
19 see this portion is the actual first floor and
20 this is all open. So basically closing this.
21 This is the new portion.

22 CHAIRMAN GOTTLIEB: So the new portion. My
23 question is why do you need the new portion?

24 MR. DEFONSECA: Because you have to provide
25 foundation walls for the first floor, otherwise,

1 if we leave it it's going to be exposed. It's
2 about going to be five feet of exposed floor.

3 MEMBER FEIT: It's for the kitchen.

4 CHAIRMAN GOTTLIEB: Are you expanding the
5 second floor here also?

6 MR. DEFONSECA: No, no, there's no second
7 floor. We have a basement. The first floor is
8 really the basement.

9 MR. GOLDMAN: The kitchen is on the second
10 floor.

11 MR. RYDER: He's building under the
12 cantilever it's called.

13 CHAIRMAN GOTTLIEB: Under the cantilever.

14 MR. GOLDMAN: That's why the photographs are
15 in.

16 MR. PANTELIS: I think Mr. Ryder was looking
17 at the survey and they have some questions about
18 the setback.

19 MR. RYDER: Mr. Goldman and Mr. DeFonseca, I
20 just would like to go over the numbers with you
21 because I see a discrepancy, but it may be
22 beneficial to your application and I'm looking at
23 the survey, if everyone can grab the survey and
24 you will see from --

25 CHAIRMAN GOTTLIEB: Excuse me, Mr. Ryder, I

1 don't think we have surveys.

2 MR. RYDER: You don't have surveys, okay.
3 Pass it down to the Board. We have a site plan.
4 Mr. Goldman, if you would approach.

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

7 MR. RYDER: For the record, they explained
8 that the second-floor cantilever is accurate at
9 five feet how many inches?

10 MR. DEFONSECA: Five feet eight.

11 MR. RYDER: Five feet eight inches, and that
12 the eight foot two inches is the measure from the
13 southerly property line to the foundation line.

14 MR. DEFONSECA: Right.

15 MR. RYDER: Building the new foundation.

16 CHAIRMAN GOTTLIEB: The new foundation line.

17 MR. RYDER: The new foundation line.

18 MR. DEFONSECA: If you go -- the reason that
19 we want this in the back is if we go the five feet
20 then we don't have the space to walk on that back
21 of the property because we have the fence, so we
22 have to leave some space so you can walk from the
23 front of the property to the back.

24 MR. GOLDMAN: Except in this case the fence
25 is a positive thing because to the extent that

Konigsberg - 7/20/11

1 that new extension on the bottom near the driveway
2 would be an imposition, it's not even seen now
3 that the fence is there.

4 MR. RYDER: Thank you.

5 CHAIRMAN GOTTLIEB: So Mr. Ryder, regarding
6 that two-foot space between new construction and
7 the fence, that is going to be two feet or two
8 feet eight inches is it?

9 MR. RYDER: It's two feet eight inches,
10 that's my understanding.

11 CHAIRMAN GOTTLIEB: Are there any safety
12 concerns in terms of getting back there; access,
13 egress?

14 MR. RYDER: It's a cantilever. You could
15 still walk.

16 MR. DEFONSECA: Yeah, you walk from the front
17 to the back of the property.

18 MR. RYDER: And that clearance, I think
19 Mr. Gottlieb said --

20 CHAIRMAN GOTTLIEB: But I thought it was
21 solid coming down.

22 MR. DEFONSECA: No, the section, the first
23 floor and then you have the foundation of the
24 first floor is set back.

25 MR. GOLDMAN: So there's still sufficient

Konigsberg - 7/20/11

1 space for not only for people to walk but even
2 firefighters.

3 MR. RYDER: I don't want to speak for the
4 Chairman.

5 CHAIRMAN GOTTLIEB: I don't know who I should
6 be looking at. The question is the second floor
7 and the first floor are not lining up. The second
8 floor is going to be cantilevered over the first
9 floor.

10 MR. DEFONSECA: Because we have a condition
11 like this.

12 CHAIRMAN GOTTLIEB: The current condition.

13 MR. DEFONSECA: The current condition goes
14 even beyond. It goes behind here. This is your
15 first floor. This is your cellar, and this is
16 where the fence is located now. If we extend the
17 line of the kitchen floor, then this will be too
18 narrow so you cannot really walk on that part of
19 the property. So that's why we setting the
20 basement wall foundation back so we have enough
21 space that we could walk.

22 CHAIRMAN GOTTLIEB: We're going to call it
23 the basement wall. What is the distance between
24 the basement wall and that fence?

25 MR. DEFONSECA: It's approximately two feet,

1 about, two feet --

2 CHAIRMAN GOTTLIEB: Two feet eight inches?

3 MR. DEFONSECA: Approximately, yes.

4 CHAIRMAN GOTTLIEB: So what would be the
5 distance between the first floor, the kitchen wall
6 and the fence?

7 MR. DEFONSECA: It's like a foot and a half,
8 one foot, approximately. I don't have the
9 dimension to the fence. I have the dimension to
10 the property line, but I don't have the dimension
11 to the fence, but it's on the pictures. I think
12 it's only maybe -- if you see it here, this is the
13 fence and this is the existing first floor, the
14 kitchen floor. This may be a foot eight inches,
15 not that much. So basically, this is going to be
16 filled out, but this line is going to remain. The
17 foundation wall is going to be set back to allow a
18 walkway between, you know, in the cellar in the
19 rear.

20 MEMBER SCHRECK: Closer to the house than the
21 actual top?

22 MR. DEFONSECA: Right, right, right.

23 MR. GOLDMAN: But there would be space, but I
24 believe the Board is concerned people can walk.
25 Not only that, but also in terms of emergencies

1 there would be access.

2 MR. DEFONSECA: Exactly right.

3 MEMBER SCHRECK: But the extension is going
4 to lead from that existing.

5 MR. DEFONSECA: Exactly. It's going to keep
6 that line. Not going to go beyond.

7 MEMBER SCHRECK: Not going to go beyond?

8 MR. DEFONSECA: No.

9 CHAIRMAN GOTTLIEB: Are there going to be
10 stairs or is that sealed off?

11 MR. DEFONSECA: No, the access is going to be
12 from the deck. The existing stairs that we have
13 here now are going to be eliminated and just going
14 to be, you know --

15 MR. GOLDMAN: A ladder apparatus.

16 MR. DEFONSECA: From the kitchen then we
17 going to the deck and to the front yard.

18 MEMBER HENNER: How do you get out if you're
19 going out that way?

20 MR. DEFONSECA: You go through the -- from
21 the kitchen -- I'll show you on this one.
22 Basically, this is existing kitchen, this is the
23 small den. So we have a set of sliding doors that
24 go through there and you go to the yard.

25 MEMBER FEIT: So you don't -- so there won't

1 be a back door at all?

2 MR. DEFONSECA: No, there won't.

3 MEMBER FEIT: It's a side door.

4 MR. DEFONSECA: Side door.

5 MR. GOLDMAN: Exactly.

6 MEMBER HENNER: There's no back door now
7 either.

8 MEMBER FEIT: There's steps.

9 MR. DEFONSECA: Now you have to go through
10 the side.

11 MEMBER HENNER: You're eliminating the steps.

12 MR. DEFONSECA: Yeah, this will occupy with
13 the extension of the kitchen.

14 MR. GOLDMAN: It's in the photo that door
15 that leads to nowhere with the steps going down.

16 CHAIRMAN GOTTLIEB: Are you adding that deck?

17 MR. DEFONSECA: We're adding this deck.

18 MEMBER HENNER: These steps, the one over
19 there, is that the one being eliminated? Is that
20 what you're talking about?

21 MR. GOLDMAN: Yes.

22 MEMBER HENNER: So in other words, if
23 somebody goes out they have to turn right instead
24 of left to get out of there?

25 CHAIRMAN GOTTLIEB: Is the deck a raised

1 deck?

2 MR. DEFONSECA: A raised deck.

3 CHAIRMAN GOTTLIEB: Is it on line with the
4 kitchen?

5 MR. DEFONSECA: Yes.

6 CHAIRMAN GOTTLIEB: And how far off the
7 property line is the deck?

8 MR. DEFONSECA: The deck is going to be about
9 five feet eight inches from the property line.

10 CHAIRMAN GOTTLIEB: So the deck is an
11 extension of --

12 MR. DEFONSECA: The deck is an extension.

13 CHAIRMAN GOTTLIEB: On line with the house?

14 MR. DEFONSECA: Yes.

15 MEMBER SCHRECK: How large is the deck?

16 MR. DEFONSECA: It's eight feet by twelve
17 feet.

18 CHAIRMAN GOTTLIEB: What will be under the
19 deck?

20 MR. DEFONSECA: Open.

21 MEMBER SCHRECK: Right now there's a patio
22 there, right?

23 MR. DEFONSECA: Small patio there.

24 MR. GOLDMAN: Concrete.

25 CHAIRMAN GOTTLIEB: So there will be stairs

Konigsberg - 7/20/11

1 from the deck.

2 MR. DEFONSECA: Yes.

3 CHAIRMAN GOTTLIEB: So to leave the house you
4 have to walk out of the kitchen onto the deck and
5 down the steps?

6 MR. DEFONSECA: Right.

7 CHAIRMAN GOTTLIEB: Any questions, gentlemen?

8 MEMBER FEIT: No.

9 CHAIRMAN GOTTLIEB: Any questions from folks
10 in the audience?

11 Can we confer for a moment.

12 (Whereupon, a discussion was held off the
13 record.)

14 CHAIRMAN GOTTLIEB: We're back. Thanks,
15 Mary. We're ready to vote. So we have a motion
16 to approve the application as submitted with no
17 changes. I'll start with Mr. Schreck.

18 MEMBER SCHRECK: I will vote for.

19 CHAIRMAN GOTTLIEB: Mr. Feit.

20 MEMBER FEIT: For.

21 CHAIRMAN GOTTLIEB: Mr. Henner.

22 MEMBER HENNER: That two-foot-eight thing
23 would I be able to fit through there?

24 MR. DEFONSECA: Yeah.

25 MEMBER HENNER: Then I'm in favor.

Konigsberg - 7/20/11

1 MEMBER SCHRECK: Only if you vote for.

2 MR. GOLDMAN: Before or after the collation?

3 MEMBER HENNER: Yes.

4 CHAIRMAN GOTTLIEB: This motion passes. This
5 application passes. How long do you need for
6 construction, please?

7 MR. DEFONSECA: Two years.

8 CHAIRMAN GOTTLIEB: Two years.

9 MR. GOLDMAN: We know that we have to appear
10 before the Board of Building Design.

11 CHAIRMAN GOTTLIEB: Glad you mentioned that.

12 MR. GOLDMAN: We appreciate the courtesy of
13 the Board.

14 (Whereupon, the hearing concluded at
15 8:15 p.m.)

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

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Mary Benci

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MARY BENCI, RPR
Court Reporter

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