

Proceedings - Guttman

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

MOSES GUTTMAN,
319 PACIFIC AVENUE,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

March 23, 2023
8:10 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

DAVID SHTEIERMAN, Board Member

MICHAEL BLEIBERG, Board Member

SHIFRA EDELMAN, Board Member

WAYNE YARNELL, Supt. Bldg. Dept.

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2 CHAIRMAN KRENGEL: The second case on
3 the calendar has been assigned Case 5 of 2023,
4 and is the application of Moses Guttman, the
5 applicant of a parcel known as 319 Pacific
6 Avenue, and designated as Section
7 39/Blk349/Lot207. The applicant has proposed
8 to build front and rear additions, and
9 construct a new one car attached garage.

10 The application seeks variances from
11 Cedarhurst Code Section 265-40 A, front yards,
12 and 265-41 A Side Yards.

13 This Board has determined that the
14 application is a Type II Action pursuant to
15 section 617.3 of the New York State Department
16 of Environmental Control Regulations and does
17 not require an Environmental Impact Statement.

18 For the record, we have been provided
19 with proof of the mailing and publications in
20 the local newspaper of record of all notices
21 of this hearing as required by law.

22 Accordingly, jurisdiction has been
23 obtained over all necessary parties and this
24 Board has jurisdiction to hear this appeal.

25 Pursuant to New York State General

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2 Municipal Law Section 809, on May 26th, 2022,
3 a non-collusion affidavit has been duly
4 executed by the applicant, Moses Guttman,
5 Abraham Moses I guess is the same person,
6 wherein he stated that there are no other
7 persons involved in this application that are
8 employed by or connected to the Village of
9 Cedarhurst, its officers, or employees, which
10 would in any way constitute a conflict under
11 the law.

12 Pursuant to an agreement between the
13 Village of Cedarhurst and Nassau County
14 Planning Commission, the Nassau County
15 Planning Commission has been given notice of
16 this application, and has waived consideration
17 thereof. Will the applicant please step
18 forward?

19 MR. FLAUM: Good evening, chairman and
20 members of the Board. My name is Shmuel
21 Flaum. I'm an applicant representing the
22 owners this evening at the variance hearing.
23 I am not actually the architect of record. He
24 asked me to present this case on his behalf
25 for this evening. The property owners are

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2 seeking variances specific to the work they
3 are trying to achieve, which is primarily
4 related to attaching a garage to their house
5 by detaching or eliminating the detached
6 garage in the rear.

7 In doing so, they're creating a
8 non-compliance, which I will go through.
9 Essentially we're creating a noncompliant side
10 yard, where currently you have an existing
11 side yard that's required to be 6 feet and 16
12 aggregate. 6 feet being the minimum, 16 feet
13 being the aggregate. We have an existing 7
14 1/2 feet on one side, for the minimum, and
15 17.8 aggregate. We're proposing 10.3 feet
16 aggregate, and 2.8, being the minimum on the
17 smaller of the side yards. The only one not
18 being effected by the proposed alteration to
19 the house which attaches the garage.

20 Just to bring to light, the property is
21 currently not compliant in size, it's an
22 existing nonconforming area, less than 6,000
23 square feet, and also you have a irregularly
24 shaped lot, which is contributing to the
25 noncompliance that's being created by

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2 attaching the proposed one-story garage.

3 They are also seeking to build a second
4 story on top of the front of the existing
5 one-story portion. They're not encroaching
6 any more forward of the existing dwelling. So
7 it's just a new second story on top of the
8 existing one-story, and those are the
9 variances that we're seeking, based on the
10 work we are trying to achieve. It's a side
11 yard nonconformity at the northeast side of
12 the house.

13 CHAIRMAN KRENGEL: That's only the
14 garage section; correct?

15 MR. FLAUM: Correct. The garage is
16 encroaching into the existing side yard that
17 typically would have to be 6-foot minimum, but
18 when you have an aggregate, it's 6 and 10. So
19 there is an existing side yard that's 7.6 on
20 one side, which complies with the 6-foot
21 minimum, but when you subtract the aggregate,
22 you wouldn't be complying in that way either.
23 So it's a minimum side yard, and aggregate
24 side yard variance for the attached garage at
25 the house.

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2 CHAIRMAN KRENGEL: Okay. The abutting
3 neighbor next to that side yard, what is that?

4 MR. FLAUM: What is the neighbor
5 adjacent to the garage -- I believe --

6 CHAIRMAN KRENGEL: My question to you is
7 your side yard is 2.8 feet from the property
8 line?

9 MR. FLAUM: Correct.

10 CHAIRMAN KRENGEL: Next to that property
11 line is?

12 MR. FLAUM: Nothing there.

13 CHAIRMAN KRENGEL: Driveway, yard?

14 MR. FLAUM: How close is that adjacent
15 house from that property line how close is his
16 house.

17 MR. GUTTMAN: Wider than a driveway.

18 MR. FLAUM: 10, 15 feet?

19 MR. GUTTMAN: I would say about 13 feet.

20 CHAIRMAN KRENGEL: Okay, thank you.
21 Anybody have any questions?

22 MR. SHTEIERMAN: So the total height of
23 this garage with the flat portion on top is
24 how high?

25 MR. FLAUM: The total height is, as

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2 indicated on the drawings is 9-foot 4 from the
3 first floor. But it's 2-foot 7 to the county
4 road, so it's 11-foot 7 -- sorry -- 11-foot
5 11, and three quarters. So it's approximately
6 12 feet from the county road.

7 MR. SHTEIERMAN: Why does he need to
8 need to expand the attic also?

9 MR. FLAUM: You're saying why are they
10 adding on to the front rear attic? I'm
11 assuming from it's for mechanical equipment
12 and storage that would come in with, you know,
13 accumulating a larger house. But that seems
14 to be in compliance with the zoning. So I
15 mean most people when they enlarge their
16 house, they also enlarge the roof and attic.
17 Is the question is about the garage or the
18 roof?

19 MR. SHTEIERMAN: I am asking both.
20 Garage you answered. I'm asking about the
21 roof.

22 MR. FLAUM: Well, when you have an
23 existing roof you have to somehow marry the
24 two together. So when you do an extension of
25 the front and rear you want it to be

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2 aesthetically pleasing, and/or work with each
3 other. So I believe in the drawings that you
4 have, these are the drawings of the existing
5 elevation before the proposed elevation. So
6 being that I'm not the architect of record, I
7 can't answer the specific design aesthetic
8 choices, but typically when you do an
9 enlargement over the rear, you want the roof
10 lines to align --

11 CHAIRMAN KRENGEL: I think his question
12 is do you have a third floor theory.

13 MR. SHTEIERMAN: There is a huge third
14 floor wide open with 7-foot high ceilings.

15 MR. FLAUM: It's not 7 feet throughout.
16 It's slopes down on the side.

17 MR. GUTTMAN: That's how it was before.

18 MR. FLAUM: There is only one new dormer
19 on the side than the other, which is being
20 blocked by the chimney, which is really
21 ineffective. But the center space is quite
22 dominus, there is nothing really you can put
23 up in that area, because the head height
24 starts dropping from the center point of the
25 ridge. There are also no windows in the front

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and the rear.

CHAIRMAN KRENGEL: Okay. Thank you.
That's your case?

MR. FLAUM: Yes.

CHAIRMAN KRENGEL: Would you like to say
anything for or against this application?

MR. GUTTMAN: Can I say for it?

CHAIRMAN KRENGEL: I assume you're for
it. I hope you're for it.

MR. GUTTMAN: Abraham Moses Guttman, 319
Pacific Avenue. I'm just saying for, because
I just need the space for my family and kids.
That's it. Thank you.

CHAIRMAN KRENGEL: Thank you, sir.

Any questions? Thank you. We will take
a vote.

MR. SHTEIERMAN: Approved.

MR. BLEIBERG: Approved.

MRS. EDELMAN: Approved.

(Time noted: 8:18 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF QUEENS)

I, RIVKA KAPLAN, a Notary Public
within and for the State of New York, do
hereby certify that the foregoing record of
proceedings is a full and correct
transcript of the stenographic notes taken
by me therein.

IN WITNESS WHEREOF, I have hereunto
set my hand this 23rd day of March, 2023.

RIVKA KAPLAN

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

SHONIE SCHWARTZ,
226 OAKWOOD AVENUE,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

March 23, 2023
8:20 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

DAVID SHTEIERMAN, Board Member

MICHAEL BLEIBERG, Board Member

SHIFRA EDELMAN, Board Member

WAYNE YARNELL, Supt. Bldg. Dept.

Proceedings - Schwartz

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2 CHAIRMAN KRENGEL: The next case this
3 evening is the third and final case of the
4 calendar tonight has been assigned Case 6 of
5 2023, and is the application of Shonie
6 Schwartz. The applicant of a parcel known as
7 226 Oakwood Avenue, and designated as
8 Section 39/Blk253/Lot107.

9 The applicant proposes first floor
10 addition with attached porte cochere, for a
11 master bedroom and construct habitable space
12 bedroom proposed third floor. The applicant
13 seeks variances with Cedarhurst Code 265-36
14 Height, which is we have a code of two and
15 half stories maximum, 265-41 A for the side
16 yard, and 265-42.1 A, character roof.

17 This Board has determined that the
18 application is a Type II Action pursuant to
19 section 617.3 of the New York State Department
20 of Environmental Control Regulations and does
21 not require an Environmental Impact Statement.

22 For the record, we have been provided
23 with proof of the mailing and publications in
24 the local newspaper of record of all notices
25 of this hearing as required by law.

Proceedings - Schwartz

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2 Accordingly, jurisdiction has been
3 obtained over all necessary parties, and this
4 Board has jurisdiction to hear this appeal.

5 Pursuant to New York State General
6 Municipal Law Section 809, on December 6th,
7 2022, a non-collusion affidavit has been duly
8 executed by the applicant, Shonie Schwartz,
9 wherein she stated that no other person
10 involved in this application that are employed
11 by or connected to the Village of Cedarhurst,
12 its officers, or employees, which would in any
13 way constitute a conflict under the law.

14 Pursuant to an agreement between the
15 Village of Cedarhurst and Nassau County
16 Planning Commission, the Nassau County
17 Planning Commission has been given notice of
18 this application, and has waived consideration
19 thereof.

20 Will the applicant or its representative
21 please step forward?

22 MR. FLAUM: Good evening Board Chair,
23 and members of the Board. I'm here on behalf
24 of the owners, Shonie Schwartz and husband,
25 and who are seeking --

Proceedings - Schwartz

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2 CHAIRMAN KRENGEL: Again for the record,
3 it's Shmuel Flaum, registered architect.

4 MR. FLAUM: Thank you.

5 CHAIRMAN KRENGEL: Licensed.

6 MR. FLAUM: Licensed and registered
7 architect on behalf of the owners, Dr. and Mr.
8 Schwartz, seeking variances related to an
9 alterations to the existing residence, that's
10 currently located at the subject property in
11 226 Oakwood. The Schwartz's have been
12 residing here for a number of years. The
13 family has grown considerably. Their need for
14 additional space, and to accommodate their
15 growing children and family is increasing as
16 well. They have done whatever they can
17 internally to make the house work as best as
18 possible, but it's come to a point where they
19 need more bedrooms.

20 They happen to love their lot. It's a
21 very nice spacious lot, and they feel that
22 they need additional bedrooms for their
23 growing family. Thereby we are trying to
24 obtain variances to make a habitable third
25 story or currently there actually is an

Proceedings - Schwartz

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2 existing attic that has a staircase going up
3 to it with some small rooms. They would like
4 to increase the size of the attic and make
5 more bedrooms for their family to live in.

6 That being said, the house currently has
7 a certain aesthetic to it, we're trying to be
8 very sensitive to the aesthetic by not
9 overwhelming the street facade, so we're
10 proposing on the frontage, three small dormers
11 to add light in that area, that would be on
12 the front rooms, and then the majority of the
13 changes would be happening at the rear,
14 further away from the street towards their
15 rear yard, so as not to be in a position to
16 the current street facing Oakwood.

17 In addition to going for variances for a
18 third-story habitable floor, they are also
19 seeking variances related to an attached porte
20 cochere. They currently have a two-car garage
21 in the back of the property. However, it's
22 sort of pointless when you're coming home with
23 groceries to have to go to park in the garage,
24 and then walk all the way back. So this will
25 allow them to have coverage area in increment

Proceedings - Schwartz

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2 weather to be able to bring things from the
3 car into the house straight into the side
4 entry. You can see in the drawings that the
5 proposed porte cochere would allow entrance
6 into the exiting mud room at the side and then
7 into the kitchen, and the den room that is
8 currently in the house.

9 Part of the project also is a two new
10 walk-in closets off of the den room, behind
11 the mud room, and some reconfiguration in
12 addition behind an existing study guest room
13 on the left side. So there are a few
14 different moving pieces to this specific
15 application, but again the variances pertain
16 to the third story habitable floor, and to the
17 porte cochere on the right side of the house.
18 Does the Board have any questions or concerns
19 related to the proposed variances being
20 sought?

21 CHAIRMAN KRENGEL: Does the side yard to
22 the power is three feet?

23 MR. FLAUM: Yes, three feet to the porte
24 cochere, which is not a garage. It's just a
25 covered parking area. It's not a structure in

Proceedings - Schwartz

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the sense --

CHAIRMAN KRENGEL: A full -- it's going to be a roof.

MR. FLAUM: It will have a roof, but it's boarded on columns, so there wouldn't be a wall.

CHAIRMAN KRENGEL: Okay. And the character roof has to do with what you do with the third floor?

MR. FLAUM: The character of the roof at the alteration on top?

CHAIRMAN KRENGEL: Yes.

MR. FLAUM: We're trying to keep the main front roof line. We're not trying to change it. We're trying to keep everything to the ridge, just add any dormers for character, but allow us to also comply with the lighting area requirements.

CHAIRMAN KRENGEL: You're not raising or extending the ridge?

MR. FLAUM: We're not proposing to change the ridge. We're trying to keep the ridge exactly where it is. We're just adding dormers to the front of the existing house,

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2 where presently there aren't any. We would
3 add three dormers centered over the middle,
4 left, and right windows. This would give us
5 egress and light, as required by New York
6 State Code and the balance of the space would
7 be at the rear in the larger dormers that
8 nobody would be seeing in the rear.

9 CHAIRMAN KRENGEL: Two bedrooms. 1 and
10 2 that's new space; correct?

11 MR. FLAUM: Bedrooms one and two are the
12 new space being added in with the dormers
13 facing in the rear. There is an exiting
14 dormer -- sorry, there is existing space
15 beneath the roof at the front.

16 CHAIRMAN KRENGEL: Okay. That's your
17 case?

18 MR. FLAUM: That's the case. If the
19 board has any questions, I can entertain them.

20 CHAIRMAN KRENGEL: Off the record.

21 (Discussion held off the record.)

22 CHAIRMAN KRENGEL: Back on the record.
23 I'm going to make a motion to approve the side
24 yard variances for the porte cochere, and we
25 are going to keep this hearing open to allow

Proceedings - Schwartz

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2 for further discussion, and for the applicant
3 to come back for the height and the character
4 of roofs.

5 MR. SHTEIERMAN: Approved.

6 MR. BLEIBERG: Approved.

7 MS. EDELMAN: Approved.

8 CHAIRMAN KRENGEL: Approved and
9 modified, as proposed by myself.

10 MR. FLAUM: Thank you.

11 (Time noted: 8:34 p.m.)

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Proceedings - Schwartz

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF QUEENS)

I, RIVKA KAPLAN, a Notary Public
within and for the State of New York, do
hereby certify that the foregoing record of
proceedings is a full and correct
transcript of the stenographic notes taken
by me therein.

IN WITNESS WHEREOF, I have hereunto
set my hand this 23rd day of March, 2023.

RIVKA KAPLAN

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1 Proceedings - 570 Peninsula Blvd. Associates LLC

2 - - - - -

3 APPLICATION FOR ZONING VARIANCE

4 IN THE MATTER OF

5 570 PENINSULA BLVD ASSOCIATES LLC,
6 566-570 PENINSULA BOULEVARD,

7 Applicant

8 - - - - -

9 200 Cedarhurst Avenue
10 Cedarhurst, New York

11 March 23, 2023
12 7:05 p.m.

13 B E F O R E:

14 MEIR KRENGEL, Chairman

15 DAVID SHTEIERMAN, Board Member

16 MICHAEL BLEIBERG, Board Member

17 SHIFRA EDELMAN, Board Member

18 WAYNE YARNELL, Supt. Bldg. Dept.

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1 Proceedings - 570 Peninsula Blvd. Associates LLC

2 CHAIRMAN KRENGEL: Good evening,
3 everyone. The first case of the calendar
4 tonight has been assigned case number 7 of
5 2023, and it is an application of 570
6 Peninsula Boulevard Associates, LLC, the
7 applicant of a parcel known as 565-570
8 Peninsula Boulevard, and designated as
9 Section 39, Block 177, Lot 17a, 17b, 126, 127,
10 131a and 131b.

11 The applicant proposes to construct a
12 one-story professional building with onsite
13 parking. The majority of this project falls
14 in the Town of Hempstead's jurisdiction and
15 requires variances within the Town of
16 Hempstead as well.

17 The applicant seeks variances of
18 Cedarhurst Code Section 265-33 Permitted Uses,
19 and 265-40 Front Yards.

20 This Board has determined that the
21 application is a Type II Action pursuant to
22 section 617.3 of the New York State Department
23 of Environmental Control Regulations and does
24 not require an Environmental Impact Statement.

25 For the record, we have been provided

1 Proceedings - 570 Peninsula Blvd. Associates LLC

2 with proof of the mailing and publications in
3 the local newspaper of record of all notices
4 of this hearing as required by law.

5 Accordingly, the jurisdiction has been
6 obtained over all necessary parties, and this
7 Board has jurisdiction to hear this appeal.

8 Pursuant to New York State General
9 Municipal Law Section 809, on January 5th,
10 2023, a non-collusion affidavit has been
11 executed on behalf of the applicant, by David
12 E. Simai, wherein he stated that no other
13 persons or entities involved in this
14 application that are employed by or connected
15 to the Village of Cedarhurst, its officers, or
16 employees, which would in any way constitute a
17 conflict under the law.

18 Pursuant to an agreement between the
19 Village of Cedarhurst and the Nassau County
20 Planning Commission, the Nassau County
21 Planning Commission has been given notice of
22 this application, and has notified the Village
23 of Cedarhurst, that since the majority of
24 sides of this application is located within
25 the Town of Woodmere, the Nassau County

1 Proceedings - 570 Peninsula Blvd. Associates LLC

2 Planning Commission is awaiting referral of this
3 application from the Town of Hempstead.

4 Before we start the hearing, I just
5 want to explain the situation exactly what's
6 going on. This building, as you all -- most
7 of you probably know where it's located. The
8 vast majority of this building is not in
9 Cedarhurst. It's in the Town of Hempstead.

10 The only reason that we are even hearing
11 this case is because there is a sliver of
12 approximately 20 feet from the property line
13 that lies in the Village of Cedarhurst, which
14 is why we are entitled to hear this case.

15 This case is going before the Town of
16 Hempstead Board of Zoning Appeals at some
17 future date. We don't have the date even. So
18 the County has not given us recommendations,
19 because they're waiting for them, and the Town
20 has to hear the case in order to give, you
21 know, to give their opinion on it, and they're
22 going to rule on it, which will then come back
23 to us.

24 We're going to hear the case, but again
25 is we do have the right to deny or approve the

1 Proceedings - 570 Peninsula Blvd. Associates LLC

2 variances that lay within our purview, but
3 there are certain things that we can or cannot
4 rule on because it has nothing to do with us.
5 So that being said, will the applicant please
6 step forward.

7 MR. BROWNE: Good evening, Mr. Chairman
8 and members. My name is Christian Browne,
9 McLaughlin Stern, 1122 Franklin Avenue Garden
10 City, for the applicant, and Chairman, you've
11 already noted that this is an application for
12 a lot that lies mostly within the Town of
13 Hempstead.

14 It's located at the corner of
15 Pennsylvania Boulevard and Branch Boulevard.
16 Right now, and as you know it's in sort of a
17 dilapidated, abandoned site and the proposal
18 before you would be to construct a one-story
19 medical office building, that would
20 essentially be owned and occupied by my
21 client, Dr. Simai, who is a pediatrician with
22 a practice already in the Village of
23 Cedarhurst.

24 He would be relocating his practice to
25 this building, and he would be the owner and

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2 the operator. There wouldn't be any other
3 tenants or unrelated uses here. This entire
4 site would be used by Dr. Simai for his
5 pediatric practice.

6 As you note, this is a lot where only
7 the first 20 feet coming off of Pennsylvania
8 Boulevard lies within the Village's
9 jurisdiction. The remainder of the lot which
10 runs back another almost 180 feet, is within
11 the Town of Hempstead's jurisdiction, so the
12 vast majority of the building itself which is
13 a permitted use in the Town of Hempstead, and
14 the parking lot area, which meets the Village
15 and the Town's parking requirements for the
16 number of spots.

17 Some of the spots are slightly
18 undersized by the Town of Hempstead code, so
19 that would be going to the Town of Hempstead
20 for variances, but otherwise it generally
21 complies with its permitted use as an office
22 building, and it has the requisite number of
23 parking spots required for the square footage
24 which is 10,200 square feet.

25 CHAIRMAN KRENGEL: One second. Use is

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2 not in conformance in the Village; correct?

3 MR. BROWNE: Yes, that's right, because
4 I believe --

5 CHAIRMAN KRENGEL: The variance you are
6 going for is use, because it's a residential
7 building?

8 MR. BROWNE: The 20 feet is in a
9 residential zone?

10 CHAIRMAN KRENGEL: To your knowledge,
11 has it ever been used as residential?

12 MR. BROWNE: Not to my knowledge, and
13 you can look at the buildings that are there
14 now, they're commercial in nature, and again
15 the balance of the lot is business owned under
16 the Town's jurisdiction. So the two variances
17 that are before you are just the front yard
18 setback variances for the corner.

19 So on Pennsylvania Boulevard, the
20 building comes out toward the property line,
21 so where ten feet is required off of corner,
22 we're proposing a setback of foot and a half,
23 and on the Branch Boulevard side, also front
24 yard, we're asking to bring the building out
25 to the lot line. But as you know that's a

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2 corner site obviously.

3 There is nobody really effected by it,
4 or it will run straight back to the end of the
5 lot, and I would note that we have looked
6 carefully at the survey and at the area behind
7 the building that used to be Third Street, I
8 believe, and we have determined that our tax
9 lot, our survey encompasses half of that
10 street which, I guess, was abandoned by the
11 Town, and half of the width of that road,
12 20 feet was deeded over to the prior owner.
13 So it's now incorporated into this lot.

14 I'm aware that some of the neighbors had
15 concerns about the traffic coming all-out onto
16 Oakland Avenue, and we will be able to, and we
17 will submit a site plan to this effect, before
18 the whole process is over. We will be able to
19 provide an egress way out to Branch Boulevard
20 back on that portion of what was Third Street.

21 CHAIRMAN KRENGEL: Instead of Oakland?

22 MR. BROWNE: No, we would have Oakland
23 as well, but we would have an additional means
24 of egress one-way to come out, so that people
25 could circulate out onto Branch Boulevard.

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2 They would be able to exit through the back of
3 the property, as well as on Oakland, at least
4 that's what we're proposing now, so that there
5 would be two ways out.

6 Other than that, the rest of the
7 application lies within the Town. We just
8 need those two front yard variances, and the
9 variance, as you know the chairman to have a
10 commercial use in that front 20 feet.

11 As I mentioned, this building is being
12 built for Dr. Simai's existing pediatric
13 practice. He would be moving that practice
14 there. That's what he does. He is a
15 pediatrician. It's Dr. Simai and one other
16 doctor. They have about seven to eight staff
17 on site at any one time. They operate
18 generally during the week Monday to Thursday
19 9:00 a.m. to 8:00 p.m. On Friday and Sunday,
20 closed Saturdays obviously. Friday and Sunday
21 they operate from 9:00 a.m. to 3:00 p.m. and
22 they see about 60 patients a day, about eight
23 an hour, usually talking about generally 25 or
24 so cars obviously there is turnovers as the
25 patient come through, and we have over 50

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2 parking spots. Again that's code compliant,
3 and we don't think that will impose any kind
4 of a problem, so that is the overview of the
5 application.

6 So as I said, the doctor has a very --
7 has a practice that is busy. It's outgrown
8 its existing location, that's why he is
9 looking to redevelop this site in the way that
10 we mentioned, and there is not much more to
11 say in the Cedarhurst portion.

12 The paperwork is winding its way through
13 the review process of the Town of Hempstead.
14 It probably will not be heard at the town.
15 It's a slow process at the town. I would
16 guess that the application would probably be
17 heard sometime this summer at the Town of
18 Hempstead.

19 We make our representation for those
20 variances, and then my understanding is that
21 if they're granted, we would then return here
22 to inform the Board it's been granted, and
23 give you any other future updates on changes
24 to the site plan that may have occurred as a
25 result of whatever happens at the town and

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2 with then, we would seek a final approval at
3 that time.

4 CHAIRMAN KRENGEL: Is there a reason the
5 design was made going, I guess north to south
6 versus east to west of the building?

7 MR. BROWNE: I think just to maximize
8 the square footage of the property. There
9 were a number of designs tried out here. A
10 lot higher, a lot bigger. We could go up and
11 try to put parking underneath, but in the end
12 Mr. Flaum, the architect, is here, he could
13 speak to that.

14 In the end this was decided upon,
15 because it's the simplest to build, and we can
16 have a building that's an adequate size for
17 the doctor's practice but also doesn't require
18 a parking variance, and that's why the
19 configuration was ultimately laid out this
20 way. So we can have enough space for parking,
21 and have the building fit without, you know,
22 going up too high or covering too much of the
23 lot.

24 CHAIRMAN KRENGEL: Have you done a
25 traffic study?

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2 MR. BROWNE: No.

3 MR. YARNELL: If I could ask Mr. Browne
4 a question. The radius map requirements for
5 the Town of Hempstead; is it consistent with
6 ours?

7 MR. BROWNE: There are 300 feet for a
8 commercial application.

9 MR. YARNELL: So then ours was 200. So
10 the people that we're here that got
11 notification were in that 200.

12 MR. BROWNE: Correct.

13 MR. YARNELL: All the people that got
14 notified on our 200 would get notified on the
15 town.

16 MR. BROWNE: Yes, they will be, and
17 additional hundred foot radius will be
18 notified as well prior to the town meeting.

19 MR. YARNELL: Thank you.

20 CHAIRMAN KRENGEL: If it effected egress
21 and ingress, would you consider twisting the
22 building?

23 MR. BROWNE: We would consider anything
24 if we can make still make the site work. As I
25 said, we -- I think the building is out of

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2 size just at the minimum that the doctor would
3 need, and we wouldn't -- we don't want to lose
4 parking spots, but, you know, we're happy to.

5 CHAIRMAN KRENGEL: What variance are you
6 going for in the town?

7 MR. BROWNE: I believe the variances in
8 the town are just they're going to pertain to
9 the size of some of the stalls. Some of the
10 stalls are slightly below their
11 specifications. I'm not sure if there -- Mr.
12 Flaum, I'm not sure that we complied with
13 height, lot coverage, the uses permitted. I
14 don't know if there is a setback variance. Do
15 you know?

16 MR. FLAUM: Sure. Good evening. Shmuel
17 Flaum. Applicant architect on behalf of
18 Dr. Simai. Just to go back to your question
19 about the configuration of the building, as
20 Mr. Browne had said, we did try to make many
21 configurations. The reason why we chose this
22 specific configuration is to allow for the
23 access aisles for the cars to circulate we
24 understand that we're trying to keep cars from
25 backing up on to the street. So this

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2 configuration of the building on the site
3 maximizes a good size access aisle, so that no
4 one backs up on Oakland onto Branch. There is
5 another circulation space for the cars to
6 circulate and get in and out of the site
7 without any backup being caused for that.

8 With regard to variances on the
9 property, everything's as right in terms of
10 use, business use, size of building. It's
11 just primarily the parking and the setback for
12 the property. I think in business you have to
13 have a minimum 10-foot, so it's a front yard
14 variance on Pennsylvania and Branch.

15 CHAIRMAN KRENGEL: That's our variance.

16 MR. BROWNE: It would be Oakland, there
17 may be a variance.

18 MR. FLAUM: No, it's front yard on
19 Pennsylvania and Branch.

20 CHAIRMAN KRENGEL: This is further back
21 on Branch Boulevard.

22 MR. FLAUM: Right.

23 CHAIRMAN KRENGEL: Okay. Thank you.

24 MR. FLAUM: Any other questions?

25 MR. SHTEIERMAN: I believe the required

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2 setback is 5 feet.

3 MR. YARNELL: In a commercial zone.

4 MR. SHTEIERMAN: In a commercial zone
5 would be 5 and residential would be 25.

6 MR. FLAUM: For?

7 MR. SHTEIERMAN: For along Pennsylvania.
8 If it was commercial, it would be 5 feet, not
9 10.

10 MR. FLAUM: Okay.

11 MR. SHTEIERMAN: You mentioned --

12 MR. FLAUM: I was referring to the Town
13 of Hempstead. Sorry.

14 MR. SHTEIERMAN: Thank you.

15 CHAIRMAN KRENGEL: Thank you.

16 MR. BROWNE: That's their case, unless
17 you have any further questions. I would just
18 add we understand that you would, and we would
19 consent to holding the case over holding it
20 open, not closing it, and putting it on
21 reserve, but holding it open pending the Town
22 of Hempstead, and any revisions we might have
23 to represent after we appear there.

24 CHAIRMAN KRENGEL: Thank you. Would
25 anybody like to speak in favor of this

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2 application? Would anybody like to speak in
3 opposition of this application. Before we
4 start opposition, does everyone -- before we
5 start -- does everyone here like to speak.
6 How many people plan on speaking? Michael?

7 MR. SCHUSSHEIM: Michael Schussheim, 556
8 Redwood Drive Cedarhurst, or Woodmere
9 actually. Cedarhurst mail off Post Office.
10 Good evening members of the zoning board. I
11 have a lot of questions related to this
12 project, but since this project is being
13 deferred and my understanding is that there
14 will not be any decision tonight, I would
15 raise my issues at the subsequent meeting.

16 The only question I have for this
17 evening is my understanding from the
18 Chairman's comments was it this is a Type II
19 action, and does not require further
20 environmental analysis, and I find that
21 curious because the lot contains a gas station
22 on it previously where for many, many years
23 there was remediation. I don't know whether
24 that remediation was successful or not. I've
25 heard rumors that it wasn't necessarily

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2 completed and successful.

3 So I want to know why given the
4 disturbing history of that location, why is
5 there not going to be any further
6 environmental analysis performed on that
7 property?

8 MR. YARNELL: Our village attorney is
9 unable to be here tonight, so with that
10 question, we will refer it to him, and see if
11 he has any other ruling on that.

12 MR. SCHUSSHEIM: Okay.

13 MR. YARNELL: The fact that it's coming
14 back to us, if there is a requirement for the
15 environmental impact, we will get that prior
16 to the next date.

17 MR. SCHUSSHEIM: I would think if there
18 is any property that requires further review
19 from the environmental perspective, it's this
20 property, where there was ongoing remediation,
21 where there was a previous gas station, and as
22 I stated earlier once again, I have other
23 issues, but I'm going to hold them in abeyance
24 until your next meeting. Thank you for the
25 opportunity to speak.

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2 CHAIRMAN KRENGEL: Thank you. We will
3 go in order of the seats. Anybody else in the
4 front row want to speak?

5 MR. SOKOLOW: Good evening, Mr. Chairman
6 and other members. Mark Sokolow, and my wife
7 Rena Sokolow, and I reside at 624 Oakland
8 Avenue, same Cedarhurst-Woodmere distinction
9 as my colleagues. We have been living here
10 for forty years, and we're very familiar with
11 the lot. It abuts our property in the back.
12 So on a couple of points.

13 Number one, we're very pleased that
14 someone is going to finally develop a lot so
15 that's a good thing. We do have some, you
16 know, concerns as well. So first of all, I
17 agree with -- we're very, very concerned about
18 the egress and digress on Oakland Avenue.
19 Oakland Avenue corner is a really bad corner
20 particularly since we took away, I don't know
21 who took away, the no-turn on right sign.

22 You have people from North Woodmere,
23 from Halb, using Oakland Avenue with an
24 alternate to Branch that comes steaming down
25 Oakland Avenue, and you make that right turn

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2 and then you go onto Pennsylvania, there have
3 been dozens of accidents, all documented.

4 In the 40 years that we have been living
5 over there. You got the school buses, you
6 have shuls on the corner to have more cars
7 coming in and out of Oakland Avenue I think is
8 really a recipe for disaster.

9 Counsel mentioned that, you know, for
10 the doctor and his P.A., and they see 60
11 patients a day, eight an hour, all that, but,
12 you know, the plans do show 5 to 6 additional
13 M.D. offices, 20 exam rooms. I've spoken to
14 Dr. Simai about over the last two weeks or so,
15 his plan, you know, on day would move with his
16 P.A. and his officer staff there, and that's
17 great. Ultimately you don't build a
18 10,000 square feet building to have one
19 doctor, one P.A., and the office staff.

20 His plan is to have other related
21 pediatric physicians come to the practice, and
22 if that doesn't work, he mentioned that he
23 might may as well rent out some of the offices
24 to other physicians.

25 So we got 52 spots, we have to expect 52

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2 cars are going to coming in and out. I can't
3 tell you how quickly or how much, but it's
4 really a problem, you know, so that is my
5 biggest concern. I agree with the notion of
6 flipping the building.

7 For 40 years we have been living there
8 every commercial property from Joe's Disco to
9 the bagel store to the gas station.

10 CHAIRMAN KRENGEL: I remember the bagel
11 store.

12 MR. SOKOLOW: It was great, and then it
13 became Joe's Disco and Friday night they're
14 playing disco to the birthday parties and
15 everything and we hear that. But the property
16 has always fronted Pennsylvania and the egress
17 and ingress was always on Branch, not on
18 Oakland.

19 So I don't see it. I'm not an
20 architect, of course, but I think we can get
21 the same footprint building flipped from
22 corner to corner, Branch to Oakland, and you
23 take care of a significant problem.

24 The other thing I want to mention very
25 quickly is the we are very concerned about the

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2 perimeter of the parking, whether appropriate
3 shrubbery or fences or bushes. Dr. Simai had
4 assured me that there would be, so I would
5 expect on the next set of plans we see some of
6 that. How that affects the parking, I'm not
7 exactly sure but obviously that would have to
8 be dealt with.

9 Also the lighting of the property we
10 want to make sure that's it's appropriate, and
11 not lighting up all the neighbors, you know,
12 around the perimeter, and counsel addressed
13 the Third Street, so-called Third Street
14 abandoned lot, if that's going be incorporated
15 into the property. Again, I think we would
16 like to see a revised plan to show that as
17 well. Thank you.

18 CHAIRMAN KRENGEL: Is there any sort of
19 sketch of this building, how it's going to
20 look. Can you show a sketch? A rendering?

21 MR. FLAUM: Yes, the documents were
22 available in the Village to review. I'm just
23 saying you can come and look at them in large
24 scale.

25 CHAIRMAN KRENGEL: Next. Who is the

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2 next person?

3 MS. SACKS: Since I moved in --

4 CHAIRMAN KRENGEL: State your name and
5 your address?

6 MS. SACKS: My name is Judy Sacks, and I
7 live at -- Judy Bailis -- I live at 631 Branch
8 Boulevard. I live two houses away from this
9 lot. Since I've lived there, we have had HALB
10 opened up, and we never had -- the school was
11 there before, but there was never any entrance
12 or exit on Branch Boulevard. Since I moved
13 there, North Woodmere has become very frum,
14 and there are a lot of people coming shopping,
15 going to school picking up their kids,
16 everything they need to do. And the parking
17 is impossible, and not --

18 CHAIRMAN KRENGEL: The parking where?

19 MS. SACKS: Not the parking, the traffic
20 is impossible. So to add more cars especially
21 to the corner, and there is no light, you
22 know, just on the corner. The only --

23 CHAIRMAN KRENGEL: There is no light
24 where?

25 MS. SACKS: There is no lights on the

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2 corner of Pennsylvania and Branch, and I think
3 that the traffic would just be terrible.

4 CHAIRMAN KRENGEL: Okay. Thank you.
5 Anyone like to speak on this side?

6 MR. OFFMAN: Hello. Good evening,
7 Board. David Offman. I am with my wife
8 sitting over there. We're at 627 Oakland
9 Avenue. We've been there for 30 years, and
10 we're thrilled to hear that something nice and
11 attractive will be developed in this site.
12 But the primary -- the real prime concern that
13 I have, as we've been spoken about, is the
14 traffic problem on the block. It's literally
15 become the thoroughfare of cars speeding down
16 the block and also when you're coming off of
17 Pennsylvania making your left onto our block
18 at different times of day. It's literally a
19 disaster.

20 This particular plan has you making a
21 left off Pennsylvania and making a quick right
22 into the proposed property, and also cars
23 entering off out of the parking lot, which
24 most, the majority would be going toward
25 Pennsylvania Boulevard, would be cutting, I

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2 guess to across that green light, which is a
3 very long light.

4 So it's the intersection is a problem in
5 general, and looking at the plans it really
6 seems, as Mr. Sokolow suggested, that the
7 property could be easily flipped. I think
8 it's the same dimensions down Branch or onto
9 Pennsylvania, and they're shifting the whole
10 plan from the parking facility. So that's my
11 prime concern.

12 CHAIRMAN KRENGEL: Thank you. Anyone
13 else in that row. Next row?

14 MS. COHEN: Vanessa Cohen. I'm on
15 Halevy Drive, which is a few blocks away from
16 where that is. I want to bring back -- we had
17 this once before when we had the Number Six
18 School, and they wanted to put a medical
19 center in there, and for many of the same
20 reasons because of traffic, because of the
21 detriment of the people coming and going,
22 which would be out of the area. It will not
23 be mostly local people. There would be people
24 coming from everywhere, because it's not just
25 Dr. Simai. He is bringing in other doctors

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2 who are going to have other exam rooms, who
3 are going to have staff coming from all over.
4 You're going to have traffic of delivery
5 trucks coming in, whether it's lab, whether
6 it's supplies, whether it's taking from there,
7 going from there.

8 We have a school, an elementary school,
9 you got Halb right there on the front of
10 Branch. It's the main entrance there, and
11 exit for the buses, the school buses. You
12 have a massive now traffic flow of carpoolers,
13 coming back and forth to pick up the kids drop
14 off the kids all day long. You have now three
15 shuls over there with parking lots going and
16 coming from definitely for Shachris, and then
17 usually for Mincha Maariv. It's a constant
18 flow of traffic.

19 Oakland Avenue is supposed to be a
20 private street. It's two lanes going each way
21 with stop signs at every corner, because you
22 have loads of children there. The bus stops
23 on every corner over there picking up kids.
24 It is a recipe for disaster to have something
25 of that magnitude being built on that

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2 property. We all want to see it developed,
3 but it has to be something smaller. If it was
4 just Dr. Simai, and he was opening up his own
5 practice a few cars here for a parking lot, 5,
6 10 cars. All right, you could look the other
7 way. 52 cars is a major, major development.
8 It is not the development of one doctor. It's
9 a development of an entire center.

10 According to the plans, he is looking to
11 put up 10,000 square feet of a building.
12 10,000 square feet is not going to be used
13 solely by Dr. Simai, and you're going to have
14 major traffic, not only on Oakland but on
15 Branch, on top of everything else that's
16 there. Including come spring summer, that's
17 the one feeding area to Woodmere Park and
18 back.

19 There are constant accidents there. To
20 add another 52 cars of people coming and
21 going, they're not going to park all in the
22 parking lot. They're going to park on the
23 side streets. You're going to clog up those
24 side streets, the Cedar Bay Park, and the
25 people living there are also not going to have

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2 parking, because of this, and the project is
3 much larger than they really are presenting to
4 the board today, and I think it should be
5 looked into further because frankly, if
6 Cedarhurst does not approve the variance, even
7 for this small sliver, the Town of Hempstead
8 is not going to approve it. It has to be a
9 joint effort for both the Town and Cedarhurst
10 and the Village approve or it's not going to
11 get approved. They're going to have to revamp
12 it.

13 So I'm asking you to not approve it
14 based on the fact that under that situation,
15 he will have to downsize what he is planning
16 to put up there, and be a little bit more
17 forthcoming about what he wants to do with all
18 the square footage that he is taking, and the
19 52-car parking lot that he's planning to put
20 in there.

21 CHAIRMAN KRENGEL: Why are you assuming
22 that what he is telling us is not the truth?

23 MS. COHEN: I saw the plans that was
24 sent to me today and mind you nobody in Cedar
25 Bay Park was notified, because we are all Town

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2 of Hempstead. Nobody sent out. We didn't
3 even know about it.

4 CHAIRMAN KRENGEL: In a 200-radius, it's
5 only the village?

6 MR. YARNELL: No.

7 MS. COHEN: It's not an incorporated
8 village.

9 CHAIRMAN KRENGEL: The law is and again,
10 I'm not a lawyer anybody who is a lawyer can
11 correct me, anybody who is within 200-foot
12 radius of the property, whether they're in the
13 Village or not in the Village would have
14 gotten notified.

15 MS. COHEN: Correct, but I'm telling you
16 that most people did not hear about it. We
17 did it word of mouth today three hours before
18 this hearing with you today.

19 CHAIRMAN KRENGEL: Is anyone here in the
20 200-foot radius, please. We are off the
21 record.

22 (Discussion off the record.)

23 CHAIRMAN KRENGEL: Back on the record.

24 MR. SOKOLOW: Can I just answer one
25 question?

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2 CHAIRMAN KRENGEL: Yes.

3 MR. SOKOLOW: You said what makes you
4 think that it's not going to be what was
5 presented, and what was presented, and counsel
6 mentioned this before, owner-occupied
7 Dr. Simai and his P.A. But as my neighbor
8 pointed out, the plan shows five or six
9 additional M.D. offices and 20 exam rooms, and
10 Dr. Simai told me his plan is to have more and
11 more pediatric physicians occupy the premises,
12 so he should just be open and honest about
13 that.

14 CHAIRMAN KRENGEL: Okay.

15 MS. SACKS: I have one question what
16 happens when they come out on to Branch
17 Boulevard, and instead of somebody making a
18 right turn wants to make a left turn, has to
19 go across two red lanes of traffic, very close
20 to the corner where people are turning off of
21 Pennsylvania.

22 CHAIRMAN KRENGEL: You're asking to put
23 a left-hand turn signal?

24 MS. SACKS: That means that everybody
25 who goes out is going on Oakland.

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2 MR. SHTEIERMAN: The entrance on Branch
3 will be 200 feet off the corner.

4 MS. SACKS: That's not so far.

5 CHAIRMAN KRENGEL: That's about half a
6 block.

7 MS. SACKS: It's what?

8 CHAIRMAN KRENGEL: It's half a block.

9 MS. SACKS: Not really. I live right
10 there.

11 CHAIRMAN KRENGEL: Okay. Thank you.
12 Last row. What about this side?

13 MR. FRECHTER: Harold Frechter. 567
14 Cedarwood Drive. I'm also in Cedar Bay Park,
15 which is Cedarhurst-Woodmere, at least
16 according to my deed. I have two addresses.
17 I don't want to belabor things that have
18 already been said. I join Mr. Schussheim in
19 saying we can table some of the topics for
20 when this comes back. I think that way before
21 this Board can even consider the application,
22 it should require as indispensable a traffic
23 study. I know that you all have -- don't know
24 you, I'm sorry, but I know the rest of you
25 live in the area, and so I just ask you to

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2 picture the corner of Oakland and Pennsylvania
3 in your minds.

4 Oakland is a two-way narrow street to
5 the point where if a car is coming in either
6 direction one of the them has to move over to
7 make room for the other. In the mornings and
8 later in the afternoon, certainly when the
9 school buses are present, it is already a
10 congestion problem and accidents, you probably
11 have more records of that than I'm aware of.
12 Imagine 20, 30, or whatever cars coming in and
13 out to that one point at the exact same time.

14 Anything that's approved for Dr. Simai's
15 use on this lot should require entrances or
16 exits to be Pennsylvania and Branch, one or
17 the other or both. Not on Oakland, and I
18 would point out that Dr. Simai, it may not be
19 in his personal fault, I don't know, but in
20 his temporary use of the property, there has
21 already been problems with parking and
22 congestion on Oakland, to the point where
23 local officials had to get involved. The
24 police were involved, so we can't necessarily
25 assume the best of intentions and certainly

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2 any spillover of parking will be on Oakland,
3 so you have a parking issue.

4 You have a traffic flow issue and
5 Oakland is also only one of two entrances, two
6 arteries to get in and out of Cedar Bay Park
7 to Pennsylvania.

8 Cedarhurst Avenue being the other and
9 not a viable alternative on a regular basis
10 because of the way Park Circle works, and the
11 narrowness of Cedarhurst Avenue between Park
12 Circle and Pennsylvania Boulevard, you would
13 be looking for -- the buses can't turn in the
14 mornings now. Thank you.

15 CHAIRMAN KRENGEL: Thank you.

16 MR. OSTREICHER: Shea Ostreicher. 633
17 Oakland Avenue. I'm here with my wife here.
18 I really don't have much to add, as you can
19 see my eloquent neighbors are reasonable, and
20 they've laid out, I think, a number of issues
21 that need to be looked at and carefully
22 considered.

23 In general, I would say that if Dr.
24 Simai and his architect would sit down with
25 some of the neighbors, I'm sure that, I can

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2 certainly talk for the neighbors in terms of
3 being reasonable, and they would be willing to
4 sit down and come to some sort of
5 accommodation that would work for everyone's
6 best interest.

7 I would like to reiterate certain things
8 that were said as well. It is a narrow block.
9 It is congested. I think we all know that.
10 We all understand that. I've been there for
11 about 12, 13 years, maybe a little bit longer
12 by now, you know, on my watch there has been a
13 quite a few serious accidents on that corner,
14 and it's just getting worse.

15 At times, the block is like a speedway.
16 It literally is like sometimes like you hear
17 sometimes at night on Rockaway Boulevard from
18 where I live, the cars speeding down the block
19 only to avoid right now this situation on
20 Branch, and it's obviously going to get a lot
21 worse. A 52-car parking lot as well as
22 10,000-square foot office building is not
23 necessarily for, you know, a doctor with a
24 P.A., and a couple of offices. I think it's
25 reasonable to understand otherwise.

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2 Additionally, if you are going to have
3 tenants -- I'm sorry -- patients coming in
4 constantly, especially if it's a matter of 52
5 cars parking employees and so forth, you are
6 talking about turnover, and that could be 52
7 times 4, 5, or 6 over the course of the day
8 and certainly a block such as that is not
9 designed to have an ambulette and given the
10 shuls, the school there, and everything else
11 going on there right now, I mean Cedar Bay
12 Park is that area is quickly turning into the
13 central business district of Cedar Bay Park,
14 and you know, it wasn't designed for that, and
15 it's not something that anybody wants to see
16 and certainly the outcome won't be something
17 that anybody will be happy to see.

18 There is a flooding issue on that corner
19 as well, a major flooding issue. Any time
20 there is a serious rain, it's sometimes
21 impossible to go through that corner on
22 Oakland and Pennsylvania to further complicate
23 things. That's something that needs to be
24 seriously looked at and something that needs
25 to be incorporated into the considerations of

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2 this plan.

3 While it was mentioned that there is
4 going to be egress to both Branch and Oakland,
5 any plan that allows for egress onto Oakland,
6 from what we have seen, the default egress
7 will become to Oakland and not to Branch
8 because of the difficulties on Branch
9 Boulevard.

10 So while you may allow for egress onto
11 Branch, you can rest be assured that the vast
12 majority of that traffic will be going through
13 that corner.

14 Now while the egress on Branch was
15 mentioned is about half a block, 200-foot from
16 the corner, I understand that the plans are
17 for the egress to be right on the corner of
18 Oakland and Pennsylvania, or at least pretty
19 close to the corner, not 200 feet off the
20 corner. Is that correct?

21 CHAIRMAN KRENGEL: No, I don't think so.
22 The egress is closer to -- the ingress first,
23 the egress is further back.

24 MR. OSTREICHER: Which is pretty close
25 to the corner outside of the building?

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2 CHAIRMAN KRENGEL: I think the point --

3 MR. OSTREICHER: The point is that it's
4 pretty close to the corner. There is also a
5 row of townhouses that have egress right off
6 the corner as well. So just picture it, you
7 have traffic coming from the row of townhouses
8 onto Oakland, you're going to have egress
9 coming from a 52-car busy parking lot coming
10 out of that corner. I don't know that this
11 can be a bigger recipe for disaster. I would
12 strongly urge the Board to think about this
13 and to wait to approve anything until all
14 these concerns are considered. Thank you.

15 CHAIRMAN KRENGEL: Thank you. Anyone
16 else like to speak?

17 MR. MULLER: Hi, good evening. My name
18 is Robert Muller. I live in Park Circle. I
19 don't want to keep you longer than we have to
20 be kept here. My dear neighbors did a pretty
21 good job of explaining their concerns.
22 They're all the same concerns I have. But
23 from the perspective of Park Circle, just if I
24 may represent Park Circle, which is sort of
25 around the corner of the way, but the houses

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2 of Oakland are right behind us because it's
3 circled.

4 The way it's set up, like Mr. Ostreicher
5 said, when it floods, we are all searching for
6 exits out of Cedar Bay Park. Most of the time
7 we have to use one on Branch because the ones
8 on Oakland and Park Circle are not available
9 for us to use.

10 Another concern which was mentioned,
11 which I would like to strengthen a little bit
12 is, we have been having since I lived now on
13 Cedar Bay Park for about 15 years, and we have
14 a synagogue on the corner of Cedarhurst
15 Avenue, which is basically Park Circle and
16 Pennsylvania Avenue. It's a very narrow block,
17 just like Oakland Avenue is. It's literally
18 impossible in the mornings at 8:00, 9:00 or in
19 the evening at 4:00, 5:00, 6 o'clock to exit
20 or enter Cedar Bay Park through this entrance.

21 The reason being is there is school
22 buses. There is a synagogue there. The
23 synagogue has a playgroup which makes things
24 more difficult at least in the mornings. We
25 cannot use that exit. We're forced to use

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2 Oakland's exit, so we're already causing more
3 traffic to Oakland than Oakland deserves to
4 deal to with.

5 Another very important issue is that the
6 children on Park Circle play. It's a very
7 residential block, at least the circle is,
8 with the good doctor putting up a building
9 forcing people to use Park Circle, and what's
10 the other, Park Lane, it's become more
11 dangerous for the children playing on the
12 block. We do watch our children. We do have
13 signs up, but we all know what could happen
14 when there is too much traffic in the area,
15 which we're not used to.

16 I am in health care. I run a number of
17 facilities, and we see many, many patients.
18 It seems like we see a lot more patients than
19 the doctor sees. We see that amount of
20 patient in about 2,500 to 3,000 square feet.
21 In my opinion, my professional opinion, anyone
22 who puts up a building of 10,000 square feet
23 is looking for significant more volume of
24 patients of business than what is being
25 suggested or proposed to us here tonight.

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2 Thank you.

3 CHAIRMAN KRENGEL: Thank you. Anybody
4 else want to speak in opposition?

5 MR. OFFMAN: I just wanted to also add
6 to the traffic situation which I experience
7 all the time at our corner, which I mentioned
8 earlier, it used to be that we had a sign that
9 made it illegal to turn on a right on light,
10 that was removed --

11 CHAIRMAN KRENGEL: You can bring that up
12 to the town.

13 MR. OFFMAN: I want to say --

14 CHAIRMAN KRENGEL: It's the county.

15 MR. OFFMAN: When you're standing at the
16 corner significant amount of times, because
17 the light is so long so people come around you
18 to make the right, you know.

19 CHAIRMAN KRENGEL: Understood. We
20 understand. I understand the concerns.

21 MR. OSTREICHER: I just want to add one
22 more thing from the bench here. Once
23 approved, we will have no remedy and given the
24 history that we have here so far it doesn't --

25 CHAIRMAN KRENGEL: Off the record.

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2 (Discussion off the record.)

3 CHAIRMAN KRENGEL: Let's go on record.

4 There will not be a decision made this
5 evening. There is no decision being made
6 tonight. Ma'am?

7 MS. WEISBERGER: My name is Cheryl
8 Weisberger I don't live in your area, but I
9 work for Dr. Simai and I worked there for 10,
10 11 years, and I just wanted to address the
11 traffic problem. I have -- we our offices is
12 on Grove right now, and Central, and it's a
13 very, very small space, and there is a lot of
14 traffic on that corner, and they recently not
15 too long made it a one-way street, and we
16 don't we don't cause extra traffic in that
17 area. I think it's a similar situation.
18 Grove is a thoroughfare to go from West
19 Broadway into Central, and I think that's why
20 we made it a one-way street.

21 CHAIRMAN KRENGEL: How big of a parking
22 lot do you have now?

23 MS. WEISBERGER: We share it with two
24 other offices and there is maybe.

25 CHAIRMAN KRENGEL: When you're saying --

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2 with all respect, you really can't compare
3 that. The neighbors' concern is what's going
4 to be when it's 52 cars. Your saying right
5 now is not really relevant.

6 MS. WEISBERGER: But I'm saying we
7 managed to, you know, what we're trying to do
8 with all that parking is to alleviate that
9 problem because we have such a -- we don't
10 have that problem.

11 CHAIRMAN KRENGEL: I understand. When
12 there is 50 cars, that's the concern.

13 MS. WEISBERGER: I can't imagine that we
14 would ever have 50 cars. I mean the space
15 would be, you know, we're trying with all
16 extra rooms, and all the extra space.

17 CHAIRMAN KRENGEL: We have to look at
18 what's presented. A building of this x amount
19 of size and the possibility of having 52 cars.
20 That's the neighbors' concern. Okay. What
21 you're really saying is not really relevant to
22 this evening.

23 MS. WEISBERGER: Okay. Fine. Thank
24 you.

25 DR. SIMAI: David Simai. First of all,

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2 I want to thank everybody for coming here,
3 because your input is going to be very vital.
4 I'm going to sit with Mr. Flaum, see if we can
5 do anything to elevate your concerns, and
6 really my idea of building a practice there is
7 to serve the community and my patients better.

8 Right now we're in a very, very tight
9 spot. It's very hard to find any commercial
10 space affordable commercial space in the Five
11 Towns. I've been looking for 15 years, and
12 really I gave up. One day I told Hashem if
13 you want me to buy something, I'm not going to
14 call any brokers.

15 Ms. Cohen knows I didn't call her
16 recently and somebody approached me, do you
17 want to partner on this, they backed out. We
18 had an accepted offer and it just fell into my
19 hands. So this is how I landed this. We had
20 many ideas.

21 First, we were toying with the idea of
22 having a second floor on top of what's already
23 there, and to sublet or lease out the second
24 floor, and then I said you know what, I want
25 to have a very large spacious practice where

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2 the patients will come in are going to feel
3 they're in a luxurious space, not cramped into
4 this.

5 So we came up this idea of having a very
6 large pediatric office. Right now I've been
7 in practice in the Five Towns I think since
8 2005, we currently have 3,500 active patients
9 which means that we added about 200 patients
10 per year.

11 We expect, of course, the practice to
12 grow, Im Yirtzeh Hashem, but it's not going to
13 happen overnight. Right now we see 60
14 patients and that's also with using
15 telehealth, so we're not generating so much
16 traffic.

17 I think that your concerns are right,
18 that maybe ten or fifteen years from now there
19 be a little more traffic significantly more
20 traffic, and we're going to work very hard on
21 having egress and entrance on the Third
22 Street, if we can somehow acquire it, clear
23 it, maybe you can help us with it.

24 But while everyone is here I wanted to
25 know if we do cancel the entrance and the

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2 egress on Oakland Avenue, and just have it
3 purely on Branch Boulevard, are you still
4 going to have any other opposition to this
5 plans, so can you show me by a show of hands
6 if we just have -- are you going do have an
7 opposition -- for what --

8 CHAIRMAN KRENGEL: Wait, one second.
9 You can take a vote -- you don't have to do
10 this on the record.

11 DR. SIMAI: I know. Okay. I spoke to
12 Mr. Sokolow last week, and I understood he
13 lives on Oakland Avenue, and he is concerned
14 about some traffic on Oakland Avenue, but I
15 told him that if we only have an exit and an
16 entrance on Branch Boulevard, the Branch
17 Boulevard neighbors may mind that.

18 So while he's concerned about Oakland
19 Avenue, someone else is going to be concerned
20 about Branch Boulevard, and somebody may be
21 concerned about having the entrance or exit on
22 Pennsylvania Boulevard, if they live on
23 Pennsylvania Boulevard, from my humble
24 understanding in this, I'm not an engineer.
25 I'm just a simple pediatrician, the exit or

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2 entrance on Pennsylvania Boulevard is a
3 hazard, and it also causes more traffic, and
4 that's why we didn't design the entrance or
5 the exit to be on Pennsylvania Boulevard.

6 We were told that any jurisdiction would
7 shut it down. So our only approach to
8 developing this property is to have either two
9 entrances and exits, or one entrance and exit
10 on one of those roads, Branch Boulevard and
11 Oakland Avenue.

12 I will work tirelessly to appease
13 everyone here, but as the Board sees, we have
14 opposition to have a Branch Boulevard entrance
15 and exit as well. The Board sees that. So
16 you know we're going to try our best. I thank
17 you for your understanding.

18 I think you know my reputation is I try
19 to help every patient. I do a lot of
20 community service. Yesterday I sang at a
21 chupah. I'm a chazan and I try not to charge.
22 I teach bar mitvah boys sometimes. I really
23 try to help everybody. I think the bottom
24 line is if your grandchild or child needs
25 help, we probably would not refuse to see

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2 them, and you're going to benefit from that,
3 and if you want to just stop by get a lollipop
4 or rubber ducky, you're welcome to come.

5 I think it's going to be a fantastic
6 relationship. You just have to also realize
7 that if you do -- if you are successful
8 in chasing me away from the property, I will
9 probably sell it to somebody else and that
10 neighbor that you may have -- may be a worse
11 neighbor and it may attract more traffic.

12 A Seasons Express like establishment
13 approached me several times begging me to
14 allow them to take a portion of my property
15 and I said no. I would like this to be really
16 to serve the kids in the community. I don't
17 think that we need another fast food
18 establishment.

19 I want this to be helpful for everyone,
20 and I would love for you to help me create
21 that vision, and you will have a portion of
22 it. Thank you.

23 CHAIRMAN KRENGEL: Thank you.

24 MR. SOKOLOW: Can I just address
25 something that Dr. Simai said, and this is

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2 certainly not personal, because I know him.

3 This is from the left side. It's true that no
4 matter what is done somebody is not going to
5 be happy, and I'm not looking to sell out one
6 block over another block, but physically
7 Oakland and Branch are not comparable.

8 CHAIRMAN KRENGEL: We understand that.

9 MR. SOKOLOW: Number two is I don't know
10 if what Dr. Simai said about having an ingress
11 on Pennsylvania is as dead on arrival as he
12 suggested, because that's the only strip of
13 commercial use on Pennsylvania, from -- for
14 miles from all the way from where CVS near
15 Mill is, all the way down until you get to the
16 711 area.

17 Everything in between is, except for
18 that one slot, is residential. You have home
19 driveways all along Pennsylvania both before
20 and after the block. So that may be something
21 that they can do, have the entrance on
22 Pennsylvania and the exit on Branch.

23 CHAIRMAN KRENGEL: Thank you.

24 DR. SIMAI: Can I just answer? If we
25 have the entrance on Pennsylvania, then

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2 patients who come from Far Rockaway are going
3 to have either make an illegal left or to make
4 a left onto Branch and then another right and
5 right to get in, so that would be make it very
6 difficult.

7 CHAIRMAN KRENGEL: Thank you. Anyone
8 else that would like to comment that has not
9 commented yet? Okay. Thank you. As
10 mentioned before, we are not going to make a
11 decision this evening. There is going to be a
12 hearing in front of the Hempstead Board of
13 Zoning Appeals sometime later in the year,
14 which there would be a forum for everyone here
15 to present their concerns, and they will make
16 a decision, send it back to the County, and
17 send to us, and then we will reopen this case
18 at some point in the future, either with
19 modified plans with these plans, then we will
20 hopefully be able to make a decision at that
21 point. Let's go off the record for a second.

22 (Discussion held off the record.)

23 CHAIRMAN KRENGEL: Back on the record.
24 We would like to request that a traffic study
25 be done definitely prior to coming back to us,

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2 but I would assume it's going to be prior to
3 the Town of Hempstead also, which would take
4 into account traffic flow and parking for the
5 usage.

6 Also Shmuel, if you can just relay to
7 Mr. Browne legally I don't believe they have
8 to notify the neighbors again about the time
9 of the next hearing the radius, but we would
10 like to make a requirement with proof that the
11 neighbors are to notified of the next hearing
12 for Cedarhurst.

13 MR. YARNELL: If I can explain, if the
14 Board adjourns the meeting, they don't have to
15 re-notify you guys when our next meeting will
16 occur. It will be in the newspaper, but you
17 may never know when that is. So whatever
18 notice you got, the same 200-foot radius of
19 the people that were notified of this hearing,
20 will be notified when our next hearing is.

21 CHAIRMAN KRENGEL: Off the record.

22 (Discussion off the record.)

23 CHAIRMAN KRENGEL: This hearing will be
24 continued until a future date. Thank you.

25 (Time noted: 7:59 p.m.)

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2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 : ss.

5 COUNTY OF QUEENS)

6

7 I, RIVKA KAPLAN, a Notary Public
8 within and for the State of New York, do
9 hereby certify that the foregoing record of
10 proceedings is a full and correct
11 transcript of the stenographic notes taken
12 by me therein.

13 IN WITNESS WHEREOF, I have hereunto
14 set my hand this 23rd day of March, 2023.

15

16

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RIVKA KAPLAN

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