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APPLICATION FOR ZONING VARIANCE
IN THE MATTER OF
HAYA PINSON AND MOSHE KONCEPOLSKI
474 WEST BROADWAY
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

February 24, 2022

7:03 p.m.

B E F O R E
MEIR KRENGEL, Chairman
SHIFRA EDELMAN, Board Member
JARED CLARK, Board Member
DAVID SHTEIERMAN, Board Member
YOEL GOLDFEDER, Village Attorney
WAYNE YARNELL, Supt. Bldg. Dept.

Proceedings - Koncepolski

1
2 CHAIRMAN KRENGEL: Good evening. The
3 first case on the calendar today will be Case
4 Number 005-2022. The case of Haya Pinson and
5 Moshe Koncepolski, 474 West Broadway,
6 Cedarhurst, New York. They will be applying
7 for a variance under the following zoning laws
8 of the village of Cedarhurst: 265-38,
9 Building Area; 265-42.1, Character of Roofs;
10 and 265-42, Rear Yards.

11 The village attorney will now read a
12 statement into the record.

13 MR. GOLDFEDER: Mr. Chairman, members of
14 the Board, for the record, we have been
15 provided with proof of the mailing and
16 publication in the local newspaper of record,
17 of all notices of this hearing as required by
18 law. Accordingly, jurisdiction has been
19 obtained over all necessary parties, and this
20 Board has jurisdiction to hear this appeal.

21 Pursuant to New York State General
22 Municipal Law Section 809, on November 19,
23 2021, a non-collusion affidavit has been duly
24 executed by the applicant, Moshe Koncepolski,
25 wherein he stated that there are no other

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2 persons or entities involved in this
3 application that are employed by or connected
4 to the Village of Cedarhurst, its officers, or
5 employees, which would in any way constitute a
6 conflict under the law.

7 Pursuant to an agreement between the
8 Village of Cedarhurst and Nassau County
9 Planning Commission, the Nassau County
10 Planning Commission has been given notice of
11 this application and has waived consideration
12 thereof. Mr. Chairman, members of the Board.

13 CHAIRMAN KRENGEL: Will the owners or
14 its representative please step forward.

15 MR. SAVALDI: Good evening to the Board.
16 I am Amiel Savaldi, 1 Meadow Drive,
17 Woodsburgh, New York. Good evening again.
18 You are familiar with our project. We have
19 been here before.

20 The last time our request for variances
21 was denied because of the front yard that was
22 breaking the street line. The proposal that
23 we have now is not touching the front, so it's
24 matching exactly the two houses that have the
25 same -- the same front. And we -- as the

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2 Board has suggested, we concentrated the
3 addition on the sides and the rear. The
4 variances due to -- due to the new layout, we
5 lost square footage on the second floor
6 because we cannot build on the -- we are not
7 building now on the first floor, the existing
8 first floor. So it's a one story so we
9 increased the area and we are a little bit
10 beyond the 30 percent coverage that is
11 permitted.

12 The other variances are rear yard.
13 Twenty-five feet is required, and we are 11
14 inches short of that. We tried to shrink it,
15 but it really wouldn't work inside. If you
16 could look -- we are going to go to the floor
17 plan and you will see how. If you go to
18 drawing A-4 which lays out the second floor,
19 you will see that the rooms, we have three
20 regular bedrooms and one master. All of them,
21 even though it's a master, it's about the
22 dimension of a regular bedroom in the Five
23 Towns. It's a 14 -- about 15-by-15 bedroom.
24 The other rooms are even much smaller, and on
25 the second floor, we -- again, we have three

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2 bedrooms and a master. We have a little
3 laundry closet, and we have a whole bathroom
4 and basically that's it.

5 In the first floor, we have a minor
6 alteration. We are not adding to the
7 footprint of the first floor. The addition
8 that we are doing will be on stilts, and it
9 supports the second floor.

10 CHAIRMAN KRENGEL: On the survey it says
11 two-story addition. So it's not a two-story
12 addition. There is two parts there. You have
13 --

14 MR. SAVALDI: Yes. The area that is the
15 two stories, if you can see on a plot plan is
16 the area over the existing one-story rear
17 yard.

18 CHAIRMAN KRENGEL: So it's not a
19 two-story addition. You are only adding a
20 second story.

21 MR. SAVALDI: It would be a second
22 story.

23 CHAIRMAN KRENGEL: A second story, not
24 two-story.

25 MR. SAVALDI: Right.

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2 CHAIRMAN KRENGEL: And the addition --

3 MR. SAVALDI: -- would be a second-floor
4 addition versus a second -- second-story
5 addition.

6 CHAIRMAN KRENGEL: And the part around
7 that you are adding is a two-story?

8 MR. SAVALDI: Would be no --

9 CHAIRMAN KRENGEL: Also.

10 MR. SAVALDI: No. It's also --

11 CHAIRMAN KRENGEL: You are not adding
12 anything to the first floor?

13 MR. SAVALDI: It's just all around.

14 CHAIRMAN KRENGEL: And the flat roof.

15 MR. SAVALDI: The flat roof is -- thank
16 you for pointing it out. If you look at
17 drawing A-5, it shows the existing attic.
18 There is a window there, and in order for us
19 to maintain the safety, we have to have a flat
20 roof so that you can jump out from the window
21 to a roof -- to a lower roof and out. If we
22 were to build a higher roof, it would block
23 that window, that egress. You can see it best
24 in the rear elevation and elevation in drawing
25 A-10, number 3.

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2 CHAIRMAN KRENGEL: The flat roof is
3 right below that window?

4 MR. SAVALDI: Yes. You can see that.
5 It's carved in that area.

6 CHAIRMAN KRENGEL: That setback?

7 MR. SAVALDI: Yes and that -- at the
8 high point it's 29 feet high, so it's the flat
9 area is just limited to that area that is
10 really not seen by -- from the outside at all.
11 Except from the back from an angle.

12 CHAIRMAN KRENGEL: How high is the
13 ceiling of the attic?

14 MR. SAVALDI: How wide is what?

15 CHAIRMAN KRENGEL: How high is the
16 ceiling of the attic?

17 MRS. KONCEPOLSKI: He can stand there.
18 Probably 6, 7 feet.

19 MR. SAVALDI: We can see that in the
20 section, drawing.

21 CHAIRMAN KRENGEL: How do you access it?

22 MR. KONCEPOLSKI: Stairs.

23 CHAIRMAN KRENGEL: Okay. Amiel, is that
24 your case?

25 MR. SAVALDI: That's the case.

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2 CHAIRMAN KRENGEL: Okay. Thank you.

3 Anybody have any questions? Any questions?

4 MR. SHTEIERMAN: No.

5 CHAIRMAN KRENGEL: Okay. I ask for
6 anybody in the audience would like to speak in
7 favor of?

8 MRS. KONCEPOLSKI: In favor.

9 CHAIRMAN KRENGEL: Anyone want to speak
10 against? Okay. The Board will take a vote.

11 MR. SHTEIERMAN: Before we vote, Mr.
12 Chairman, when this is submitted to DOB, if we
13 can just check the numbers because the site
14 plan doesn't match the floor plan, the
15 dimensions. I am assuming the zoning is
16 right, and I am okay with approving it as long
17 as the numbers actually add up because the
18 dimensions of the site plan and floor plan
19 seem to be off. Probably just left over from
20 the changes but you need to verify the zoning.

21 MR. YARNELL: Amiel, are you aware what
22 he is talking about?

23 MR. SHTEIERMAN: On the plan it's 19; on
24 the site plan it's 22. We just have to get it
25 to match up.

Proceedings - Koncepolski

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2 CHAIRMAN KRENGEL: So we are going to
3 vote on approving a building area of 32.3
4 percent, the character of the roof as per the
5 current plan, and the rear yard setback at 24
6 feet 1 inch. Any discrepancies in the
7 variances I guess, Wayne, you will deal with
8 that.

9 MR. YARNELL: Yes.

10 MR. SHTEIERMAN: Approved.

11 MS. EDELMAN: Approved.

12 MR. CLARK: Approved.

13 CHAIRMAN KRENGEL: Approved.

14 MR. SAVALDI: Thank you.

15 (Time noted: 7:12 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, YAFFA 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 13th day of March, 2022.

YAFFA KAPLAN

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

ZVI AND SARAH LAMPERT
1 ADELE ROAD

Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

February 24, 2022
7:15 p.m.

B E F O R E

MEIR KRENGEL, Chairman

SHIFRA EDELMAN, Board Member

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

Proceedings - Lampert

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2 CHAIRMAN KRENGEL: Second case this
3 evening is Case Number 6 of 2022, Zvi and
4 Sarah Lampert, 1 Adele Road in Cedarhurst.
5 They will be applying for a variance under the
6 Cedarhurst zoning laws 265-40, Front Yards and
7 265-41, Side Yards.

8 The village attorney will now read a
9 statement into the record.

10 MR. GOLDFEDER: Mr. Chairman, members of
11 the Board, for the record, we have been
12 provided with proof of the mailing and
13 publication in the local newspaper of record,
14 of all notices of this hearing as required by
15 law. Accordingly, jurisdiction has been
16 obtained over all necessary parties, and this
17 Board has jurisdiction to hear this appeal.

18 Pursuant to New York State General
19 Municipal Law Section 809, on November 30,
20 2021, a non-collusion affidavit has been duly
21 executed by the applicant, Sarah Lampert,
22 wherein she stated that there are no other
23 persons or entities involved in this
24 application that are employed by or connected
25 to the Village of Cedarhurst, its officers, or

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2 employees, which would in any way constitute a
3 conflict under the law.

4 Pursuant to an agreement between the
5 Village of Cedarhurst and Nassau County
6 Planning Commission, the Nassau County
7 Planning Commission has been given notice of
8 this application and has waived consideration
9 thereof. Mr. Chairman, members of the Board.

10 CHAIRMAN KRENGEL: Mr. Neuwirth.

11 MR. NEUWIRTH: Hello. My name is Samuel
12 Neuwirth. I am here representing Mr. And
13 Mrs. Zvi Lampert, the owner of 1 Adele Road.
14 We are going for a variance for side yards.

15 CHAIRMAN KRENGEL: Actually front yard
16 and side yard.

17 MR. NEUWIRTH: Correct. We are squaring
18 up the house in the back and the front. The
19 front is currently 24.7 and 3/4s. We are just
20 making an extension flush with the existing
21 front yard setback. Going for a --

22 CHAIRMAN KRENGEL: That was the front
23 yard?

24 MR. NEUWIRTH: It's two front yards.
25 It's a corner. The other front yard is we are

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2 going for a garage, a new garage. Currently
3 the garage is in the back of the house. If
4 you can see on the survey, you can see there
5 used to be -- there is an existing curb cut on
6 Rockaway Turnpike. That was closed off years
7 ago, and I guess because it was dangerous to
8 pull into and out of Rockaway Turnpike, so it
9 was moved to Adele. So it's a little more
10 complicated to get to the garage from the
11 back. So we would like to do a garage from
12 Adele, facing Adele.

13 CHAIRMAN KRENGEL: Where is access to
14 the garage? How do you get to the garage?

15 MR. NEUWIRTH: Right now you have to go
16 to Adele.

17 CHAIRMAN KRENGEL: In your proposed
18 plan?

19 MR. NEUWIRTH: From Adele straight.
20 Right now there is existing driveway there.

21 CHAIRMAN KRENGEL: So just review. You
22 are going for two front yards because it's a
23 corner. The front yard from Adele is you are
24 asking for 20 feet. What's the question?
25 24.7 and 3/4s. It's really 24. It really

1 Proceedings - Lampert

2 should be 20 and 7 and a half.

3 MR. NEUWIRTH: That is the porch.

4 CHAIRMAN KRENGEL: How high is the
5 porch?

6 MR. YARNELL: It's a covered porch.

7 (Discussion off the record.)

8 CHAIRMAN KRENGEL: And then you are
9 proposing a garage which would encroach and
10 that's 12 feet 9 and 3/4 inches?

11 MR. NEUWIRTH: Correct and on the side
12 yard the same thing, existing side yard. The
13 existing is 5 foot 9. We are just squaring it
14 off.

15 CHAIRMAN KRENGEL: Squaring it off. You
16 are keeping it, okay. Okay.

17 MR. YARNELL: If I can just ask one
18 question. The open wood deck, it's less than
19 3 feet from curb elevation, correct?

20 MR. NEUWIRTH: It's existing. Yes.
21 It's like a one step off.

22 MR. YARNELL: Okay.

23 MR. LAMPERT: It's not tall.

24 CHAIRMAN KRENGEL: Okay. Is that your
25 case?

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Proceedings - Lampert

MR. NEUWIRTH: Yes.

CHAIRMAN KRENGEL: Any questions?
Wayne, off the record.

(Discussion off the record.)

CHAIRMAN KRENGEL: Anybody in the audience would like to speak for or against? I am going to make a motion to approve the variances with one condition, that the garage stay as a one-story and not -- the garage cannot be a two-story garage. If yes, you will have to come back for a variance for that.

MS. EDELMAN: Approved.

MR. SHTEIERMAN: Approved.

MR. CLARK: Approved.

CHAIRMAN KRENGEL: Approved with the condition.

(Time noted: 7:24 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, YAFFA 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 13th day of March, 2022.

YAFFA KAPLAN

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

DANIEL AND ESTHER BUCHINGER
TRUSTEES AT 307 LINWOOD AVENUE
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

February 24, 2022
7:37 p.m.

B E F O R E

MEIR KRENGEL, Chairman

SHIFRA EDELMAN, Board Member

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

Proceedings - Buchinger

1
2 CHAIRMAN KRENGEL: Okay. Case number 4
3 and the final case of this evening will be
4 Case 07-2022, the case of Daniel and Esther
5 Buchinger, trustees at 307 Linwood Avenue.
6 They will be applying for variances under the
7 zoning laws of the village of Cedarhurst:
8 265-41.A, Side Yards; 265-38.C, Building Area,
9 and 265-8, Garages Required.

10 The village attorney will now read a
11 statement into the record.

12 MR. GOLDFEDER: Mr. Chairman, members of
13 the Board, for the record, we have been
14 provided with proof of the mailing and
15 publication in the local newspaper of record,
16 of all notices of this hearing as required by
17 law. Accordingly, jurisdiction has been
18 obtained over all necessary parties, and this
19 Board has jurisdiction to hear this appeal.

20 Pursuant to New York State General
21 Municipal Law Section 809, on October 22,
22 2021, a non-collusion affidavit has been duly
23 executed by the applicant, Daniel Buchinger,
24 wherein he stated that there are no other
25 persons or entities involved in this

Proceedings - Buchinger

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2 application that are employed by or connected
3 to the Village of Cedarhurst, its officers, or
4 employees, which would in any way constitute a
5 conflict under the law.

6 Pursuant to an agreement between the
7 Village of Cedarhurst and Nassau County
8 Planning Commission, the Nassau County
9 Planning Commission has been given notice of
10 this application and has waived consideration
11 thereof. Mr. Chairman, members of the Board.

12 CHAIRMAN KRENGEL: Will the owner or its
13 representative please step forward. Please
14 state your name.

15 MR. FIORE: Brian Fiore, architect,
16 B-R-I-A-N, F-I-O-R-E.

17 CHAIRMAN KRENGEL: State your case.

18 MR. FIORE: Appearing on behalf of Mr.
19 And Mrs. Buchinger of 307 Linwood Avenue, we
20 are requesting variances for a proposed
21 one-story -- two-story, one-family dwelling
22 which exceeds the total required building
23 area, does not meet the minimum required
24 aggregate side yards, and does not have the
25 required garage. We are proposing an

Proceedings - Buchinger

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2 aggregate side yard of 12.13 feet where 16
3 feet is the required total. We do meet the
4 minimum single side-yard requirement of 6 feet
5 on each side of the house. A 60-foot-wide lot
6 frontage is required for this zone. And the
7 current lot is undersized at 52.13 feet on the
8 front of the lot.

9 CHAIRMAN KRENGEL: Just to correct you,
10 it's not an undersized lot; it's undersized
11 frontage.

12 MR. FIORE: Correct. Frontage.

13 CHAIRMAN KRENGEL: Minimum lot size is
14 6,000. This is 6,500.

15 MR. FIORE: The lot frontage would be 60
16 and we have 52.13. So the extra size lot
17 would fit this house with 20 feet on each side
18 if they had a 60-foot lot with a 40-foot-wide
19 house. But since the lot frontage is reduced,
20 it doesn't fit, which is why we are asking for
21 the relief for 6 feet on each side. We feel
22 the extra width of the house will maximize the
23 house at 40 foot wide in order to provide the
24 best efficient room layout throughout the
25 house. We will also provide the most rear

Proceedings - Buchinger

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2 yard space and prefer to add the square
3 footage in the side yard instead of the back
4 of the house.

5 The proposed dwelling also exceeds the
6 maximum permitted building coverage of 30
7 percent. We are proposing a building coverage
8 of 33.97 percent. We will stay under 34
9 percent. The proposed building footprint with
10 the roofed-over entry is 2,202 square feet
11 where 1,952.48 would be the maximum 30
12 percent. So we are over that by 249.52 square
13 feet over the lot coverage there. We are
14 asking for relief for the lot coverage.

15 Also, per the village code, a one-car
16 garage is required for a one-family house, and
17 there is relief in the code for houses in a
18 flood zone to be exempt from this. So
19 although this property is not in the flood
20 zone, it's one of the most heavily flooded
21 streets in the village. It's very common for
22 the water levels to completely cover the
23 sidewalks, driveways, and up into the garages
24 on this block. So we are proposing to provide
25 the required off-street parking in the

Proceedings - Buchinger

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2 driveway and not have a garage in the
3 flood-prone location. So having a full
4 foundation wall in front of the garage instead
5 of a garage door opening would prevent water
6 infiltration, excessive flooding that's pretty
7 common that's going on. They want to avoid
8 any water coming up the driveway.

9 So I have some photos to submit of the
10 flooding. You can see it's pretty excessive
11 compared to what you normally see for an area
12 that's not in the flood zone. And I also have
13 some signatures from the neighbors on the
14 street stating that they have no objections to
15 these variances being granted. And they are
16 -- most of them are actually here in support
17 of the construction. And I also have a letter
18 from the neighbor across the street regarding
19 the flooding that he has in his garage and
20 fully supports them not building a garage. So
21 we are asking for relief for these three
22 variances.

23 CHAIRMAN KRENGEL: Just for the record,
24 we have a letter addressed to the Village
25 Zoning Board of Appeals. It's a letter of

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1 support of this variance, and it lists seven
2 names and addresses on Linwood Avenue --
3 sorry. Six on Linwood, one on West Broadway.
4 Some on the subject side of the block and
5 across the street, all in support of the
6 application. In addition to that, there is a
7 letter from Danny Eberstark, 304 Linwood
8 Avenue, which is directly across the street of
9 the subject property. It says, "I live across
10 the street from 307 Linwood Avenue, with a
11 street-facing garage and driveway. The
12 flooding that occurs regularly on our block
13 causes a significant amount of water to reach
14 my garage despite my driveway being elevated
15 (vis-à-vis the street), resulting in excessive
16 moisture and dampness as well as water leaking
17 into my basement.

18
19 While our block may not be classified as
20 being in a flood zone, I can assure you that
21 the flooding and the resulting damage that
22 occurs quite regularly when it rains should
23 eliminate the requirement of having a garage,
24 the same as for properties that are in a
25 designated flood zone.

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Proceedings - Buchinger

As I am sure you are aware, countless of cars have been ruined as a result of the water accumulation on this portion of the block with some even being unsalvageable. Due to the flooding on the block, I don't even use the garage to park my vehicles. Having the garage has also caused me financial loss as a result of the damage mentioned above. I strongly recommend approving the variance requests and not require a garage to be built."

The last sentence was in bold. We will put this as Applicant 1, 2 and 3.

(Applicant's Exhibit 1, Photograph, marked for identification, as of this date.)

(Applicant's Exhibit 2, Letter in support, marked for identification, as of this date.)

(Applicant's Exhibit 3, Letter from Danny Eberstark, marked for identification, as of this date.)

CHAIRMAN KRENGEL: Okay. Is that your case?

MR. FIORE: That pretty much completes what I have to say.

1 Proceedings - Buchinger

2 CHAIRMAN KRENGEL: So briefly just run
3 through your variances. You are asking just
4 shy of 34 percent of your building area, you
5 are asking to waive the requirement for a
6 garage, and on the side yards your aggregate
7 is 12.13. Okay. Thank you. You can sit
8 down.

9 Anybody in the audience who would like
10 to speak in favor of?

11 MR. BUCHINGER: Hi, Daniel Buchinger,
12 the co-owner of the house. So there is a few
13 things. First of all, last week the flooding
14 on the street -- it's been known and since I
15 moved in in about 2012, they assured us they
16 are working on it and something is going to
17 get done. Just wait a year, wait two years,
18 something is going to get done. And nothing
19 has happened so far.

20 It's -- I look for parking around the
21 car because I can't even park on the street.
22 Not even in my driveway. Having a garage is a
23 real inconvenience, and particularly given the
24 size of the lot that I have, the width, with
25 the flooding it just doesn't make any sense to

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2 have a garage, the same reasons that the flood
3 zone does not require a garage. There are
4 multiple pictures that have been submitted
5 showing that the water really floods all the
6 way there, and my neighbor across the street
7 who is also going to say a few words, he is
8 going to attest to the fact that it causes
9 damage, leaking to the basement, and it just
10 -- it doesn't make any sense.

11 As everybody knows, prices in the Five
12 Towns have gone through the roof, so finding a
13 different place to move is just, you know,
14 unaffordable, and the fact that we are also
15 not allowed to have a third floor, which I
16 understand is not part of this hearing right
17 now but everything has to be taken into
18 consideration. You know, people have growing
19 families, and there is nowhere to move. And I
20 think accommodations should be made.

21 With respect to the garage and the side
22 yard it just affects -- if it's a narrower lot
23 affects the view, how it appears. So based on
24 these reasons, I kindly request that our
25 application be accepted.

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2 CHAIRMAN KRENGEL: Thank you.

3 MR. BUCHINGER: I think Danny would like
4 to say a few words as well.

5 MR. EBERSTARK: Hi, Daniel Eberstark. I
6 live at 304 Linwood Avenue, which is right
7 across the street from the applicant. I moved
8 in about 12 years ago. We deal with about a
9 dozen floods a year. When I am saying
10 flooding, I am talking about a foot and a half
11 of flooding. The entire street is flooded. I
12 can't even walk out of the house on a bad
13 flood.

14 You know, I did speak to the mayor, I
15 e-mailed him. That was about five years ago.
16 At that time he gave me perfect political
17 answer: It's not Cedarhurst; it's Hempstead;
18 it's West Broadway, but in all fairness we
19 live on Linwood. The water runoff is down
20 Linwood, Park Avenue. We live essentially in
21 a bowl. We are at the bottom of the soup
22 bowl. That's where all the water gathers.

23 That being said, you know, there is no
24 reason to believe that anything will be
25 changing any time soon. As much as I have

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2 been told by the village, Hempstead is about
3 to do work but it hasn't happened in five
4 years, and you know, to be honest, I e-mailed
5 the village about two months ago. There is a
6 sinkhole that's opening up right along the
7 street by the drain. About a month ago, a
8 month and a half ago, it's about 6 inches wide
9 across. At this point it's over a foot
10 across. I called the village, I spoke to
11 Luke. Luke is like e-mail us right away, we
12 will handle it. It's been about a month, a
13 month and a half ago. The hole is just
14 getting bigger. At this point --

15 CHAIRMAN KRENGEL: Nothing to do with
16 this.

17 MR. EBERSTARK: But it is a fact. But
18 in all fairness, we don't officially live in a
19 federal flood zone, but for all purposes and
20 intent, we are much worse off than a flood
21 zone. Water doesn't come from the ground up
22 but from the top. I have a garage and I got
23 to tell you, I will never park my car in the
24 garage. My car has flooded. It was
25 considered a total loss by the insurance

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2 company, and frankly I would tell the
3 applicant it's completely irresponsible to put
4 a car in a garage or anything in there just
5 because water gets in there. Once the street
6 is flooded, there is nowhere to go. Your car
7 will get totalled, and there is just no reason
8 why we have to suffer through all that. And
9 in a real flood zone there is a way to get
10 away from the garage.

11 For all purposes and intent, we are in a
12 flood zone. Just we are not officially a
13 federal flood zone, but we are in a flood zone
14 and there is -- you know, there is no reason
15 why, you know, he shouldn't be able to
16 somewhat be exempt from having a garage.

17 MR. GOLDFEDER: Just to clarify for the
18 record, we are talking about when there is
19 heavy rainstorms, the sewage lines, the
20 drainage gets backed up, and it doesn't flow
21 and therefore it sits on the street --

22 MR. EBERSTARK: I can't tell you. I am
23 not an engineer, but I can tell you it's
24 happening ten times a year.

25 MR. GOLDFEDER: I am not an engineer,

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2 but I can tell you that anyway. It happens
3 when there's a heavy rain. It doesn't happen
4 on a regular basis. When there's heavy rain,
5 the water gets backed up.

6 MR. EBERSTARK: A dozen times a year.

7 MR. GOLDFEDER: Correct. There are
8 other places where it happens as well.

9 MR. EBERSTARK: Not to that extent.

10 MR. GOLDFEDER: Listen, we have all
11 driven around the neighborhood and completely
12 understand. Unfortunately. I will let the
13 Board deliberate and decide, but the village
14 made the determination to make an
15 accommodation for those in a flood zone. So
16 the village did not currently enter into the
17 code an accommodation for people who are
18 outside a designated flood zone. So it is
19 viewed separately, and the Board will have to
20 determine whether --

21 MR. EBERSTARK: I fully understand.
22 That's why there is exemptions, and I really
23 truly believe maybe this time an exemption
24 should be made being that we have been going
25 through this over the last ten years and

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2 apparently there is no easy way --

3 CHAIRMAN KRENGEL: If the car is in the
4 driveway, wouldn't it get flooded? Wouldn't
5 it be better off in the garage? If what you
6 are saying is true, I am trying to understand.

7 MR. EBERSTARK: No. When the garage
8 door is closed, it somewhat mitigates the
9 amount of water that's able to get there.

10 CHAIRMAN KRENGEL: Right.

11 MR. EBERSTARK: But there is a big but.
12 About a month and a half ago, we had a big
13 flood. I was up half the night trying to
14 mitigate the water getting into the garage.
15 It gets into the garage, it goes straight down
16 to the basement. There is no way to get
17 around it. At the end of the day a car
18 that's --

19 CHAIRMAN KRENGEL: So it's the leakage
20 to the basement. That's the real issue.
21 That's the real issue.

22 MR. EBERSTARK: How are you supposed to
23 have a car in the garage if it's going to get
24 flooded?

25 CHAIRMAN KRENGEL: Because it's outside

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2 it gets -- your concern is if the garage is
3 not sealed like a house, if water gets into
4 the garage, it can infiltrate --

5 MR. GOLDFEDER: -- the basement.

6 MR. EBERSTARK: That's one issue but
7 besides when my car is outside, I can move it
8 a block away. Once the street is flooded,
9 there's no way to move the car because any car
10 gets ruined right away. Thank you for your
11 consideration.

12 MR. GOLDFEDER: I have a question on the
13 plans. I am not really sure what's the
14 current elevation. How many steps up to the
15 front entranceway?

16 MR. FIORE: The house is roughly 2 feet
17 off the grade.

18 MR. GOLDFEDER: So presumably the
19 driveway would slope as well?

20 MR. FIORE: Correct.

21 MR. GOLDFEDER: Okay. And what's the
22 total elevation of the house? It's 28.10,
23 correct, or is it 30?

24 MR. FIORE: We are going 30 feet from
25 the top of curb. That's our maximum allowed

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height.

MR. SHTEIERMAN: So on the proposed, you are proposing the house first floor 2 feet above the grade?

MR. FIORE: Correct.

MR. SHTEIERMAN: The existing house now is about 3 feet above the grade?

MR. FIORE: It is.

MR. SHTEIERMAN: So you are lowering the house?

MR. FIORE: Well, the house is -- the driveway and the garage are staying the same, but the house is lowering to max out the height and the ceiling heights.

MR. SHTEIERMAN: How high does the water go?

MR. EBERSTARK: A foot and a half.

MR. SHTEIERMAN: I am wondering if you are going to have water on your first floor by lowering the house?

MR. BUCHINGER: The answer is no one has actually measured it, but I guess on the pictures you can see it definitely reaches first or second step.

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2 MS. EDELMAN: What's the current height
3 now?

4 MR. BUCHINGER: Of what?

5 MS. EDELMAN: Of the house.

6 MR. FIORE: The first floor is --

7 MS. EDELMAN: It's 30 or it's --

8 MR. LIVSHITZ: I think it's less than
9 30.

10 MS. EDELMAN: If they are looking for
11 30, if they are lowering it, what's the
12 current?

13 MR. FIORE: I actually don't know.

14 MR. SHTEIERMAN: Based on the survey
15 with the six steps, I am assuming it's 36
16 inches. Existing house now. The proposed
17 house is only 2 feet off the grade.

18 MR. BUCHINGER: We are not concerned
19 about water getting into the house after on
20 the first floor. It's the garage that's the
21 issue. And leaking into the basement.

22 MR. BUCHINGER: And just one more point.
23 The house at 307 Linwood, my house and Danny's
24 house is the worst point of Linwood. It's
25 right in the middle where all the water comes.

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2 CHAIRMAN KRENGEL: How far back is the
3 garage set back from the street?

4 MR. FIORE: Twenty-five feet.

5 MR. CLARK: I have a question about the
6 lot coverage. You said 33.97. You made an
7 effort to stay under 34?

8 MR. FIORE: Correct.

9 MR. CLARK: What about the number 34
10 made you want to stay under as opposed to what
11 was allowable?

12 MR. FIORE: Just prior experience and
13 prior approved variances, seemed like 34 would
14 be our target maximum approved.

15 MR. GOLDFEDER: So it's a magic max
16 number?

17 MR. CLARK: Yes.

18 MR. GOLDFEDER: Just so you know, it's
19 typically not for a new construction. There
20 is accommodations made when you have an
21 existing house that's expanding, but when you
22 are dealing with new construction, that's not
23 such a magical number.

24 MR. FIORE: I did one a couple of years
25 ago, and we did get 34 percent on a new

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construction.

MR. GOLDFEDER: There are always exceptions to the rule.

MR. FIORE: On Clinton Street.

CHAIRMAN KRENGEL: What was the size of the lot?

MR. FIORE: Five by 120 I believe.

CHAIRMAN KRENGEL: Anyone else have anything to comment for or against? State your name and address.

MR. FRIEDMAN: Neil Friedman, 311 Linwood Avenue, Cedarhurst, New York 11516. I live, if you are facing on the house, the right side. I know they are talking about less space in between my house and his house. I don't mind at all. Just wanted to state that.

MR. FIORE: We are actually 1 foot away from the property line on the new house, further. The current house is 5, we are actually 6 on your side. We are 1 foot further away.

CHAIRMAN KRENGEL: Thank you.

MR. FRIEDMAN: I thought it was

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2 opposite. I still don't mind.

3 MR. TREITEL: Nathan Treitel, 301
4 Linwood, the house to the left. I don't have
5 an issue being a little closer. I think we
6 are at 5 feet now.

7 CHAIRMAN KRENGEL: Anybody else? You
8 guys came; you might as well say something.

9 MR. GROSS: David Gross, 317 Linwood
10 Avenue. I am just here to talk about the
11 character of the Buchingers. Wonderful
12 people. He came to my house the first night
13 they moved in because they had no heat. Very
14 nice people and any new construction on the
15 block would actually add to the property
16 value, and I support anything they are asking
17 for.

18 CHAIRMAN KRENGEL: Great, thank you.

19 MR. KLEIN: Steven Klein, 298 Linwood
20 Avenue, Cedarhurst. I just want to say I owe
21 many cars to Daniel. He is the one who when
22 the rain starts he is outside looking and says
23 move your cars up the block and it's been a
24 great service to the neighborhood and I think
25 that the council should approve the variance

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in its entirety.

CHAIRMAN KRENGEL: Anybody else on the Board have any further questions? No?

MS. EDELMAN: No.

CHAIRMAN KRENGEL: We will take a five-to-ten-minute intermission and come back.

(Recess taken.)

CHAIRMAN KRENGEL: Back on the record. After deliberations the Board has come up with a modified proposal to be voted on. We will propose a maximum lot coverage of 32 percent. We will propose an aggregate side yard of 14, 14 feet with a minimum of 6 on each side. Garage must stay.

So we will vote on the modified plan, again allowing for a maximum lot coverage of 32 percent, allow for a side yard aggregate of 14 feet with minimum 6 on each side, and a denial of the request for the garage requirement to be waived.

MS. EDELMAN: Approved with modifications.

MR. CLARK: Approved with modifications.

MR. SHTEIERMAN: Approved with

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modifications.

CHAIRMAN KRENGEL: Approved as modified.

We are adjourned.

Time noted: 8:23 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, YAFFA 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 13th day of March, 2022.

YAFFA KAPLAN

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----- EXHIBITS -----

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

DAVID JACOBOWITZ
304 MADISON AVENUE

Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

February 24, 2022
7:29 p.m.

B E F O R E

MEIR KRENGEL, Chairman

SHIFRA EDELMAN, Board Member

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

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1
2 CHAIRMAN KRENGEL: Good evening once
3 again. Case number 3 tonight will be Case
4 Number 08 of 2022. The application of David
5 Jacobowitz, 304 Madison Avenue. They will be
6 applying for a variance under the zoning laws
7 of the village of Cedarhurst: 265-38,
8 Building Area; 265-40, Front Yards Building;
9 265-41, Side Yards.

10 The village attorney will now read a
11 statement into the record.

12 MR. GOLDFEDER: Mr. Chairman, members of
13 the Board, for the record, we have been
14 provided with proof of the mailing and
15 publication in the local newspaper of record,
16 of all notices of this hearing as required by
17 law. Accordingly, jurisdiction has been
18 obtained over all necessary parties, and this
19 Board has jurisdiction to hear this appeal.

20 Pursuant to New York State General
21 Municipal Law Section 809, on December 21,
22 2021, a non-collusion affidavit has been duly
23 executed by the applicant, David Jacobowitz,
24 wherein they stated that there are no other
25 persons or entities involved in this

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2 application that are employed by or connected
3 to the Village of Cedarhurst, its officers, or
4 employees, which would in any way constitute a
5 conflict under the law.

6 Pursuant to an agreement between the
7 Village of Cedarhurst and Nassau County
8 Planning Commission, the Nassau County
9 Planning Commission has been given notice of
10 this application and has waived consideration
11 thereof. Mr. Chairman, members of the Board.

12 MR. NEUWIRTH: Good evening. My name is
13 Samuel Neuwirth. I am representing Mr. And
14 Mrs. Jacobowitz. Around eight months ago,
15 they had a fire in their house. And they
16 decided after the fire, you know, they are
17 going to do it over, they are going to do it
18 over right.

19 We are going for a variance for a front
20 yard setback. We are asking to continue the
21 front porch. Right now the front porch
22 setback is 19 feet. We are going for a
23 covered porch. We are also going for a side
24 yard variances. Currently the setback is
25 around like 77 and a quarter inch off the

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2 property line. We originally were asking to
3 go for two-story extension over the existing
4 one story that's there now, but we realize we
5 are asking too much and we want to set it back
6 6 feet from the property line. Just a second
7 floor. We brought in the plans earlier today.

8 CHAIRMAN KRENGEL: Is that what we are
9 looking at? I don't have that.

10 MR. YARNELL: The little plan.

11 CHAIRMAN KRENGEL: I don't have that.

12 MR. NEUWIRTH: We are also going for a
13 lot coverage variance. We are actually
14 proposing to take down the two-car garage in
15 the backyard with the existing shed to help
16 with the lot coverage, and we are asking for a
17 new one-car garage attached to the existing --
18 to the extension. That's it.

19 CHAIRMAN KRENGEL: So just want to
20 review. You are going for lot coverage --
21 what's your lot coverage? Staying the same,
22 31.99?

23 MR. NEUWIRTH: Existing is --

24 CHAIRMAN KRENGEL: Based on your amended
25 plans.

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MR. NEUWIRTH: The amended plans didn't change because the first floor is still the same so still the same lot coverage. The second floor is set back, but it's still the same lot coverage because the first floor didn't change.

CHAIRMAN KRENGEL: And the side yards?

MR. YARNELL: If I can just say that the lot coverage is increasing from the existing.

CHAIRMAN KRENGEL: Correct but it's staying the same as the amended plan. The number is still just shy of 32 percent.

MR. NEUWIRTH: Yes.

MR. YARNELL: Yes. And now the fact that you are not asking for a side yard setback --

MR. NEUWIRTH: We are keeping the first floor.

MR. YARNELL: The first floor is staying.

MR. NEUWIRTH: It counts as lot coverage.

CHAIRMAN KRENGEL: Let's go through the side yards. Are you changing anything of the

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side yard?

MR. NEUWIRTH: So yes. Existing now 18 feet on the side where the driveway is, but now we are proposing 7 and a half feet.

CHAIRMAN KRENGEL: Okay. And on the other side?

MR. NEUWIRTH: It's the same. We are not changing that.

MR. YARNELL: But the second floor --

MR. NEUWIRTH: We are setting it back 6 feet.

MR. YARNELL: So the reason why with the new amended plan it's still for a side yard setback is because the numbers don't meet the aggregate of 16 feet.

MR. NEUWIRTH: We also have letters of approval from both neighbors both sides and across the street. The neighbor that's on the --

MR. YARNELL: Which is the neighbor to the side where the --

MR. JACOBOWITZ: On the property line.

MS. EDELMAN: And the porch you are proposing all the way is covered or uncovered?

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2 MR. NEUWIRTH: The middle elevation,
3 just the middle is covered. The sides are
4 uncovered.

5 MR. YARNELL: This is one on the side
6 where it's close.

7 CHAIRMAN KRENGEL: Applicant 1, it's 3
8 letters from two from the same side of the
9 street, one from across the street. Both
10 worded approximately the same. Supporting
11 this project.

12 (Applicant Exhibit 1, Letters in
13 support, marked for identification, as of this
14 date.)

15 CHAIRMAN KRENGEL: Included in this is a
16 letter of support from 308 Madison which is
17 the most -- which is affected as per the side
18 yard, correct?

19 MR. NEUWIRTH: Correct.

20 CHAIRMAN KRENGEL: And that's
21 Applicant's 1. Okay. Is that your case?

22 MR. NEUWIRTH: Yes, it is.

23 CHAIRMAN KRENGEL: Anybody have any
24 questions. Questions? Make a motion to
25 approve.

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MS. EDELMAN: Approved.

MR. SHTEIERMAN: Approved.

MR. CLARK: Approved.

CHAIRMAN KRENGEL: Approved. Thank you
very much.

(Time noted: 7:34 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, YAFFA 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 13th day of March, 2022.

YAFFA KAPLAN

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----- EXHIBITS -----

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