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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

AARON AND AVIVA MENDLOWITZ
385 BARNARD AVENUE
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

March 31, 2022
7:01 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

MICHAEL BLEIBERG, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

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2 CHAIRMAN KRENGEL: Good evening,
3 everyone. First case this evening is Case
4 Number 9 of 2022. The application of Aaron
5 and Aviva Mendlowitz, 385 Barnard Avenue in
6 Cedarhurst, New York. They are seeking zoning
7 variance approval for the following: Building
8 Code 261-41A, Side Yards; 265-38C, Building
9 Area; 265-43A and D, Permitted Encroachments;
10 and 265-42.1C, Character of Roofs. The
11 village attorney will now read a statement
12 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 December 1,
23 2021, a non-collusion affidavit has been duly
24 executed by the applicant, Aaron Mendlowitz,
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'
14 representative please step forward. Mr.
15 O'Connell?

16 MR. O'CONNELL: Thank you. Good evening
17 all. Again, for the record, my name is Todd
18 O'Connell Architect, 1200 Veterans Highway,
19 Hauppauge, New York. Here with me this
20 evening are the Mendlowitz family with the
21 interest of their own application.

22 CHAIRMAN KRENGEL: We reviewed the
23 plans. Just a brief review of the plan and
24 the variances being sought.

25 MR. O'CONNELL: Absolutely. The main

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2 part of this job is expanding the home to the
3 rear of the property and also some additional
4 space on the second floor. The Mendlowitzes
5 have a very large family. They are looking to
6 have a home that's comfortable for their
7 needs, so I worked with them to develop this
8 plan.

9 Now, as far as the side yards, the
10 existing home currently does not comply with
11 the side yards. We are not looking to
12 diminish the side yards; we are looking to
13 maintain what's there. Just going directly
14 behind the house and staying in line with the
15 house itself. Unfortunately, the house that's
16 there is slightly -- ever so slightly over on
17 the setbacks where it doesn't meet the
18 aggregate, so we feel it's a de minimis
19 request just so we have a nice beautiful
20 uniform-looking home in the community.

21 The next part that's before you is the
22 building area. We are requesting 33.93
23 percent, where 30 percent is what is
24 permitted. This home does have a lot of
25 features in it. Again, they have a very large

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2 family, so having a good amount of space is
3 important for their family. They need a very
4 large dining room, obviously a kosher kitchen,
5 family room. They would like to have, you
6 know, a garage on their house so they have a
7 place to park their cars.

8 CHAIRMAN KRENGEL: You need to have a
9 garage.

10 MR. O'CONNELL: And required, yes.

11 CHAIRMAN KRENGEL: Most people like not
12 to have a garage.

13 MR. O'CONNELL: I know. People
14 eliminate it. And then to have the five
15 bedrooms on the second floor and you know with
16 the bathrooms for the children and nice master
17 bath for the Mendlowitz master. Before you is
18 33.93 percent. I believe I have been before
19 this Board many a times, maybe not recently,
20 but that is in line with other variances that
21 were approved by the village.

22 The Mendlowitzes actually went to all
23 the neighbors, and I have a petition signed in
24 favor that they have no objection to this
25 variance being approved. We feel it will be a

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2 beautiful addition to the neighborhood.

3 As far as the roof pitch, I will tell
4 you I am going to eliminate that variance. I
5 am going to make the roof pitch 4 and a half
6 and 12. So we are going to eliminate the
7 variance. We have 28 foot where 30 is
8 permitted, so we can make the 4 and a half
9 work. I will put on the record the 4 and a
10 half was just the front to back roof --

11 CHAIRMAN KRENGEL: If you are not going
12 for it, we don't need to discuss it.

13 MR. O'CONNELL: So that would conclude
14 my case.

15 CHAIRMAN KRENGEL: You have permitted
16 encroachments?

17 MR. O'CONNELL: Oh, that's right. The
18 entrance to the entranceway in the front. We
19 are coming out in the front, you know, just to
20 increase the size of the foyer. The foyer is
21 existing on the house. So we are looking to
22 keep the size of the foyer, go out but then in
23 front of that is the portico. That is the
24 exact size of the foyer itself. So to go and
25 make a smaller or narrower foyer wouldn't make

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2 sense from an architectural standpoint. We
3 feel that aesthetically it would look much
4 better in the shape that it is. The portico
5 itself is only 4 feet deep. That's not a very
6 large overhang. You know, it yields 23.92
7 feet to the front of it of the portico itself.

8 And then there is also -- and then back
9 to the house itself is actually to the main
10 part of the house is 31.92. You know, where
11 25 foot is required, the majority of the house
12 is much further back, so we feel it's a very
13 small amount of area that we are looking to
14 encroach to make the entry foyer a little
15 nicer and keep a portico that's in proportion
16 with the rest of the home.

17 CHAIRMAN KRENGEL: Okay. Is that your
18 case?

19 MR. O'CONNELL: Yes. That will
20 conclude.

21 CHAIRMAN KRENGEL: Thank you. Any
22 questions from the Board? For the record, we
23 have a petition of support in this matter
24 signed by 1, 2, 3, 4, 5, 6 -- seems to be
25 eight residents of Barnard Avenue, in support,

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2 so we will submit this as Applicant's 1. I
3 will just read it for the record.

4 "We, the undersigned neighboring
5 residents and property owners of the
6 applicant, support the granting of variance
7 relief by the village of Cedarhurst Board of
8 Appeals to Aaron and Aviva Mendlowitz to
9 permit the renovation of a single-family
10 dwelling at premises known as 385 Barnard
11 Avenue within the village. While variance
12 relief is necessary, we have reviewed the
13 plans for the proposed home and do not find
14 the proposed construction to be out of
15 character with the existing pattern of
16 development. Nor do we believe that the
17 proposed home will negatively impact property
18 values. Rather, the home will be a very
19 attractive addition to the neighborhood that
20 will enhance its overall aesthetic. Based
21 upon the above, we execute the petition and
22 ask the Board of Appeals to grant the relief
23 requested."

24 (Applicant's Exhibit 1, Letter in
25 support, marked for identification, as of

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2 this date.)

3 Q. Mr. O'Connell, if we ask to reduce the
4 lot coverage by about a little less than 2 percent,
5 would your applicant be okay with that?

6 MR. O'CONNELL: Well, I had discussions
7 with them about, you know, the reduction in
8 the footage, and you know, reduction in the
9 footage, and you know, they wouldn't be happy
10 about it. Let's put it that way. You know,
11 when I was designing, we were trying to --
12 they wanted to go bigger and I was pulling the
13 reins back to get this a little smaller, so
14 you know, we want to work with the board.

15 CHAIRMAN KRENGEL: Would 32 work?

16 MR. GOLDFEDER: What does that translate
17 to foot-wise?

18 MR. O'CONNELL: That would translate to
19 almost 200 square feet. You know, that's in
20 the footprint so that's actually quite a bit.
21 We --

22 CHAIRMAN KRENGEL: It would be -- it
23 would be 120 feet 6,000 square foot lot.

24 MR. O'CONNELL: 121 square feet. I'm
25 sorry, yes.

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2 CHAIRMAN KRENGEL: Even less. Probably
3 a little bit less.

4 MR. O'CONNELL: I mean, the house is
5 only 45 feet wide so --

6 CHAIRMAN KRENGEL: Two or 3 feet.

7 MR. O'CONNELL: Three feet off the back.
8 That's a lot.

9 CHAIRMAN KRENGEL: Can you make it work?

10 MR. O'CONNELL: Is the Board saying I
11 need to make it work?

12 CHAIRMAN KRENGEL: Could you make it
13 work? So character of the roofs is out, your
14 permitted encroachments will also be
15 minimized, if not totally. I think that
16 variance goes away also.

17 MR. YARNELL: No. The encroachment in
18 the front, he is not moving the house back.

19 CHAIRMAN KRENGEL: Okay. So we are
20 going to take a vote on three variances and we
21 are going to allow -- we are going to take a
22 vote to allow the side yards to stay in line
23 with the current side yards. Just going back.
24 We are going to vote to approve the permitted
25 encroachments, and we are going to vote to

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2 approve lot coverage up to 32 percent. You
3 can figure out how and where you want to do
4 it.

5 MR. MENDLOWITZ: Can we get a little
6 more? It's --

7 MR. O'CONNELL: Thirty-two and a half.

8 MRS. MENDLOWITZ: It's just really the
9 dining room.

10 CHAIRMAN KRENGEL: Maybe the owner would
11 like to come up and state the case.

12 MR. MENDLOWITZ: So it's really
13 ultimately -- first of all, thank you for
14 hearing us. It's really just mostly the
15 dining room that is going to impact. We
16 generally like to host, we like to have an
17 open house for Shabbos. A lot of people come
18 over. And since we are working within the
19 current house, we don't have as much
20 flexibility as we normally would if we were
21 building from scratch. Listen, every -- I
22 understand you guys -- it's -- you don't want
23 to set a standard that everyone else is going
24 to ask for so whatever the court here says is
25 what I am going to listen to, but any extra

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would obviously make a difference.

CHAIRMAN KRENGEL: We are going to 32.
How is that? Okay. We are going to take --
anyone want to make a motion?

MR. SHTEIERMAN: Second. Approved as
modified.

MR. CLARK: Approved as modified.

MR. BLEIBERG: Approved as modified.

CHAIRMAN KRENGEL: Approved as modified.

(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 14th day of April, 2022.

YAFFA KAPLAN

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theresa

APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

AM WEISS DEVELOPMENT GROUP LLC
352 SUMMIT AVENUE
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

March 31, 2022
7:43 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

MICHAEL BLEIBERG, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - AM Weiss Development Group LLC

2 CHAIRMAN KRENGEL: Back on the record.

3 Welcome to Cedarhurst Board of Zoning Appeals.

4 This will be Case Number 10 of 2022. The

5 application of AM Weiss Development Group LLC,

6 82 Cedar Drive, Great Neck, New York with

7 regard to a property located at 352 Summit

8 Avenue in Cedarhurst. The applicant is asking

9 for relief from Cedarhurst Zoning Laws 265-39,

10 Size and Area of Lot. The village attorney

11 will now read a 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 January 11,

22 2022, a non-collusion affidavit has been duly

23 executed by Michael Weiss, on behalf of the

24 applicant, wherein he stated that there are no

25 other persons or entities involved in this

1 Proceedings - AM Weiss Development Group LLC

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: Just for the record,
13 this lot has already been subdivided and
14 approved by the Cedarhurst board of trustees.
15 We are here only to hear an application for a
16 variance with regard to the size of the area
17 of the lot. The owner or representative
18 please step forward.

19 MR. BROWNE: Good morning, Chairman and
20 members. Christian Browne, 1122 Franklin
21 Avenue, Garden City for the applicant.

22 Chairman, you are correct. This lot was the
23 subject of a subdivision application that was
24 approved by the Board of Trustees sitting as
25 the Planning Board by resolution dated

1 Proceedings - AM Weiss Development Group LLC
2 March 7th of 2022. As part of that
3 resolution, the Planning Board imposed certain
4 conditions related to the layout of the lot
5 and the parking configuration and those
6 conditions were imposed upon consent and the
7 site plans that are before the Board tonight
8 reflect the conditions imposed by the Planning
9 Board when it granted the subdivision.

10 The application before you tonight as
11 you know, Chairman, only concerns one aspect
12 of the development of the parcel. Both of
13 these parcels are actually oversized for lot
14 area. Parcel A is proposed at 6,642 square
15 feet, and parcel B is proposed at 6,470 square
16 feet. So in excess of the 6,000-square-foot
17 minimum. However, the width of the lot is
18 required, each lot is required to have 60 feet
19 of frontage and these two lots each are
20 proposed at 50 feet of frontage. That's the
21 only deficiency. Triggering the need for a
22 variance. Along Summit Avenue, within the
23 200-foot radius almost every lot on the street
24 is a 50-foot lot. You can see that on your
25 radius map but on both sides of the street the

1 Proceedings - AM Weiss Development Group LLC

2 neighboring parcels, Lots 14, 15, 16, 17, 18,
3 across the street lots 105, 104, 103, 102,
4 101, all 50-foot frontages. So this proposed
5 subdivision fits in very nicely with the
6 nature and character of the area. Complements
7 to houses across the street. We are in excess
8 of the minimum lot area and this I would
9 submit is a minor nonsubstantial variance that
10 is not going to, in any way, cause a detriment
11 to the surrounding neighborhood because those
12 lots are the same width as the lots we
13 propose, and I would finally just remind the
14 Board that the house on this lot will be
15 demolished. It's a nonconforming two-family
16 house now. So we are now breaking this into
17 two lots with two conforming single-family
18 homes.

19 CHAIRMAN KRENGEL: Thank you. Have you
20 submitted building plans?

21 MR. BROWNE: We have not submitted
22 building plans.

23 CHAIRMAN KRENGEL: But obviously they
24 will be in conformance with this application?

25 MR. BROWNE: They will. They will be in

1 Proceedings - AM Weiss Development Group LLC
2 conformance with this application. The
3 footprint of the house will not require any
4 variances, and they will conform to the
5 conditions imposed for parking by the Planning
6 Board.

7 CHAIRMAN KRENGEL: Thank you. Any
8 members of the Board have any questions?

9 MR. SHTEIERMAN: No.

10 MR. CLARK: No.

11 CHAIRMAN KRENGEL: Would anybody in the
12 audience like to speak in favor or against
13 this application?

14 Okay. The Board will now take a vote.

15 MR. BLEIBERG: Approved.

16 MR. SHTEIERMAN: Approved.

17 MR. CLARK: Approved.

18 CHAIRMAN KRENGEL: For the record, I
19 live on the block just outside the
20 200-square-foot radius and my vote is not
21 needed, so I will not vote and the vote -- the
22 application is approved with three votes and
23 approved.

24 MR. BROWNE: Thanks so much.

25 (Time noted: 7:48 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 14th day of April, 2022.

YAFFA KAPLAN

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

MICHAEL KAFFASH
336 PACIFIC AVENUE

Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

March 31, 2022
7:14 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

MICHAEL BLEIBERG, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

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2 CHAIRMAN KRENGEL: Good evening and
3 welcome to the Cedarhurst Board of Zoning
4 Appeals. The second case in this evening is
5 Case Number 11 of 2022. It's the application
6 of Michael Kaffash for the property located at
7 336 Pacific Avenue, and he is going for a
8 variance for Building Codes 265-38C, Building
9 Area, and 265.42.1A, Character of Roofs. The
10 village attorney will now read a statement
11 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 February 28,
22 2022, a non-collusion affidavit has been duly
23 executed by the applicant, Michael Kaffash,
24 wherein he 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 CHAIRMAN KRENGEL: Will the owner or its
13 representative, please step forward. Mr.
14 Capobianco.

15 MR. CAPOBIANCO: I am here tonight on
16 behalf of my client.

17 CHAIRMAN KRENGEL: Please state your
18 name and address for the record.

19 MR. CAPOBIANCO: John Capobianco,
20 architect, 159 Doughty Boulevard, Inwood,
21 New York. Here tonight on behalf of Michael
22 Kaffash who is present in the room. We are
23 here seeking a variance for a building
24 coverage of .28 I believe. We have --

25 CHAIRMAN KRENGEL: Which I think we

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2 consider it de minimis.

3 MR. CAPOBIANCO: Which is very de
4 minimis. I think it's because of a porch on
5 the side with a little overhang. The house
6 itself would comply to the 30 percent.

7 CHAIRMAN KRENGEL: How many square feet
8 is that?

9 MR. CAPOBIANCO: It's on the site.

10 MR. SHTEIERMAN: About 35.

11 CHAIRMAN KRENGEL: Thirty-five square
12 feet?

13 MR. CAPOBIANCO: It would be 3,700
14 square feet, which would be 30 percent of the
15 lot coverage for the house itself. One level.
16 And then the second variance we meet the
17 height requirement. The lot as you see is a
18 very large lot, 100 by 125. Can command a
19 large house.

20 The issue as we saw in the first page
21 was the site elevation of the house which if
22 it's 4 and a half on 12, to cover that
23 footprint it would be about 4 and a half feet
24 higher than the 30 feet with the 4 and a half
25 on 12. So we are trying to reduce the house

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2 to 30 but give the house the look it would
3 require in the front with that type of
4 architecture. So we are trying to create a
5 flat area of approximately 30 percent of the
6 floor area of the building which gives that
7 appearance and height would be 30 feet above
8 the top of curb which complies with the
9 30-foot requirement. However, we are seeking
10 relief to maintain a flat section of roof on
11 the house to give it the proper look.

12 CHAIRMAN KRENGEL: How much of the roof
13 is it approximately?

14 MR. CAPOBIANCO: It's approximately 30
15 percent of the floor area of the footprint, so
16 it's approximately 800 or 750 square feet.

17 CHAIRMAN KRENGEL: Is it visible from
18 the front?

19 MR. CAPOBIANCO: You cannot see it, no,
20 and that's basically the application. We have
21 done a few houses because of the size of the
22 footprint of the house and the depth, it's
23 very difficult to cover the roof to make the
24 roof lines work with a 4 and a half and if you
25 go even more, it's going to bring us up to

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2 about 35 feet to a ridge. Without cutting it
3 off, you know.

4 CHAIRMAN KRENGEL: This is new
5 construction, correct?

6 MR. CAPOBIANCO: Pardon me.

7 CHAIRMAN KRENGEL: This is new
8 construction?

9 MR. CAPOBIANCO: New construction.

10 CHAIRMAN KRENGEL: All front yards, side
11 yards are in conformance?

12 MR. CAPOBIANCO: Yes. All side yards
13 conform. Front yard conforms.

14 CHAIRMAN KRENGEL: The only variance you
15 are going for is 35.8 feet, which is an
16 entryway?

17 MR. CAPOBIANCO: Yes.

18 CHAIRMAN KRENGEL: And the roof?

19 MR. CAPOBIANCO: That's it. Thank you.

20 CHAIRMAN KRENGEL: Thank you. Is that
21 your case?

22 MR. CAPOBIANCO: That's our case.

23 CHAIRMAN KRENGEL: Any questions from
24 the members of the Board?

25 MR. SHTEIERMAN: No.

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CHAIRMAN KRENGEL: Is there anybody in the audience who would like to speak in favor of or against this application?

MR. MILLSTONE: Well, I don't understand it.

CHAIRMAN KRENGEL: State your name and address for the record.

MR. MILLSTONE: Rob Millstone, 320 Pacific Avenue. I just don't understand what he is talking about.

CHAIRMAN KRENGEL: I will review very quickly.

MR. MILLSTONE: Dumb it down for me. It would be a lot easier.

CHAIRMAN KRENGEL: The building code in the village of Cedarhurst allows 30 percent of the lot coverage, which means any building area, 30 percent of the lot. So this lot is 12 and a half thousand square feet. So 30 percent of that you would be allowed to build a floor print of 3,750 square feet. And first floor, second floor, basement. They are proposing an extra 35 feet. Square feet.

MR. GOLDFEDER: When the plans were put

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2 together, there is a side entranceway with a
3 porch, stoop.

4 CHAIRMAN KRENGEL: He will show you what
5 it is.

6 (Discussion off the record.)

7 MR. KERINS: Patrick Kerins, 330 Pacific
8 Avenue. K-E-R-I-N-S.

9 CHAIRMAN KRENGEL: Would you like to
10 comment on the plans?

11 MR. KERINS: I just don't know why we
12 have to go so, you know, across the flat roof
13 in the back from the top.

14 CHAIRMAN KRENGEL: John, do you want to
15 answer the question?

16 MR. CAPOBIANCO: Right now what happens
17 is the height of the house is what's required
18 under the village. Thirty feet above the top
19 of the curb. That's where we are allowed to
20 go. You see, if we were to do our roof that
21 didn't have a flat section, house would be
22 much higher, 34, 35 feet. We couldn't cover
23 that footprint of the house with that kind of
24 roof. So what we did is cut off the top so
25 you don't see that flat section and it brings

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2 the scale down to the right height, which is
3 30 feet above the crown. It's a very
4 beautiful house.

5 CHAIRMAN KRENGEL: Thank you, Mr.
6 Capobianco, for your explanation. Mr. Guttman
7 do you have anything further to say? Come up
8 to the podium. State your name and address.

9 MR. GUTTMAN: Avrami Guttman, 319
10 Pacific Avenue. Just question why they needed
11 -- he was trying to explain to me but we got
12 interrupted -- why they needed more than 30
13 percent.

14 CHAIRMAN KRENGEL: It's on the side of
15 the house.

16 MR. SHTEIERMAN: It's not even an
17 enclosed area of the house. It's a small roof
18 of about 35 square feet over a side porch.
19 Thirty-five square feet of roof space over a
20 side porch.

21 CHAIRMAN KRENGEL: The whole thing is
22 it's a quarter of a percent over.

23 MR. GUTTMAN: Just wanted to know what
24 it is. The 30 percent. Another thing that a
25 lot of people on the block were talking about

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-- and I am not sure the zoning can deal with it or anybody has to deal with it.

CHAIRMAN KRENGEL: The only thing we can deal with is this application.

MR. GUTTMAN: Right but I don't know if people -- there were two big trees --

CHAIRMAN KRENGEL: Nothing to do with us.

MR. KERINS: Who protects Mother Nature?

CHAIRMAN KRENGEL: God. Not me.

MR. GUTTMAN: No more questions.

CHAIRMAN KRENGEL: All right. Thank you. Any further comment for, in favor of, against? Mr. Capobianco, do you have anything else to tell the Board?

MR. CAPOBIANCO: I believe that completes it. Thank you.

CHAIRMAN KRENGEL: The Board will now vote on the application. Make a motion to approve.

MR. BLEIBERG: Approved.

MR. CLARK: Approved.

MR. SHTEIERMAN: Approved.

CHAIRMAN KRENGEL: Approved. Variances

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are approved. Thank you very much.

(Time noted: 7:29 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 14th day of April, 2022.

YAFFA KAPLAN

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

LINCOLN STREET NEW YORK LLC
506 LINCOLN STREET
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

March 31, 2022
7:31 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

MICHAEL BLEIBERG, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - Lincoln Street New York LLC

2 CHAIRMAN KRENGEL: The next case is Case
3 Number 12 of 2022. Case of Lincoln Street
4 New York LLC, 207 Seagirt Avenue, Lawrence,
5 with regard to property located at 506 Lincoln
6 Street in the village of Cedarhurst. The
7 applicant is seeking relief under Building
8 Code 265-51, Front Yards; 265-52, Side Yards;
9 and 265-125, Location Restricted.

10 Just for the record, there are two
11 separate applications or two separate permits
12 that are being sought here. One is for a
13 two-story addition, one is for an in-ground
14 pool. The village attorney will now read a
15 statement into the record.

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

24 Pursuant to New York State General
25 Municipal Law Section 809, on March 9, 2022, a

1 Proceedings - Lincoln Street New York LLC
2 non-collusion affidavit has been duly executed
3 by Daniel Pinchasov, on behalf of the
4 applicant, wherein he stated that there are no
5 other persons or entities involved in this
6 application that are employed by or connected
7 to the Village of Cedarhurst, its officers, or
8 employees, which would in any way constitute a
9 conflict under the law.

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

16 CHAIRMAN KRENGEL: Mr. Capobianco?

17 MR. CAPOBIANCO: Thank you, yes. Our
18 client is here.

19 CHAIRMAN KRENGEL: Again, for the
20 record, just please state your name.

21 MR. CAPOBIANCO: John Capobianco
22 Architects, 159 Doughty Boulevard, Inwood,
23 New York. We are here this evening seeking
24 relief for front yard setbacks. As you can
25 see from the photograph on the board -- I

1 Proceedings - Lincoln Street New York LLC
2 don't know if you can see the board, but I
3 will angle it a little more, but from the
4 photograph of the board we have an existing
5 two-story house, first floor, second floor.
6 Small. It's on a block that you see on your
7 radius map between Bayview and Oceanpoint.
8 They are all 40-by-100 lots on that side of
9 Lincoln, so pretty much all of the setbacks of
10 these houses on those 40-by-100 lots are all
11 the same, about 16 and a half feet. So what
12 we are doing is seeking relief to maintain
13 that front because we are maintaining the
14 footprint, the original footprint of the house
15 what you see in the sketch here, the site plan
16 which we are making the house a FEMA-compliant
17 house. So the client agreed we would fill in
18 the basement, raise the first-floor elevation
19 to the required New York State free board
20 elevation of 10 or actually 10.17. And then
21 we are going to add to the house, doubling
22 almost the size of the house but staying
23 within the setback, staying within the
24 setbacks, side yard aggregate setbacks,
25 staying within the rear yard setback, seeking

1 Proceedings - Lincoln Street New York LLC
2 relief of the front, which would be 25 and
3 keeping it at 16.2.

4 CHAIRMAN KRENGEL: That's existing?

5 MR. CAPOBIANCO: Where it is now and we
6 wanted to fill in the basement, bring the
7 house up, build a FEMA-compliant house.
8 Therefore not having to worry about the 50
9 percent rule which would be, you know, the
10 cost of construction, so now we can build more
11 or less what we need to do and do a new house.
12 In addition to this, we were putting -- and
13 that would give them enough bedrooms. He is
14 going to live in the house, the newly married.
15 Hopefully having a big family, but you know,
16 he is going to live in the house. He is not
17 building it to sell it. It's his house.

18 In addition, we are going to do a pool
19 from the back, and we are going to build a
20 deck connecting the pool from the house that
21 is 2 foot 11 above the top of the curb, so
22 that would account for building coverage.
23 However, the pool requires a 10-foot rear
24 yard. We have an 8 and requires 5 and we have
25 8 on the side, so 5 on the side complies, the

1 Proceedings - Lincoln Street New York LLC
2 8 in the rear is from 10, so that's another
3 variance we are seeking, a rear yard of the
4 pool. Then the pool -- I think the side yards
5 of the deck or 3 and a half feet as opposed to
6 being a total of 16 aggregate.

7 CHAIRMAN KRENGEL: The deck goes past
8 the house.

9 MR. CAPOBIANCO: The deck goes a little
10 past the house, but at the point where the
11 grade is in the back, the deck is probably
12 about a little under 30 inches above the
13 ground. In the front it's about 2 foot 11,
14 about 35 inches above the top of the curb so
15 that's --

16 CHAIRMAN KRENGEL: So the side yard
17 is --

18 MR. CAPOBIANCO: The side yard of the
19 deck is 3 and a half feet.

20 CHAIRMAN KRENGEL: And the other side.

21 MR. CAPOBIANCO: Same thing. It's equal
22 because we have you walking around the pool so
23 that's why to maintain that pool. It's 30
24 inches off, a little less than 30 inches off
25 the ground, we wouldn't even need a railing,

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2 and that's basically the application. The
3 height of the building, it conforms in
4 elevation. These are the floor plans, so what
5 we are doing is we are actually leaving part
6 of the foundation and we are filling in the
7 basement for a second -- so when you are
8 looking at the section through the house, we
9 are raising the basement floor up, making a
10 crawl space. So now it's truly a
11 FEMA-compliant house with washroom vents and
12 the flood vents around the perimeter and the
13 application you see in the section this will
14 be the front of the house, a little bit more
15 contemporary in style, but basically this is
16 what he is trying to build and this is our
17 application.

18 CHAIRMAN KRENGEL: Is the applicant or
19 someone living in the house right now?

20 MR. CAPOBIANCO: No. They are not
21 living in the house, no. It's empty.

22 CHAIRMAN KRENGEL: Okay. Is that your
23 case?

24 MR. CAPOBIANCO: That's basically the
25 application and the case.

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2 CHAIRMAN KRENGEL: Anybody on the Board
3 have any questions?

4 MR. SHTEIERMAN: No.

5 CHAIRMAN KRENGEL: Questions? Anybody
6 in the audience would like to speak in favor
7 or against?

8 MR. MORAN: My name is Joe Moran. I
9 live at 529 Cedarhurst. I am right down the
10 block walking distance. This thing of filling
11 in the basement, are they going to make a
12 Mikvah there? Is that --

13 CHAIRMAN KRENGEL: I will ask the
14 applicant.

15 MR. MORAN: In other words, the way they
16 are setting it up, it looks subject to me.

17 MR. YARNELL: The house is becoming a
18 FEMA-compliant house. The house now has a
19 basement. In order to become a FEMA-compliant
20 house, they have to lose the basement. The
21 basement now as proposed is only going to be a
22 crawl space.

23 MR. MORAN: Right. I understand.

24 MR. YARNELL: So there is no ability --

25 MR. MORAN: Because a built-in pool, I

1 Proceedings - Lincoln Street New York LLC
2 have been living there for 30 years. You dig
3 one foot down, you hit water. So I mean, put
4 a built --

5 MR. YARNELL: The pool is not inside the
6 house. The pool is in the backyard.

7 MR. MORAN: There is going to be no
8 enclosure around the pool?

9 (Discussion off the record.)

10 MR. MORAN: That's what I want to know.
11 Is there going to be a Mikvah?

12 MR. GOLDFEDER: It's an application for
13 a swimming pool. How they use it is really up
14 to them, but it's a swimming pool.

15 MR. MORAN: See, that's a gray area, no?

16 CHAIRMAN KRENGEL: What is your concern?
17 Your concern is the outdoor pool is going to
18 be a Mikvah?

19 MR. MORAN: Yes.

20 CHAIRMAN KRENGEL: This is a swimming
21 pool.

22 MR. YARNELL: We have the applicant
23 here. Why can't we ask him?

24 (Discussion off the record.)

25 CHAIRMAN KRENGEL: Anybody else have any

1 Proceedings - Lincoln Street New York LLC
2 comments?

3 MRS. MORAN: Denise Moran. They are
4 going to fence in the pool? There is going to
5 be high enough so --

6 MR. CAPOBIANCO: There is going to be a
7 5-foot fence.

8 MR. YARNELL: Six-foot fence is
9 required.

10 MR. MORAN: Okay.

11 MR. CAPOBIANCO: With a self-latching
12 gate, self-closing.

13 MR. YARNELL: But understand that the
14 6-foot fence is from grade. The deck is a
15 little bit like over 2 feet above grade, so if
16 you have a 6-foot fence, the pool height, the
17 fence height is really going to be like 4 feet
18 from the pool patio area but from the
19 neighboring properties, it will be 6 feet from
20 the --

21 MS. MORAN: I am just concerned about
22 other children in the area. That's my main
23 concern.

24 CHAIRMAN KRENGEL: Thank you. Will the
25 owner step forward for a moment? State your

1 Proceedings - Lincoln Street New York LLC
2 name and address.

3 MR. PINCHASOV: El-Natan Pinchasov.

4 CHAIRMAN KRENGEL: And you are a member
5 of Lincoln Street New York LLC?

6 MR. PINCHASOV: Yes.

7 CHAIRMAN KRENGEL: You are building this
8 house for yourself?

9 MR. PINCHASOV: For myself.

10 CHAIRMAN KRENGEL: Thank you very much.

11 MR. CAPOBIANCO: That's the case.

12 CHAIRMAN KRENGEL: The Board will now
13 take a vote. Make a motion to approve the
14 application.

15 MR. SHTEIERMAN: Approved.

16 MR. CLARK: Approved.

17 MR. BLEIBERG: Approved.

18 CHAIRMAN KRENGEL: Approved. Thank you
19 very much.

20 (Time noted: 7:43 p.m.)

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1 Proceedings - Lincoln Street New York LLC

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, YAFFA 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 14th day of April, 2022.

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18 YAFFA KAPLAN

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