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Proceedings - 319 Pacific Avenue

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

MOSES GUTTMAN  
319 PACIFIC AVENUE

Applicant.

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200 Cedarhurst Avenue

Cedarhurst, New York

July 25, 2024

7:01 p.m.

B E F O R E

MEIR KRENGEL, Chairman

MICHAEL BLEIBERG, Board Member

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - 319 Pacific Avenue

2 CHAIRMAN KRENGEL: Good evening,  
3 everybody. The first case on the calendar  
4 tonight has been assigned Case Number 2024-010  
5 and is the application of Moses Guttman, the  
6 applicant of a parcel known as 319 Pacific  
7 Avenue and designated as 39/349/207 in a R1  
8 Zone.

9 The applicant proposes to construct a  
10 second floor over attached garage. The  
11 applicant went before the Village Zoning Board  
12 on March 23, 2023 and was granted relief from  
13 front yard and side yard setback.

14 The applicant requests variances from  
15 Cedarhurst Code Section 265-41.A, side yards,  
16 which a side yard is required along each side  
17 of a building. The side yards along the sides  
18 of the building used exclusively as a  
19 single-family dwelling shall have an aggregate  
20 width of no less than 16 feet. Neither side  
21 shall be less than 6 feet in width except on  
22 corner plots, the side yard shall be 6 feet.

23 The village attorney will now read a  
24 statement into the record.

25 MR. GOLDFEDER: Mr. Chairman, members of

1 Proceedings - 319 Pacific Avenue

2 the Board, for the record, we have been  
3 provided with proof of the mailing and  
4 publication in the local newspaper of record,  
5 of all notices of this hearing as required by  
6 law. Accordingly, jurisdiction has been  
7 obtained over all necessary parties, and this  
8 Board has jurisdiction to hear this appeal.

9 Pursuant to New York State General  
10 Municipal Law Section 809, on June 3, 2024, a  
11 non-collusion affidavit has been duly executed  
12 by the applicant, Abraham Guttman, wherein he  
13 stated that there are no other persons or  
14 entities involved in this application that are  
15 employed by or connected to the Village of  
16 Cedarhurst, its officers, or employees, which  
17 would in any way constitute a conflict under  
18 the law.

19 Pursuant to an agreement between the  
20 Village of Cedarhurst and Nassau County  
21 Planning Commission, the Nassau County  
22 Planning Commission has been given notice of  
23 this application and has waived consideration  
24 thereof.

25 Mr. Chairman, members of the Board.

1 Proceedings - 319 Pacific Avenue

2 MR. FLAUM: Good evening, Chairman,  
3 members of the Board. My name is Shmuel  
4 Flaum, residing at 194 Wanser Avenue, Inwood,  
5 New York 11096. I am here on behalf of the  
6 owners, Mr. And Mrs. Guttman, seeking leave  
7 from a variance related to an additional  
8 request from a previously approved variance.  
9 As you are aware, the Guttmans previously had  
10 me present them for a variance for an  
11 extension on the east side of their property  
12 where they were doing an attached garage.  
13 Subsequent to that approval, they went back to  
14 sit with their design professional and they  
15 realized that they probably should have, you  
16 know, made some more adjustments involving the  
17 second floor, specifically the master bedroom  
18 suite, and so we are seeking from you today an  
19 additional variance to come out over the  
20 garage that was previously approved to do the  
21 master bathroom suite off the master bedroom.

22 In this variance, what they are seeking  
23 relief from would be the same as before, which  
24 would be the side yard requirement. However,  
25 here we are not coming out to the same depth

1 Proceedings - 319 Pacific Avenue

2 or width I should say as the first-story  
3 garage. Here we are keeping the setback that  
4 exceeds 6 feet, which is a minimum side yard  
5 for the village of Cedarhurst, minimum yard  
6 requirement. So they are seeking an extension  
7 to build out over that one-story garage in  
8 part, not in full, and this would afford them  
9 a much larger and more sizeable master bedroom  
10 and closet off of the bedroom floor in  
11 addition to the previously approved garage at  
12 the lower level. If the Board has any  
13 questions, I am happy to entertain them.

14 CHAIRMAN KRENGEL: Just a technical  
15 question. Moses and Abraham Guttman is the  
16 same person?

17 MR. GUTTMAN: I am Abraham Guttman, 319  
18 Pacific Avenue. Moses is my father. He is on  
19 the deed for whatever technical reasons.  
20 So --

21 MR. GOLDFEDER: So your father is still  
22 on the deed?

23 MR. GUTTMAN: No, he is not on the deed.  
24 He is just on the mortgage now, but the deed  
25 is only Abraham and Chaya.

1 Proceedings - 319 Pacific Avenue

2 CHAIRMAN KRENGEL: So essentially on top  
3 of the garage will be the bathroom?

4 MR. FLAUM: Correct. Over the garage  
5 there would be a master bathroom and a closet  
6 but not even over the full garage. It's still  
7 set back an additional 3 feet, so it's 6 feet  
8 from the property line at the second story and  
9 only 3 feet from the first story.

10 CHAIRMAN KRENGEL: And because it's the  
11 second story, the lot coverage does not  
12 change.

13 MR. FLAUM: It doesn't contribute to any  
14 additional variance. Just the same variance  
15 we are here before but a two-story versus a  
16 one-story.

17 CHAIRMAN KRENGEL: And it's less than --

18 MR. FLAUM: It's less on this than the  
19 one-story needed a variance for.

20 MR. GOLDFEDER: Does this extension  
21 extend into the front yard? You previously  
22 had a front yard relief as well. Does it  
23 extend to the front of the house as well?

24 MR. SHTEIERMAN: No. It's in the back.

25 MR. FLAUM: It's in the back.

1 Proceedings - 319 Pacific Avenue

2 CHAIRMAN KRENGEL: Is that your case?

3 MR. FLAUM: That is the case. Any  
4 questions?

5 CHAIRMAN KRENGEL: Anybody have any  
6 questions? Anybody in the audience would like  
7 to speak in favor of or against this  
8 application?

9 MR. GUTTMAN: I would like to speak in  
10 favor. Abraham Guttman, 319 Pacific Avenue.  
11 Just wanted to request if you could just  
12 please grant this request. It will be a great  
13 help for the family that we need the space for  
14 to live in. That's it.

15 CHAIRMAN KRENGEL: Okay. Take a vote.  
16 Make a motion to approve.

17 MR. SHTEIERMAN: Approved.

18 MR. CLARK: Approved.

19 MR. BLEIBERG: Approved.

20 CHAIRMAN KRENGEL: Approved.

21 (Time noted: 7:06 p.m.)

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Proceedings - 319 Pacific Avenue

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 8th day of August, 2024.

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YAFFA KAPLAN



<p style="text-align: center;"><b>1</b></p> <p>11096 [1] - 4:5 16 [1] - 2:20 194 [1] - 4:4</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p>200 [1] - 1:8 2023 [1] - 2:12 2024 [3] - 1:11, 3:10, 8:14 2024-010 [1] - 2:4 23 [1] - 2:12 25 [1] - 1:11 265-41.A [1] - 2:15</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p>3 [3] - 3:10, 6:7, 6:9 319 [4] - 1:5, 2:6, 5:17, 7:10 39/349/207 [1] - 2:7</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p>6 [4] - 2:21, 2:22, 5:4, 6:7</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p>7:01 [1] - 1:12 7:06 [1] - 7:21</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p>809 [1] - 3:10 8th [1] - 8:14</p> <hr/> <p style="text-align: center;"><b>A</b></p> <p>Abraham [5] - 3:12, 5:15, 5:17, 5:25, 7:10 accordingly [1] - 3:6 addition [1] - 5:11 additional [4] - 4:7, 4:19, 6:7, 6:14 adjustments [1] - 4:16 affidavit [1] - 3:11 afford [1] - 5:8 aggregate [1] - 2:19 agreement [1] - 3:19 appeal [1] - 3:8 applicant [6] - 1:6, 2:6, 2:9, 2:11, 2:14, 3:12 APPLICATION [1] - 1:3 application [4] - 2:5,</p>	<p>3:14, 3:23, 7:8 approval [1] - 4:13 approve [1] - 7:16 approved [6] - 4:8, 4:20, 5:11, 7:17, 7:18, 7:20 Approved [1] - 7:19 assigned [1] - 2:4 attached [2] - 2:10, 4:12 Attorney [1] - 1:19 attorney [1] - 2:23 audience [1] - 7:6 August [1] - 8:14 AVENUE [1] - 1:5 Avenue [5] - 1:8, 2:7, 4:4, 5:18, 7:10 aware [1] - 4:9</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>bathroom [3] - 4:21, 6:3, 6:5 bedroom [4] - 4:17, 4:21, 5:9, 5:10 behalf [1] - 4:5 between [1] - 3:19 Bldg [1] - 1:20 BLEIBERG [2] - 1:16, 7:19 Board [9] - 1:16, 1:17, 1:18, 2:11, 3:2, 3:8, 3:25, 4:3, 5:12 bulid [1] - 5:7 building [2] - 2:17, 2:18</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p>calendar [1] - 2:3 case [3] - 2:3, 7:2, 7:3 Case [1] - 2:4 Cedarhurst [6] - 1:8, 1:9, 2:15, 3:16, 3:20, 5:5 certify [1] - 8:9 Chairman [3] - 1:15, 2:25, 4:2 chairman [1] - 3:25 CHAIRMAN [9] - 2:2, 5:14, 6:2, 6:10, 6:17, 7:2, 7:5, 7:15, 7:20 change [1] - 6:12 Chaya [1] - 5:25 CLARK [2] - 1:17, 7:18 closet [2] - 5:10, 6:5 Code [1] - 2:15 collusion [1] - 3:11 coming [1] - 4:25 Commission [2] -</p>	<p>3:21, 3:22 conflict [1] - 3:17 connected [1] - 3:15 consideration [1] - 3:23 constitute [1] - 3:17 construct [1] - 2:9 contribute [1] - 6:13 corner [1] - 2:22 correct [2] - 6:4, 8:10 COUNTY [1] - 8:5 County [2] - 3:20, 3:21 coverage [1] - 6:11</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p>DAVID [1] - 1:18 deed [4] - 5:19, 5:22, 5:23, 5:24 Dept [1] - 1:20 depth [1] - 4:25 design [1] - 4:14 designated [1] - 2:7 duly [1] - 3:11 dwelling [1] - 2:19</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>east [1] - 4:11 employed [1] - 3:15 employees [1] - 3:16 entertain [1] - 5:13 entitles [1] - 3:14 essentially [1] - 6:2 evening [2] - 2:2, 4:2 exceeds [1] - 5:4 except [1] - 2:21 exclusively [1] - 2:18 executed [1] - 3:11 extend [2] - 6:21, 6:23 extension [3] - 4:11, 5:6, 6:20</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p>family [2] - 2:19, 7:13 father [2] - 5:18, 5:21 favor [2] - 7:7, 7:10 feet [7] - 2:20, 2:21, 2:22, 5:4, 6:7, 6:9 first [3] - 2:3, 5:2, 6:9 first-story [1] - 5:2 FLAUM [6] - 4:2, 6:4, 6:13, 6:18, 6:25, 7:3 Flaum [1] - 4:4 floor [3] - 2:10, 4:17, 5:10 FOR [1] - 1:3 foregoing [1] - 8:9 front [4] - 2:13, 6:21,</p>	<p>6:22, 6:23 full [3] - 5:8, 6:6, 8:10</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p>garage [9] - 2:10, 4:12, 4:20, 5:3, 5:7, 5:11, 6:3, 6:4, 6:6 General [1] - 3:9 given [1] - 3:22 GOLDFEDER [4] - 1:19, 2:25, 5:21, 6:20 grant [1] - 7:12 granted [1] - 2:12 great [1] - 7:12 GUTTMAN [4] - 1:5, 5:17, 5:23, 7:9 Guttman [6] - 2:5, 3:12, 4:6, 5:15, 5:17, 7:10 Guttmans [1] - 4:9</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>hand [1] - 8:14 happy [1] - 5:13 hear [1] - 3:8 hearing [1] - 3:5 help [1] - 7:13 hereby [1] - 8:9 hereunto [1] - 8:13 house [1] - 6:23</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>IN [2] - 1:4, 8:13 involved [1] - 3:14 involving [1] - 4:16 Inwood [1] - 4:4</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>JARED [1] - 1:17 july [1] - 1:11 June [1] - 3:10 jurisdiction [2] - 3:6, 3:8</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>KAPLAN [2] - 8:7, 8:18 keeping [1] - 5:3 known [1] - 2:6 KRENGEL [10] - 1:15, 2:2, 5:14, 6:2, 6:10, 6:17, 7:2, 7:5, 7:15, 7:20</p>	<p style="text-align: center;"><b>L</b></p> <p>larger [1] - 5:9 Law [1] - 3:10 law [2] - 3:6, 3:18 leave [1] - 4:6 less [4] - 2:20, 2:21, 6:17, 6:18 level [1] - 5:12 line [1] - 6:8 live [1] - 7:14 local [1] - 3:4 lower [1] - 5:12</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p>mailing [1] - 3:3 March [1] - 2:12 master [6] - 4:17, 4:21, 5:9, 6:5 MATTER [1] - 1:4 MEIR [1] - 1:15 Member [3] - 1:16, 1:17, 1:18 members [3] - 2:25, 3:25, 4:3 MICHAEL [1] - 1:16 minimum [2] - 5:4, 5:5 mortgage [1] - 5:24 MOSES [1] - 1:5 Moses [3] - 2:5, 5:15, 5:18 motion [1] - 7:16 MR [16] - 2:25, 4:2, 5:17, 5:21, 5:23, 6:4, 6:13, 6:18, 6:20, 6:24, 6:25, 7:3, 7:9, 7:17, 7:18, 7:19 Municipal [1] - 3:10</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p>name [1] - 4:3 Nassau [2] - 3:20, 3:21 necessary [1] - 3:7 need [1] - 7:13 needed [1] - 6:19 New [4] - 1:9, 3:9, 4:5, 8:8 NEW [1] - 8:3 newspaper [1] - 3:4 non [1] - 3:11 non-collusion [1] - 3:11 Notary [1] - 8:7 noted [1] - 7:21 notes [1] - 8:11 notice [1] - 3:22 notices [1] - 3:5</p>
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Number <sup>[1]</sup> - 2:4	requests <sup>[1]</sup> - 2:14	<b>U</b>
<b>O</b>	required <sup>[2]</sup> - 2:16, 3:5	under <sup>[1]</sup> - 3:17
obtained <sup>[1]</sup> - 3:7	requirement <sup>[2]</sup> - 4:24, 5:6	<b>V</b>
OF <sup>[3]</sup> - 1:4, 8:3, 8:5	residing <sup>[1]</sup> - 4:4	VARIANCE <sup>[1]</sup> - 1:3
officers <sup>[1]</sup> - 3:16	<b>S</b>	variance <sup>[8]</sup> - 4:7, 4:8,
one <sup>[3]</sup> - 5:7, 6:16, 6:19	second <sup>[4]</sup> - 2:10, 4:17, 6:8, 6:11	4:10, 4:19, 4:22, 6:14, 6:19
one-story <sup>[3]</sup> - 5:7, 6:16, 6:19	Section <sup>[2]</sup> - 2:15, 3:10	variances <sup>[1]</sup> - 2:14
owners <sup>[1]</sup> - 4:6	seeking <sup>[4]</sup> - 4:6, 4:18, 4:22, 5:6	versus <sup>[1]</sup> - 6:15
<b>P</b>	set <sup>[2]</sup> - 6:7, 8:14	village <sup>[2]</sup> - 2:23, 5:5
p.m <sup>[2]</sup> - 1:12, 7:21	setback <sup>[2]</sup> - 2:13, 5:3	Village <sup>[4]</sup> - 1:19, 2:11, 3:15, 3:20
PACIFIC <sup>[1]</sup> - 1:5	shall <sup>[3]</sup> - 2:19, 2:21, 2:22	vote <sup>[1]</sup> - 7:15
Pacific <sup>[3]</sup> - 2:6, 5:18, 7:10	Shmuel <sup>[1]</sup> - 4:3	<b>W</b>
parcel <sup>[1]</sup> - 2:6	SHTIERNAN <sup>[3]</sup> - 1:18, 6:24, 7:17	waived <sup>[1]</sup> - 3:23
part <sup>[1]</sup> - 5:8	side <sup>[10]</sup> - 2:13, 2:15, 2:16, 2:17, 2:20, 2:22, 4:11, 4:24, 5:4	Wanser <sup>[1]</sup> - 4:4
parties <sup>[1]</sup> - 3:7	sides <sup>[1]</sup> - 2:17	WAYNE <sup>[1]</sup> - 1:20
person <sup>[1]</sup> - 5:16	single <sup>[1]</sup> - 2:19	wherein <sup>[1]</sup> - 3:12
persons <sup>[1]</sup> - 3:13	single-family <sup>[1]</sup> - 2:19	WHEREOF <sup>[1]</sup> - 8:13
Planning <sup>[2]</sup> - 3:21, 3:22	sit <sup>[1]</sup> - 4:14	width <sup>[3]</sup> - 2:20, 2:21, 5:2
plots <sup>[1]</sup> - 2:22	sizeable <sup>[1]</sup> - 5:9	WITNESS <sup>[1]</sup> - 8:13
present <sup>[1]</sup> - 4:10	space <sup>[1]</sup> - 7:13	<b>Y</b>
previously <sup>[5]</sup> - 4:8, 4:9, 4:20, 5:11, 6:21	specifically <sup>[1]</sup> - 4:17	YAFFA <sup>[2]</sup> - 8:7, 8:18
proceedings <sup>[1]</sup> - 8:10	ss <sup>[1]</sup> - 8:4	yard <sup>[9]</sup> - 2:13, 2:16, 2:22, 4:24, 5:4, 5:5, 6:21, 6:22
professional <sup>[1]</sup> - 4:14	State <sup>[2]</sup> - 3:9, 8:8	yards <sup>[2]</sup> - 2:15, 2:17
proof <sup>[1]</sup> - 3:3	STATE <sup>[1]</sup> - 8:3	YARNELL <sup>[1]</sup> - 1:20
property <sup>[2]</sup> - 4:11, 6:8	statement <sup>[1]</sup> - 2:24	YOEL <sup>[1]</sup> - 1:19
proposes <sup>[1]</sup> - 2:9	stenographic <sup>[1]</sup> - 8:11	YORK <sup>[1]</sup> - 8:3
provided <sup>[1]</sup> - 3:3	still <sup>[2]</sup> - 5:21, 6:6	York <sup>[4]</sup> - 1:9, 3:9, 4:5, 8:8
Public <sup>[1]</sup> - 8:7	story <sup>[8]</sup> - 5:2, 5:7, 6:8, 6:9, 6:11, 6:15, 6:16, 6:19	<b>Z</b>
publication <sup>[1]</sup> - 3:4	subsequent <sup>[1]</sup> - 4:13	Zone <sup>[1]</sup> - 2:8
Pursuant <sup>[1]</sup> - 3:19	suite <sup>[2]</sup> - 4:18, 4:21	Zoning <sup>[1]</sup> - 2:11
pursuant <sup>[1]</sup> - 3:9	Supt <sup>[1]</sup> - 1:20	ZONING <sup>[1]</sup> - 1:3
<b>Q</b>	<b>T</b>	
QUEENS <sup>[1]</sup> - 8:5	technical <sup>[2]</sup> - 5:14, 5:19	
questions <sup>[3]</sup> - 5:13, 7:4, 7:6	THE <sup>[1]</sup> - 1:4	
<b>R</b>	therein <sup>[1]</sup> - 8:12	
R1 <sup>[1]</sup> - 2:7	thereof <sup>[1]</sup> - 3:24	
read <sup>[1]</sup> - 2:23	today <sup>[1]</sup> - 4:18	
realized <sup>[1]</sup> - 4:15	tonight <sup>[1]</sup> - 2:4	
reasons <sup>[1]</sup> - 5:19	top <sup>[1]</sup> - 6:2	
record <sup>[4]</sup> - 2:24, 3:2, 3:4, 8:9	transcript <sup>[1]</sup> - 8:11	
related <sup>[1]</sup> - 4:7	two <sup>[1]</sup> - 6:15	
relief <sup>[3]</sup> - 2:12, 4:23, 6:22	two-story <sup>[1]</sup> - 6:15	
request <sup>[3]</sup> - 4:8, 7:11, 7:12		

Proceedings - 401 Buckingham Road

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APPLICATION FOR ZONING VARIANCE  
IN THE MATTER OF  
YITZCHOK & SARAH SHAGALOW  
401 BUCKINGHAM ROAD  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

July 25, 2024  
7:06 p.m.

B E F O R E

- MEIR KRENGEL, Chairman
- MICHAEL BLEIBERG, Board Member
- JARED CLARK, Board Member
- DAVID SHTEIERMAN, Board Member
- YOEL GOLDFEDER, Village Attorney
- WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - 401 Buckingham Road

2 CHAIRMAN KRENGEL: Go straight to the  
3 next case. The second case on the calendar  
4 tonight has been assigned Case Number 2024-11,  
5 the application of Yitzchok and Sarah  
6 Shagalow, the applicant of a parcel known as  
7 401 Buckingham Road and designated as  
8 39/334/106 in an R1 Zone. The applicant  
9 proposes to construct a second floor over an  
10 attached garage.

11 The applicant went before the Village  
12 Zoning Board on January 18, 2022 and was  
13 granted relief from building area, side yard  
14 setback, and character of roofs. The  
15 applicant seeks variances from Cedarhurst Code  
16 Section 265-41.A, side yards. A side yard is  
17 required along each side of a building. The  
18 side yards along the sides of the building  
19 used exclusively as a single-family dwelling  
20 shall have an aggregate width of no less than  
21 16 feet. Neither side shall be less than 6  
22 feet in width except on corner plots, the side  
23 yard shall be 6 feet.

24 The village attorney will now read an  
25 statement into the record.

1 Proceedings - 401 Buckingham Road

2 MR. GOLDFEDER: Mr. Chairman, members of  
3 the Board, for the record, we have been  
4 provided with proof of the mailing and  
5 publication in the local newspaper of record,  
6 of all notices of this hearing as required by  
7 law. Accordingly, jurisdiction has been  
8 obtained over all necessary parties, and this  
9 Board has jurisdiction to hear this appeal.

10 Pursuant to New York State General  
11 Municipal Law Section 809, on June 11, 2024, a  
12 non-collusion affidavit has been duly executed  
13 by the applicant, Yitzchok Shagalow, wherein  
14 he stated that there are no other persons or  
15 entities involved in this application that are  
16 employed by or connected to the Village of  
17 Cedarhurst, its officers, or employees, which  
18 would in any way constitute a conflict under  
19 the law.

20 Pursuant to an agreement between the  
21 Village of Cedarhurst and Nassau County  
22 Planning Commission, the Nassau County  
23 Planning Commission has been given notice of  
24 this application and has waived consideration  
25 thereof.

1 Proceedings - 401 Buckingham Road

2 Mr. Chairman, members of the Board.

3 MR. SHAGALOW: Hello. My name is  
4 Yitzchok Shagalow and here to ask for a  
5 variance. Similar to what they said a minute  
6 ago. We filed for a variance a couple of  
7 years ago for the garage or for the attachment  
8 on the side of the house, and we realize it  
9 would be very convenient for us and help us if  
10 we could have a second floor as well above the  
11 garage. Not extending into any direction past  
12 where the garage would be now. Just keeping  
13 it to the same footprint, just going one floor  
14 up.

15 CHAIRMAN KRENGEL: And that is -- you  
16 are adding another bedroom?

17 MR. SHAGALOW: That would be extending  
18 the master bedroom. Not really -- it's all --  
19 it would all be part of the master bedroom.

20 CHAIRMAN KRENGEL: Is the garage built  
21 already?

22 MR. SHAGALOW: The garage is not built.

23 CHAIRMAN KRENGEL: And the space between  
24 6 -- 6 feet, 8 and a half inches, correct?

25 MR. SHAGALOW: Between, yes, and on that

1                   Proceedings - 401 Buckingham Road  
2                   side between us and the property line. Yes,  
3                   6.8.

4                   CHAIRMAN KRENGEL: Okay. Excellent.

5                   MR. SHAGALOW: I did speak to the  
6                   neighbor. The neighbor is totally fine with  
7                   it. He was out of town. He is on vacation  
8                   for a few weeks and he couldn't be here to  
9                   stand before me or give me the letter, but I  
10                  spoke to him this past Sunday and he was sure,  
11                  go ahead.

12                 CHAIRMAN KRENGEL: Wayne, any neighbors  
13                 against this that we know of?

14                 MR. YARNELL: No.

15                 CHAIRMAN KRENGEL: Okay. Is that your  
16                 case? Anybody in the audience want to speak?  
17                 Okay. I will make a motion to approve.

18                 MR. SHTEIERMAN: Approved.

19                 MR. CLARK: Approved.

20                 MR. BLEIBERG: Approved.

21                 (Time noted: 7:09 p.m.)

22

23

24

25

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C E R T I F I C A T E

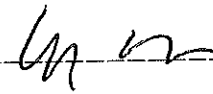
STATE OF NEW YORK )

: 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 8th day of August, 2024.



YAFFA KAPLAN

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<b>1</b>	area [1] - 2:13 assigned [1] - 2:4 attached [1] - 2:10 attachment [1] - 4:7 Attorney [1] - 1:19 attorney [1] - 2:24 audience [1] - 5:16 August [1] - 6:14 Avenue [1] - 1:8	<b>couple</b> [1] - 4:6	<b>I</b>	New [3] - 1:9, 3:10, 6:8 NEW [1] - 6:3 newspaper [1] - 3:5 next [1] - 2:3 non [1] - 3:12 non-collusion [1] - 3:12 Notary [1] - 6:7 noted [1] - 5:21 notes [1] - 6:11 notice [1] - 3:23 notices [1] - 3:6 Number [1] - 2:4
<b>2</b>	<b>B</b> bedroom [3] - 4:16, 4:18, 4:19 between [4] - 3:20, 4:23, 4:25, 5:2 Bldg [1] - 1:20 BLEIBERG [2] - 1:16, 5:20 Board [7] - 1:16, 1:17, 1:18, 2:12, 3:3, 3:9, 4:2 BUCKINGHAM [1] - 1:6 Buckingham [1] - 2:7 building [3] - 2:13, 2:17, 2:18 built [2] - 4:20, 4:22	<b>D</b> DAVID [1] - 1:18 Dept [1] - 1:20 designated [1] - 2:7 direction [1] - 4:11 duly [1] - 3:12 dwelling [1] - 2:19	<b>J</b> January [1] - 2:12 JARED [1] - 1:17 July [1] - 1:11 June [1] - 3:11 Jurisdiction [2] - 3:7, 3:9	<b>O</b> obtained [1] - 3:8 OF [3] - 1:4, 6:3, 6:5 officers [1] - 3:17 one [1] - 4:13
<b>3</b>	<b>C</b> calendar [1] - 2:3 case [3] - 2:3, 5:16 Case [1] - 2:4 Cedarhurst [5] - 1:8, 1:9, 2:15, 3:17, 3:21 certify [1] - 6:9 Chairman [2] - 1:15, 3:2 chairman [1] - 4:2 CHAIRMAN [7] - 2:2, 4:15, 4:20, 4:23, 5:4, 5:12, 5:15 character [1] - 2:14 CLARK [2] - 1:17, 5:19 Code [1] - 2:15 collusion [1] - 3:12 Commission [2] - 3:22, 3:23 conflict [1] - 3:18 connected [1] - 3:16 consideration [1] - 3:24 constitute [1] - 3:18 construct [1] - 2:9 convenient [1] - 4:9 corner [1] - 2:22 correct [2] - 4:24, 6:10 County [2] - 3:21, 3:22 COUNTY [1] - 6:5	<b>E</b> employed [1] - 3:16 employees [1] - 3:17 entitles [1] - 3:15 excellent [1] - 5:4 except [1] - 2:22 exclusively [1] - 2:19 executed [1] - 3:12 extending [2] - 4:11, 4:17	<b>K</b> KAPLAN [2] - 6:7, 6:18 keeping [1] - 4:12 known [1] - 2:6 KRENGEL [6] - 1:15, 2:2, 4:15, 4:20, 4:23, 5:4, 5:12, 5:15	<b>P</b> p.m [2] - 1:12, 5:21 parcel [1] - 2:6 part [1] - 4:19 parties [1] - 3:8 past [2] - 4:11, 5:10 persons [1] - 3:14 Planning [2] - 3:22, 3:23 plots [1] - 2:22 proceedings [1] - 6:10 proof [1] - 3:4 property [1] - 5:2 proposes [1] - 2:9 provided [1] - 3:4 Public [1] - 6:7 publication [1] - 3:5 pursuant [1] - 3:10 Pursuant [1] - 3:20
<b>4</b>	<b>6</b> 6 [4] - 2:21, 2:23, 4:24 6.8 [1] - 5:3	<b>F</b> family [1] - 2:19 feet [4] - 2:21, 2:22, 2:23, 4:24 few [1] - 5:8 filed [1] - 4:6 fine [1] - 5:6 floor [3] - 2:9, 4:10, 4:13 footprint [1] - 4:13 FOR [1] - 1:3 foregoing [1] - 6:9 full [1] - 6:10	<b>L</b> law [2] - 3:7, 3:19 Law [1] - 3:11 less [2] - 2:20, 2:21 letter [1] - 5:9 line [1] - 5:2 local [1] - 3:5	<b>Q</b> QUEENS [1] - 6:5
<b>6</b>	<b>A</b> accordingly [1] - 3:7 adding [1] - 4:16 affidavit [1] - 3:12 aggregate [1] - 2:20 ago [2] - 4:6, 4:7 agreement [1] - 3:20 ahead [1] - 5:11 appeal [1] - 3:9 applicant [6] - 1:6, 2:6, 2:8, 2:11, 2:15, 3:13 APPLICATION [1] - 1:3 application [3] - 2:5, 3:15, 3:24 approve [1] - 5:17 approved [3] - 5:18, 5:19, 5:20	<b>G</b> garage [6] - 2:10, 4:7, 4:11, 4:12, 4:20, 4:22 General [1] - 3:10 given [1] - 3:23 GOLDFEDER [2] - 1:19, 3:2 granted [1] - 2:13	<b>M</b> mailing [1] - 3:4 master [2] - 4:18, 4:19 MATTER [1] - 1:4 MEIR [1] - 1:15 Member [3] - 1:16, 1:17, 1:18 members [2] - 3:2, 4:2 MICHAEL [1] - 1:16 minute [1] - 4:5 motion [1] - 5:17 MR [10] - 3:2, 4:3, 4:17, 4:22, 4:25, 5:5, 5:14, 5:18, 5:19, 5:20 Municipal [1] - 3:11	<b>R</b> R1 [1] - 2:8 read [1] - 2:24 realize [1] - 4:8 really [1] - 4:18 record [4] - 2:25, 3:3, 3:5, 6:9 relief [1] - 2:13 required [2] - 2:17, 3:6 ROAD [1] - 1:6 Road [1] - 2:7 roofs [1] - 2:14
<b>7</b>	<b>7</b> 7:06 [1] - 1:12 7:09 [1] - 5:21	<b>H</b> half [1] - 4:24 hand [1] - 6:14 hear [1] - 3:9 hearing [1] - 3:6 hello [1] - 4:3 help [1] - 4:9 hereby [1] - 6:9 hereunto [1] - 6:13 house [1] - 4:8	<b>N</b> name [1] - 4:3 Nassau [2] - 3:21, 3:22 necessary [1] - 3:8 neighbor [2] - 5:6 neighbors [1] - 5:12	
<b>8</b>	<b>8</b> 8 [1] - 4:24 809 [1] - 3:11 8th [1] - 6:14			

---

**S**

---

**SARAH** [1] - 1:5  
**Sarah** [1] - 2:5  
**second** [3] - 2:3, 2:9, 4:10  
**Section** [2] - 2:16, 3:11  
**seeks** [1] - 2:15  
**set** [1] - 6:14  
**setback** [1] - 2:14  
**SHAGALOW** [6] - 1:5, 4:3, 4:17, 4:22, 4:25, 5:5  
**Shagalow** [3] - 2:6, 3:13, 4:4  
**shall** [3] - 2:20, 2:21, 2:23  
**SHTEIERMAN** [2] - 1:18, 5:18  
**side** [9] - 2:13, 2:16, 2:17, 2:18, 2:21, 2:22, 4:8, 5:2  
**sides** [1] - 2:18  
**similar** [1] - 4:5  
**single** [1] - 2:19  
**single-family** [1] - 2:19  
**space** [1] - 4:23  
**ss** [1] - 6:4  
**stand** [1] - 5:9  
**State** [2] - 3:10, 6:8  
**STATE** [1] - 6:3  
**statement** [1] - 2:25  
**stenographic** [1] - 6:11  
**straight** [1] - 2:2  
**Sunday** [1] - 5:10  
**Supt** [1] - 1:20

---

**T**

---

**THE** [1] - 1:4  
**therein** [1] - 6:12  
**thereof** [1] - 3:25  
**tonight** [1] - 2:4  
**totally** [1] - 5:6  
**town** [1] - 5:7  
**transcript** [1] - 6:11

---

**U**

---

**under** [1] - 3:18  
**up** [1] - 4:14

---

**V**

---

**vacation** [1] - 5:7  
**VARIANCE** [1] - 1:3  
**variance** [2] - 4:5, 4:6

**variances** [1] - 2:15  
**Village** [4] - 1:19, 2:11, 3:16, 3:21  
**village** [1] - 2:24

---

**W**

---

**waived** [1] - 3:24  
**Wayne** [1] - 5:12  
**WAYNE** [1] - 1:20  
**weeks** [1] - 5:8  
**wherein** [1] - 3:13  
**WHEREOF** [1] - 6:13  
**width** [2] - 2:20, 2:22  
**WITNESS** [1] - 6:13

---

**Y**

---

**YAFFA** [2] - 6:7, 6:18  
**yard** [3] - 2:13, 2:16, 2:23  
**yards** [2] - 2:16, 2:18  
**YARNELL** [2] - 1:20, 5:14  
**years** [1] - 4:7  
**YITZCHOK** [1] - 1:5  
**Yitzchok** [3] - 2:5, 3:13, 4:4  
**YOEL** [1] - 1:19  
**YORK** [1] - 6:3  
**York** [3] - 1:9, 3:10, 6:8

---

**Z**

---

**Zone** [1] - 2:8  
**ZONING** [1] - 1:3  
**Zoning** [1] - 2:12