

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
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Proceedings - Chaim and Fayge Kasdan

APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

CHAIM AND FAYGE KASDAN
574 MONROE STREET

Applicant.

200 Cedarhurst Avenue

Cedarhurst, New York

September 5, 2024

7:05 p.m.

B E F O R E:

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

1 Proceedings - Chaim and Fayge Kasdan

2 CHAIRMAN KRENGEL: Good evening. The
3 first case on the calendar tonight has been
4 assigned Case Number 2024-012 and is the
5 application of Chaim and Fayge Kasdan, the
6 applicant of a parcel known as 574 Monroe
7 Street and designated as 39/272/13 in an R2
8 zone. The applicant seeks variance from
9 Cedarhurst Code sections -- and please note
10 the sections have been corrected to reflect
11 the R2 zone -- 265-49.C, building area;
12 265-51, front yards; 265-52, side yards; and
13 265-54, character of roofs. The village
14 attorney will now read a statement into the
15 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 July 22, 2024, a

1 Proceedings - Chaim and Fayge Kasdan
2 non-collusion affidavit has been duly executed
3 by the applicant, Chaim Kasdan, wherein he
4 stated that there are no other persons or
5 entities involved in this application that are
6 employed by or connected to the Village of
7 Cedarhurst, its officers, or employees, which
8 would in any way constitute a conflict under
9 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.

16 Mr. Chairman, members of the Board.

17 CHAIRMAN KRENGEL: Will the owner or its
18 representative please step forward.

19 MR. BERKO: Good evening.

20 CHAIRMAN KRENGEL: Name?

21 MR. BERKO: Members of the Board, my
22 name is Michael Berko. I reside at 3245
23 Benjamin Road in Oceanside 11572. I am the
24 architect representing the owners, 574 Monroe
25 Street, Chaim and Fayge Kasdan.

1 Proceedings - Chaim and Fayge Kasdan

2 For 18 years the Kasdans have been
3 valued members of the Cedarhurst community.
4 They have a growing family and their current
5 home is no longer sufficient to meet their
6 needs. Specifically, while their four-bedroom
7 home comfortably accommodates their family
8 consisting of them and their three daughters,
9 it will no longer be sufficient once they
10 welcome their fourth child expected in
11 December. As such, at this time we are
12 proposing a modest extension which will yield
13 a fourth child's bedroom.

14 At this time we are proposing a
15 reconfiguration of two existing second-floor
16 bedrooms as well as the addition of a third
17 bedroom to accommodate the Kasdan's three
18 daughters who are now preteens and teenagers.
19 The requested variances would allow for a
20 203.7 square foot expansion over an existing
21 one-story structure. Given the smaller lot
22 size, the current building exceeds the
23 allotted footprint by 33.25 percent. However,
24 the proposed addition includes only a modest
25 17-square-foot section story overhang, which

1 Proceedings - Chaim and Fayge Kasdan
2 is a minor expansion considering the overall
3 size. The corresponding setback variances
4 required by this submission are similarly
5 modest.

6 Importantly, the proposed enlargements
7 does not extend beyond the house's current
8 front yard footprint and will not detract from
9 the character of neighborhood. This project
10 is not motivated by the desire to increase its
11 resale value but rather to address the needs
12 of a growing family. We believe it's a
13 reasonable and measured request, and we
14 respectfully ask the Board to approve the
15 variances required to proceed to this modest
16 addition. Thank you very much.

17 CHAIRMAN KRENGEL: Can you go through
18 the variance of the building area? What's the
19 proposed?

20 MR. BERKO: We are building a
21 second-story addition over an existing
22 first-story construction, but at the second
23 story there is like a little bit of an
24 overhang on the side yard, both sides. So in
25 order to bring the second story in line with

1 Proceedings - Chaim and Fayge Kasdan
2 the existing construction beyond it, and
3 allowing for wider legal bedrooms, so we would
4 have that overhang over the second story --
5 over the first story. Sorry.

6 CHAIRMAN KRENGEL: So existing
7 nonforming. Existing is 33.35, going to
8 33.67. So you are increasing by --

9 MR. BERKO: Seventeen square feet of
10 coverage.

11 CHAIRMAN KRENGEL: Less than half of a
12 percent.

13 MR. BERKO: Okay.

14 MR. SHTEIERMAN: Do these numbers
15 include the garage?

16 MR. BERKO: Garage?

17 MR. KASDAN: I believe so.

18 MR. BERKO: I would have to -- let me
19 just double-check.

20 MR. GOLDFEDER: I think the garage would
21 be preexisting noncompliance even if it wasn't
22 included. It would be the same.

23 MR. BERKO: We believe it is included.

24 MR. YARNELL: The original being at 33.2
25 was counting the garage.

1 Proceedings - Chaim and Fayge Kasdan

2 CHAIRMAN KRENGEL: Okay. The front yard
3 you are existing but the second story --

4 MR. BERKO: Excuse me?

5 CHAIRMAN KRENGEL: The front yard you
6 are keeping the same; the variance is due to
7 the second story?

8 MR. BERKO: Correct but there is a
9 variance for the front yard because --

10 CHAIRMAN KRENGEL: -- of the second
11 story?

12 MR. BERKO: Yes.

13 CHAIRMAN KRENGEL: And the side yard is
14 being --

15 MR. GOLDFEDER: Being kept the same.

16 CHAIRMAN KRENGEL: All these variances
17 are due to the second story, correct?

18 MR. BERKO: Correct. Well, yes.

19 CHAIRMAN KRENGEL: You want to just go
20 through the roof, the variance on the roof?
21 What are you requesting? The roof variance.

22 MR. BERKO: Well, the proposed roof in
23 the drawings that we submitted have a lower
24 pitch than -- it's still considered a flat
25 roof essentially. We are actually doing a

1 Proceedings - Chaim and Fayge Kasdan
2 minor design change. We are introducing a
3 gable for part of that front. So reduce the
4 amount of the flat roof. If you would like, I
5 can share that.

6 CHAIRMAN KRENGEL: Is it less than 50
7 percent now and staying less than 50 percent?

8 MR. BERKO: Excuse me?

9 CHAIRMAN KRENGEL: Is it less than 50
10 percent?

11 MR. BERKO: Of what?

12 CHAIRMAN KRENGEL: Of the total roof
13 area.

14 MR. BERKO: Yes, yes. Absolutely.

15 CHAIRMAN KRENGEL: DJ, any questions?

16 MR. SHTEIERMAN: No.

17 CHAIRMAN KRENGEL: Any questions?
18 Anybody in the audience would like to speak in
19 favor of or oppose this application?

20 MR. TOLLE: In favor. My name is Robert
21 Tolle. I live at 579 Monroe Street in
22 Cedarhurst. I have been living there for 71
23 years. I can't believe the Kasdans have
24 already been there 18 years. They are lovely
25 neighbors and they showed me what they are

1 Proceedings - Chaim and Fayge Kasdan
2 proposing to do and I think it's -- it's
3 perfectly fine. I live directly across the
4 street from them. I have no objection to it.
5 They are good neighbors. And it's
6 aesthetically pleasing, and I have no
7 objection to it.

8 CHAIRMAN KRENGEL: Thank you. Just one
9 question. The front yard, I know it's 15.8 --
10 15 feet 8 inches. As far as you know, is that
11 in conformance with the rest of the block?

12 MR. BERKO: With the rest of the block?

13 CHAIRMAN KRENGEL: Yes.

14 MR. BERKO: I am not sure.

15 CHAIRMAN KRENGEL: I think the Building
16 Commissioner has checked. I think it is in
17 character with the rest of the block.

18 MR. BERKO: Okay. Thank you.

19 CHAIRMAN KRENGEL: I make a motion to
20 approve the application.

21 MR. SHTEIERMAN: Second the motion.

22 MR. BLEIBERG: Approved.

23 CHAIRMAN KRENGEL: Thank you.

24 MR. BERKO: Thank you very much.

25 (Time noted: 7:13 p.m.)

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Proceedings - Chaim and Fayge Kasdan

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 23rd day of September,
2024.



YAFFA KAPLAN

1	address [1] - 5:11 aesthetically [1] - 9:6 affidavit [1] - 3:2 agreement [1] - 3:10 allotted [1] - 4:23 allow [1] - 4:19 allowing [1] - 6:3 amount [1] - 8:4 AND [1] - 1:5 appeal [1] - 2:23 applicant [4] - 1:6, 2:6, 2:8, 3:3 APPLICATION [1] - 1:3 application [5] - 2:5, 3:5, 3:14, 8:19, 9:20 approve [2] - 5:14, 9:20 approved [1] - 9:22 architect [1] - 3:24 area [3] - 2:11, 5:18, 8:13 assigned [1] - 2:4 attorney [1] - 2:14 Attorney [1] - 1:18 audience [1] - 8:18 Avenue [1] - 1:8	C	5:7	foregoing [1] - 10:9 forward [1] - 3:18 four [1] - 4:6 four-bedroom [1] - 4:6 fourth [2] - 4:10, 4:13 front [7] - 2:12, 5:8, 7:2, 7:5, 7:9, 8:3, 9:9 full [1] - 10:10
2	200 [1] - 1:8 2024 [3] - 1:11, 2:25, 10:15 2024-012 [1] - 2:4 203.7 [1] - 4:20 22 [1] - 2:25 23rd [1] - 10:14 265-49.C [1] - 2:11 265-51 [1] - 2:12 265-52 [1] - 2:12 265-54 [1] - 2:13	calendar [1] - 2:3 case [1] - 2:3 Case [1] - 2:4 Cedarhurst [7] - 1:8, 1:9, 2:9, 3:7, 3:11, 4:3, 8:22 certify [1] - 10:9 CHAIM [1] - 1:5 Chaim [3] - 2:5, 3:3, 3:25 chairman [1] - 3:16 Chairman [2] - 1:15, 2:16 CHAIRMAN [22] - 2:2, 3:17, 3:20, 5:17, 6:6, 6:11, 7:2, 7:5, 7:10, 7:13, 7:16, 7:19, 8:6, 8:9, 8:12, 8:15, 8:17, 9:8, 9:13, 9:15, 9:19, 9:23 change [1] - 8:2 character [3] - 2:13, 5:9, 9:17 check [1] - 6:19 checked [1] - 9:16 child [1] - 4:10 child's [1] - 4:13 Code [1] - 2:9 collusion [1] - 3:2 comfortably [1] - 4:7 Commission [2] - 3:12, 3:13 Commissioner [1] - 9:16 community [1] - 4:3 conflict [1] - 3:8 conformance [1] - 9:11 connected [1] - 3:6 consideration [1] - 3:14 considered [1] - 7:24 considering [1] - 5:2 consisting [1] - 4:8 constitute [1] - 3:8 construction [2] - 5:22, 6:2 correct [4] - 7:8, 7:17, 7:18, 10:10 corrected [1] - 2:10 corresponding [1] - 5:3 counting [1] - 6:25 County [2] - 3:11, 3:12 COUNTY [1] - 10:5 coverage [1] - 6:10 current [3] - 4:4, 4:22,	D	daughters [2] - 4:8, 4:18 DAVID [1] - 1:17 December [1] - 4:11 Dept [1] - 1:19 design [1] - 8:2 designated [1] - 2:7 desire [1] - 5:10 detract [1] - 5:8 directly [1] - 9:3 DJ [1] - 8:15 double [1] - 6:19 double-check [1] - 6:19 drawings [1] - 7:23 due [2] - 7:6, 7:17 duly [1] - 3:2
3	3245 [1] - 3:22 33.2 [1] - 6:24 33.25 [1] - 4:23 33.35 [1] - 6:7 33.67 [1] - 6:8 39/272/13 [1] - 2:7	B	E	G
5	5 [1] - 1:11 50 [3] - 8:6, 8:7, 8:9 574 [3] - 1:6, 2:6, 3:24 579 [1] - 8:21	bedroom [3] - 4:6, 4:13, 4:17 bedrooms [2] - 4:16, 6:3 Benjamin [1] - 3:23 BERKO [20] - 3:19, 3:21, 5:20, 6:9, 6:13, 6:16, 6:18, 6:23, 7:4, 7:8, 7:12, 7:18, 7:22, 8:8, 8:11, 8:14, 9:12, 9:14, 9:18, 9:24 Berko [1] - 3:22 between [1] - 3:10 beyond [2] - 5:7, 6:2 bit [1] - 5:23 Bldg [1] - 1:19 BLEIBERG [2] - 1:16, 9:22 block [3] - 9:11, 9:12, 9:17 Board [7] - 1:16, 1:17, 2:17, 2:23, 3:16, 3:21, 5:14 bring [1] - 5:25 building [4] - 2:11, 4:22, 5:18, 5:20 Building [1] - 9:15	employed [1] - 3:6 employees [1] - 3:7 enlargements [1] - 5:6 entities [1] - 3:5 essentially [1] - 7:25 evening [2] - 2:2, 3:19 exceeds [1] - 4:22 excuse [2] - 7:4, 8:8 executed [1] - 3:2 existing [7] - 4:15, 4:20, 5:21, 6:2, 6:6, 6:7, 7:3 expansion [2] - 4:20, 5:2 expected [1] - 4:10 extend [1] - 5:7 extension [1] - 4:12	gable [1] - 8:3 garage [4] - 6:15, 6:16, 6:20, 6:25 General [1] - 2:24 given [2] - 3:13, 4:21 GOLDFEDER [4] - 1:18, 2:16, 6:20, 7:15 growing [2] - 4:4, 5:12
7	71 [1] - 8:22 7:05 [1] - 1:12 7:13 [1] - 9:25	child's [1] - 4:13 Code [1] - 2:9 collusion [1] - 3:2 comfortably [1] - 4:7 Commission [2] - 3:12, 3:13 Commissioner [1] - 9:16 community [1] - 4:3 conflict [1] - 3:8 conformance [1] - 9:11 connected [1] - 3:6 consideration [1] - 3:14 considered [1] - 7:24 considering [1] - 5:2 consisting [1] - 4:8 constitute [1] - 3:8 construction [2] - 5:22, 6:2 correct [4] - 7:8, 7:17, 7:18, 10:10 corrected [1] - 2:10 corresponding [1] - 5:3 counting [1] - 6:25 County [2] - 3:11, 3:12 COUNTY [1] - 10:5 coverage [1] - 6:10 current [3] - 4:4, 4:22,	F	H
8	8 [1] - 9:10 809 [1] - 2:25	change [1] - 8:2 character [3] - 2:13, 5:9, 9:17 check [1] - 6:19 checked [1] - 9:16 child [1] - 4:10 child's [1] - 4:13 Code [1] - 2:9 collusion [1] - 3:2 comfortably [1] - 4:7 Commission [2] - 3:12, 3:13 Commissioner [1] - 9:16 community [1] - 4:3 conflict [1] - 3:8 conformance [1] - 9:11 connected [1] - 3:6 consideration [1] - 3:14 considered [1] - 7:24 considering [1] - 5:2 consisting [1] - 4:8 constitute [1] - 3:8 construction [2] - 5:22, 6:2 correct [4] - 7:8, 7:17, 7:18, 10:10 corrected [1] - 2:10 corresponding [1] - 5:3 counting [1] - 6:25 County [2] - 3:11, 3:12 COUNTY [1] - 10:5 coverage [1] - 6:10 current [3] - 4:4, 4:22,	family [3] - 4:4, 4:7, 5:12 far [1] - 9:10 favor [2] - 8:19, 8:20 FAYGE [1] - 1:5 Fayge [2] - 2:5, 3:25 feet [2] - 6:9, 9:10 fine [1] - 9:3 first [3] - 2:3, 5:22, 6:5 first-story [1] - 5:22 flat [2] - 7:24, 8:4 floor [1] - 4:15 foot [1] - 4:20 footprint [2] - 4:23, 5:8 FOR [1] - 1:3	half [1] - 6:11 hand [1] - 10:14 hear [1] - 2:23 hearing [1] - 2:20 hereby [1] - 10:9 hereunto [1] - 10:13 home [2] - 4:5, 4:7 house's [1] - 5:7
A	absolutely [1] - 8:14 accommodate [1] - 4:17 accommodates [1] - 4:7 accordingly [1] - 2:21 addition [4] - 4:16, 4:24, 5:16, 5:21	change [1] - 8:2 character [3] - 2:13, 5:9, 9:17 check [1] - 6:19 checked [1] - 9:16 child [1] - 4:10 child's [1] - 4:13 Code [1] - 2:9 collusion [1] - 3:2 comfortably [1] - 4:7 Commission [2] - 3:12, 3:13 Commissioner [1] - 9:16 community [1] - 4:3 conflict [1] - 3:8 conformance [1] - 9:11 connected [1] - 3:6 consideration [1] - 3:14 considered [1] - 7:24 considering [1] - 5:2 consisting [1] - 4:8 constitute [1] - 3:8 construction [2] - 5:22, 6:2 correct [4] - 7:8, 7:17, 7:18, 10:10 corrected [1] - 2:10 corresponding [1] - 5:3 counting [1] - 6:25 County [2] - 3:11, 3:12 COUNTY [1] - 10:5 coverage [1] - 6:10 current [3] - 4:4, 4:22,	J	I
			importantly [1] - 5:6 IN [2] - 1:4, 10:13 Inches [1] - 9:10 include [1] - 6:15 included [2] - 6:22, 6:23 includes [1] - 4:24 increase [1] - 5:10 increasing [1] - 6:8 Introducing [1] - 8:2 Involved [1] - 3:5	
			K	
			KAPLAN [2] - 10:7, 10:18 KASDAN [2] - 1:5, 6:17 Kasdan [3] - 2:5, 3:3,	

3:25
Kasdan's [1] - 4:17
Kasdans [2] - 4:2, 8:23
keeping [1] - 7:6
kept [1] - 7:15
known [1] - 2:6
KRENGEL [23] - 1:15, 2:2, 3:17, 3:20, 5:17, 6:6, 6:11, 7:2, 7:5, 7:10, 7:13, 7:16, 7:19, 8:6, 8:9, 8:12, 8:15, 8:17, 9:8, 9:13, 9:15, 9:19, 9:23

L

law [2] - 2:21, 3:9
Law [1] - 2:25
legal [1] - 6:3
less [4] - 6:11, 8:6, 8:7, 8:9
line [1] - 5:25
live [2] - 8:21, 9:3
living [1] - 8:22
local [1] - 2:19
lovely [1] - 8:24
lower [1] - 7:23

M

mailing [1] - 2:18
MATTER [1] - 1:4
measured [1] - 5:13
meet [1] - 4:5
MEIR [1] - 1:15
Member [2] - 1:16, 1:17
members [4] - 2:16, 3:16, 3:21, 4:3
MICHAEL [1] - 1:16
Michael [1] - 3:22
minor [2] - 5:2, 8:2
modest [4] - 4:12, 4:24, 5:5, 5:15
MONROE [1] - 1:6
Monroe [3] - 2:6, 3:24, 8:21
motion [2] - 9:19, 9:21
motivated [1] - 5:10
MR [30] - 2:16, 3:19, 3:21, 5:20, 6:9, 6:13, 6:14, 6:16, 6:17, 6:18, 6:20, 6:23, 6:24, 7:4, 7:8, 7:12, 7:15, 7:18, 7:22, 8:8, 8:11, 8:14, 8:16, 8:20, 9:12, 9:14, 9:18, 9:21, 9:22, 9:24

Municipal [1] - 2:25

N

name [3] - 3:20, 3:22, 8:20
Nassau [2] - 3:11, 3:12
necessary [1] - 2:22
needs [2] - 4:6, 5:11
neighborhood [1] - 5:9
neighbors [2] - 8:25, 9:5
New [3] - 1:9, 2:24, 10:8
NEW [1] - 10:3
newspaper [1] - 2:19
non [1] - 3:2
non-collusion [1] - 3:2
noncompliance [1] - 6:21
nonforming [1] - 6:7
Notary [1] - 10:7
note [1] - 2:9
noted [1] - 9:25
notes [1] - 10:11
notice [1] - 3:13
notices [1] - 2:20
Number [1] - 2:4
numbers [1] - 6:14

O

objection [2] - 9:4, 9:7
obtained [1] - 2:22
Oceanside [1] - 3:23
OF [3] - 1:4, 10:3, 10:5
officers [1] - 3:7
once [1] - 4:9
one [2] - 4:21, 9:8
one-story [1] - 4:21
oppose [1] - 8:19
order [1] - 5:25
original [1] - 6:24
overall [1] - 5:2
overhang [3] - 4:25, 5:24, 6:4
owner [1] - 3:17
owners [1] - 3:24

P

p.m [2] - 1:12, 9:25
parcel [1] - 2:6
part [1] - 8:3
parties [1] - 2:22
percent [5] - 4:23, 6:12, 8:7, 8:10

perfectly [1] - 9:3
persons [1] - 3:4
pitch [1] - 7:24
Planning [2] - 3:12, 3:13
pleasing [1] - 9:6
preexisting [1] - 6:21
preteens [1] - 4:18
proceed [1] - 5:15
proceedings [1] - 10:10
project [1] - 5:9
proof [1] - 2:18
proposed [4] - 4:24, 5:6, 5:19, 7:22
proposing [3] - 4:12, 4:14, 9:2
provided [1] - 2:18
Public [1] - 10:7
publication [1] - 2:19
Pursuant [1] - 3:10
pursuant [1] - 2:24

Q

QUEENS [1] - 10:5
questions [2] - 8:15, 8:17

R

R2 [2] - 2:7, 2:11
rather [1] - 5:11
read [1] - 2:14
reasonable [1] - 5:13
reconfiguration [1] - 4:15
record [4] - 2:15, 2:17, 2:19, 10:9
reduce [1] - 8:3
reflect [1] - 2:10
representative [1] - 3:18
representing [1] - 3:24
request [1] - 5:13
requested [1] - 4:19
requesting [1] - 7:21
required [3] - 2:20, 5:4, 5:15
resale [1] - 5:11
reside [1] - 3:22
respectfully [1] - 5:14
rest [3] - 9:11, 9:12, 9:17
Road [1] - 3:23
Robert [1] - 8:20
roof [7] - 7:20, 7:21, 7:22, 7:25, 8:4, 8:12
roofs [1] - 2:13

S

second [10] - 4:15, 5:21, 5:22, 5:25, 6:4, 7:3, 7:7, 7:10, 7:17, 9:21
second-floor [1] - 4:15
second-story [1] - 5:21
Section [1] - 2:25
section [1] - 4:25
sections [2] - 2:9, 2:10
seeks [1] - 2:8
September [2] - 1:11, 10:14
set [1] - 10:14
setback [1] - 5:3
Seventeen [1] - 6:9
share [1] - 8:5
showed [1] - 8:25
SHTEIERMAN [4] - 1:17, 6:14, 8:16, 9:21
side [3] - 2:12, 5:24, 7:13
slides [1] - 5:24
similarly [1] - 5:4
size [2] - 4:22, 5:3
smaller [1] - 4:21
sorry [1] - 6:5
specifically [1] - 4:6
square [2] - 4:20, 6:9
ss [1] - 10:4
State [2] - 2:24, 10:8
STATE [1] - 10:3
statement [1] - 2:14
staying [1] - 8:7
stenographic [1] - 10:11
step [1] - 3:18
still [1] - 7:24
story [12] - 4:21, 4:25, 5:21, 5:22, 5:23, 5:25, 6:4, 6:5, 7:3, 7:7, 7:11, 7:17
street [1] - 9:4
STREET [1] - 1:6
Street [3] - 2:7, 3:25, 8:21
structure [1] - 4:21
submision [1] - 5:4
submitted [1] - 7:23
sufficient [2] - 4:5, 4:9
Supt [1] - 1:19

T

teenagers [1] - 4:18

THE [1] - 1:4
therein [1] - 10:12
thereof [1] - 3:15
third [1] - 4:16
three [2] - 4:8, 4:17
TOLLE [1] - 8:20
Tolle [1] - 8:21
tonight [1] - 2:3
total [1] - 8:12
transcript [1] - 10:11
two [1] - 4:15

U

under [1] - 3:8

V

value [1] - 5:11
valued [1] - 4:3
variance [6] - 2:8, 5:18, 7:6, 7:9, 7:20, 7:21
VARIANCE [1] - 1:3
variances [4] - 4:19, 5:3, 5:15, 7:16
Village [3] - 1:18, 3:6, 3:11
village [1] - 2:13

W

waived [1] - 3:14
WAYNE [1] - 1:19
welcome [1] - 4:10
wherein [1] - 3:3
WHEREOF [1] - 10:13
wider [1] - 6:3
WITNESS [1] - 10:13

Y

YAFFA [2] - 10:7, 10:18
yard [7] - 5:8, 5:24, 7:2, 7:5, 7:9, 7:13, 9:9
yards [2] - 2:12
YARNELL [2] - 1:19, 6:24
years [3] - 4:2, 8:23, 8:24
yield [1] - 4:12
YOEL [1] - 1:18
YORK [1] - 10:3
York [3] - 1:9, 2:24, 10:8

Z

zone [2] - 2:8, 2:11
ZONING [1] - 1:3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
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Proceedings - 319 Pacific Avenue

APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

MOSES GUTTMAN
319 PACIFIC AVENUE

Applicant.

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.

YAFFA KAPLAN

1	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	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	6:22, 6:23 full ^[3] - 5:8, 6:6, 8:10	L
2	B	D	M	
11096 ^[1] - 4:5 16 ^[1] - 2:20 194 ^[1] - 4:4	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	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	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 Gutmans ^[1] - 4:9	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
3	C	E	N	
3 ^[3] - 3:10, 6:7, 6:9 319 ^[4] - 1:5, 2:6, 5:17, 7:10 39/349/207 ^[1] - 2:7	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] -	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	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	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
4	F	K		
6 ^[4] - 2:21, 2:22, 5:4, 6:7	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,	JARED ^[1] - 1:17 july ^[1] - 1:11 June ^[1] - 3:10 jurisdiction ^[2] - 3:6, 3:8	J	
5	G	L		
7:01 ^[1] - 1:12 7:06 ^[1] - 7:21	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	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 Gutmans ^[1] - 4:9	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	
6	H	M		
809 ^[1] - 3:10 8th ^[1] - 8:14	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	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	J	
7	I	N		
809 ^[1] - 3:10 8th ^[1] - 8:14	IN ^[2] - 1:4, 8:13 involved ^[1] - 3:14 involving ^[1] - 4:16 Inwood ^[1] - 4:4	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	N	
8	J	K		
809 ^[1] - 3:10 8th ^[1] - 8:14	JARED ^[1] - 1:17 july ^[1] - 1:11 June ^[1] - 3:10 jurisdiction ^[2] - 3:6, 3:8	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	K	
A	L	M		
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,	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	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		

Number ^[1] - 2:4	requests ^[1] - 2:14	U
O	required ^[2] - 2:16, 3:5	under ^[1] - 3:17
obtained ^[1] - 3:7	requirement ^[2] - 4:24, 5:6	V
OF ^[3] - 1:4, 8:3, 8:5	residing ^[1] - 4:4	VARIANCE ^[1] - 1:3
officers ^[1] - 3:16	S	variance ^[8] - 4:7, 4:8, 4:10, 4:19, 4:22, 6:14, 6:19
one ^[3] - 5:7, 6:16, 6:19	second ^[4] - 2:10, 4:17, 6:8, 6:11	variances ^[1] - 2:14
one-story ^[3] - 5:7, 6:16, 6:19	Section ^[2] - 2:15, 3:10	versus ^[1] - 6:15
owners ^[1] - 4:6	seeking ^[4] - 4:6, 4:18, 4:22, 5:6	village ^[2] - 2:23, 5:5
P	set ^[2] - 6:7, 8:14	Village ^[4] - 1:19, 2:11, 3:15, 3:20
p.m ^[2] - 1:12, 7:21	setback ^[2] - 2:13, 5:3	vote ^[1] - 7:15
PACIFIC ^[1] - 1:5	shall ^[3] - 2:19, 2:21, 2:22	W
Pacific ^[3] - 2:6, 5:18, 7:10	Shmuel ^[1] - 4:3	waived ^[1] - 3:23
parcel ^[1] - 2:6	SHTIEIRMAN ^[3] - 1:18, 6:24, 7:17	Wanser ^[1] - 4:4
part ^[1] - 5:8	side ^[10] - 2:13, 2:15, 2:16, 2:17, 2:20, 2:22, 4:11, 4:24, 5:4	WAYNE ^[1] - 1:20
parties ^[1] - 3:7	sides ^[1] - 2:17	wherein ^[1] - 3:12
person ^[1] - 5:16	single ^[1] - 2:19	WHEREOF ^[1] - 8:13
persons ^[1] - 3:13	single-family ^[1] - 2:19	width ^[3] - 2:20, 2:21, 5:2
Planning ^[2] - 3:21, 3:22	sit ^[1] - 4:14	WITNESS ^[1] - 8:13
plots ^[1] - 2:22	sizeable ^[1] - 5:9	Y
present ^[1] - 4:10	space ^[1] - 7:13	YAFFA ^[2] - 8:7, 8:18
previously ^[5] - 4:8, 4:9, 4:20, 5:11, 6:21	specifically ^[1] - 4:17	yard ^[9] - 2:13, 2:16, 2:22, 4:24, 5:4, 5:5, 6:21, 6:22
proceedings ^[1] - 8:10	ss ^[1] - 8:4	yards ^[2] - 2:15, 2:17
professional ^[1] - 4:14	State ^[2] - 3:9, 8:8	YARNELL ^[1] - 1:20
proof ^[1] - 3:3	STATE ^[1] - 8:3	YOEL ^[1] - 1:19
property ^[2] - 4:11, 6:8	statement ^[1] - 2:24	YORK ^[1] - 8:3
proposes ^[1] - 2:9	stenographic ^[1] - 8:11	York ^[4] - 1:9, 3:9, 4:5, 8:8
provided ^[1] - 3:3	still ^[2] - 5:21, 6:6	Z
Public ^[1] - 8:7	story ^[8] - 5:2, 5:7, 6:8, 6:9, 6:11, 6:15, 6:16, 6:19	Zone ^[1] - 2:8
publication ^[1] - 3:4	subsequent ^[1] - 4:13	Zoning ^[1] - 2:11
Pursuant ^[1] - 3:19	suite ^[2] - 4:18, 4:21	ZONING ^[1] - 1:3
pursuant ^[1] - 3:9	Supt ^[1] - 1:20	
Q	T	
QUEENS ^[1] - 8:5	technical ^[2] - 5:14, 5:19	
questions ^[3] - 5:13, 7:4, 7:6	THE ^[1] - 1:4	
R	therein ^[1] - 8:12	
R1 ^[1] - 2:7	thereof ^[1] - 3:24	
read ^[1] - 2:23	today ^[1] - 4:18	
realized ^[1] - 4:15	tonight ^[1] - 2:4	
reasons ^[1] - 5:19	top ^[1] - 6:2	
record ^[4] - 2:24, 3:2, 3:4, 8:9	transcript ^[1] - 8:11	
related ^[1] - 4:7	two ^[1] - 6:15	
relief ^[3] - 2:12, 4:23, 6:22	two-story ^[1] - 6:15	
request ^[3] - 4:8, 7:11, 7:12		

1
2
3
4
5
6
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Proceedings - Yochanan and Chana Gordon

APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

YOCHANAN AND CHANA GORDON
396 SUMMIT AVENUE

Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

September 5, 2024
7:21 p.m.

B E F O R E:

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

1 Proceedings - Yochanan and Chana Gordon

2 CHAIRMAN KRENGEL: The next case on the
3 the calendar tonight has been assigned Number
4 15-2024 and is the application of Yochanan and
5 Chana Gordon, the applicant of a parcel known
6 as 396 Summit Aveue, designated as 39/423/21
7 in an R1 zone. The applicant seeks variances
8 from Cedarhurst Code Section 265-38.C,
9 building area; 265-40.A, front yards; and
10 265-41, side yards. The village attorney will
11 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 July 26, 2024, a
22 non-collusion affidavit has been duly executed
23 by the applicant, Yochanan Gordon, wherein he
24 stated that there are no other persons or
25 entities involved in this application that are

1 Proceedings - Yochanan and Chana Gordon
2 employed by or connected to the Village of
3 Cedarhurst, its officers, or employees, which
4 would in any way constitute a conflict under
5 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.

12 Mr. Chairman, members of the Board.

13 MR. DOMANICO: Mr. Chairman, members of
14 the Board, my name is Thomas Domanico. I am
15 the architect for the project. My address is
16 108 Merrick Road, Lynbrook New York. We are
17 seeking variances for front yard side yard and
18 lot coverage. We are doing a substantial
19 alteration to the existing house trying to
20 maintain a few of the walls that are presently
21 at 4.2, 4.2 feet off the property line.
22 That's our setback that we are trying to
23 maintain. We have the aggregate lot --
24 aggregate -- excuse me. Aggregate side yard
25 setbacks. Thank you. Our lot coverage --

1 Proceedings - Yochanan and Chana Gordon

2 CHAIRMAN KRENGEL: The aggregate side
3 yard is right now 13?

4 MR. DOMANICO: No. 16.2 I believe.

5 CHAIRMAN KRENGEL: 4.3.

6 MR. DOMANICO: 16.3 feet aggregate. Our
7 setback that we are looking for, we are trying
8 to maintain our existing setback. We need to
9 access the garage area in the rear. So what
10 we want to do is hold the driveway as large as
11 possible. The house is raised up about 2 and
12 a half, 3 feet so we have designed a side yard
13 entrance, a side door entrance which we have a
14 stoop which comes down into that space. We
15 have 9 feet of space from the property line,
16 you know, adjacent property line to the stoop.
17 And that's why we worked this out where we
18 still maintain the 16.3 feet, but we needed --
19 in order to do that, we needed to maintain the
20 side yard of 4.2 feet. We are looking to move
21 the house forward after discussing with the
22 Building Department.

23 I have spoken with our clients and we
24 have agreed to keep the front yard setback at
25 the current 21 feet that exists and then the

1 Proceedings - Yochanan and Chana Gordon
2 second story. That's an open porch at that
3 21, which is very similar to all the houses on
4 that side of the block. Then we are going to
5 start our second story 5 feet back from that
6 26 feet. There is a small detail on the front
7 of the house which comes forward about --
8 which would be 25 foot, so the main portion of
9 the house would meet the required setback.

10 CHAIRMAN KRENGEL: So then the building
11 area you are asking for is 34?

12 MR. DOMANICO: 34.19.

13 CHAIRMAN KRENGEL: Right. So the front
14 yard you are not changing where that body of
15 the house is on the 25.

16 MR. DOMANICO: The front porch existing
17 and the one story is -- there is one-story
18 addition on the front of this house which
19 starts at the 21 feet, so we are -- we would
20 turn that into an open porch starting at the
21 21 feet. The house itself would start at 26
22 feet.

23 CHAIRMAN KRENGEL: And upstairs same
24 thing?

25 MR. DOMANICO: Upstairs there is one

1 Proceedings - Yochanan and Chana Gordon
2 second little section in the front upstairs
3 that comes forward a foot in the main
4 entrance. The two-story main entrance.

5 CHAIRMAN KRENGEL: But not more than 25
6 feet.

7 MR. DOMANICO: Right. Not encroaching
8 25.

9 CHAIRMAN KRENGEL: The only encroachment
10 would be the open porch?

11 MR. DOMANICO: The open porch.

12 CHAIRMAN KRENGEL: Side yards you are
13 going to keep as is?

14 MR. DOMANICO: Like to keep as is.

15 MR. SHTEIERMAN: So the proposed front
16 yard to the house is 25 feet?

17 MR. DOMANICO: To the open porch is 21.
18 To the house is 26. To the second-story
19 section of the house.

20 MR. YARNELL: But David, there is a
21 one-foot center portion that stays at 25 feet.

22 MR. SHTEIERMAN: Okay.

23 CHAIRMAN KRENGEL: Approximately how
24 much of the current foundation are you keeping
25 in place?

1 Proceedings - Yochanan and Chana Gordon

2 MR. DOMANICO: There is about 20, 30
3 feet on the right side and that's the area
4 that encroaches. We didn't elect to try to
5 maintain that going all the way back, so the
6 new section we set back to the 6 feet, and
7 where we squared the front off, we squared it
8 off in line with that current 4 percent, 4.2
9 feet.

10 MR. SHTEIERMAN: What's the proposed
11 coverage?

12 MR. DOMANICO: Including the garage,
13 2,342.3 square.

14 MR. SHTEIERMAN: Percentage.

15 MR. DOMANICO: 34.19 is proposed.

16 CHAIRMAN KRENGEL: Anybody in the
17 audience have any comments in favor of or not
18 in favor of? We will take a five-minute break
19 and come back for a decision.

20 (Recess taken.)

21 CHAIRMAN KRENGEL: Back on the record.
22 I am making a motion to approve the
23 application as follows: The side yard
24 variance will be approved as is. The front
25 yard variance will be approved as modified by

1 Proceedings - Yochanan and Chana Gordon
2 the architect, which means that the current
3 porch will start at 21 feet from the property
4 line and the main portion of the house will
5 start at 26 feet except for that abutting,
6 that small abutting going to 25 feet. The
7 building area we are proposing to maximum --
8 the maximum of 32 percent.

9 MR. DOMANICO: Could I ask a question?

10 CHAIRMAN KRENGEL: Sure.

11 MR. DOMANICO: Talking with my clients.
12 They have a garage in the back, and I might
13 ask them if they would consider making that
14 garage 100 square feet smaller, and if we were
15 to make that 100 square feet smaller and turn
16 it to into basically a shed because they don't
17 use it for cars --

18 CHAIRMAN KRENGEL: It has to be 10 by
19 20. Two hundred square feet.

20 MR. YARNELL: If it's less than that
21 existing now it can be maintained but
22 otherwise 10 by 20.

23 MR. DOMANICO: So we have to maintain a
24 garage?

25 MR. YARNELL: Correct.

1 Proceedings - Yochanan and Chana Gordon

2 MR. DOMANICO: I was looking to see if
3 we could knock it down and bring it down to 32
4 and change.

5 CHAIRMAN KRENGEL: You can take it from
6 anywhere you want. Just to get to 32.

7 MR. DOMANICO: Just looking to maintain
8 the 32.

9 CHAIRMAN KRENGEL: Right. That's the
10 decision. Make a motion to approved as
11 modified.

12 MR. SHTEIERMAN: Second the motion to
13 approve.

14 MR. BLEIBERG: Approved as modified.

15 MR. DOMANICO: Thank you.

16 (Time noted: 7:34 p.m.)

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Proceedings - Yochanan and Chana Gordon

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 23rd day of September,
2024.



YAFFA KAPLAN

1		5:10, 8:7 Building [1] - 4:22	5:16, 5:25, 6:7, 6:11, 6:14, 6:17, 7:2, 7:12, 7:15, 8:9, 8:11, 8:23, 9:2, 9:7, 9:15 Domanico [1] - 3:14 door [1] - 4:13 down [3] - 4:14, 9:3 driveway [1] - 4:10 duly [1] - 2:22	given [1] - 3:9 GOLDFEDER [2] - 1:17, 2:12 GORDON [1] - 1:4 Gordon [2] - 2:5, 2:23	
10 [2] - 8:18, 8:22 100 [2] - 8:14, 8:15 108 [1] - 3:16 13 [1] - 4:3 15-2024 [1] - 2:4 16.2 [1] - 4:4 16.3 [2] - 4:6, 4:18	8	C	E	H	
	809 [1] - 2:21	calendar [1] - 2:3 cars [1] - 8:17 case [1] - 2:2 Cedarhurst [5] - 1:7, 1:8, 2:8, 3:3, 3:7 center [1] - 6:21 certify [1] - 10:9 Chairman [2] - 1:14, 2:12 chairman [2] - 3:12, 3:13 CHAIRMAN [10] - 2:2, 4:2, 4:5, 5:10, 5:13, 5:23, 6:5, 6:9, 6:12, 6:23, 7:16, 7:21, 8:10, 8:18, 9:5, 9:9 CHANA [1] - 1:4 Chana [1] - 2:5 change [1] - 9:4 changing [1] - 5:14 clients [2] - 4:23, 8:11 Code [1] - 2:8 collusion [1] - 2:22 comments [1] - 7:17 Commission [2] - 3:8, 3:9 conflict [1] - 3:4 connected [1] - 3:2 consider [1] - 8:13 consideration [1] - 3:10 constitute [1] - 3:4 correct [2] - 8:25, 10:10 County [2] - 3:7, 3:8 COUNTY [1] - 10:5 coverage [3] - 3:18, 3:25, 7:11 current [4] - 4:25, 6:24, 7:8, 8:2	elect [1] - 7:4 employed [1] - 3:2 employees [1] - 3:3 encroaches [1] - 7:4 encroaching [1] - 6:7 encroachment [1] - 6:9 entitles [1] - 2:25 entrance [4] - 4:13, 6:4 except [1] - 8:5 excuse [1] - 3:24 executed [1] - 2:22 existing [4] - 3:19, 4:8, 5:16, 8:21 exists [1] - 4:25	half [1] - 4:12 hand [1] - 10:14 hear [1] - 2:19 hearing [1] - 2:16 hereby [1] - 10:9 hereunto [1] - 10:13 hold [1] - 4:10 house [12] - 3:19, 4:11, 4:21, 5:7, 5:9, 5:15, 5:18, 5:21, 6:16, 6:18, 6:19, 8:4 houses [1] - 5:3 hundred [1] - 8:19	
2	9	A	F	I	
2 [1] - 4:11 2,342.3 [1] - 7:13 20 [3] - 7:2, 8:19, 8:22 200 [1] - 1:7 2024 [3] - 1:10, 2:21, 10:15 21 [6] - 4:25, 5:3, 5:19, 5:21, 6:17, 8:3 23rd [1] - 10:14 25 [7] - 5:8, 5:15, 6:5, 6:8, 6:16, 6:21, 8:6 26 [5] - 2:21, 5:6, 5:21, 6:18, 8:5 265-38.C [1] - 2:8 265-40.A [1] - 2:9 265-41 [1] - 2:10	9 [1] - 4:15	abutting [2] - 8:5, 8:6 access [1] - 4:9 accordingly [1] - 2:17 addition [1] - 5:18 address [1] - 3:15 adjacent [1] - 4:16 affidavit [1] - 2:22 aggregate [5] - 3:23, 3:24, 4:2, 4:6 agreed [1] - 4:24 agreement [1] - 3:6 alteration [1] - 3:19 AND [1] - 1:4 appeal [1] - 2:19 applicant [4] - 1:5, 2:5, 2:7, 2:23 APPLICATION [1] - 1:2 application [4] - 2:4, 2:25, 3:10, 7:23 approve [2] - 7:22, 9:13 approved [4] - 7:24, 7:25, 9:10, 9:14 architect [2] - 3:15, 8:2 area [5] - 2:9, 4:9, 5:11, 7:3, 8:7 assigned [1] - 2:3 attorney [1] - 2:10 Attorney [1] - 1:17 audience [1] - 7:17 AVENUE [1] - 1:5 Avenue [1] - 1:7 Aveue [1] - 2:6	CHAIRMAN [10] - 2:2, 4:2, 4:5, 5:10, 5:13, 5:23, 6:5, 6:9, 6:12, 6:23, 7:16, 7:21, 8:10, 8:18, 9:5, 9:9 CHANA [1] - 1:4 Chana [1] - 2:5 change [1] - 9:4 changing [1] - 5:14 clients [2] - 4:23, 8:11 Code [1] - 2:8 collusion [1] - 2:22 comments [1] - 7:17 Commission [2] - 3:8, 3:9 conflict [1] - 3:4 connected [1] - 3:2 consider [1] - 8:13 consideration [1] - 3:10 constitute [1] - 3:4 correct [2] - 8:25, 10:10 County [2] - 3:7, 3:8 COUNTY [1] - 10:5 coverage [3] - 3:18, 3:25, 7:11 current [4] - 4:25, 6:24, 7:8, 8:2	favor [2] - 7:17, 7:18 feet [24] - 3:21, 4:6, 4:12, 4:15, 4:18, 4:20, 4:25, 5:5, 5:6, 5:19, 5:21, 5:22, 6:6, 6:16, 6:21, 7:3, 7:6, 7:9, 8:3, 8:5, 8:6, 8:14, 8:15, 8:19 few [1] - 3:20 five [1] - 7:18 five-minute [1] - 7:18 follows [1] - 7:23 foot [3] - 5:8, 6:3, 6:21 FOR [1] - 1:2 foregoing [1] - 10:9 forward [3] - 4:21, 5:7, 6:3 foundation [1] - 6:24 front [11] - 2:9, 3:17, 4:24, 5:6, 5:13, 5:16, 5:18, 6:2, 6:15, 7:7, 7:24 full [1] - 10:10	IN [2] - 1:3, 10:13 including [1] - 7:12 Involved [1] - 2:25 itself [1] - 5:21
3		B	G	J	
3 [1] - 4:12 30 [1] - 7:2 32 [4] - 8:8, 9:3, 9:6, 9:8 34 [1] - 5:11 34.19 [2] - 5:12, 7:15 39/423/21 [1] - 2:6 396 [2] - 1:5, 2:6		between [1] - 3:6 Bldg [1] - 1:18 BLEIBERG [2] - 1:15, 9:14 block [1] - 5:4 Board [6] - 1:15, 1:16, 2:13, 2:19, 3:12, 3:14 body [1] - 5:14 break [1] - 7:18 bring [1] - 9:3 building [3] - 2:9,	garage [5] - 4:9, 7:12, 8:12, 8:14, 8:24 General [1] - 2:20	July [1] - 2:21 Jurisdiction [2] - 2:17, 2:19	
4		D		K	
4 [1] - 7:8 4.2 [4] - 3:21, 4:20, 7:8 4.3 [1] - 4:5		DAVID [1] - 1:16 David [1] - 6:20 decision [2] - 7:19, 9:10 Department [1] - 4:22 Dept [1] - 1:18 designated [1] - 2:6 designed [1] - 4:12 detail [1] - 5:6 discussing [1] - 4:21 DOMANICO [19] - 3:13, 4:4, 4:6, 5:12,		KAPLAN [2] - 10:7, 10:18 keep [3] - 4:24, 6:13, 6:14 keeping [1] - 6:24 knock [1] - 9:3 known [1] - 2:5 KRENGEL [17] - 1:14, 2:2, 4:2, 4:5, 5:10, 5:13, 5:23, 6:5, 6:9, 6:12, 6:23, 7:16, 7:21, 8:10, 8:18, 9:5, 9:9	
5				L	
5 [2] - 1:10, 5:5				large [1] - 4:10 law [2] - 2:17, 3:5 Law [1] - 2:21 less [1] - 8:20 line [5] - 3:21, 4:15, 4:16, 7:8, 8:4 local [1] - 2:15	
6					
6 [1] - 7:6					
7					
7:21 [1] - 1:11 7:34 [1] - 9:16					

looking [4] - 4:7, 4:20,
9:2, 9:7
Lynbrook [1] - 3:16

M

mailing [1] - 2:14
main [4] - 5:8, 6:3, 6:4,
8:4
maintain [8] - 3:20,
3:23, 4:8, 4:18, 4:19,
7:5, 8:23, 9:7
maintained [1] - 8:21
MATTER [1] - 1:3
maximum [2] - 8:7,
8:8
means [1] - 8:2
meet [1] - 5:9
MEIR [1] - 1:14
Member [2] - 1:15,
1:16
members [3] - 2:12,
3:12, 3:13
Merrick [1] - 3:16
MICHAEL [1] - 1:15
might [1] - 8:12
minute [1] - 7:18
modified [3] - 7:25,
9:11, 9:14
motion [3] - 7:22,
9:10, 9:12
move [1] - 4:20
MR [29] - 2:12, 3:13,
4:4, 4:6, 5:12, 5:16,
5:25, 6:7, 6:11, 6:14,
6:15, 6:17, 6:20,
6:22, 7:2, 7:10, 7:12,
7:14, 7:15, 8:9, 8:11,
8:20, 8:23, 8:25, 9:2,
9:7, 9:12, 9:14, 9:15
Municipal [1] - 2:21

N

name [1] - 3:14
Nassau [2] - 3:7, 3:8
necessary [1] - 2:18
need [1] - 4:8
needed [2] - 4:18,
4:19
new [1] - 7:6
New [4] - 1:8, 2:20,
3:16, 10:8
NEW [1] - 10:3
newspaper [1] - 2:15
next [1] - 2:2
non [1] - 2:22
non-collusion [1] -
2:22
Notary [1] - 10:7

noted [1] - 9:16
notes [1] - 10:11
notice [1] - 3:9
notices [1] - 2:16
Number [1] - 2:3

O

obtained [1] - 2:18
OF [3] - 1:3, 10:3, 10:5
officers [1] - 3:3
one [4] - 5:17, 5:25,
6:21
one-foot [1] - 6:21
one-story [1] - 5:17
open [5] - 5:2, 5:20,
6:10, 6:11, 6:17
order [1] - 4:19
otherwise [1] - 8:22

P

p.m [2] - 1:11, 9:16
parcel [1] - 2:5
parties [1] - 2:18
percent [2] - 7:8, 8:8
percentage [1] - 7:14
persons [1] - 2:24
place [1] - 6:25
Planning [2] - 3:8, 3:9
porch [7] - 5:2, 5:16,
5:20, 6:10, 6:11,
6:17, 8:3
portion [3] - 5:8, 6:21,
8:4
possible [1] - 4:11
presently [1] - 3:20
proceedings [1] -
10:10
project [1] - 3:15
proof [1] - 2:14
property [4] - 3:21,
4:15, 4:16, 8:3
proposed [3] - 6:15,
7:10, 7:15
proposing [1] - 8:7
provided [1] - 2:14
Public [1] - 10:7
publication [1] - 2:15
pursuant [1] - 2:20
Pursuant [1] - 3:6

Q

QUEENS [1] - 10:5

R

R1 [1] - 2:7
raised [1] - 4:11

read [1] - 2:11
rear [1] - 4:9
recess [1] - 7:20
record [5] - 2:11, 2:13,
2:15, 7:21, 10:9
required [2] - 2:16, 5:9
Road [1] - 3:16

S

second [5] - 5:2, 5:5,
6:2, 6:18, 9:12
second-story [1] -
6:18
Section [2] - 2:8, 2:21
section [3] - 6:2, 6:19,
7:6
see [1] - 9:2
seeking [1] - 3:17
seeks [1] - 2:7
September [2] - 1:10,
10:14
set [2] - 7:6, 10:14
setback [5] - 3:22, 4:7,
4:8, 4:24, 5:9
setbacks [1] - 3:25
shed [1] - 8:16
SHTEIERMAN [6] -
1:16, 6:15, 6:22,
7:10, 7:14, 9:12
side [11] - 2:10, 3:17,
3:24, 4:2, 4:12, 4:13,
4:20, 5:4, 6:12, 7:3,
7:23
similar [1] - 5:3
small [2] - 5:6, 8:6
smaller [2] - 8:14,
8:15
space [2] - 4:14, 4:15
spoken [1] - 4:23
square [4] - 7:13,
8:14, 8:15, 8:19
squared [2] - 7:7
ss [1] - 10:4
start [4] - 5:5, 5:21,
8:3, 8:5
starting [1] - 5:20
starts [1] - 5:19
State [2] - 2:20, 10:8
STATE [1] - 10:3
statement [1] - 2:11
stays [1] - 6:21
stenographic [1] -
10:11
still [1] - 4:18
stoop [2] - 4:14, 4:16
story [6] - 5:2, 5:5,
5:17, 6:4, 6:18
substantial [1] - 3:18
SUMMIT [1] - 1:5

Summit [1] - 2:6
Supt [1] - 1:18

T

THE [1] - 1:3
therein [1] - 10:12
thereof [1] - 3:11
Thomas [1] - 3:14
tonight [1] - 2:3
transcript [1] - 10:11
try [1] - 7:4
trying [3] - 3:19, 3:22,
4:7
turn [2] - 5:20, 8:15
two [2] - 6:4, 8:19
two-story [1] - 6:4

U

under [1] - 3:4
up [1] - 4:11
upstairs [3] - 5:23,
5:25, 6:2

V

VARIANCE [1] - 1:2
variance [2] - 7:24,
7:25
variances [2] - 2:7,
3:17
Village [3] - 1:17, 3:2,
3:7
village [1] - 2:10

W

waived [1] - 3:10
walls [1] - 3:20
WAYNE [1] - 1:18
wherein [1] - 2:23
WHEREOF [1] - 10:13
WITNESS [1] - 10:13

Y

YAFFA [2] - 10:7,
10:18
yard [11] - 3:17, 3:24,
4:3, 4:12, 4:20, 4:24,
5:14, 6:16, 7:23,
7:25
yards [3] - 2:9, 2:10,
6:12
YARNELL [4] - 1:18,
6:20, 8:20, 8:25
YOCHANAN [1] - 1:4
Yochanan [2] - 2:4,
2:23

YOEL [1] - 1:17
YORK [1] - 10:3
York [4] - 1:8, 2:20,
3:16, 10:8

Z

zone [1] - 2:7
ZONING [1] - 1:2

Proceedings - Michael Ari Cukier

1
2
3
4
5
6
7
8
9
10
11
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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

MICHAEL ARI CUKIER
575 KENSINGTON PLACE
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

September 5, 2024

7:35 p.m.

- B E F O R E:
- MEIR KRENGEL, Chairman
 - MICHAEL BLEIBERG, Board Member
 - DAVID SHTEIERMAN, Board Member
 - YOEL GOLDFEDER, Village Attorney
 - WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - Michael Ari Cukier

2 CHAIRMAN KRENGEL: The fourth case
3 tonight is Case Number 016 of 2024 and is the
4 application of Michael Ari Cukier, the
5 applicant of a parcel known as 575 Kensington
6 Place, designated 39/270/18 in an R1 zone.
7 The applicant seeks variances in Cedarhurst
8 Sections 265-36, height. There was initially
9 a variance being for 265-40, front yard, but
10 that has been removed and the plan has been
11 modified to be in compliance. 265-41, side
12 yards; 265-42, rear yards; 265-38 building
13 area; 265-42.1A, character of roofs; 265-43.A,
14 permitted encroachments. The village attorney
15 will now read a 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 August 1, 2024,

1 Proceedings - Michael Ari Cukier

2 a non-collusion affidavit has been duly
3 executed by the applicant, Michael Ari Cukier,
4 wherein he stated that there are no other
5 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.

16 Mr. Chairman, members of the Board.

17 CHAIRMAN KRENGEL: Just one additional
18 comment. There are three parcels that are
19 included in this application. In addition to
20 575 Kensington Place, we have 571 Kensington
21 Place and 574 Grant Place.

22 MR. BONESSO: Good evening, Mr.

23 Chairman, members of the Board. William
24 Bonesso, Forchelli Deegan & Terrana, 333 Earle
25 Ovington Boulevard, Uniondale, New York, here

Proceedings - Michael Ari Cukier

1
2 on behalf of the applicant, Ari Cukier, who is
3 the owner of the subject property, and as you
4 have noted, it is the combination of three
5 parcels. Maintaining mainly its frontage on
6 Kensington Place. 113 or excuse me 113,237
7 feet of frontage of Kensington and 43 of
8 frontage on Grant Place. The entire parcel is
9 15,337 square feet in size, and the applicant
10 is seeking variance relief to construct a new
11 single-family dwelling therein.

12 As noted just a few moments ago by the
13 chairman, there have been some modifications
14 made that pursuant to a meeting we had with
15 Mr. Yarnell on Tuesday. He confirmed that the
16 front yard setback variance that was
17 advertised is no longer needed because the
18 encroachment is a true bay window and it's not
19 counted for setback. So we meet the front
20 yard setback variance requirement. In
21 addition to that, since that meeting, the
22 client has made some modifications to the
23 plans and I actually have -- and I just
24 received these today. I only have one full
25 size set and I will give it to the Board to

1 Proceedings - Michael Ari Cukier
2 use for reference.

3 CHAIRMAN KRENGEL: The numbers have
4 changed?

5 MR. BONESSO: The numbers have changed,
6 and I will explain what has changed on that.
7 First of all, as I noted, the front yard
8 setback is no longer needed. The other change
9 that you will see on the plans has to do with
10 the side yard setback. Previously we had a
11 small wall extending from the west side of the
12 building that encroached in the westerly side
13 yard. That wall has been removed.

14 CHAIRMAN KRENGEL: Is that an arch?

15 MR. BONESSO: No. The arch is still
16 there on the easterly side, and that still
17 needs a variance. It's just an architectural
18 feature that our architect can address for you
19 in detail if you would like. But on the other
20 side, there was a small wall that went almost
21 to the property line. That has been removed,
22 so now there is a full 6-foot setback on that
23 side which is compliant on the other side, but
24 for that one architectural feature which
25 really extends the look of the house down to

1 Proceedings - Michael Ari Cukier

2 the landscaping as opposed to leaving a drop.
3 At least that's what I am told because I am
4 not an architect, but that's an important
5 design feature. That is still there. But it
6 is only a small architectural feature at the
7 very front of the property, and that triggers
8 about a -- how far is that from the property?

9 MR. MAYERFELD: Five feet.

10 MR. BONESSO: Five feet, 5 inches from
11 the property line. So our aggregate is
12 required to be 16 and our side yards are
13 required to be 10.6 or 9.7 or whatever so we
14 have 6 on one side. The entire rest of the
15 easterly side yard is at over 11 feet but for
16 that one architectural feature, so we are
17 asking for side yard setback for that one
18 architectural feature on the easterly side
19 yard, which is at the front of the property.

20 The rear yard setback we had originally
21 two subterranean floors or areas that were
22 proposed. One of them has been removed. It
23 was a gym basically on the westerly side of
24 the property that went within one feet of the
25 rear property line. That is gone. It is not

1 Proceedings - Michael Ari Cukier

2 on the plans anymore as you will see if you
3 take a look at it. So that setback does not
4 require a variance.

5 CHAIRMAN KRENGEL: One second. On your
6 new plans it still says 1, 1 and a half feet.

7 MR. BONESSO: May I approach?

8 MR. GOLDFEDER: I think you still have
9 an issue with that cantilever.

10 MR. BONESSO: Yes. That's wrong. 1.1
11 feet still shows on the plan that it was 1
12 feet. That's no longer correct. The
13 mechanical room is how far from the rear yard
14 setback?

15 CHAIRMAN KRENGEL: 16 it looks like.

16 MR. MAYERFELD: 16, 15.11 and a half.

17 CHAIRMAN KRENGEL: So it's subterranean.

18 MR. BONESSO: The mechanical room is
19 subterranean.

20 MR. GOLDFEDER: I think this is the
21 second-story bay.

22 MR. BONESSO: There is a pergola that
23 is above in the area above the -- above the
24 mechanical room. That pergola which is, as
25 you know, open on the sides extends to 11 and

1 Proceedings - Michael Ari Cukier
2 a half feet from the rear property line.

3 MR. MAYERFELD: 11.5.

4 MR. BONESSO: 11.5 to the rear property
5 line and that is the pergola. That is where
6 they will have their Succah celebrations and
7 the like. In terms of the house itself, there
8 were two encroachments into the rear yard for
9 the house itself. One has been eliminated
10 because they have agreed that the bump out on
11 the westerly portion of the rear yard which
12 now shows on the plan as a bay -- as a bay
13 window, that will be a true bay window which
14 will not have space below it. It will be
15 cantilevered out and cantilevered back in and
16 it will be a true bay window.

17 CHAIRMAN KRENGEL: So on the rear yard,
18 on the westerly side I guess where the
19 mechanical room so basically.

20 MR. MAYERFELD: It's the opposite side.

21 CHAIRMAN KRENGEL: That's the east side.
22 I'm sorry. Back here so you are asking 15
23 feet over here. Subterranean is 15 feet.

24 MR. BONESSO: Subterranean is 15 feet.
25 On the westerly side you see where it now says

1 Proceedings - Michael Ari Cukier

2 bay window, that is a true bay window. So
3 that no longer encroaches into the rear yard.
4 On the easterly side, that portion is also
5 where there is a window in the closet. It is
6 still an encroachment into the rear yard, but
7 the only portion that actually creates a
8 variance requirement is 5 and a half feet wide
9 by 30 inches deep. Because most of it is in
10 line with the deep portion of the rear yard
11 where there is no longer a setback issue, so
12 we are talking about a 14-foot square feet
13 encroachment.

14 CHAIRMAN KRENGEL: Okay. You can come
15 up but I trust you.

16 MR. BONESSO: So it's a total of about
17 14 square feet which encroaches into the
18 25-foot rear yard. Other than that, the house
19 is entirely compliant with the rear yard
20 setback. On the building coverage or the
21 building area, that has also changed because
22 of that reduced space. It was at 31.1
23 percent. That brings it down. It was brought
24 down to 30.6 percent, but in discussing it
25 this evening, my client has agreed we are

1 Proceedings - Michael Ari Cukier
2 going to make it 30 percent. It doesn't make
3 sense. It's 94 square feet basically so --

4 CHAIRMAN KRENGEL: We are knocking off
5 building area.

6 MR. BONESSO: No more building area. So
7 then other than that, we have --

8 MR. SHTEIERMAN: Roofs.

9 MB. BONESSO: I will get to that in a
10 moment. We have a permitted encroachment in
11 the front rear and side yard. A roof eave may
12 project not more than 12 inches into the
13 required setback. We are proposing 1 foot 6
14 inch. Again, something that's minor. It's an
15 architectural feature. I am told that it is
16 important for the flow of the house.

17 That leaves us with height and the roof.
18 Those are -- if you will, those are our two
19 biggest variances. We have a height of 31
20 feet 3 inches where 30 feet is permitted.
21 That's to our main ridge.

22 CHAIRMAN KRENGEL: From Kensington?

23 MR. BONESSO: Pardon?

24 CHAIRMAN KRENGEL: From the Kensington
25 line?

1 Proceedings - Michael Ari Cukier

2 MR. BONESSO: From the curb line.

3 CHAIRMAN KRENGEL: On Kensington?

4 MR. BONESSO: Yes. On Kensington, yes.

5 Thirty-one feet 3 inches on the curb on
6 Kensington.

7 MR. GOLDFEDER: It says 35.

8 MR. BONESSO: There are peaks that hit
9 35 feet. A total of about 9 and a half
10 percent of the total roof is over 31 feet 3
11 inches. We are talking about architectural
12 feature.

13 CHAIRMAN KRENGEL: Let's go to the
14 architect for a second so we can flesh this
15 out quickly.

16 MR. MAYERFELD: So as Bill said --
17 Stanley Mayerfeld, architect from RMA. And to
18 Bill's point, the 31.3, that's the main height
19 of the roof. That's consistent on all sides
20 from the Kensington side on the street. Now
21 we do have -- if you look at the drawings --

22 CHAIRMAN KRENGEL: I will cut to the
23 chase. Can you keep the whole thing to the 31
24 and a half?

25 MR. MAYERFELD: I will just show you

1 Proceedings - Michael Ari Cukier

2 where they are. We are talking about this is
3 an area, we hatched it in. It's that area
4 over here. It's this area.

5 MR. BONESSO: Gentlemen, while they are
6 discussing, I will talk about the character of
7 the roof. We will be able to maintain the
8 character of the roof at not more than 50
9 percent at flat, quote, unquote, flat, and it
10 will be invisible from all sides of the house.
11 Because of the mansards, it will not look at
12 all flat anywhere, but there will be pitches
13 that are less than 4 and a half to 1 as I
14 understand is the requirement for what's flat
15 or what's not flat. So we can stay within
16 that 50 percent.

17 MR. MAYERFELD: Can I --

18 CHAIRMAN KRENGEL: Bill, are you
19 finished with the character?

20 MR. BONESSO: Yes.

21 CHAIRMAN KRENGEL: Let's go back on the
22 record and discuss the height of the roof.
23 The proposal as of now is 35 feet in certain
24 parts.

25 MR. MAYERFELD: Correct. As you saw --

1 Proceedings - Michael Ari Cukier

2 look at the drawings. You see where they were
3 encroaching, where we are violating, we are
4 above 31.3. On the sides of the house, east
5 and west side. 31. -- we are above 31.3.

6 On the east and west side, we are happy
7 to bring down, as you saw, they are very
8 small. We can bring it down. We can shrink
9 down those areas. We won't -- we will be able
10 to match the 31.3, both on the east side and
11 west side. It's just -- it's really just the
12 front gable that's this is one element and
13 obviously it's not a flat, it's not a
14 continuous height. We ask relief, whatever
15 the maximum relief. We would want it 35. We
16 can make it, we can shrink it in to keep the
17 continuous pitch, bring it down. If you gave
18 us 33. Again, it's as you look at the plans,
19 you look at the place of the area of
20 encroachment.

21 MR. BONESSO: Show them where you are
22 talking about.

23 MR. MAYERFELD: So on the east and west
24 side, we will eliminate. We just want a
25 little more height just in the center. This

1 Proceedings - Michael Ari Cukier
2 is only going up 13 and a half inches.

3 CHAIRMAN KRENGEL: I got it.

4 MR. MAYERFELD: Just this one and again,
5 it doesn't even extend back. It's just you
6 keep it super shallow as well. If it's 33
7 feet, we will again -- we will shrink it in,
8 keep the proportions down, but just the one
9 area we are looking to.

10 CHAIRMAN KRENGEL: I gotcha. Thank you.

11 MR. BONESSO: So I guess if I understand
12 what you are saying correctly, the other
13 encroachments beyond 31.3 you would bring down
14 to meet the 31.3, correct? It's only the
15 front and rear gables that you are asking to
16 go beyond that to a maximum of 33? .

17 MR. MAYERFELD: Thirty-three.

18 MR. BONESSO: That would be the new
19 request are with regard to the front and rear
20 gable, but in all other respects, these are
21 really, quite frankly, very de minimis
22 variances. We are talking about very small
23 portions of the houses that violate the
24 setbacks and now no longer front yard setback
25 variance. No longer a building coverage

1 Proceedings - Michael Ari Cukier

2 setback, very minor rear yard, very minor side
3 yard.

4 CHAIRMAN KRENGEL: Is that your case?

5 MR. BONESSO: That's our direct
6 presentation.

7 CHAIRMAN KRENGEL: Anyone on the Board
8 have any questions?

9 MR. SHTEIERMAN: No.

10 CHAIRMAN KRENGEL: Anybody in the
11 audience would like to speak either in favor
12 or opposed to the application?

13 MR. TOLLE: Robert Tolle, 579 Monroe
14 Street, Cedarhurst, New York. Good evening,
15 gentlemen.

16 CHAIRMAN KRENGEL: How far are you from
17 this property?

18 MR. TOLLE: I am close enough where I
19 had to get notice. Let's put it that way.

20 CHAIRMAN KRENGEL: What's your address?

21 MR. TOLLE: 579 Monroe.

22 CHAIRMAN KRENGEL: So you are around the
23 corner. I got it.

24 MR. TOLLE: Steven Vegh's property backs
25 up onto my property. You might be familiar

1 Proceedings - Michael Ari Cukier

2 with his property.

3 CHAIRMAN KRENGEL: I am.

4 MR. TOLLE: I think everyone is familiar
5 with his property. So when I wrote out my
6 remarks, things apparently have changed. But
7 some of it is still relevant. And you know,
8 what I wrote was that he has got three
9 contiguous lots, which makes it a very large
10 lot. Probably the largest lot in the area and
11 I am confused as to why he would need any
12 variances when you have a lot of that size.
13 Be a little piggish, a little just because you
14 can do something doesn't mean you should do
15 it. It appeared when I got the notice of all
16 the different variances, let's throw
17 everything up against the wall and see what
18 sticks.

19 So I don't see any good reason when you
20 have a lot that huge why you need any
21 variances. It doesn't change the character of
22 the neighborhood. That ship has already
23 sailed due to the structure that Steven Vegh
24 built, and it's just -- to me it's
25 unreasonable to come in here when you have a

1 Proceedings - Michael Ari Cukier

2 lot that big to ask for any variances. It
3 should be able to confine your structure
4 within the bounds of the zoning regulations.
5 Thank you, gentleman.

6 CHAIRMAN KRENGEL: Thank you.

7 MS. PUCHALSKY: My name is Julia
8 Puchalsky. I live on 422 Oakland Avenue,
9 Cedarhurst. I have lived in that house since
10 1976. And I have seen many changes happen.
11 Particularly with Steven's house across the
12 street on Kensington. I am on the corner of
13 Oakland and Kensington. This new building
14 that I am looking at, I agree 100 percent with
15 what the last gentleman just said.

16 The configuration of the land mass does
17 not comply with good design. The architect
18 had enough area that there to design a piece
19 of property that would encompass all of the
20 land area, the T-shape that they have. They
21 have placed a big humongous building just on
22 the two front lots and are doing nothing with
23 the back area. Making the building oversized
24 for the actual size of the building. And that
25 little tail end like the tail of a dog is

1 Proceedings - Michael Ari Cukier

2 being used for nothing.

3 I am very opposed to this building,
4 particularly the height as well. Because the
5 height impacts on myself, and several of my
6 neighbors next door to me because it will be
7 so oversized, we will have a very shaded area
8 to live under because we are much shorter.
9 Also minor but also part of my objection is
10 that the building, the actual building will be
11 6 feet, only 6 feet away from my property line
12 on my side. I don't see why the other side of
13 the building gets much more footage between
14 the new property and the property next door to
15 it. Why couldn't it be moved so that it was a
16 little more even unless I am not
17 understanding.

18 MR. GOLDFEDER: Unfortunately, it only
19 needs to be 6 feet.

20 CHAIRMAN KRENGEL: We have no control
21 over that.

22 MS. PUCHALSKY: I know that.

23 MR. GOLDFEDER: As long as it's a
24 minimum of 6 feet on one side, that's
25 sufficient.

1 Proceedings - Michael Ari Cukier

2 MS. PUCHALSKY: I get it. I understand.
3 My other concern is is there a provision for a
4 driveway? Where are the cars going to be
5 parked?

6 MR. SHTEIERMAN: There is a driveway on
7 the west side of the property.

8 CHAIRMAN KRENGEL: There is as least a
9 two-car garage.

10 MS. PUCHALSKY: There is no two-car
11 garage. The last time I looked, the car is a
12 one-car garage, but the driveway, where are
13 the cars going to be parked? Cars need to be
14 removed off street for plowing. It --

15 CHAIRMAN KRENGEL: The village code is
16 to have a one-car garage.

17 MS. PUCHALSKY: Yes but where are the
18 cars going to be parked?

19 CHAIRMAN KRENGEL: There is a driveway,
20 and there is a garage.

21 MS. PUCHALSKY: How big is the driveway?
22 All the houses in my neighborhood have at
23 least a 20 feet -- at least a 40-foot driveway
24 to put their cars when the streets need to be
25 plowed. If you have no place to put your car

1 Proceedings - Michael Ari Cukier

2 when the streets --

3 CHAIRMAN KRENGEL: Ma'am, I appreciate
4 that but that's not part of the variance and
5 it's not part of the code. We can't require
6 somebody to take the cars off the street.

7 MS. PUCHALSKY: But you didn't answer
8 me.

9 MR. GOLDFEDER: In front of the garage.
10 It's part of the 25-foot setback.

11 MS. PUCHALSKY: How wide? For one car
12 or two?

13 MR. YARNELL: Two car. Two-car wide.

14 MS. PUCHALSKY: Very good. Thank you.

15 CHAIRMAN KRENGEL: Would you like to
16 address any concerns?

17 MR. BONESSO: Thank you.

18 CHAIRMAN KRENGEL: Anybody else would
19 like to speak in favor of or against the
20 application?

21 MR. BONESSO: As counsel noted, a 6-foot
22 side yard setback is permitted. So the side
23 that is now -- it is now a full 6-foot setback
24 because we take out that knee wall or whatever
25 you want to call that wall that was at the

1 Proceedings - Michael Ari Cukier

2 front of the property. In terms of the
3 reference to the size of the lot, granted it
4 is a large lot. But our main variances here
5 are the height.

6 We have very de minimis setback
7 variances when you come right down to it. We
8 eliminated the front yard setback variance.
9 Our side yard setback variance is literally
10 one architectural feature in the front. Our
11 rear yard setback variances that are actually
12 part of the house and are visible, not
13 subterranean is the -- is that bay that comes
14 out for a total area of 14 square feet. So we
15 have really reduced and done away with as many
16 setback variances that are impacted and we
17 have done away with the lot coverage variance,
18 the building area variance. So the size of
19 the lot is really not being encroached upon.
20 It is the height.

21 The Vegh house that was referenced, that
22 was approved for 31 feet 6 inches. We are
23 proposing a main ridge line of 31 feet 3
24 inches, and we are asking for only the two
25 front and rear gables to exceed that by up to

1 Proceedings - Michael Ari Cukier

2 33 feet. Everything else will comply with the
3 31 feet 3 inches. So based on that, I believe
4 that we have certainly minimized the variances
5 to the greatest extent possible while still
6 keeping the attractiveness and character of
7 this very substantial and beautiful house
8 intact. So did you want to say something?

9 MR. CUKIER: So first, I want to thank
10 the Board for your consideration. I love
11 Cedarhurst. We considered actually Lawrence.
12 We changed those plans. We love the
13 neighborhood. We love the people. I want to
14 apologize. I wasn't involved in every aspect
15 of the letters. Maybe I should have been
16 micromanaging. I should have done it more. I
17 didn't realize some of the variances we were
18 asking for were causing people to be upset,
19 and based on that and based on Wayne educating
20 us and me, we agreed to pull back like almost
21 everything that we could and that really
22 doesn't make major impact and is asking too
23 much.

24 Three things that are remaining are
25 underground. An outdoor Succah pergola and

1 Proceedings - Michael Ari Cukier

2 the height question and for a project like
3 this, where there is potential for issues with
4 the flooring, you know, to end up with less
5 ceiling than is ideal, that's really I think
6 what the request is.

7 So we want to be here. We appreciate
8 the consideration and we tried very hard to
9 pull this back and to impact as few people and
10 just as limited impact as we can. So thank
11 you.

12 MR. TOLLE: May I be heard again?

13 CHAIRMAN KRENGEL: Sure but literally
14 for one minute.

15 MR. TOLLE: I would like to -- although
16 I said I am a retired lawyer, it's hard to
17 keep -- I am not getting paid by the word.
18 When people come to my house and they see
19 Steven Vegh's house right behind mine, they
20 think is that an office building. You know --

21 CHAIRMAN KRENGEL: We are not talking
22 about Steven Vegh's house tonight. We did
23 that already.

24 MR. TOLLE: We are going to have another
25 one like that. Has this area been zoned

1 Proceedings - Michael Ari Cukier

2 commercial?

3 CHAIRMAN KRENGEL: It's not a commercial
4 building, and we got everybody's point. I got
5 it.

6 MR. TOLLE: The reaction I get, people
7 who come visit, that house is obscene.

8 CHAIRMAN KRENGEL: We are not talking
9 about his house.

10 MR. TOLLE: Well, I am talking about the
11 new house to be built will be just as
12 humongous, McMansion if you will. That, you
13 know, it's going to already detract.

14 CHAIRMAN KRENGEL: As the owners
15 represented, they are not -- the ask right now
16 -- I am not saying what we are approving but
17 the ask has nothing to do with the size of the
18 house right now.

19 MR. TOLLE: I appreciate the fact that
20 they reduced their request for variances.
21 When I got the notice, it was like every
22 variance under the sun and I appreciate the
23 fact that they have reduced it. Thank you for
24 your time.

25 CHAIRMAN KRENGEL: Thank you. Any other

1 Proceedings - Michael Ari Cukier

2 comments? We will take a five-minute break
3 and come back with a decision.

4 (Recess taken.)

5 CHAIRMAN KRENGEL: I am going to make a
6 motion and proposal as follows: With regard
7 to the height variance, I make a motion to
8 approve a maximum of 31 and a half feet from
9 Kensington including all ridges. As per the
10 testimony, the front yard variance are no
11 longer needed. Everything will be in
12 compliance.

13 With regard to the side yards, we will
14 approve the variances for the subterranean
15 area and for the architectural arch on one
16 side of the house. For the rear yard, we will
17 approve a subterranean encroachment but
18 everything above ground should be in
19 conformance. Building area should be in
20 conformance at 30 percent. The character of
21 roofs we will approve, subject to a maximum of
22 50 percent flat roof and permitted
23 encroachment. I make a motion to approve.

24 MR. SHTEIERMAN: Approved as modified.

25 MR. BLEIBERG: Approved as modified.

Proceedings - Michael Ari Cukier

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MR. ROTHSCHILD: Is the pergola in
question?

CHAIRMAN KRENGEL: It doesn't require.

(Time noted: 8:09 p.m.)

Proceedings - Michael Ari Cukier

C E R T I F I C A T E

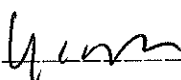
STATE OF NEW YORK)

: 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 23rd day of September, 2024.

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YAFFA KAPLAN

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0		333 [1] - 3:24	ago [1] - 4:12	8:12, 8:13, 8:16, 9:2, 21:13	Case [1] - 2:3
016 [1] - 2:3		35 [4] - 11:7, 11:9, 12:23, 13:15	agree [1] - 17:14	beautiful [1] - 22:7	causing [1] - 22:18
1		39/270/18 [1] - 2:6	agreed [3] - 8:10, 9:25, 22:20	behalf [1] - 4:2	Cedarhurst [8] - 1:7, 1:8, 2:7, 3:7, 3:11, 15:14, 17:9, 22:11
1 [6] - 2:25, 7:6, 7:11, 10:13, 12:13		4	agreement [1] - 3:10	behind [1] - 23:19	ceiling [1] - 23:5
1.1 [1] - 7:10		4 [1] - 12:13	almost [2] - 5:20, 22:20	below [1] - 8:14	celebrations [1] - 8:6
10.6 [1] - 6:13		40-feet [1] - 19:23	answer [1] - 20:7	between [2] - 3:10, 18:13	center [1] - 13:25
100 [1] - 17:14		422 [1] - 17:8	apologize [1] - 22:14	beyond [2] - 14:13, 14:16	certain [1] - 12:23
11 [2] - 6:15, 7:25		43 [1] - 4:7	appeal [1] - 2:23	big [3] - 17:2, 17:21, 19:21	certainly [1] - 22:4
11.5 [2] - 8:3, 8:4		5	appeared [1] - 16:15	biggest [1] - 10:19	certify [1] - 27:9
113 [1] - 4:6		5 [3] - 1:10, 6:10, 9:8	applicant [6] - 1:5, 2:5, 2:7, 3:3, 4:2, 4:9	bill [1] - 12:18	Chairman [3] - 1:14, 2:16, 3:23
113,237 [1] - 4:6		50 [3] - 12:8, 12:16, 25:22	APPLICATION [1] - 1:2	Bill [1] - 11:16	chairman [2] - 3:16, 4:13
12 [1] - 10:12		571 [1] - 3:20	application [6] - 2:4, 3:6, 3:14, 3:19, 15:12, 20:20	Bill's [1] - 11:18	CHAIRMAN [43] - 2:2, 3:17, 5:3, 5:14, 7:5, 7:15, 7:17, 8:17, 8:21, 9:14, 10:4, 10:22, 10:24, 11:3, 11:13, 11:22, 12:18, 12:21, 14:3, 14:10, 15:4, 15:7, 15:10, 15:16, 15:20, 15:22, 16:3, 17:6, 18:20, 19:8, 19:15, 19:19, 20:3, 20:15, 20:18, 23:13, 23:21, 24:3, 24:8, 24:14, 24:25, 25:5, 26:4
13 [1] - 14:2		574 [1] - 3:21	appreciate [4] - 20:3, 23:7, 24:19, 24:22	Bldg [1] - 1:18	change [2] - 5:8, 16:21
14 [2] - 9:17, 21:14		575 [3] - 1:5, 2:5, 3:20	approach [1] - 7:7	BLEIBERG [2] - 1:15, 25:25	changed [6] - 5:4, 5:5, 5:6, 9:21, 16:6, 22:12
14-feet [1] - 9:12		579 [2] - 15:13, 15:21	approve [6] - 25:8, 25:14, 25:17, 25:21, 25:23	Board [9] - 1:15, 1:16, 2:17, 2:23, 3:16, 3:23, 4:25, 15:7, 22:10	changes [1] - 17:10
15 [3] - 8:22, 8:23, 8:24		6	approved [3] - 21:22, 25:24, 25:25	BONESSO [25] - 3:22, 5:5, 5:15, 6:10, 7:7, 7:10, 7:18, 7:22, 8:4, 8:24, 9:16, 10:6, 10:9, 10:23, 11:2, 11:4, 11:8, 12:5, 12:20, 13:21, 14:11, 14:18, 15:5, 20:17, 20:21	character [7] - 2:13, 12:6, 12:8, 12:19, 16:21, 22:6, 25:20
15,337 [1] - 4:9		6 [7] - 6:14, 10:13, 18:11, 18:19, 18:24, 21:22	approving [1] - 24:16	Bonus [1] - 3:24	chase [1] - 11:23
15.11 [1] - 7:16		6-foot [3] - 5:22, 20:21, 20:23	arch [3] - 5:14, 5:15, 25:15	Boulevard [1] - 3:25	client [2] - 4:22, 9:25
16 [3] - 6:12, 7:15, 7:16		7	architect [5] - 5:18, 6:4, 11:14, 11:17, 17:17	bounds [1] - 17:4	close [1] - 15:18
1976 [1] - 17:10		7:35 [1] - 1:11	architectural [9] - 5:17, 5:24, 6:6, 6:16, 6:18, 10:15, 11:11, 21:10, 25:15	break [1] - 25:2	closet [1] - 9:5
2		8	area [20] - 2:13, 7:23, 9:21, 10:5, 10:6, 12:3, 12:4, 13:19, 14:9, 16:10, 17:18, 17:20, 17:23, 18:7, 21:14, 21:18, 23:25, 25:15, 25:19	bring [4] - 13:7, 13:8, 13:17, 14:13	code [2] - 19:15, 20:5
20 [1] - 19:23		9	areas [2] - 6:21, 13:9	brings [1] - 9:23	collusion [1] - 3:2
200 [1] - 1:7		9 [1] - 11:9	ARI [1] - 1:4	brought [1] - 9:23	combination [1] - 4:4
2024 [4] - 1:10, 2:3, 2:25, 27:15		9.7 [1] - 6:13	Ari [3] - 2:4, 3:3, 4:2	building [19] - 2:12, 5:12, 9:20, 9:21, 10:5, 10:6, 14:25, 17:13, 17:21, 17:23, 17:24, 18:3, 18:10, 18:13, 21:18, 23:20, 24:4, 25:19	comment [1] - 3:18
23rd [1] - 27:14		94 [1] - 10:3	aspect [1] - 22:14	built [2] - 16:24, 24:11	comments [1] - 25:2
25-feet [1] - 20:10		A	attorney [1] - 2:14	bump [1] - 8:10	commercial [2] - 24:2, 24:3
25-foot [1] - 9:18		able [3] - 12:7, 13:9, 17:3	Attorney [1] - 1:17	C	Commission [2] - 3:12, 3:13
265-36 [1] - 2:8		actually [2] - 17:24, 18:10	attractiveness [1] - 22:6	cantilever [1] - 7:9	compliance [2] - 2:11, 25:12
265-38 [1] - 2:12		addition [2] - 3:19, 4:21	audience [1] - 15:11	cantilevered [2] - 8:15	compliant [2] - 5:23, 9:19
265-40 [1] - 2:9		additional [1] - 3:17	August [1] - 2:25	car [9] - 19:9, 19:10, 19:11, 19:12, 19:16, 19:25, 20:11, 20:13	comply [2] - 17:17, 22:2
265-41 [1] - 2:11		address [3] - 5:18, 15:20, 20:16	Avenue [2] - 1:7, 17:8	cars [6] - 19:4, 19:13, 19:18, 19:24, 20:6	concern [1] - 19:3
265-42 [1] - 2:12		advertised [1] - 4:17	B	case [2] - 2:2, 15:4	concerns [1] - 20:16
265-42.1A [1] - 2:13		affidavit [1] - 3:2	backs [1] - 15:24		
265-43.A [1] - 2:13		aggregate [1] - 6:11	based [3] - 22:3, 22:19		
3			bay [9] - 4:18, 7:21,		
3 [5] - 10:20, 11:5, 11:10, 21:23, 22:3					
30 [4] - 9:9, 10:2, 10:20, 25:20					
30.6 [1] - 9:24					
31 [8] - 10:19, 11:10, 11:23, 13:5, 21:22, 21:23, 22:3, 25:8					
31.1 [1] - 9:22					
31.3 [6] - 11:18, 13:4, 13:5, 13:10, 14:13, 14:14					
33 [4] - 13:18, 14:6, 14:16, 22:2					

configuration [1] - 17:16
confine [1] - 17:3
confirmed [1] - 4:15
conflict [1] - 3:9
conformance [2] - 25:19, 25:20
confused [1] - 16:11
connected [1] - 3:6
consideration [3] - 3:14, 22:10, 23:8
considered [1] - 22:11
consistent [1] - 11:19
constitute [1] - 3:8
construct [1] - 4:10
contiguous [1] - 16:9
continuous [2] - 13:14, 13:17
control [1] - 18:20
corner [2] - 15:23, 17:12
correct [4] - 7:12, 12:25, 14:14, 27:10
correctly [1] - 14:12
counsel [1] - 20:21
counted [1] - 4:19
COUNTY [1] - 27:5
County [2] - 3:11, 3:12
coverage [3] - 9:20, 14:25, 21:17
creates [1] - 9:7
CUKIER [2] - 1:4, 22:9
Cukier [3] - 2:4, 3:3, 4:2
curb [2] - 11:2, 11:5
cut [1] - 11:22

D

DAVID [1] - 1:16
de [2] - 14:21, 21:6
decision [1] - 25:3
Deegan [1] - 3:24
deep [2] - 9:9, 9:10
Dept [1] - 1:18
design [3] - 6:5, 17:17, 17:18
designated [1] - 2:6
detail [1] - 5:19
detract [1] - 24:13
different [1] - 16:16
direct [1] - 15:5
discuss [1] - 12:22
discussing [2] - 9:24, 12:6
dog [1] - 17:25
done [3] - 21:15, 21:17, 22:16
door [2] - 18:6, 18:14

down [10] - 5:25, 9:23, 9:24, 13:7, 13:8, 13:9, 13:17, 14:8, 14:13, 21:7
drawings [2] - 11:21, 13:2
driveway [6] - 19:4, 19:6, 19:12, 19:19, 19:21, 19:23
drop [1] - 6:2
due [1] - 16:23
duly [1] - 3:2
dwelling [1] - 4:11

E

Earle [1] - 3:24
east [5] - 8:21, 13:4, 13:6, 13:10, 13:23
easterly [4] - 5:16, 6:15, 6:18, 9:4
eave [1] - 10:11
educating [1] - 22:19
either [1] - 15:11
element [1] - 13:12
eliminate [1] - 13:24
eliminated [2] - 8:9, 21:8
employed [1] - 3:6
employees [1] - 3:8
encompass [1] - 17:19
encroached [2] - 5:12, 21:19
encroaches [2] - 9:3, 9:17
encroaching [1] - 13:3
encroachment [7] - 4:18, 9:6, 9:13, 10:10, 13:20, 25:17, 25:23
encroachments [3] - 2:14, 8:8, 14:13
end [2] - 17:25, 23:4
entire [2] - 4:8, 6:14
entirely [1] - 9:19
entitles [1] - 3:5
evening [3] - 3:22, 9:25, 15:14
exceed [1] - 21:25
excuse [1] - 4:6
executed [1] - 3:3
explain [1] - 5:6
extend [1] - 14:5
extending [1] - 5:11
extends [2] - 5:25, 7:25
extent [1] - 22:5

F

fact [2] - 24:19, 24:23
familiar [2] - 15:25, 16:4
family [1] - 4:11
far [3] - 6:8, 7:13, 15:16
favor [2] - 15:11, 20:19
feature [9] - 5:18, 5:24, 6:5, 6:6, 6:16, 6:18, 10:15, 11:12, 21:10
feet [35] - 4:7, 4:9, 6:9, 6:10, 6:15, 6:24, 7:6, 7:11, 7:12, 8:2, 8:23, 8:24, 9:8, 9:12, 9:17, 10:3, 10:20, 11:5, 11:9, 11:10, 12:23, 14:7, 18:11, 18:19, 18:24, 19:23, 21:14, 21:22, 21:23, 22:2, 22:3, 25:8
few [2] - 4:12, 23:9
finished [1] - 12:19
first [2] - 5:7, 22:9
five [3] - 6:9, 6:10, 25:2
five-minute [1] - 25:2
fiat [7] - 12:9, 12:12, 12:14, 12:15, 13:13, 25:22
flesh [1] - 11:14
flooring [1] - 23:4
floors [1] - 6:21
flow [1] - 10:16
follows [1] - 25:6
foot [1] - 10:13
footage [1] - 18:13
FOR [1] - 1:2
Forchelli [1] - 3:24
foregoing [1] - 27:9
fourth [1] - 2:2
frankly [1] - 14:21
front [18] - 2:9, 4:16, 4:19, 5:7, 6:7, 6:19, 10:11, 13:12, 14:15, 14:19, 14:24, 17:22, 20:9, 21:2, 21:8, 21:10, 21:25, 25:10
frontage [3] - 4:5, 4:7, 4:8
full [4] - 4:24, 5:22, 20:23, 27:10

G

gable [2] - 13:12, 14:20

gables [2] - 14:15, 21:25
garage [6] - 19:9, 19:11, 19:12, 19:16, 19:20, 20:9
General [1] - 2:24
gentleman [2] - 17:5, 17:15
gentlemen [2] - 12:5, 15:15
given [1] - 3:13
GOLDFEDER [8] - 1:17, 2:16, 7:8, 7:20, 11:7, 18:18, 18:23, 20:9
gotcha [1] - 14:10
Grant [2] - 3:21, 4:8
granted [1] - 21:3
greatest [1] - 22:5
ground [1] - 25:18
guess [2] - 8:18, 14:11
gym [1] - 6:23

H

half [9] - 7:6, 7:16, 8:2, 9:8, 11:9, 11:24, 12:13, 14:2, 25:8
hand [1] - 27:14
happy [1] - 13:6
hard [2] - 23:8, 23:16
hatched [1] - 12:3
hear [1] - 2:23
heard [1] - 23:12
hearing [1] - 2:20
height [13] - 2:8, 10:17, 10:19, 11:18, 12:22, 13:14, 13:25, 18:4, 18:5, 21:5, 21:20, 23:2, 25:7
hereby [1] - 27:9
hereunto [1] - 27:13
hit [1] - 11:8
house [20] - 5:25, 8:7, 8:9, 9:18, 10:16, 12:10, 13:4, 17:9, 17:11, 21:12, 21:21, 22:7, 23:18, 23:19, 23:22, 24:7, 24:9, 24:11, 24:18, 25:16
houses [2] - 14:23, 19:22
huge [1] - 16:20
humongous [2] - 17:21, 24:12

I

ideal [1] - 23:5
impact [3] - 22:22,

23:9, 23:10
impacted [1] - 21:16
Impacts [1] - 18:5
important [2] - 6:4, 10:16
IN [2] - 1:3, 27:13
Inch [1] - 10:14
Inches [10] - 6:10, 9:9, 10:12, 10:20, 11:5, 11:11, 14:2, 21:22, 21:24, 22:3
Included [1] - 3:19
including [1] - 25:9
Intact [1] - 22:8
invisible [1] - 12:10
Involved [2] - 3:5, 22:14
issue [2] - 7:9, 9:11
issues [1] - 23:3
itself [2] - 8:7, 8:9

J

Julia [1] - 17:7
Jurisdiction [2] - 2:21, 2:23

K

KAPLAN [2] - 27:7, 27:18
keep [5] - 11:23, 13:16, 14:6, 14:8, 23:17
keeping [1] - 22:6
KENSINGTON [1] - 1:5
Kensington [14] - 2:5, 3:20, 4:6, 4:7, 10:22, 10:24, 11:3, 11:4, 11:6, 11:20, 17:12, 17:13, 25:9
knee [1] - 20:24
knocking [1] - 10:4
Known [1] - 2:5
KRENGEL [44] - 1:14, 2:2, 3:17, 5:3, 5:14, 7:5, 7:15, 7:17, 8:17, 8:21, 9:14, 10:4, 10:22, 10:24, 11:3, 11:13, 11:22, 12:18, 12:21, 14:3, 14:10, 15:4, 15:7, 15:10, 15:16, 15:20, 15:22, 16:3, 17:6, 18:20, 19:8, 19:15, 19:19, 20:3, 20:15, 20:18, 23:13, 23:21, 24:3, 24:8, 24:14, 24:25, 25:5, 26:4

L

land [2] - 17:16, 17:20
 landscaping [1] - 6:2
 large [2] - 16:9, 21:4
 largest [1] - 16:10
 last [2] - 17:15, 19:11
 law [2] - 2:21, 3:9
 Law [1] - 2:25
 Lawrence [1] - 22:11
 lawyer [1] - 23:16
 least [4] - 6:3, 19:8, 19:23
 leaves [1] - 10:17
 leaving [1] - 6:2
 less [2] - 12:13, 23:4
 letters [1] - 22:15
 limited [1] - 23:10
 line [10] - 5:21, 6:11, 6:25, 8:2, 8:5, 9:10, 10:25, 11:2, 18:11, 21:23
 literally [2] - 21:9, 23:13
 live [2] - 17:8, 18:8
 lived [1] - 17:9
 local [1] - 2:19
 look [7] - 5:25, 7:3, 11:21, 12:11, 13:2, 13:18, 13:19
 looked [1] - 19:11
 looking [2] - 14:9, 17:14
 looks [1] - 7:15
 love [3] - 22:10, 22:12, 22:13

M

Ma'am [1] - 20:3
 mailing [1] - 2:18
 main [4] - 10:21, 11:18, 21:4, 21:23
 maintain [1] - 12:7
 maintaining [1] - 4:5
 major [1] - 22:22
 mansards [1] - 12:11
 mass [1] - 17:16
 match [1] - 13:10
 MATTER [1] - 1:3
 maximum [4] - 13:15, 14:16, 25:8, 25:21
 MAYERFELD [1] - 6:9, 7:16, 8:3, 8:20, 11:16, 11:25, 12:17, 12:25, 13:23, 14:4, 14:17
 Mayerfeld [1] - 11:17
 MB [1] - 10:9
 McMansion [1] - 24:12

mean [1] - 16:14
 mechanical [4] - 7:13, 7:18, 7:24, 8:19
 meet [2] - 4:19, 14:14
 meeting [2] - 4:14, 4:21
 MEIR [1] - 1:14
 Member [2] - 1:15, 1:16
 members [3] - 2:16, 3:16, 3:23
 MICHAEL [2] - 1:4, 1:15
 Michael [2] - 2:4, 3:3
 micromanaging [1] - 22:16
 might [1] - 15:25
 mine [1] - 23:19
 minimis [2] - 14:21, 21:6
 minimized [1] - 22:4
 minimum [1] - 18:24
 minor [4] - 10:14, 15:2, 18:9
 minute [2] - 23:14, 25:2
 modifications [2] - 4:13, 4:22
 modified [3] - 2:11, 25:24, 25:25
 moment [1] - 10:10
 moments [1] - 4:12
 Monroe [2] - 15:13, 15:21
 most [1] - 9:9
 motion [3] - 25:6, 25:7, 25:23
 moved [1] - 18:15
 MR [6] - 2:16, 3:22, 5:5, 5:15, 6:9, 6:10, 7:7, 7:8, 7:10, 7:16, 7:18, 7:20, 7:22, 8:3, 8:4, 8:20, 8:24, 9:16, 10:6, 10:8, 10:23, 11:2, 11:4, 11:7, 11:8, 11:16, 11:25, 12:5, 12:17, 12:20, 12:25, 13:21, 13:23, 14:4, 14:11, 14:17, 14:18, 15:5, 15:9, 15:13, 15:18, 15:21, 15:24, 16:4, 18:18, 18:23, 19:6, 20:9, 20:13, 20:17, 20:21, 22:9, 23:12, 23:15, 23:24, 24:6, 24:10, 24:19, 25:24, 25:25, 26:2
 MS [9] - 17:7, 18:22, 19:2, 19:10, 19:17,

19:21, 20:7, 20:11, 20:14
 Municipal [1] - 2:25

N

name [1] - 17:7
 Nassau [2] - 3:11, 3:12
 necessary [1] - 2:22
 need [4] - 16:11, 16:20, 19:13, 19:24
 needed [3] - 4:17, 5:8, 25:11
 needs [2] - 5:17, 18:19
 neighborhood [3] - 16:22, 19:22, 22:13
 neighbors [1] - 18:6
 NEW [1] - 27:3
 New [5] - 1:8, 2:24, 3:25, 15:14, 27:8
 new [6] - 4:10, 7:6, 14:18, 17:13, 18:14, 24:11
 newspaper [1] - 2:19
 next [2] - 18:6, 18:14
 non [1] - 3:2
 non-collusion [1] - 3:2
 Notary [1] - 27:7
 noted [5] - 4:4, 4:12, 5:7, 20:21, 26:5
 notes [1] - 27:11
 nothing [3] - 17:22, 18:2, 24:17
 notice [4] - 3:13, 15:19, 16:15, 24:21
 notices [1] - 2:20
 Number [1] - 2:3
 numbers [2] - 5:3, 5:5

O

Oakland [2] - 17:8, 17:13
 objection [1] - 18:9
 obscene [1] - 24:7
 obtained [1] - 2:22
 obviously [1] - 13:13
 OF [3] - 1:3, 27:3, 27:5
 office [1] - 23:20
 officers [1] - 3:7
 one [22] - 3:17, 4:24, 5:24, 6:14, 6:16, 6:17, 6:22, 6:24, 7:5, 8:9, 11:5, 13:12, 14:4, 14:8, 18:24, 19:12, 19:16, 20:11, 21:10, 23:14, 23:25, 25:15

one-car [2] - 19:12, 19:16
 open [1] - 7:25
 opposed [3] - 6:2, 15:12, 18:3
 opposite [1] - 8:20
 originally [1] - 6:20
 outdoor [1] - 22:25
 oversized [2] - 17:23, 18:7
 Ovington [1] - 3:25
 owner [1] - 4:3
 owners [1] - 24:14

P

p.m [2] - 1:11, 26:5
 paid [1] - 23:17
 parcel [2] - 2:5, 4:8
 parcels [2] - 3:18, 4:5
 pardon [1] - 10:23
 parked [3] - 19:5, 19:13, 19:18
 part [5] - 18:9, 20:4, 20:5, 20:10, 21:12
 particularly [2] - 17:11, 18:4
 parties [1] - 2:22
 parts [1] - 12:24
 peaks [1] - 11:8
 people [5] - 22:13, 22:18, 23:9, 23:18, 24:6
 per [1] - 25:9
 percent [9] - 9:23, 9:24, 10:2, 11:10, 12:9, 12:16, 17:14, 25:20, 25:22
 pergola [5] - 7:22, 7:24, 8:5, 22:25, 26:2
 permitted [5] - 2:14, 10:10, 10:20, 20:22, 25:22
 persons [1] - 3:5
 piece [1] - 17:18
 piggish [1] - 16:13
 pitch [1] - 13:17
 pitches [1] - 12:12
 PLACE [1] - 1:5
 place [2] - 13:19, 19:25
 Place [6] - 2:6, 3:20, 3:21, 4:6, 4:8
 placed [1] - 17:21
 plan [3] - 2:10, 7:11, 8:12
 Planning [2] - 3:12, 3:13
 plans [6] - 4:23, 5:9,

7:2, 7:6, 13:18, 22:12
 plowed [1] - 19:25
 plowing [1] - 19:14
 point [2] - 11:18, 24:4
 portion [4] - 8:11, 9:4, 9:7, 9:10
 portions [1] - 14:23
 possible [1] - 22:5
 potential [1] - 23:3
 presentation [1] - 15:6
 previously [1] - 5:10
 proceedings [1] - 27:10
 project [2] - 10:12, 23:2
 proof [1] - 2:18
 property [2] - 4:3, 5:21, 6:7, 6:8, 6:11, 6:19, 6:24, 6:25, 8:2, 8:4, 15:17, 15:24, 15:25, 16:2, 16:5, 17:19, 18:11, 18:14, 19:7, 21:2
 proportions [1] - 14:8
 proposal [2] - 12:23, 25:6
 proposed [1] - 6:22
 proposing [2] - 10:13, 21:23
 provided [1] - 2:18
 provision [1] - 19:3
 Public [1] - 27:7
 publication [1] - 2:19
 PUCHALSKY [9] - 17:7, 18:22, 19:2, 19:10, 19:17, 19:21, 20:7, 20:11, 20:14
 Puchalsky [1] - 17:8
 pull [2] - 22:20, 23:9
 Pursuant [1] - 3:10
 pursuant [2] - 2:24, 4:14
 put [3] - 15:19, 19:24, 19:25

Q

QUEENS [1] - 27:5
 questions [1] - 15:8
 quickly [1] - 11:15
 quite [1] - 14:21
 quote [1] - 12:9

R

R1 [1] - 2:6
 reaction [1] - 24:6
 read [1] - 2:15

realize [1] - 22:17
 really [7] - 5:25, 13:11,
 14:21, 21:15, 21:19,
 22:21, 23:5
 rear [21] - 2:12, 6:20,
 6:25, 7:13, 8:2, 8:4,
 8:8, 8:11, 8:17, 9:3,
 9:6, 9:10, 9:18, 9:19,
 10:11, 14:15, 14:19,
 15:2, 21:11, 21:25,
 25:16
 reason [1] - 16:19
 received [1] - 4:24
 recess [1] - 25:4
 record [5] - 2:15, 2:17,
 2:19, 12:22, 27:9
 reduced [4] - 9:22,
 21:15, 24:20, 24:23
 reference [2] - 5:2,
 21:3
 referenced [1] - 21:21
 regard [3] - 14:19,
 25:6, 25:13
 regulations [1] - 17:4
 relevant [1] - 16:7
 relief [3] - 4:10, 13:14,
 13:15
 remaining [1] - 22:24
 remarks [1] - 16:6
 removed [5] - 2:10,
 5:13, 5:21, 6:22,
 19:14
 represented [1] -
 24:15
 request [3] - 14:19,
 23:6, 24:20
 require [3] - 7:4, 20:5,
 26:4
 required [4] - 2:20,
 6:12, 6:13, 10:13
 requirement [3] -
 4:20, 9:8, 12:14
 respects [1] - 14:20
 rest [1] - 6:14
 retired [1] - 23:16
 ridge [2] - 10:21,
 21:23
 ridges [1] - 25:9
 RMA [1] - 11:17
 Robert [1] - 15:13
 roof [8] - 10:11, 10:17,
 11:10, 11:19, 12:7,
 12:8, 12:22, 25:22
 roofs [3] - 2:13, 10:8,
 25:21
 room [4] - 7:13, 7:18,
 7:24, 8:19
 ROTHSCHILD [1] -
 26:2

S

sailed [1] - 16:23
 saw [2] - 12:25, 13:7
 second [3] - 7:5, 7:21,
 11:14
 second-story [1] -
 7:21
 Section [1] - 2:25
 Sections [1] - 2:8
 see [8] - 5:9, 7:2, 8:25,
 13:2, 16:17, 16:19,
 18:12, 23:18
 seeking [1] - 4:10
 seeks [1] - 2:7
 sense [1] - 10:3
 September [2] - 1:10,
 27:14
 set [2] - 4:25, 27:14
 setback [23] - 4:16,
 4:19, 4:20, 5:8, 5:10,
 5:22, 6:17, 6:20, 7:3,
 7:14, 9:11, 9:20,
 10:13, 14:24, 15:2,
 20:10, 20:22, 20:23,
 21:6, 21:8, 21:9,
 21:11, 21:16
 setbacks [1] - 14:24
 several [1] - 18:5
 shaded [1] - 18:7
 shallow [1] - 14:6
 shape [1] - 17:20
 ship [1] - 16:22
 shorter [1] - 18:8
 show [2] - 11:25,
 13:21
 shows [2] - 7:11, 8:12
 shrink [3] - 13:8,
 13:16, 14:7
 SHTEIERMAN [5] -
 1:16, 10:8, 15:9,
 19:6, 25:24
 side [36] - 2:11, 5:10,
 5:11, 5:12, 5:16,
 5:20, 5:23, 6:12,
 6:14, 6:15, 6:17,
 6:18, 6:23, 8:18,
 8:20, 8:21, 8:25, 9:4,
 10:11, 11:20, 13:5,
 13:6, 13:10, 13:11,
 13:24, 15:2, 18:12,
 18:24, 19:7, 20:22,
 21:9, 25:13, 25:16
 sides [4] - 7:25, 11:19,
 12:10, 13:4
 single [1] - 4:11
 single-family [1] -
 4:11
 size [7] - 4:9, 4:25,
 16:12, 17:24, 21:3,

21:18, 24:17
 small [5] - 5:11, 5:20,
 6:6, 13:8, 14:22
 sorry [1] - 8:22
 space [2] - 8:14, 9:22
 square [5] - 4:9, 9:12,
 9:17, 10:3, 21:14
 ss [1] - 27:4
 Stanley [1] - 11:17
 State [2] - 2:24, 27:8
 STATE [1] - 27:3
 statement [1] - 2:15
 stay [1] - 12:15
 stenographic [1] -
 27:11
 Steven [4] - 15:24,
 16:23, 23:19, 23:22
 Steven's [1] - 17:11
 sticks [1] - 16:18
 still [9] - 5:15, 5:16,
 6:5, 7:6, 7:8, 7:11,
 9:6, 16:7, 22:5
 story [1] - 7:21
 Street [1] - 15:14
 street [4] - 11:20,
 17:12, 19:14, 20:6
 streets [2] - 19:24,
 20:2
 structure [2] - 16:23,
 17:3
 subject [2] - 4:3,
 25:21
 substantial [1] - 22:7
 subterranean [8] -
 6:21, 7:17, 7:19,
 8:23, 8:24, 21:13,
 25:14, 25:17
 Succah [2] - 8:6,
 22:25
 sufficient [1] - 18:25
 sun [1] - 24:22
 super [1] - 14:6
 Supt [1] - 1:18

T

T-shape [1] - 17:20
 tail [2] - 17:25
 terms [2] - 8:7, 21:2
 Terrana [1] - 3:24
 testimony [1] - 25:10
 THE [1] - 1:3
 therein [2] - 4:11,
 27:12
 thereof [1] - 3:15
 thirty [2] - 11:5, 14:17
 thirty-one [1] - 11:5
 thirty-three [1] - 14:17
 three [5] - 3:18, 4:4,
 14:17, 16:8, 22:24

throw [1] - 16:16
 today [1] - 4:24
 TOLLE [11] - 15:13,
 15:18, 15:21, 15:24,
 16:4, 23:12, 23:15,
 23:24, 24:6, 24:10,
 24:19
 Tolle [1] - 15:13
 tonight [2] - 2:3, 23:22
 total [4] - 9:16, 11:9,
 11:10, 21:14
 transcript [1] - 27:11
 tried [1] - 23:8
 triggers [1] - 6:7
 true [4] - 4:18, 8:13,
 8:16, 9:2
 trust [1] - 9:15
 Tuesday [1] - 4:15
 two [10] - 6:21, 8:8,
 10:18, 17:22, 19:9,
 19:10, 20:12, 20:13,
 21:24
 two-car [3] - 19:9,
 19:10, 20:13

U

under [3] - 3:9, 18:8,
 24:22
 underground [1] -
 22:25
 unfortunately [1] -
 18:18
 Uniondale [1] - 3:25
 unless [1] - 18:16
 unquote [1] - 12:9
 unreasonable [1] -
 16:25
 up [6] - 9:15, 14:2,
 15:25, 16:17, 21:25,
 23:4
 upset [1] - 22:18

V

VARIANCE [1] - 1:2
 variance [16] - 2:9,
 4:10, 4:16, 4:20,
 5:17, 7:4, 9:8, 14:25,
 20:4, 21:8, 21:9,
 21:17, 21:18, 24:22,
 25:7, 25:10
 variances [15] - 2:7,
 10:19, 14:22, 16:12,
 16:16, 16:21, 17:2,
 21:4, 21:7, 21:11,
 21:16, 22:4, 22:17,
 24:20, 25:14
 Vegh [2] - 16:23,
 21:21

Vegh's [3] - 15:24,
 23:19, 23:22
 Village [3] - 1:17, 3:7,
 3:11
 village [2] - 2:14,
 19:15
 violate [1] - 14:23
 violating [1] - 13:3
 visible [1] - 21:12
 visit [1] - 24:7

W

waived [1] - 3:14
 wall [6] - 5:11, 5:13,
 5:20, 16:17, 20:24,
 20:25
 WAYNE [1] - 1:18
 Wayne [1] - 22:19
 west [6] - 5:11, 13:5,
 13:6, 13:11, 13:23,
 19:7
 westerly [5] - 5:12,
 6:23, 8:11, 8:18,
 8:25
 wherein [1] - 3:4
 WHEREOF [1] - 27:13
 whole [1] - 11:23
 wide [3] - 9:8, 20:11,
 20:13
 William [1] - 3:23
 window [7] - 4:18,
 8:13, 8:16, 9:2, 9:5
 WITNESS [1] - 27:13
 word [1] - 23:17
 wrote [2] - 16:5, 16:8

Y

YAFFA [2] - 27:7,
 27:18
 yard [29] - 2:9, 4:16,
 4:20, 5:7, 5:10, 5:13,
 6:15, 6:17, 6:19,
 6:20, 7:13, 8:8, 8:11,
 8:17, 9:3, 9:6, 9:10,
 9:18, 9:19, 10:11,
 14:24, 15:2, 15:3,
 20:22, 21:8, 21:9,
 21:11, 25:10, 25:16
 yards [4] - 2:12, 6:12,
 25:13
 YARNELL [2] - 1:18,
 20:13
 Yarnell [1] - 4:15
 YOEL [1] - 1:17
 YORK [1] - 27:3
 York [5] - 1:8, 2:24,
 3:25, 15:14, 27:8

Z

zone [1] - 2:6
zoned [1] - 23:25
ZONING [1] - 1:2
zoning [1] - 17:4