

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings - 454 Propco LLC

APPLICATION FOR ZONING VARIANCE
IN THE MATTER OF
454 PROPCO, LLC
454 Arlington Road
Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

March 7, 2024
7:02 p.m.

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

1 Proceedings - 454 Propco LLC

2 CHAIRMAN KRENGEL: Good evening. The
3 case on the calendar tonight has been assigned
4 Case Number 1 of 2024. It's the application
5 of 454 Propco LLC, the applicant of a parcel
6 known as 454 Arlington Road, designated as
7 Section 39/Block 310/Lot 108. The applicant
8 proposes to construct a new one-family
9 residence with attached one-car garage. The
10 applicant seeks variances from Cedarhurst Code
11 265-38.C, building area, 265-42.1.A, character
12 of roofs.

13 This Board has determined that the
14 application is a Type II Action pursuant to
15 Section 617.3 of the New York State Department
16 of Environmental Control Regulations and does
17 not require an Environmental Impact Statement.
18 The village attorney will now read a statement
19 into the record.

20 MR. GOLDFEDER: Mr. Chairman, members of
21 the Board, for the record, we have been
22 provided with proof of the mailing and
23 publication in the local newspaper of record,
24 of all notices of this hearing as required by
25 law. Accordingly, jurisdiction has been

1 Proceedings - 454 Propco LLC

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

4 Pursuant to New York State General
5 Municipal Law Section 809, on June 12, 2024, a
6 non-collusion affidavit has been duly executed
7 by Charles Gros, on behalf of the applicant,
8 wherein he stated that there are no other
9 persons or entities involved in this
10 application that are employed by or connected
11 to the Village of Cedarhurst, its officers, or
12 employees, which would in any way constitute a
13 conflict under the law.

14 Pursuant to an agreement between the
15 Village of Cedarhurst and Nassau County
16 Planning Commission, the Nassau County
17 Planning Commission has been given notice of
18 this application and recommended that the
19 village of Cedarhurst take action as it deems
20 appropriate.

21 CHAIRMAN KRENGEL: Will the applicant or
22 representative please step forward.

23 MR. RUIZ: Hello, everybody. My name is
24 Harold. I am from John Capobianco's office,
25 architect. We are here seeking relief for the

1 Proceedings - 454 Propco LLC

2 flat roof and for the exceeding of the
3 building coverage. Please note that the
4 principal building, the house itself is under
5 30 percent which complies with the allowable
6 building coverage. It's the elevated
7 uncovered that exceeds the building coverage
8 by 5 percent: 5. -- and we decided a house
9 with a flat house roof --

10 CHAIRMAN KRENGEL: Just stop for a
11 second with regard to that variance. The
12 variance was required because of the uncovered
13 rear terrace and the covered front porch,
14 correct?

15 MR. RUIZ: The uncovered front porch, if
16 you add it up with the house, it's under --
17 it's actually under 30 percent.

18 CHAIRMAN KRENGEL: So just the back?

19 MR. RUIZ: Just the back, the terrace in
20 the back. The rear terrace.

21 CHAIRMAN KRENGEL: Okay.

22 MR. RUIZ: And about the roof, we
23 designed the house with a flat roof. Because
24 of the width and the depth of the house, it
25 was difficult to design a roof with this

1 Proceedings - 454 Propco LLC
2 system with a 4 and 12 pitch, which is the
3 minimum allowed without exceeding the required
4 ridge height which is allowed by the code.

5 CHAIRMAN KRENGEL: Do you know
6 approximately how much is it flat
7 percentage-wise of the house?

8 MR. RUIZ: It's actually roughly -- the
9 area of the flat roof is 565 square feet.

10 CHAIRMAN KRENGEL: And the total roof
11 is --

12 MR. RUIZ: The total roof is --

13 CHAIRMAN KRENGEL: Hold on. What's the
14 total roof?

15 MR. RUIZ: We have it on here.

16 MR. YARNELL: Chairman, it's 19.13
17 percent.

18 CHAIRMAN KRENGEL: We got it. Thank
19 you.

20 MR. RUIZ: That's the actual flat.

21 CHAIRMAN KRENGEL: Okay.

22 MR. RUIZ: Basically that's the two
23 variances.

24 CHAIRMAN KRENGEL: Everything else is in
25 compliance? Setbacks?

1 Proceedings - 454 Propco LLC

2 MR. RUIZ: Everything else is in
3 compliance. Setbacks, front side yard, rear
4 yard. That's the only thing.

5 CHAIRMAN KRENGEL: Is that your case?

6 MR. RUIZ: Yes.

7 CHAIRMAN KRENGEL: Any questions?

8 MR. RUIZ: Any questions?

9 CHAIRMAN KRENGEL: No. You can sit
10 down. Anybody on the Board have any
11 questions? No. Anybody in the audience have
12 comments for or against?

13 MRS. BARCAN: Hi, I am Naomi Barcan. I
14 live next door, 448. Welcome to the
15 neighborhood. Just in terms of the 35 percent
16 bigger, it's not going towards the side? I
17 just want to make sure it's only --

18 MR. RUIZ: It's actually -- the 5
19 percent that we are asking for, it's going to
20 the back. It's a rear yard.

21 MRS. BARCAN: Got it.

22 MR. GOLDFEDER: Just so you know, there
23 is plenty of room in the rear. They have got
24 25.

25 MRS. BARCAN: Oh, I don't care. They

1 Proceedings - 454 Propco LLC

2 can as far back as they want.

3 MR. GOLDFEDER: It's only going to be 50
4 feet.

5 MR. SHTEIERMAN: It's for a porch. They
6 are not making the house 5 percent bigger.

7 CHAIRMAN KRENGEL: The side yards as we
8 understand is in compliance.

9 MRS. BARCAN: Amazing.

10 CHAIRMAN KRENGEL: Any comments for or
11 against?

12 MR. SCHWARTZBLATT: Chairman and the
13 Board, thank you for hearing us tonight.
14 Andrew Schwartzblatt.

15 CHAIRMAN KRENGEL: You are the proposed
16 eventual user of the house?

17 MR. SCHWARTZBLATT: Yes, my wife and I,
18 and thank you for taking the time to listen.
19 We truly hope to be great assets to the
20 community as my father and my parents were.
21 And we hope to use the actual land and the
22 property to just continue beautifying the
23 community.

24 CHAIRMAN KRENGEL: Thank you.

25 MR. SCHWARTZBLATT: Thank you.

1 Proceedings - 454 Propco LLC

2 CHAIRMAN KRENGEL: Anybody else have
3 anything to say for or against? Just -- okay.
4 I am going to make a motion to approve the
5 application.

6 MS. EDELMAN: Approved.

7 MR. SHTEIERMAN: Approved.

8 MR. CLARK: Approved.

9 MR. BLEIBERG: Approved.

10 CHAIRMAN KRENGEL: Just one thing. The
11 circular driveway that's shown on the plan has
12 to go before the Architectural Review Board.

13 MR. RUIZ: Yes, thank you. Correct.
14 Thank you.

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

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Proceedings - 454 Propco LLC

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 22nd day of March, 2024.



YAFFA KAPLAN

1	allowable [1] - 4:5 allowed [2] - 5:3, 5:4 amazing [1] - 7:9 Andrew [1] - 7:14 appeal [1] - 3:3 applicant [6] - 1:5, 2:5, 2:7, 2:10, 3:7, 3:21 APPLICATION [1] - 1:2 application [5] - 2:4, 2:14, 3:10, 3:18, 8:5 appropriate [1] - 3:20 approve [1] - 8:4 approved [4] - 8:6, 8:7, 8:8, 8:9 architect [1] - 3:25 Architectural [1] - 8:12 area [2] - 2:11, 5:9 Arlington [2] - 1:5, 2:6 assets [1] - 7:19 assigned [1] - 2:3 attached [1] - 2:9 Attorney [1] - 1:19 attorney [1] - 2:18 audience [1] - 6:11 Avenue [1] - 1:7	2	certify [1] - 9:9 chairman [2] - 5:16, 7:12 Chairman [2] - 1:14, 2:20 CHAIRMAN [20] - 2:2, 3:21, 4:10, 4:18, 4:21, 5:5, 5:10, 5:13, 5:18, 5:21, 5:24, 6:5, 6:7, 6:9, 7:7, 7:10, 7:15, 7:24, 8:2, 8:10 character [1] - 2:11 Charles [1] - 3:7 circular [1] - 8:11 CLARK [2] - 1:16, 8:8 Code [1] - 2:10 code [1] - 5:4 collusion [1] - 3:6 comments [2] - 6:12, 7:10 Commission [2] - 3:16, 3:17 community [2] - 7:20, 7:23 compliance [3] - 5:25, 6:3, 7:8 complies [1] - 4:5 conflict [1] - 3:13 connected [1] - 3:10 constitute [1] - 3:12 construct [1] - 2:8 continue [1] - 7:22 Control [1] - 2:16 correct [3] - 4:14, 8:13, 9:10 County [2] - 3:15, 3:16 COUNTY [1] - 9:5 coverage [3] - 4:3, 4:6, 4:7 covered [1] - 4:13	E	EDELMAN [2] - 1:17, 8:6 elevated [1] - 4:6 employed [1] - 3:10 employees [1] - 3:12 entities [1] - 3:9 Environmental [2] - 2:16, 2:17 evening [1] - 2:2 eventual [1] - 7:16 exceeding [2] - 4:2, 5:3 exceeds [1] - 4:7 executed [1] - 3:6	I	II [1] - 2:14 Impact [1] - 2:17 IN [2] - 1:3, 9:13 involved [1] - 3:9 itself [1] - 4:4
2	3	F	J				
1 [1] - 2:4 108 [1] - 2:7 12 [2] - 3:5, 5:2 19.13 [1] - 5:16	200 [1] - 1:7 2024 [4] - 1:10, 2:4, 3:5, 9:14 22nd [1] - 9:14 25 [1] - 6:24 265-38.C [1] - 2:11 265-42.1.A [1] - 2:11	family [1] - 2:8 far [1] - 7:2 father [1] - 7:20 feet [2] - 5:9, 7:4 flat [6] - 4:2, 4:9, 4:23, 5:6, 5:9, 5:20 FOR [1] - 1:2 foregoing [1] - 9:9 forward [1] - 3:22 front [3] - 4:13, 4:15, 6:3 full [1] - 9:10	JARED [1] - 1:16 John [1] - 3:24 June [1] - 3:5 jurisdiction [2] - 2:25, 3:3				
3	4	G	K				
30 [2] - 4:5, 4:17 310/Lot [1] - 2:7 35 [1] - 6:15 39/Block [1] - 2:7	4 [1] - 5:2 448 [1] - 6:14 454 [4] - 1:4, 1:5, 2:5, 2:6	garage [1] - 2:9 General [1] - 3:4 given [1] - 3:17 GOLDFEDER [4] - 1:19, 2:20, 6:22, 7:3 great [1] - 7:19 Gros [1] - 3:7	KAPLAN [2] - 9:7, 9:18 known [1] - 2:6 KRENGEL [21] - 1:14, 2:2, 3:21, 4:10, 4:18, 4:21, 5:5, 5:10, 5:13, 5:18, 5:21, 5:24, 6:5, 6:7, 6:9, 7:7, 7:10, 7:15, 7:24, 8:2, 8:10				
4	5	H	L				
4 [1] - 5:2 448 [1] - 6:14 454 [4] - 1:4, 1:5, 2:5, 2:6	5 [4] - 4:8, 6:18, 7:6 50 [1] - 7:3 565 [1] - 5:9	hand [1] - 9:14 Harold [1] - 3:24 hear [1] - 3:3 hearing [2] - 2:24, 7:13 height [1] - 5:4 hello [1] - 3:23 hereby [1] - 9:9 hereunto [1] - 9:13 hi [1] - 6:13 hold [1] - 5:13 hope [2] - 7:19, 7:21 house [9] - 4:4, 4:8, 4:9, 4:16, 4:23, 4:24, 5:7, 7:6, 7:16	land [1] - 7:21 law [2] - 2:25, 3:13 Law [1] - 3:5 listen [1] - 7:18 live [1] - 6:14 LLC [2] - 1:4, 2:5 local [1] - 2:23				
5	6	D	M				
5 [4] - 4:8, 6:18, 7:6 50 [1] - 7:3 565 [1] - 5:9	617.3 [1] - 2:15	DAVID [1] - 1:18 decided [1] - 4:8 deems [1] - 3:19 Department [1] - 2:15 Dept [1] - 1:20 depth [1] - 4:24 design [1] - 4:25 designated [1] - 2:6 designed [1] - 4:23 determined [1] - 2:13 difficult [1] - 4:25 door [1] - 6:14 down [1] - 6:10 driveway [1] - 8:11 duly [1] - 3:6	mailing [1] - 2:22 March [2] - 1:10, 9:14 MATTER [1] - 1:3 MEIR [1] - 1:14 Member [4] - 1:15, 1:16, 1:17, 1:18 members [1] - 2:20 MICHAEL [1] - 1:15 minimum [1] - 5:3 motion [1] - 8:4 MR [25] - 2:20, 3:23, 4:15, 4:19, 4:22, 5:8, 5:12, 5:15, 5:16, 5:20, 5:22, 6:2, 6:6, 6:8, 6:18, 6:22, 7:3, 7:5, 7:12, 7:17, 7:25, 8:7, 8:8, 8:9, 8:13 MRS [4] - 6:13, 6:21, 6:25, 7:9 MS [1] - 8:6				
6	7	C					
617.3 [1] - 2:15	7 [1] - 1:10 7:02 [1] - 1:11 7:09 [1] - 8:15	calendar [1] - 2:3 Capobianco's [1] - 3:24 car [1] - 2:9 care [1] - 6:25 case [2] - 2:3, 6:5 Case [1] - 2:4 Cedarhurst [6] - 1:7, 1:8, 2:10, 3:11, 3:15, 3:19					
7	8						
7 [1] - 1:10 7:02 [1] - 1:11 7:09 [1] - 8:15	809 [1] - 3:5						
8	A						
809 [1] - 3:5	accordingly [1] - 2:25 action [1] - 3:19 Action [1] - 2:14 actual [2] - 5:20, 7:21 add [1] - 4:16 affidavit [1] - 3:6 agreement [1] - 3:14						

Municipal [1] - 3:5

N

name [1] - 3:23
 Naomi [1] - 6:13
 Nassau [2] - 3:15, 3:16
 necessary [1] - 3:2
 neighborhood [1] - 6:15
 NEW [1] - 9:3
 new [1] - 2:8
 New [4] - 1:8, 2:15, 3:4, 9:8
 newspaper [1] - 2:23
 next [1] - 6:14
 non [1] - 3:6
 non-collusion [1] - 3:6
 Notary [1] - 9:7
 note [1] - 4:3
 noted [1] - 8:15
 notes [1] - 9:11
 notice [1] - 3:17
 notices [1] - 2:24
 Number [1] - 2:4

O

obtained [1] - 3:2
 OF [3] - 1:3, 9:3, 9:5
 office [1] - 3:24
 officers [1] - 3:11
 one [3] - 2:8, 2:9, 8:10
 one-car [1] - 2:9
 one-family [1] - 2:8

P

p.m [2] - 1:11, 8:15
 parcel [1] - 2:5
 parents [1] - 7:20
 parties [1] - 3:2
 percent [7] - 4:5, 4:8, 4:17, 5:17, 6:15, 6:19, 7:6
 percentage [1] - 5:7
 percentage-wise [1] - 5:7
 persons [1] - 3:9
 pitch [1] - 5:2
 plan [1] - 8:11
 Planning [2] - 3:16, 3:17
 plenty [1] - 6:23
 porch [3] - 4:13, 4:15, 7:5
 principal [1] - 4:4
 proceedings [1] - 9:10

proof [1] - 2:22
 PROPCO [1] - 1:4
 Propco [1] - 2:5
 property [1] - 7:22
 proposed [1] - 7:15
 proposes [1] - 2:8
 provided [1] - 2:22
 Public [1] - 9:7
 publication [1] - 2:23
 Pursuant [1] - 3:14
 pursuant [2] - 2:14, 3:4

Q

QUEENS [1] - 9:5
 questions [3] - 6:7, 6:8, 6:11

R

read [1] - 2:18
 rear [5] - 4:13, 4:20, 6:3, 6:20, 6:23
 recommended [1] - 3:18
 record [4] - 2:19, 2:21, 2:23, 9:9
 regard [1] - 4:11
 Regulations [1] - 2:16
 relief [1] - 3:25
 representative [1] - 3:22
 require [1] - 2:17
 required [3] - 2:24, 4:12, 5:3
 residence [1] - 2:9
 Review [1] - 8:12
 rldge [1] - 5:4
 Road [2] - 1:5, 2:6
 roof [9] - 4:2, 4:9, 4:22, 4:23, 4:25, 5:9, 5:10, 5:12, 5:14
 roofs [1] - 2:12
 room [1] - 6:23
 roughly [1] - 5:8
 RUIZ [14] - 3:23, 4:15, 4:19, 4:22, 5:8, 5:12, 5:15, 5:20, 5:22, 6:2, 6:6, 6:8, 6:18, 8:13

S

SCHWARTZBLATT [3] - 7:12, 7:17, 7:25
 Schwartzblatt [1] - 7:14
 second [1] - 4:11
 Section [3] - 2:7, 2:15, 3:5

seeking [1] - 3:25
 seeks [1] - 2:10
 set [1] - 9:14
 setbacks [2] - 5:25, 6:3
 SHIFRA [1] - 1:17
 shown [1] - 8:11
 SHTEIERMAN [3] - 1:18, 7:5, 8:7
 side [3] - 6:3, 6:16, 7:7
 sit [1] - 6:9
 square [1] - 5:9
 ss [1] - 9:4
 State [3] - 2:15, 3:4, 9:8
 STATE [1] - 9:3
 Statement [1] - 2:17
 statement [1] - 2:18
 stenographic [1] - 9:11
 step [1] - 3:22
 stop [1] - 4:10
 Supt [1] - 1:20
 system [1] - 5:2

T

terms [1] - 6:15
 terrace [3] - 4:13, 4:19, 4:20
 THE [1] - 1:3
 therein [1] - 9:12
 tonight [2] - 2:3, 7:13
 total [3] - 5:10, 5:12, 5:14
 towards [1] - 6:16
 transcript [1] - 9:11
 truly [1] - 7:19
 two [1] - 5:22
 Type [1] - 2:14

U

uncovered [3] - 4:7, 4:12, 4:15
 under [4] - 3:13, 4:4, 4:16, 4:17
 up [1] - 4:16
 user [1] - 7:16

V

VARIANCE [1] - 1:2
 variance [2] - 4:11, 4:12
 variances [2] - 2:10, 5:23
 Village [3] - 1:19, 3:11, 3:15
 village [2] - 2:18, 3:19

W

WAYNE [1] - 1:20
 welcome [1] - 6:14
 wherein [1] - 3:8
 WHEREOF [1] - 9:13
 width [1] - 4:24
 wife [1] - 7:17
 wise [1] - 5:7
 WITNESS [1] - 9:13

Y

YAFFA [2] - 9:7, 9:18
 yard [3] - 6:3, 6:4, 6:20
 yards [1] - 7:7
 YARNELL [2] - 1:20, 5:16
 YOEL [1] - 1:19
 YORK [1] - 9:3
 York [4] - 1:8, 2:15, 3:4, 9:8

Z

ZONING [1] - 1:2