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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

JOSHUA AND GILA JEDWAB
356 Roselle Avenue

Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

February 22, 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

RACHEL WRUBEL, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - 356 Roselle Avenue

2 CHAIRMAN KRENGEL: Good evening,
3 everybody. The first case on the calendar
4 tonight has been assigned Case Number 2 of
5 2024. It's the case of Joshua and Gila
6 Jedwab, the applicant, of a parcel known as
7 356 Roselle Avenue and designated as Section
8 39/Block 120/Lot 35 in a R1 zone. The
9 applicant proposes to maintain an in-ground
10 pool. The applicant seeks variances from
11 Cedarhurst Code Section 265-125, Location
12 Restricted.

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 MS. WRUBEL: 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 - 356 Roselle Avenue
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 November 9,
6 2024, a non-collusion affidavit has been duly
7 executed by the applicant, Andrew S. Braum PE,
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 Mr. Chairman, members of the Board.

22 CHAIRMAN KRENGEL: Will the owner or its
23 representative please step forward. Please
24 state your name.

25 MR. BRAUM: Andrew Braum, B-R-A-U-M.

1 Proceedings - 356 Roselle Avenue
2 1924 Bellmore Avenue, Bellmore, New York
3 11710.

4 CHAIRMAN KRENGEL: Who are you in
5 relation to the case?

6 MR. BRAUM: I am an engineer.

7 Good evening, Mr. Chairman, ladies and
8 gentlemen. My name is Andrew Braum. I am an
9 engineer, and I am representing Mr. Jedwab and
10 his family this evening.

11 As the chairman mentioned, we are
12 seeking your approval to maintain an existing
13 swimming pool that was recently installed.
14 The proposed plan that I created for the
15 homeowner met and exceeded all of the local
16 requirements, both zoning and Building Code.
17 And when a final survey was done, it came to
18 everyone's attention that the pool was
19 installed too close to the rear property line.
20 Ten feet is what's required in the rear, and
21 at one point in the pool it's 7.9 feet.

22 So Mr. Jedwab hired a licensed and
23 installed contractor who, from the best of our
24 knowledge, measured off of an existing fence
25 that was not on the property line, not getting

1 Proceedings - 356 Roselle Avenue

2 the pool staked or contacting me or figuring
3 out where the exact property line is. If you
4 notice, the as-built survey, which is provided
5 on the left-hand side or the north side, the
6 pool does meet the 10 feet, 10.1. That
7 happened -- if you look on the right-hand
8 side, it is 7.9 feet, and that's the reason we
9 are here in front of you. If you measure to
10 the fence, you get that 10 feet.

11 So essentially this was not done
12 intentionally. It was not a trick to deceive
13 this board and seek your approval after. The
14 homeowner is here tonight if the Board has any
15 questions for him, but essentially we are
16 seeking your approval to maintain and leave
17 this swimming pool that was partially
18 installed, not meeting the rear setback
19 requirement.

20 CHAIRMAN KRENGEL: Is that fence still
21 in the same place, or has the fence moved
22 also?

23 MR. BRAUM: So the fence is currently in
24 that location. However, it's not -- does not
25 meet the building code requirement for a fence

1 Proceedings - 356 Roselle Avenue

2 which must be on the subject property and in
3 control by that subject homeowner. So the new
4 plans that we provided to your Building
5 Department show a proposed fence being
6 installed on the property line or on Mr.
7 Jedwab's property, which would make it in
8 conformance with the building code.

9 CHAIRMAN KRENGEL: Gotcha. Thank you.
10 Do you have any questions? Any questions?
11 Okay. Thank you. You can sit down. Anybody
12 in the audience would like to speak in favor
13 of or against this application? Okay. I will
14 make a motion to accept this testimony that
15 this was an honest mistake, and due to the
16 fact that it's an existing condition, there is
17 no complaints from the neighbors, I make a
18 motion to approve the previous variance.

19 MR. SHTEIERMAN: I second the motion.

20 MR. CLARK: Approved.

21 MR. BLEIBERG: Approved.

22 MS. EDELMAN: Approved.

23 CHAIRMAN KRENGEL: So approved.

24 MR. BRAUM: Thank you. Have a good
25 evening.

Proceedings - 356 Roselle Avenue

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

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Proceedings - 356 Roselle 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 6th day of March, 2024.

YAFFA KAPLAN

1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 -----

APPLICATION FOR ZONING VARIANCE

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IN THE MATTER OF

4

570 PENINSULA BLVD ASSOCIATES, LLC

5

566-570 Peninsula Blvd

Applicant.

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200 Cedarhurst Avenue

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Cedarhurst, New York

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February 22, 2024

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7:06 p.m.

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B E F O R E

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MEIR KRENGEL, Chairman

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MICHAEL BLEIBERG, Board Member

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JARED CLARK, Board Member

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SHIFRA EDELMAN, Board Member

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DAVID SHTEIERMAN, Board Member

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RACHEL WRUBEL, Village Attorney

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WAYNE YARNELL, Supt. Bldg. Dept.

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1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 CHAIRMAN KRENGEL: Go straight to the
3 next case.

4 The second case on the calendar tonight
5 has been assigned Case Number 7 of 2023 and is
6 the application of 570 Peninsula Boulevard,
7 the applicant of a parcel known as 566-570
8 Peninsula and designated as Section 39/Block
9 277/Lots 17-A, 126, 127, 131-B in an R1 zone.
10 The applicant proposes to construct a
11 one-story medical building with onsite
12 parking.

13 The applicant came before this Board on
14 March 23, 2023 to seek variances from
15 Cedarhurst Code Sections 265-33, permitted
16 use, and 265-40.A and B, front yards. At such
17 time the Board continued the hearing so the
18 applicant could present before the Town of
19 Hempstead where the majority of this project
20 sits. The site plan was modified due to the
21 comments of the neighbors at the Cedarhurst
22 variance. The Town of Hempstead granted the
23 applicant's requests on a hearing held on
24 November 29, 2023 with a decision date of
25 December 6, 2023.

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2 The village attorney will now read a
3 statement into the record.

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

12 Pursuant to New York State General
13 Municipal Law Section 809, on January 5, 2023,
14 a non-collusion affidavit has been duly
15 executed by the applicant, David E. Samai,
16 wherein he stated that there are no other
17 persons or entities involved in this
18 application that are employed by or connected
19 to the Village of Cedarhurst, its officers, or
20 employees, which would in any way constitute a
21 conflict under the law.

22 Pursuant to an agreement between the
23 Village of Cedarhurst and Nassau County
24 Planning Commission, the Nassau County
25 Planning Commission has been given notice of

1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 this application and recommended that the
3 village of Cedarhurst take action as it deems
4 appropriate.

5 Mr. Chairman, members of the Board.

6 CHAIRMAN KRENGEL: The applicant or its
7 representative, please step forward.

8 MR. BROWNE: Hello, good evening,
9 chairman, members. Christian Browne,
10 McLaughlin & Stern, 1122 Franklin Avenue,
11 Garden City for the applicant.

12 Mr. Chairman, as you noted in your brief
13 comments before, this case has already been
14 before this Board. It was presented back in
15 March. At that time there was some comments
16 made, some modifications were ultimately made
17 to the site plan, and now we are back. Then
18 we went to the Town of Hempstead because as
19 has been noted, the vast majority of this
20 property line lies within the jurisdiction of
21 the town. There is only about a 10-foot strip
22 that is within the jurisdiction of this
23 village that runs along the Peninsula
24 Boulevard frontage.

25 So after we presented, this Board asked

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2 us to take care of obtaining the necessary
3 variances from the town before the village
4 board, you know, would continue proceeding.
5 So we have done that. The town granted
6 unanimously -- Town of Hempstead Board of
7 Appeals granted unanimously all of the
8 requested variances back in December of 2023.
9 And we are now back before you hoping to
10 complete the process.

11 As again noted, there is only about a
12 10-foot strip of this site, which is within
13 the village's jurisdiction. It's entirely
14 along the Peninsula Boulevard frontage, and
15 what is proposed, there is 9 parking spaces
16 and a portion of the office building which
17 comes -- which runs along Branch Boulevard and
18 comes out to the corner at Peninsula
19 Boulevard. So there is a section of the
20 one-story office building that is within your
21 jurisdiction. The zoning that applies --

22 CHAIRMAN KRENGEL: The southeast corner,
23 correct?

24 MR. BROWNE: That's correct. The zoning
25 that applies here is residential zoning, which

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2 I guess is just, you know, sort of an accident
3 of the code that the residential zone which is
4 generally around this area encroaches to the
5 village border. But as you all know and has
6 been repeatedly discussed here, this has
7 always been a commercial site. It's been a
8 long-time dilapidated commercial business
9 site, and now we are proposing to put this
10 one-story medical office building on it.

11 After the comments from the neighbors,
12 the site plan was modified so that there
13 wouldn't be any ingress or egress out onto
14 Oakland Avenue I believe that is, and we do
15 have more than enough parking. We actually
16 slightly exceed the parking requirements so we
17 did not require a parking variance from the
18 town in terms of the number of spaces, and in
19 fact, the town actually thought we had too
20 many spots, but we told them the village had
21 expressed a preference for as much parking as
22 possible, so we stuck with the site plan as
23 presented to you. Otherwise, all the
24 variances at the town, in my opinion, were
25 also minor and technical and they were

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2 approved. And so if you see fit to approve
3 your portion to allow us to have this parking
4 in just this chunk of the building that's in
5 Cedarhurst, the project can proceed and the
6 site will be improved accordingly.

7 CHAIRMAN KRENGEL: Your variance for
8 permitted use which we said is residential
9 now, what is the -- there was a setback I
10 believe, right? The second variance was a
11 setback.

12 MR. BROWNE: I have to check. It's a
13 front yard setback because we come to the lot
14 line, and again this is -- the setbacks are
15 dictated by the residential zoning, so it's
16 intended for a house, but as you know, this
17 building, you know, it's situated in such a
18 way running along Branch Boulevard as to allow
19 maximum, you know, use of the lot for parking
20 and it's very modest. It's a one-story
21 building.

22 CHAIRMAN KRENGEL: Mr. Yarnell, the lot
23 line, the lot line rule for commercial -- is
24 there a setback?

25 MR. YARNELL: Yes. Yes. I will get

1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 that to you. I want to see what section on
3 that, but I will get that.

4 CHAIRMAN KRENGEL: Can you just describe
5 the ingress and egress?

6 MR. BROWNE: Sure. There would be a
7 curb cut on Peninsula. Located off the
8 corner. You could see it's sort of just
9 adjacent to the building. You come in and you
10 would have access to two-way traffic to go the
11 length of the lot. Parallel to Branch and you
12 would also be able to exit out onto Branch
13 Boulevard through what was formally Third
14 Street.

15 CHAIRMAN KRENGEL: Because the drawing
16 doesn't show --

17 MR. SHTEIERMAN: It's on the easement.

18 MR. BROWNE: I stand corrected.
19 Everything will come in through Third Street.

20 CHAIRMAN KRENGEL: Perfect. Thank you.

21 MR. YARNELL: Chairman, if this property
22 was in the general business zone, the front
23 yard setback would require a 5-foot setback.

24 CHAIRMAN KRENGEL: So it's a variance
25 for that? It's a variance for that?

1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 MR. YARNELL: It's an R1 zone, so if you
3 use the R1 intended like counselor said, it
4 would really be --

5 CHAIRMAN KRENGEL: But even if it's
6 commercial, they would have to seek a variance
7 also for the 5.

8 MR. BROWNE: Yes.

9 CHAIRMAN KRENGEL: Is that your case?

10 MR. BROWNE: So that's the case unless
11 you have further questions.

12 CHAIRMAN KRENGEL: Anybody in the Board
13 have any questions?

14 MR. SHTEIERMAN: What's your proposed
15 setback?

16 MR. BROWNE: It goes to the lot line on
17 out to the corner.

18 MR. SHTEIERMAN: Because it's not drawn
19 on the lot line.

20 MR. FLAUM: It's a skew. Good evening,
21 members of the Board. Shmuel Flaum, 194
22 Wanser Avenue, Inwood, New York 11096. The
23 property is not a perfect 90 degrees at the
24 corner but it's a skew, but the building is
25 straight so it tapers as it goes towards the

1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 corner.

3 MR. SHTEIERMAN: That's on Branch?

4 MR. FLAUM: Correct. It's at the
5 property line furthest away from Peninsula,
6 and then because the property line tapers
7 because it's not a straight road, its distance
8 is I would say a foot and a half, maybe a
9 little bit more, 2 feet from the property
10 line.

11 MR. SHTEIERMAN: Understood. I am
12 asking about the facade on Peninsula
13 Boulevard. Is that on the property line, or
14 is there a setback there?

15 MR. FLAUM: No. It says there 1-foot-6.
16 I have it on my T-101 sheet. Do you see it?

17 MR. SHTEIERMAN: No.

18 CHAIRMAN KRENGEL: It's not on the site
19 plan.

20 MR. SHTEIERMAN: It's not on our
21 drawings. So 1-foot-6.

22 CHAIRMAN KRENGEL: Anybody in the
23 audience would like to speak in favor or
24 against the application? Please state your
25 name and address.

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2 MR. SOKOLOW: Good evening, members of
3 the Board. My name is Mark Sokolow,
4 S-O-K-O-L-O-W. I live at 624 Oakland Avenue,
5 which is like right behind this lot. I am
6 also speaking this evening for Mrs. Kuritzky
7 who is also adjacent. She lives on Branch.
8 She is the first direct neighbor right off on
9 the other side of what's called Third Street
10 on this plan. She is in Florida.

11 So I understand the limited nature of
12 this hearing this evening, and I am not
13 objecting conceptually to this use of the
14 building. But a couple of issues that we had,
15 and I do appreciate and the neighbors
16 appreciate that we changed -- applicant
17 changed the egress and ingress off of Oakland
18 onto Branch, which was good.

19 The issues that we have are a couple.
20 One, the garbage is designated to be like
21 right at the edge or as close to
22 Mrs. Kuritzky's property as possible. She is
23 very concerned about that, the dumpsters being
24 right there next to her property. And I am
25 not sure exactly where to place them -- that's

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2 really on the applicant -- but maybe somewhere
3 on Peninsula or right behind the building
4 close to Peninsula would be more appropriate.
5 The other issue we have is that they put the
6 egress and ingress solely on Branch on what
7 was Third Street, which is right -- happens to
8 be opposite the HALB school which generates a
9 lot of traffic in the morning and in the
10 afternoon and you have all these cars coming
11 in and out over there. Both of these problems
12 could have been solved if the applicant might
13 have been a little bit more receptive to
14 another suggestion.

15 CHAIRMAN KRENGEL: Can I interrupt for a
16 second? That's not even on our radar. We are
17 not -- this is not -- that was approved by the
18 Town of Hempstead so we can't -- I mean, we
19 could listen, but that part of the property --
20 and Wayne, correct me if I am wrong -- is not
21 in our jurisdiction and we are not even
22 hearing that part of the case tonight.

23 MR. YARNELL: Correct.

24 CHAIRMAN KRENGEL: I hope you brought it
25 up with the Town of Hempstead.

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2 MR. SOKOLOW: We tried, yes. Counsel
3 mentioned it's always been a commercial
4 property on Peninsula, and again, I don't know
5 why this building has been situated the way it
6 is on Branch. What would be more logical and
7 consistent with the way the neighborhood has
8 been for over 40 years since we lived here is
9 that the building would have been placed on
10 Peninsula where all the current commercial
11 buildings are. That would be within your
12 jurisdiction and that then --

13 CHAIRMAN KRENGEL: But again, that's not
14 the case before us today. That's not the
15 application.

16 MR. SOKOLOW: Well, then I would ask
17 respectfully --

18 MR. SHTEIERMAN: Wayne, it's only 10
19 feet that are in our jurisdiction? So if they
20 are located on Peninsula, they would need a
21 much larger variance from Cedarhurst.

22 MR. SOKOLOW: But you have commercial
23 property.

24 CHAIRMAN KRENGEL: Unfortunately, this
25 is not the jurisdiction for that right now.

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2 MR. SOKOLOW: We have all these
3 properties that have been that way for 40
4 years. I am just saying that gratuitously.
5 It would solve the garbage issue, it would
6 solve the ingress/egress issue.

7 The only other thing I would mention
8 that we brought up before, I don't see it on
9 the plans. Maybe it's going to be there, to
10 establish an appropriate buffer of trees, tall
11 trees, bushes, or fencing.

12 CHAIRMAN KRENGEL: Where?

13 MR. SOKOLOW: Well, it would be number
14 one adjacent to Mrs. Kuritzky's property where
15 Third Street is where you have the ingress or
16 egress.

17 CHAIRMAN KRENGEL: Is she adjacent or
18 there is a street between her and the
19 property?

20 MR. SOKOLOW: It's a street that's been
21 abandoned.

22 CHAIRMAN KRENGEL: But it's not being
23 used.

24 MR. SOKOLOW: What we should like to see
25 is some buffer or bushes because you have all

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2 these cars going in and out.

3 CHAIRMAN KRENGEL: You have to be
4 careful. There is safety issues, so I am not
5 going to rule on that. Wayne, does this go
6 for Design?

7 MR. YARNELL: If I can say, I think
8 really the only -- when he is talking about in
9 reference to bushes I think under your
10 jurisdiction it really could only be in the
11 10-foot portion that you guys have
12 jurisdiction. Any planned plantings, fencing,
13 trees that fall on the Town of Hempstead's
14 jurisdiction would be their purview, not
15 Cedarhurst, so really the only place where
16 bushes in that 10-foot buffer area would be
17 would be at the corner of Oakland and
18 Peninsula, and it's probably in the site line
19 triangle.

20 CHAIRMAN KRENGEL: Is the whole front
21 strip ours?

22 MR. YARNELL: Yes.

23 CHAIRMAN KRENGEL: From Branch to
24 Oakland?

25 MR. YARNELL: Yes.

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2 CHAIRMAN KRENGEL: Okay, gotcha.

3 MR. SOKOLOW: I am talking about trees,
4 wherever you have the parking, and you have
5 the parking which is right in my backyard
6 essentially.

7 CHAIRMAN KRENGEL: But again, you are
8 not in the village of Cedarhurst. We can't
9 dictate what goes on in the Town of Hempstead.
10 I can't.

11 MR. SOKOLOW: Okay. Well, then I think
12 that's --

13 CHAIRMAN KRENGEL: Off the record.

14 (Discussion off the record.)

15 MR. SOKOLOW: Well, thank you very much.

16 MR. BROWNE: This did come up at the
17 town. Third Street, it was formerly a street.
18 It's now been -- it's basically a driveway.
19 There is a neighbor who lives on the other
20 side of it.

21 CHAIRMAN KRENGEL: The north side?

22 MR. BROWNE: The north side on Branch.
23 The doctor as part of his plan is going to put
24 new fencing, clean up that area, there will be
25 some plantings there to make the office look

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2 nice. The dumpster -- just for your
3 knowledge, the Town of Hempstead insists that
4 these businesses show, quote, unquote,
5 dumpsters. None of them ever has it. It's
6 the Town insists you show something. This
7 isn't a restaurant. Obviously they are not
8 going to be putting out smelly waste or
9 anything like that so there won't be any
10 garbage near the neighbor.

11 CHAIRMAN KRENGEL: Where is the entrance
12 to the building?

13 MR. FLAUM: It's on the south side on
14 Peninsula.

15 MR. SHTEIERMAN: From the parking lot.

16 CHAIRMAN KRENGEL: On the corner of --

17 MR. FLAUM: There is a private entrance
18 for personnel on the north side but the main
19 entrance --

20 CHAIRMAN KRENGEL: -- is on Peninsula.

21 MR. BROWNE: Okay. Thank you.

22 CHAIRMAN KRENGEL: Anybody else have
23 anything? We will take a three-minute break.

24 (Recess taken.)

25 CHAIRMAN KRENGEL: We had a private

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2 session in order to discuss an issue with
3 counsel. Before we take a vote, I would like
4 to know if there is any members of the Board
5 that have any comments or any proposals, any
6 modifications?

7 MR. SHTEIERMAN: I just want to clarify
8 the existing building is set back 14.7 feet.
9 Right? You are proposing -- Mr. Flaum?

10 MR. BROWNE: The answer is yes.

11 MR. FLAUM: Yes.

12 MR. SHTEIERMAN: Okay. I propose that
13 we provide the minimum required setback as
14 would be required in a commercial zone of 5
15 feet even though this is an R1 which requires
16 a 25-foot setback. We are not asking for
17 them, but I propose in the spirit of the
18 character of the neighborhood 5-foot front
19 yard just along Peninsula, which means you
20 have to set back the building another 3 and a
21 half feet. It's not really a question. It's
22 just what I propose to the Board.

23 MR. FLAUM: I think it's doable.

24 MR. BROWNE: But that does not affect
25 the parking spots?

1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 CHAIRMAN KRENGEL: Correct. Just the
3 building itself.

4 So the motion in front of us right now
5 is to approve the variance as -- approve the
6 variance with a modification requiring the
7 building be set back on the Peninsula
8 Boulevard side 5 feet from the property line.
9 Take a vote to approve the variance as
10 modified.

11 MR. BLEIBERG: Approved as modified.

12 MR. SHTEIERMAN: Approved as modified.

13 MR. CLARK: Approved as modified.

14 MS. EDELMAN: Approved as modified.

15 CHAIRMAN KRENGEL: Approved as modified.

16 (Time noted: 7:32 p.m.)
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1 Proceedings - 570 Peninsula Boulevard Associates LLC

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 : ss.

5 COUNTY OF QUEENS)

6

7 I, YAFFA KAPLAN, a Notary Public
8 within and for the State of New York, do
9 hereby certify that the foregoing record of
10 proceedings is a full and correct
11 transcript of the stenographic notes taken
12 by me therein.

13 IN WITNESS WHEREOF, I have hereunto
14 set my hand this 4th day of March, 2024.

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YAFFA KAPLAN

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