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Proceedings - Shulamith School for Girls

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APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
SHULAMITH SCHOOL FOR GIRLS  
305 CEDARHURST AVENUE  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

May 30, 2024  
7:10 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 - Shulamith School for Girls

2 CHAIRMAN KRENGEL: The next case, the  
3 third case on the calendar tonight has been  
4 assigned Case Number 006 of 2024 and is the  
5 application of Shulamith School for Girls, the  
6 applicant of a parcel known as 305 Cedarhurst  
7 Avenue, designated as Section 39/Block  
8 311/Lots 10 and 14 in an R1 Zone. The  
9 applicant proposes to have a summer day camp.  
10 This use has come before the Board for several  
11 years in the past. The applicant seeks  
12 variances from Cedarhurst Code Section 265-33,  
13 permitted uses. The village attorney will now  
14 read a statement into the record.

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

23 Pursuant to New York State General  
24 Municipal Law Section 809, on May 2, 2024, a  
25 non-collusion affidavit has been duly executed

1           Proceedings - Shulamith School for Girls  
2           on behalf of the applicant, by Moshe Monczyk,  
3           wherein he stated that there are no other  
4           persons or entities involved in this  
5           application that are employed by or connected  
6           to the Village of Cedarhurst, its officers, or  
7           employees, which would in any way constitute a  
8           conflict under the law.

9           Pursuant to an agreement between the  
10          Village of Cedarhurst and Nassau County  
11          Planning Commission, the Nassau County  
12          Planning Commission has been given notice of  
13          this application and has deferred  
14          determination of this application to the  
15          Village of Cedarhurst to take action as the  
16          Village of Cedarhurst deems appropriate.

17          Mr. Chairman, members of the Board.

18          CHAIRMAN KRENGEL: Before we start this  
19          case, go on the record that this -- as we said  
20          before this, the camp in the school, the  
21          school has come to us previous years, and we  
22          have approved this a number of times already  
23          with conditions. Has anything changed?

24          MR. BROWNE: Good evening, Chairman,  
25          members. Christian Browne, McLaughlin &

1           Proceedings - Shulamith School for Girls  
2           Stern, 1122 Franklin Avenue, Garden City.

3           No, nothing material has changed.  
4           Representatives from the school, from the  
5           camp, it's the same camp that you have  
6           approved in the past. We will accept all the  
7           same conditions and operate exactly as the  
8           camp has from the first time it was approved  
9           by this Board a number of years ago.

10           CHAIRMAN KRENGEL: We understand there  
11           is new ownership.

12           MR. BROWNE: The school is now, yes,  
13           owned privately.

14           CHAIRMAN KRENGEL: The camp.

15           MR. BROWNE: Well, the school district  
16           is no longer involved. The school district is  
17           no longer involved. The camp has a new  
18           representative, but it's the same camp, the  
19           same operation.

20           CHAIRMAN KRENGEL: The camp is under the  
21           same ownership as previously?

22           MR. BROWNE: Oh, different ownership but  
23           -- forgive me but it's the same operation.

24           CHAIRMAN KRENGEL: Is the new ownership  
25           aware of all the prior conditions?

1 Proceedings - Shulamith School for Girls

2 MR. BROWNE: The new ownership is  
3 nodding. She is aware of the prior conditions  
4 and we can furnish a copy of the decision from  
5 previous years to her, but I spoke with the  
6 ownership and the school this afternoon and I  
7 have authority to consent to those same  
8 conditions.

9 CHAIRMAN KRENGEL: I would like to  
10 present into evidence I guess the prior -- one  
11 of the prior decisions that we will make as  
12 part of the record.

13 MR. BROWNE: No objection.

14 CHAIRMAN KRENGEL: I will make a motion  
15 to approve this as in the past with the same  
16 condition as prior.

17 MR. SHTEIERMAN: Approved.

18 MR. CLARK: Approved.

19 MR. BLEIBERG: Approved.

20 CHAIRMAN KRENGEL: Approved as  
21 previously approved. We will take a  
22 five-minute break and come back with the next  
23 case.

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

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Proceedings - Shulamith School for Girls

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 18th day of June, 2024.

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YAFFA KAPLAN

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Proceedings - RS & NS LLC

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APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
RS & NS LLC  
424 ROCKAWAY TURNPIKE  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

May 30, 2024  
7:20 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 - RS & NS LLC

2 CHAIRMAN KRENGEL: Good evening,  
3 everybody. The fourth case on the calendar  
4 tonight has been assigned Case Number 007 of  
5 2024 and is the application of RS & NS LLC and  
6 is the applicant of a parcel known as 424  
7 Rockaway Turnpike and designated as Section  
8 39/Block 337/Lots 1 to 3 in an RB, retail  
9 business zone. The applicant proposes a cigar  
10 lounge. The applicant seeks variances from  
11 Cedarhurst Code Section 265-100D(3), permitted  
12 uses. The village attorney will now read a  
13 statement into the record.

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

22 Pursuant to New York State General  
23 Municipal Law Section 809, on March 28, 2024,  
24 a non-collusion affidavit has been duly  
25 executed, on behalf of the applicant, by Noor



1 Proceedings - RS & NS LLC

2 Mangani, wherein he stated that there are no  
3 other persons or entities involved in this  
4 application that are employed by or connected  
5 to the Village of Cedarhurst, its officers, or  
6 employees, which would in any way constitute a  
7 conflict under the law.

8 Pursuant to Section 239 L & M of the  
9 General Municipal Law, the Nassau County  
10 Planning Commission has been given notice of  
11 this application and has deferred  
12 determination of this application to the  
13 Village of Cedarhurst to take such action as  
14 the Village of Cedarhurst deems appropriate.

15 CHAIRMAN KRENGEL: Will the owner's  
16 representative please step forward?

17 MR. MINERVA: Thank you, Dominick  
18 Minerva, Minerva & D'Agostino, 107 South  
19 Central Avenue, Valley Stream, New York,  
20 attorney for the applicant. The application  
21 before you today is for a variance to permit a  
22 cigar lounge at the premises known as 424  
23 Rockaway Turnpike in Cedarhurst. Subject  
24 premise is also known as Section 39/Block  
25 337/Tax Lots 1, 2, 3 on the Nassau County land

1 Proceedings - RS & NS LLC

2 tax map. It's located on the northeast corner  
3 of Rockaway Turnpike and Argyle Road.

4 The relief requested is for variance  
5 from Section 265-100D3 which code provision  
6 was adopted in August 2021 to maintain a cigar  
7 lounge to be utilized in connection with the  
8 retail cigar and cigar product sales at the  
9 subject premises. The cigar store is  
10 located --

11 CHAIRMAN KRENGEL: Can you repeat the  
12 last sentence? "To maintain"?

13 MR. MINERVA: To maintain a cigar lounge  
14 to be utilized in connection with the retail  
15 cigar and cigar product sales at the subject  
16 premises. The cigar store is located in front  
17 of the building and includes approximately  
18 2,355 square feet of floor area and the  
19 existing office space is located to the rear  
20 which contains approximately 2,110 square feet  
21 within the 4,465 square foot existing  
22 building.

23 The site contains 7 off-street parking  
24 spaces. The lounge area will allow customers  
25 to sit, relax, and enjoy the cigar they just

## Proceedings - RS &amp; NS LLC

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2 purchased. It is limited to cigar smoking  
3 only. State regulations prohibit the service  
4 of food or alcohol in the premises. The only  
5 other offering is bottled or canned  
6 nonalcoholic beverages such as water or soda.  
7 Cigar manufacturers also limit the sales of  
8 cigar lounges to cigars only in order to sell  
9 them the premium products that would not be  
10 carried at other stores.

11 As you will hear momentarily from the  
12 applicant's real estate expert, the applicant  
13 meets the criteria of the law for the granting  
14 of the requested relief, and he will  
15 demonstrate that the applicant cannot earn a  
16 reasonable return without the lounge. The  
17 hardship is not self-created, the property is  
18 unique, and the use will not be detrimental to  
19 the area. Additionally, although no parking  
20 variance is required, in response to  
21 information received that the neighbors were  
22 concerned about whether or not the lounge  
23 would have an impact on parking and traffic,  
24 the applicant engaged a traffic engineer to  
25 testify as well.

1 Proceedings - RS & NS LLC

2 Before I call up my first expert, I am  
3 just going to submit a petition of consent to  
4 the granting of the application, a marked up  
5 radius map with the location. There is 124  
6 signatures. The majority of them are for  
7 Cedarhurst. I did see a few in there that  
8 were outside of Cedarhurst but the vast  
9 majority are Cedarhurst. Marked up radius  
10 map, four people on the radius map that  
11 consented, but I know one of those was another  
12 property owned by my client and two letters of  
13 support that were received by my client to  
14 submit for the record. Collectively we will  
15 submit as Applicant Exhibit A.

16 (Applicant Exhibit A, Documents, marked  
17 for identification, as of this date.)

18 MR. MINERVA: And at this time I will  
19 call up Mr. Barry Nelson, my real estate  
20 appraiser.

21 CHAIRMAN KRENGEL: Just wait one second.  
22 On the record we have been provided with a  
23 number of signatures in favor of this  
24 application. We don't have the exact amount.  
25 Also been given two letters in addition to the

1 Proceedings - RS & NS LLC

2 signatures. In addition to that, the village  
3 has received an e-mail from a village resident  
4 also in support of this. Again, we don't  
5 exactly how many or what, but there is  
6 numerous letters and names in support of this.  
7 Will you mark it all?

8 MR. MINERVA: For the Board's  
9 information, I did count it. It was 124  
10 signatures.

11 CHAIRMAN KRENGEL: We can take the  
12 attorney's testimony as fact.

13 These were not all reviewed yet. We  
14 will take it as to be reviewed.

15 MR. MINERVA: Understood. Thank you.  
16 At this time I am going to call Mr. Barry  
17 Nelson, applicant's real estate expert. Mr.  
18 Nelson, could you please state your name and  
19 address on the record?

20 MR. NELSON: It's Barry Nelson, 220  
21 Pettit Avenue, Bellmore, New York 11710.

22 MR. MINERVA: Mr. Chairman, having  
23 previously qualified Mr. Nelson as an expert  
24 with regard to real estate valuation and its  
25 land use, I would ask if the Board would be

1 Proceedings - RS & NS LLC

2 willing to continue that qualification.

3 CHAIRMAN KRENGEL: Yes.

4 MR. MINERVA: Good.

5 MR. NELSON: Thank you.

6 Good evening, Mr. Chairman, members of  
7 the Board, counselor. I would like to hand in  
8 some exhibits before I testify. I have  
9 photographs of the subject property, an  
10 original and two copies. Aerial views I did  
11 pull up from Google Earth, the existing  
12 conditions prior to the applicant's ownership  
13 of the property.

14 (Applicant Exhibit B, Real Estate  
15 Report, marked for identification, as of this  
16 date.)

17 CHAIRMAN KRENGEL: Mr. Nelson, continue.

18 MR. NELSON: Thank you. The photographs  
19 will depict the subject property in its  
20 current configuration setup. The surrounding  
21 uses, the residences on Argyle and the uses  
22 and pattern of development along Rockaway  
23 Turnpike in this vicinity. The property is  
24 existing. It was constructed back in 1955.  
25 It is two parcels -- I mean two units. There

## Proceedings - RS &amp; NS LLC

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2 is no proposal for the expansion of the  
3 building as far as the footprint. There is a  
4 canopy in the front by the entrance to the  
5 door. The interior has been renovated. I  
6 have provided photographs of the interior as  
7 well as the exterior. I have provided all the  
8 photographs off of Google Earth which will  
9 depict the prior conditions for the subject  
10 property.

11 Interestingly, everything on the  
12 westerly side of Rockaway Turnpike at this  
13 location, this vicinity from north of  
14 Peninsula Boulevard right down to the south is  
15 all within the Town of Hempstead to  
16 approximately I believe just past Central  
17 Avenue. Then you have the village of  
18 Lawrence. The zoning on the westerly side is  
19 all Town of Hempstead business zoned. There  
20 is some light manufacturing and further into  
21 it industrial zoning. The shopping center  
22 mall across the street, you have fast food,  
23 drive-thru restaurants, and convenience  
24 stores, all on Rockaway Turnpike. The  
25 easterly side from just the north portion of

1 Proceedings - RS & NS LLC

2 the property where the 7-Eleven is continuing  
3 south is the village of Cedarhurst.

4 I looked at the zoning map and from  
5 Peninsula -- from the north side of Peninsula  
6 Boulevard, that location continuing south past  
7 the railroad, good part of that is the retail  
8 business district. Interestingly, this is not  
9 the downtown business district Central Avenue.  
10 This is on Rockaway Turnpike. Probably one of  
11 the most onerous roadways in all of Nassau  
12 County and I have travelled Old Country Road,  
13 Hempstead Turnpike, et cetera. This is a busy  
14 road.

15 Interestingly, if we look at the pattern  
16 of development and the uses developed in the  
17 village section of Rockaway Turnpike from  
18 Peninsula Boulevard southerly, you have  
19 service stations or I should say gasoline  
20 stations with a convenience mart. You have  
21 some restaurants. Most of these have been  
22 before the Board or are nonconforming.

23 Continuing in the subject block, you  
24 have the subject parcel, a vacancy building to  
25 the north -- I am not sure what's proposed at



## Proceedings - RS &amp; NS LLC

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2 that location -- automotive repair -- I mean,  
3 automotive parts for repairs. There are no  
4 repairs done on that site other than somebody  
5 working on the outside in the parking lot  
6 filling their car with oil. As we continue  
7 south, in the village section you have the  
8 Shell gasoline station, and that's got more  
9 than one use. It sells gasoline, it sells --  
10 it's got a convenience mart, it's got a car  
11 wash, and who else knows what's on that  
12 property.

13 As you are continuing south, you have  
14 retail stores, a Starbucks, a medical use --  
15 dental or medical quick in and out. Then you  
16 have -- further south you have three  
17 additional service stations. I believe they  
18 have all been before this Board or the  
19 trustees for their uses, which would include a  
20 convenience mart, gasoline, and other  
21 accessory uses to the primary use of selling  
22 gasoline. Unique location, Rockaway Turnpike,  
23 unique parcel, and I believe you have a  
24 reasonable use for the site as far as offices  
25 on the back side of it away from the

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Proceedings - RS & NS LLC

residential and the front side, the retail sales of cigars and a lounge area.

Half the building is the office use in the rear. The use -- the cigar lounge has humidors, is retail sales, and a portion of that is the lounge area. Less than 50 percent of that use in that portion of the building. It is the cleanest, nicest building along Rockaway Turnpike at this location in this vicinity. Again, retail in the Town of Hempstead, professional uses that would only include retail sales, convenience stores, restaurants, and the like. There is a bank as well across the street. There is a traffic light right at the intersection.

Nevertheless, what the applicant is seeking is to maintain the lounge area, the outstanding lounge area use within the building itself. The applicant has gone through substantial renovations to the exterior as well as -- I don't know if the Board has visited the interior, but the interior is substantial. Upgraded, modern and substantially quality AC units, air

## Proceedings - RS &amp; NS LLC

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2 purification, and so on. This use -- this  
3 location doesn't have any outside rubbish or  
4 storage. One block north of the northeast  
5 corner of Westminster and Rockaway Turnpike  
6 you have some restaurants and they have to  
7 have their refuse, the storages on the  
8 southerly side near the sidewalk while it's  
9 enclosed by fencing, but this site doesn't --  
10 it consumes or provides for a limited outdoor  
11 rubbish use or needs.

12 So with that said, I provided an  
13 economic analysis for the Board. I provided a  
14 summary report summarizing some of the points  
15 that I just made. The applicant purchased the  
16 property -- I believe it was 2020 -- he  
17 purchased it in 2020 for a reported price of  
18 \$866,000 plus closing costs and so on. He  
19 took out a construction loan, and he has done  
20 substantial improvements to the property.  
21 Improvements that include AC, interior,  
22 exterior, excluding the lounge area in excess  
23 of \$1,600,000. I have that on my report. The  
24 lounge area has substantial investments as  
25 well. Over 1 million and a half dollars on

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that portion.

I provided on a written document for you to review at your leisure, but nevertheless, the applicant has a building loan out for renovations and so on. The analysis goes through the return on investment as far as strictly for the real estate. Right now, both tenants, that includes the Tobacco Road and the back portion, which is professional offices by a contractor, and that contractor does his work of bookkeeping, accounting, meeting of clients, et cetera, at that location, but most of their work is done outside, off premises in that they are a construction company. It's an upgraded, well-maintained building in the rear as well. My photographs will depict same.

Continuing, I ran the income and expenses basing just for the building itself as a real estate owner/investor. You will see that the applicant -- not the applicant but the landlord, the property owner, which is I believe part of the applicant as well, receives rent at approximately \$50 a square

## Proceedings - RS &amp; NS LLC

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2 foot. That with insurance, flood insurance,  
3 common area maintenance, and some bare minimum  
4 expenses with real estate taxes is \$31,425,  
5 which includes the village taxes, provides  
6 gross income \$220,000, expenses at 54 plus --  
7 \$54,225 plus a small vacancy effective net  
8 gross income of \$206,600. Less expenses, less  
9 the loan which is inclusive \$102,000, you have  
10 a net operating income of approximately  
11 \$50,575.

12 CHAIRMAN KRENGEL: Just for Mr. Nelson,  
13 just to my knowledge, your NOI is figured  
14 before debt service, not after debt service.

15 MR. NELSON: I didn't --

16 CHAIRMAN KRENGEL: Generally NOI is  
17 figured before debt service, your cash before  
18 debt service.

19 MR. NELSON: Well, this is not a  
20 mortgage. This is a loan that has to be paid.  
21 Either way so we can bring it afterwards.

22 CHAIRMAN KRENGEL: Your return should be  
23 okay, but I am not sure this is the correct  
24 way of evaluating the NOI or your return on  
25 investment.

1 Proceedings - RS & NS LLC

2 MR. NELSON: Right and we can continue  
3 that and he has probably got -- I have it down  
4 at \$1,929,000 invested into the property.

5 CHAIRMAN KRENGEL: That's with the  
6 mortgage. You have to figure what the cash  
7 investment.

8 MR. NELSON: That's cash investment,  
9 correct. So if he took out a mortgage on the  
10 property --

11 CHAIRMAN KRENGEL: That's with the  
12 mortgage.

13 MR. NELSON: I don't have that. We can  
14 continue further, but we have to satisfy a  
15 mortgage which there is no mortgage on the  
16 property right now other than the construction  
17 loan which I took out.

18 CHAIRMAN KRENGEL: Okay.

19 MR. NELSON: He still has invested in it  
20 almost \$2 million without considering the --

21 CHAIRMAN KRENGEL: Without the building  
22 loan.

23 MR. NELSON: So it's marginal. Where  
24 you put it before or after -- you are correct  
25 where you put it before or after. After would

1 Proceedings - RS & NS LLC

2 be showing a greater or less of a return.  
3 With that said, that money could be put in  
4 many other areas, other sources than real  
5 estate and still get 5 to 6 percent minimal on  
6 a conservative return today. That analysis  
7 continued -- will you please stop that?

8 MR. GOLDFEDER: A reminder, we didn't  
9 say it before. Make sure your cellphones are  
10 off, and nobody should be speaking in the  
11 audience unless they are at the podium.  
12 Everybody has the opportunity to be heard.  
13 Let's finish his testimony.

14 MR. NELSON: The property owner, which  
15 is partially the applicant tonight, relies on  
16 the rental income from the front section. I  
17 did an analysis, and you could review that as  
18 well for the business section of the business.  
19 Without the lounge and the lounge area, and we  
20 got on the westerly side of Rockaway Turnpike,  
21 at least three similar uses that sells  
22 strictly cigars and cigarettes. On the  
23 easterly side you have four service stations  
24 or four gasoline stations, all convenience  
25 marts selling the same thing. Interestingly,

## Proceedings - RS &amp; NS LLC

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2 there is no property in this vicinity that has  
3 a single use on the property in the village  
4 side. Most of those properties have been  
5 before this Board as well.

6 So the applicant needs the lounge area  
7 in that's where he makes his substantial  
8 monies with the occupants that come or the  
9 clientele that come buy the higher end cigars.  
10 You can buy cigars at 7-Eleven or any  
11 convenience stores in this vicinity or in this  
12 village or town. Nevertheless, I ran through  
13 that page, page 5 of 6, identifying the income  
14 and expenses for the business itself. So you  
15 will see with just cigar sales, with just the  
16 current sale of cigars, it's a loss based on  
17 the investment that he has put into this  
18 property.

19 As far as the permitted uses within the  
20 village, and under your Section 265-100,  
21 permitted uses, and you have business and  
22 professional uses, offices, you have  
23 municipal, educational, et cetera, you have  
24 retail flower shops, greenhouses, shoe  
25 repairs, et cetera. Most of these uses will



## Proceedings - RS &amp; NS LLC

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2 not work at this location. Why? Because of  
3 its location, the pattern of development along  
4 Rockaway Turnpike, the in and out. Most of  
5 the uses along this vicinity in the village  
6 has changed over the years.

7 What I -- and the Board should be very  
8 familiar with this, service stations, repair  
9 shops now have gasoline convenience marts.  
10 There has been one retail which has  
11 substantially more parking on the site where  
12 the Starbucks is and the medical use.  
13 Otherwise what else can you put at this  
14 location that would survive? And in my  
15 opinion, it's almost nil. Another convenience  
16 shop.

17 CHAIRMAN KRENGEL: Is that your case?

18 MR. NELSON: Yes, sir.

19 MR. GOLDFEDER: I just want to get  
20 clarification for the record. So you  
21 indicated maintenance of the lounge, and I  
22 don't think counsel put that on the record. I  
23 think counsel was requesting to use it. So  
24 just for clarification, this property has been  
25 used as a lounge contrary to the village code?

1 Proceedings - RS & NS LLC

2 MR. MINERVA: That's correct. So the  
3 lounge is existing. It's not in operation  
4 today, but it was used as a lounge.

5 MR. GOLDFEDER: This is contrary to the  
6 fact that the owner knew that it was against  
7 the village code to do that?

8 MR. MINERVA: That's correct. I would  
9 just say that whether it's an application for  
10 a proposal or an application --

11 MR. GOLDFEDER: I am not disagreeing.  
12 So your client received two summonses for him  
13 to -- for his -- for the activity that was  
14 contrary to the code?

15 MR. MINERVA: Yes, he did.

16 MR. GOLDFEDER: Correct. So after the  
17 two summonses, your client closed the lounge.  
18 What actions will be taken if this is denied  
19 this evening?

20 MR. MINERVA: If it's denied this  
21 evening, he cannot reopen the lounge.

22 MR. GOLDFEDER: As long as we are clear  
23 on that.

24 CHAIRMAN KRENGEL: Let me just -- just  
25 for transparency's sake, I think what the

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1  
2 village attorney is referring to -- I have it  
3 in front of me -- on May 2nd there was a  
4 meeting at Village Hall. I believe a public  
5 meeting with the trustees where in the minutes  
6 of that meeting -- and I will read it --  
7 "Architect John Capobianco gave an overview of  
8 the Martin Lighting property on Rockaway  
9 Turnpike. Mayor Weinstock explained that the  
10 village will prohibit a cigar bar. The mayor  
11 explains it must go to the Zoning Board for a  
12 variance. Mr. Capobianco says this is an  
13 all-retail venture for only selling retail  
14 cigars. Jimmy, the owner who lives near  
15 Chimmichurri Restaurant in Cedarhurst, said he  
16 will not be selling lotto or drug-related  
17 products. There is no seating or lounge  
18 proposed at this time. Mayor Weinstock asked  
19 Mr. Capobianco to submit a revised floor  
20 plan." There is a typo here. "A lengthy  
21 discussion was held, and he was told the next  
22 week to submit retail plan to the Building  
23 Department".

24 We also were given the plan that was  
25 given to the Building Department. We will

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1  
2 also submit this. I believe these were the  
3 building plans that were submitted and that  
4 were built and that were signed off on by the  
5 Building Department. So we will put that in  
6 as Village Exhibit 1 I guess.

7 (Village Exhibit 1, Building plans,  
8 marked for identification, as of this date.)

9 MR. MINERVA: Understood. So my point  
10 was whether it's proposed or maintained.

11 CHAIRMAN KRENGEL: Just for  
12 transparency, we just need to know why we are  
13 here tonight and this was done.

14 MR. MINERVA: The only other thing I  
15 would like to add to that, once he got the  
16 ticket, he did act very fast in terms of  
17 attempting to legalize the lounge. He filed  
18 an application I think two weeks after he got  
19 the ticket, had the plans done, submitted, got  
20 the denial letter shortly after, contacted me,  
21 shortly after that, late February, March got  
22 hired, ordered the radius maps, put everything  
23 together. So all I am saying, he did act  
24 quickly in terms of trying to get legalized  
25 once the issue arose.

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1  
2 MR. GOLDFEDER: I have a couple of  
3 follow-up questions for our financial experts.  
4 So you gave -- you know, you talked about the  
5 investment that was put in. The investment  
6 that was put in, I don't know the mindset of  
7 the business owner, whether it was his  
8 investment. It was -- you know, clearly he  
9 was notified that there was no lounge, so I  
10 don't know the basis of the investment or his  
11 prebuilt calculations but you gave -- you  
12 know, you talked about the return, that the  
13 return needed -- requires a lounge.

14 You talked in generalities about  
15 permitted uses. Let's be realistic. There  
16 are about a dozen permitted uses. There are  
17 only three prohibited uses. Now, this Board  
18 doesn't make the determination of what's  
19 permitted or prohibited and if you want  
20 something permitted, that's something to talk  
21 to the trustees about. But you talked in  
22 generalities. Now let's be honest. There is  
23 a street full of businesses there. It's your  
24 testimony that they are all running at a loss  
25 and they are all failing?

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2 MR. NELSON: They are at a -- right now  
3 the applicant is paying --

4 MR. GOLDFEDER: I am not asking about  
5 the applicant.

6 MR. NELSON: Prior the square foot for  
7 leasing is at \$50 a square foot, \$49 and  
8 change. A normal retail use in that location  
9 is not going to pay the property owner nearly  
10 that much.

11 CHAIRMAN KRENGEL: It's a made-up number  
12 theory.

13 MR. NELSON: What's that?

14 CHAIRMAN KRENGEL: You have to agree  
15 it's a made-up number. It's a related entity  
16 so you can't use that as your bar. You have  
17 to use market. So that may work for your  
18 favor or if that's not the market, you can't  
19 use that in your analysis. He is paying  
20 himself \$100,000, and the market is \$200,000.  
21 You have to use market in your analysis.

22 MR. NELSON: Correct. What I am  
23 demonstrating at this Board, the greater rent  
24 he is paying himself as well as getting it  
25 from the rear tenant, he survives at that

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1  
2 location. Based on his investment into the  
3 property, purchase price, renovations,  
4 upgrades -- I don't think this Board can argue  
5 the fact that he has put substantial money  
6 excluding the lounge area into this property  
7 besides cost for AC, et cetera. That said, if  
8 we went to lease this property on his  
9 investment of a million 9 --

10 CHAIRMAN KRENGEL: Now after putting the  
11 money in for the lounge?

12 MR. NELSON: Correct.

13 MR. GOLDFEDER: Correct but again, let's  
14 explore the permitted uses. What steps have  
15 been taken to explore other permitted uses?  
16 Has notice of potential leasing of the  
17 property been put out?

18 MR. NELSON: So I don't know. I don't  
19 know if he put it out on the market, but let's  
20 talk about possible alternative uses. This  
21 Board is very astute. You are very astute.

22 MR. GOLDFEDER: I am not.

23 MR. NELSON: Maybe one or two uses would  
24 come at that location.

25 CHAIRMAN KRENGEL: Again, are you

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2 talking about after investing the money of the  
3 lounge that maybe yes or no should not have  
4 been put in in the first place.

5 MR. NELSON: That's a good point.

6 CHAIRMAN KRENGEL: When you have a shell  
7 of a building, it's different for 1 million 9  
8 putting in for a lounge that maybe shouldn't  
9 have been done.

10 MR. NELSON: I provided you the  
11 photographs. Let's see what comes next door  
12 too. So the devil you know is better than the  
13 one -- and I would treat this one almost with  
14 a special exception type of approval because  
15 most of your uses on that side of Rockaway  
16 Turnpike within the village has been before  
17 the mayor's trustees or your Board to seek  
18 relief and none of them have a single use.

19 MR. GOLDFEDER: But you turn to the  
20 single use versus multiuse as if that's  
21 significant. All the uses they are using it  
22 for are permitted. None of them are  
23 prohibited.

24 MR. NELSON: Correct -- well, that's not  
25 true.



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2 MR. GOLDFEDER: Using it for more than  
3 one use or not is not relevant.

4 MR. NELSON: Is a convenience store  
5 permitted?

6 MR. GOLDFEDER: A retail store location?

7 MR. NELSON: I'm sorry. Retail store  
8 convenience store is a prohibited use.

9 CHAIRMAN KRENGEL: It's an accessory.

10 MR. NELSON: You have two -- 1, 2, 3, at  
11 least four service stations with C stores in  
12 them.

13 CHAIRMAN KRENGEL: Understood.  
14 Understood. We understand your testimony. We  
15 accept your testimony. Move on with the case.

16 MR. MINERVA: Okay. At this time I will  
17 call up Sean Mulryan, the applicant's traffic  
18 and parking engineer. Please state your name  
19 and address on the record.

20 MR. MULRYAN: Good evening. Sean  
21 Mulryan, Mulryan Engineering, 1225 Franklin  
22 Avenue, Garden City, New York.

23 MR. MINERVA: Mr. Mulryan, have you  
24 previously been qualified as an expert witness  
25 by this Board for issues of parking traffic?

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2 MR. MULRYAN: Yes, I have.

3 MR. MINERVA: Mr. Chairman, will you  
4 continue his qualification?

5 CHAIRMAN KRENGEL: Yes.

6 MR. MINERVA: Thank you very much. I  
7 would like to submit at this time six copies  
8 of a traffic engineering report prepared by  
9 our office. Concerning the proposed  
10 application.

11 CHAIRMAN KRENGEL: We will take this as  
12 Application Number C.

13 (Applicant Exhibit C, Traffic report,  
14 marked for identification, as of this date.)

15 CHAIRMAN KRENGEL: If you could refer to  
16 the -- focus on the parking, we know where  
17 Rockaway Turnpike is. Traffic on the side  
18 streets.

19 MR. MULRYAN: I will give a brief  
20 overview what's in the report. Obviously it's  
21 a voluminous report that I don't expect the  
22 Board to look at and go through in detail  
23 tonight. I just want to point out that  
24 Rockaway Turnpike, as you know, and point out,  
25 the retail business zoning district goes from

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1 Peninsula Boulevard down to West Broadway  
2 along the east side of Rockaway Turnpike. It  
3 includes six intersections, five of which are  
4 signalized. Argyle itself is sill signalized.  
5 There is a traffic signal located at the  
6 corner of the subject property. Across the  
7 street is a large retail shopping center. We  
8 did do traffic turning movement counts at  
9 those intersections as you indicate. We all  
10 acknowledge that is a very busy roadway.  
11

12 We do have in the report on pages 4 and  
13 5 the westbound traffic volumes also on  
14 Westminster, Argyle, and Rugby Road, which are  
15 one block to the north, one block to the  
16 south, and the block of the subject site. So  
17 those are showing the number of vehicles  
18 exiting onto Rockaway Turnpike on those  
19 roadways. Again, of those three  
20 intersections, Westminster is the only one  
21 that is not signalized.

22 There is also two restaurants on that  
23 intersection on the north end side within the  
24 village across the street in the Town of  
25 Hempstead. There is also McDonald's and

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1  
2 Chipotle at that same intersection. So the  
3 reason I mentioned the restaurant is that they  
4 are permitted use as we are referring to  
5 before, which, in our opinion, would generate  
6 more traffic than the proposed lounge which  
7 will be within a retail store. So again, that  
8 information is contained within the report.

9 We also looked at the parking around the  
10 subject site and within the surrounding  
11 roadway network. Again, we focused on the  
12 block to the north, block to the south, and  
13 Argyle. We also looked at the parking on the  
14 subject site. The parking on the subject site  
15 is similar to other developments within the  
16 area. Not necessarily the gas stations but  
17 other retail and restaurant sites that exist.  
18 The Starbucks, the chicken restaurant, and  
19 other retail uses have some parking lots along  
20 Rockaway Turnpike in front of the building.  
21 This subject site has seven parking spaces.  
22 We took a look at those and have parking  
23 counts of the available parking in midday and  
24 p.m. peak hours on Thursday evening, Friday --  
25 Thursday afternoon, Friday evening, Friday

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1  
2 afternoon, Friday evening -- Thursday, Friday,  
3 Saturday, and Sunday in the afternoon and  
4 evening. We found that there is parking  
5 available within the subject site and the  
6 front. The applicant has proposed to mitigate  
7 any potential offsite parking to valet park  
8 vehicles within the Town of Hempstead at  
9 another site that he owns, which is down the  
10 block from the subject site.

11 We do want to acknowledge to the Board  
12 that the proposed lounge, which again operates  
13 within an existing retail site would operate  
14 or have peak activity during the hours in  
15 which the office in the rear of the property  
16 would not be occupied. So in other words,  
17 during business hours the office would be able  
18 to utilize parking in the front whereas  
19 customers in the lounge that might come later  
20 in the evening or on the weekends would be  
21 able to use that parking not being utilized by  
22 the office. So again, the subject property,  
23 as was discussed previously this evening, is  
24 separated into two different --

25 MR. GOLDFEDER: How many parking spots

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2 are there currently?

3 MR. MULRYAN: Seven.

4 MR. GOLDFEDER: How many members of this  
5 lounge are there currently?

6 MR. MULRYAN: The lounge is not  
7 operating so there are no current --

8 MR. GOLDFEDER: How many were there  
9 before?

10 MR. MINERVA: It's not a membership.

11 MR. GOLDFEDER: How many lockers were  
12 rented?

13 MR. MINERVA: The lockers were I think  
14 about 80.

15 MR. GOLDFEDER: That's fine.

16 MR. MINERVA: I think they would get  
17 around 30-something, you know, customers. The  
18 lounge was set up for 35 seats.

19 MR. GOLDFEDER: Thirty-five seats and  
20 nine parking spots. Seven parking spots.

21 MR. SHTEIERMAN: The plan shows six  
22 parking spaces. It says seven but there are  
23 only six drawn. Are there six or seven  
24 parking spaces?

25 MR. MINERVA: I will check that and get

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2 back to you as he continues his report.

3 Sorry. My client confirmed there are  
4 seven parking spots striped.

5 MR. SHTEIERMAN: It shows only six on  
6 the plan.

7 MR. MINERVA: I will double-check the  
8 aerial photo, but that's what my client is  
9 telling me. I will confirm that.

10 MR. MULRYAN: I believe the controversy,  
11 if you will, is the seventh spot. I believe  
12 it is the corner closest to Argyle.

13 MR. SHTEIERMAN: Over the property line?

14 MR. MULRYAN: I believe that's being  
15 considered the seventh spot.

16 MR. SHTEIERMAN: That's the ADA spot.  
17 We visited the site last week.

18 MR. MULRYAN: This also doesn't show the  
19 ADA parking space.

20 MR. SHTEIERMAN: So there is six spaces?

21 MR. CAPOBIANCO: There is an ADA -- one  
22 ADA at the entrance of the corner. One ADA.  
23 So total there were seven original parking  
24 spaces. Then we put in six because we made it  
25 wider, one more ADA.

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2 MR. SHTEIERMAN: So there are six legal  
3 spaces?

4 MR. CAPOBIANCO: There are seven on the  
5 original approved site plan. When it was a  
6 lighting store, it was always seven spots.

7 MR. MULRYAN: Again, we are not before  
8 the Board for a parking variance, but the  
9 parking apparently was restriped since the  
10 site plan was prepared. I didn't prepare the  
11 site plan.

12 MR. SHTEIERMAN: So now there are six?

13 MR. MULRYAN: That's my understanding.

14 MR. CAPOBIANCO: Yes.

15 MR. MINERVA: Because of the ADA.

16 MR. CAPOBIANCO: Yes because of the  
17 order. There are seven spots originally on  
18 the original site plan when it was Martin's  
19 Lighting. When we laid it out with the side  
20 spots, you need wider by 5 feet for ADA, so we  
21 have one ADA compliant and five regular spots.  
22 So right now six.

23 MR. SHTEIERMAN: Thank you. Six spaces.

24 MR. CAPOBIANCO: Yes.

25 MR. SHTEIERMAN: Because the plan says



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2 seven spaces and all night we are hearing  
3 seven.

4 CHAIRMAN KRENGEL: Okay. Continue.  
5 Testimony is now showing six spots are  
6 existing on the property right now.

7 MR. CAPOBIANCO: Correct.

8 MR. MULRYAN: So again, the applicant,  
9 to address any potential parking issues, is  
10 proposing to provide valet services for the  
11 lounge members or people using the lounge. We  
12 believe that the activity of the lounge would  
13 occur when the office was not active and we  
14 believe that the proposed use of a section of  
15 the interior of the retail space would be less  
16 impactful than other permitted uses within the  
17 zone such as restaurants, or medical office or  
18 something other that is permitted explicitly  
19 within the business zoning district. So  
20 that's a brief summary of my report. I would  
21 be happy to answer any questions.

22 CHAIRMAN KRENGEL: So it's your  
23 professional opinion that --

24 MR. MULRYAN: That the proposed use is  
25 less impactful than other permitted uses

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2 within the zone and the potential of offsite  
3 parking issues would be addressed by the  
4 applicant's proposed valet parking and the  
5 fact that the lounge activity would occur when  
6 the office in the rear of the building was not  
7 being occupied.

8 CHAIRMAN KRENGEL: Thank you.

9 MR. MULRYAN: Thank you very much.

10 MR. MINERVA: That concludes the  
11 applicant's direct case. We would like to  
12 remain available to answer any questions or  
13 respond to any public comment.

14 CHAIRMAN KRENGEL: Thank you. Before we  
15 start public comment, if anybody on the Board  
16 has any questions.

17 MR. SHTEIERMAN: I do. Has your client  
18 marketed this building?

19 MR. MINERVA: No. He is operating it  
20 right now.

21 MR. SHTEIERMAN: Not my question. Has  
22 he tried to market the building to explore  
23 another use since this has been denied by the  
24 Board?

25 MR. MINERVA: He has not marketed the

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2 building, no. Are you referring to the denial  
3 by the Building Department?

4 MR. SHTEIERMAN: Correct.

5 MR. MINERVA: No. He has not marketed  
6 it for sale if that's what you are asking.

7 MR. SHTEIERMAN: Or trying to rent it to  
8 other uses.

9 MR. MINERVA: He is currently there now.  
10 So he is operating -- even though the lounge  
11 is not open, he is operating the retail store  
12 at a loss until he gets a decision from this  
13 Board.

14 MR. SHTEIERMAN: I see. So when he  
15 filed plans with the village showing all  
16 retail, did he know it was going to be at a  
17 loss?

18 MR. MINERVA: I don't know the answer to  
19 that question, and I don't think that is  
20 relevant to the merits of the case. We know  
21 he opened the lounge without the approval and  
22 that's why we are here.

23 MR. SHTEIERMAN: Thank you.

24 CHAIRMAN KRENGEL: Anybody else? We  
25 will call everybody up. Anybody else have any

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2 questions for the applicant? Okay.

3 So before we start public comment, let's  
4 just set the ground rules. There is a lot of  
5 people here. I am sure a lot of people would  
6 like to speak. We are going to limit  
7 everybody for the moment to two minutes.  
8 Please, you have to come up, state your name,  
9 your address, and then we will give you  
10 approximately --

11 MR. GOLDFEDER: These are public  
12 comments. These are different than expertise  
13 given by testifying --

14 CHAIRMAN KRENGEL: I said on the first  
15 round. If we need to do more, we will do  
16 more. Everybody will get a chance to talk.  
17 Okay.

18 Is there anybody here who would like to  
19 speak in favor of this application? Is there  
20 anybody here who would like to speak in favor  
21 of this application? Please step forward.

22 RABBI ORLANSKY: Yehuda Orlansky, 45 Oak  
23 Avenue, Inwood. I can just speak for myself.  
24 I visited the establishment that they were  
25 talking about. I have never had a problem

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1  
2 parking. I do go in the afternoons mostly but  
3 at nights, the side along where Platinum  
4 usually is empty, along the actual  
5 establishment. I find the clientele to be  
6 mostly like myself, you know, Orthodox Jews  
7 that come in. Very often they learn there  
8 while smoking a cigar. Very quiet, nice  
9 environment. And Jimmy is very willing to  
10 help anybody with everything. He helped me  
11 many times in different areas but willing to  
12 do whatever it takes. Just my own testimony.

13 CHAIRMAN KRENGEL: So you are a resident  
14 of Inwood and you are currently a member of  
15 the --

16 RABBI ORLANSKY: Member, whatever that  
17 means. They don't have members.

18 MR. GOLDFEDER: You have a locker?

19 RABBI ORLANSKY: Correct.

20 MR. GOLDFEDER: As a locker owner, they  
21 don't serve alcohol. Are locker owners able  
22 to bring alcohol?

23 RABBI ORLANSKY: I don't know. I don't  
24 have any.

25 MR. GOLDFEDER: Okay.

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2 MR. MINERVA: Do you want me to answer  
3 that question? So like all the cigar lounges  
4 -- and I am familiar with the Nassau County,  
5 they do let you bring your own beverages.  
6 They do not serve -- they are not allowed to  
7 serve under state law, but they are allowed to  
8 have customers bring their own beverage.

9 CHAIRMAN KRENGEL: Thank you. Anybody  
10 else would like to speak in favor of this  
11 application?

12 MR. GOLDBAUM: Boruch Goldbaum and  
13 address 49 East Bayberry Road in Lawrence. I  
14 basically am here to second what the previous  
15 speaker said. I own the construction company  
16 on the second floor. Always quiet, there is  
17 plenty of parking. When I am in the lounge,  
18 it's a nice ambiance. There is no reckless,  
19 there is no loud noises. No drunk people.  
20 Just a professional environment. Classy  
21 people from all mixes, all walks of life come  
22 and join and enjoy the atmosphere. It's not a  
23 rowdy environment in any way.

24 CHAIRMAN KRENGEL: You are a tenant of  
25 the building?

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2 MR. GOLDBAUM: Yes.

3 MR. GOLDFEDER: You are also a member of  
4 a locker?

5 MR. GOLDBAUM: That's correct.

6 MR. GOLDFEDER: You are a resident of  
7 Lawrence?

8 MR. GOLDBAUM: That was part of my deal.

9 MR. GOLDFEDER: Good deal.

10 CHAIRMAN KRENGEL: Anybody else would  
11 like to speak in favor of this application?

12 MR. UNDERBERG: My name is Ronald  
13 Underberg, 300 West Ivy Hill Road, Woodsburgh,  
14 New York 11598. I must start by saying when I  
15 had the window cleaning route in Cedarhurst  
16 and cleaning this building the windows did not  
17 look like this.

18 CHAIRMAN KRENGEL: Noted.

19 MR. UNDERBERG: So I have been a cigar  
20 smoker for 30 years. I started out on the  
21 North Shore. I travelled there every day.  
22 That's the way cigar smokers are. We are all  
23 friends with each other. We talk to each  
24 other, we help each other, we solve each  
25 other's problems.

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2 I happen to be a window cleaner in the  
3 past so I happened to meet Jimmy when he first  
4 arrived here. I happened to be cleaning the  
5 windows in Cedarhurst at that time. Seen him  
6 develop into the gentleman that he is and also  
7 seen him raise his kids, fine young men and  
8 young ladies. It's just a place where  
9 everybody goes. It's like Cheers on TV.  
10 Basically --

11 CHAIRMAN KRENGEL: Are you done?

12 MR. UNDERBERG: No, I am good.

13 CHAIRMAN KRENGEL: Anybody else would  
14 like to speak in favor of this application?  
15 Please.

16 MR. JONES: Good evening. Gian Jones,  
17 16 Club Side Drive, Woodmere, New York 11598.  
18 Resident of the community, business owner,  
19 former candidate for Congress. I do a lot of  
20 work out of Jimmy's space, real estate,  
21 politics. I talk to other law enforcement,  
22 tons of law enforcement officers come there to  
23 work during the day and at night. You know,  
24 it's a well-run establishment, well-respected.  
25 I am not a box holder, I am just a patron, but



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I am a frequent patron.

The business is great. Jimmy's been a great person in the community I believe all the time. This will generate a significant amount of tax revenue for the tax and for this village. And I support this. I think this whole side of the room would kind of second that.

I do want to speak specifically to the parking issue because I know that's why we are here. A lot of people at night have started parking in other places to avoid the controversy on Argyle Road because no one is trying to make trouble with the residents. Everybody wants to come in. Everybody wants to sit down, have their drink, whatever they are having, soft drink, have their cigars, relax for the day. Again, everyone is professional people who come there. No rowdiness, no violence. It's a well-run establishment. Like Ron said, everybody is there to help each other, relax, chill out, smoke cigars, watch the game. It's just a place of enjoyment and business during the

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2 day. That's it.

3 CHAIRMAN KRENGEL: Appreciate it. Thank  
4 you.

5 MR. CARMICHAEL: Good evening,  
6 everybody. My name is Christopher Carmichael,  
7 361 Madison Avenue, Cedarhurst. I actually  
8 frequent Tobacco Road, and for me, working in  
9 a law enforcement background, it gives me a  
10 place to go after work where I used to have to  
11 travel all the way to Brooklyn and the fact  
12 that it gives people an opportunity from all  
13 ethnic backgrounds to get together because  
14 cigars don't know colors. And we all come  
15 together, we spoke, we respect the  
16 establishment, the surrounding areas and  
17 especially me since I live about approximately  
18 four, five blocks from the area, it makes it  
19 convenient for me and now this.

20 I just want to say that Jimmy has always  
21 made sure that he runs his establishment well,  
22 no rowdiness, anything going on. Just a bunch  
23 of professional people just trying to share a  
24 common goal, which is a cigar. Thank you.

25 CHAIRMAN KRENGEL: Anybody else?

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2 MR. LASKY: Good evening. My name is  
3 Donny Lasky, resident of Woodmere, 1125  
4 Fordham Lane. I am a licensed plumber in the  
5 Town of Hempstead as well as the village. I  
6 frequent the lounge a few times a week. It's  
7 a great place that I find to do business  
8 networking. Meet friends and just really a  
9 great place to socialize. Nice, clean  
10 environment. And just all around I think the  
11 people there are really great and just think  
12 it's a really nice place to just go socialize  
13 and just meet new people and network.

14 CHAIRMAN KRENGEL: Thank you.

15 MR. SILVERSTEIN: Ari Silverstein, 816  
16 Jarvis Avenue, Far Rockaway, New York 11691.  
17 I think it would be a shame if this couldn't  
18 continue. I have gotten to know probably a  
19 nice handful of people here. I have already  
20 done business with a nice handful of them.  
21 It's a nice crowd. They spend time during the  
22 day there. Never had an issue with parking,  
23 and I hope that this could get resolved.

24 CHAIRMAN KRENGEL: Anybody else?

25 MR. CAPOBIANCO: John Capobianco,

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1 architect for the project. Go back about two  
2 and a half years with Jimmy, and of course, I  
3 know him for a long time because his old  
4 Tobacco Road across the street. I would buy  
5 cigars there. However, when he came to buy  
6 the Martin's Lighting building at that time,  
7 in the code it didn't specifically say  
8 couldn't have a cigar lounge.  
9

10 So one of the things that I noticed what  
11 the new section that was written afterwards  
12 was that there is a lot of items on this  
13 prohibited list that he is not doing. No  
14 hookah, none of that stuff. He is just  
15 smoking a cigar in this place. No vapping,  
16 no cigarettes, no smoking in the bathrooms,  
17 not even -- you can't even smoke in the  
18 humidor where you go and buy a cigar, a  
19 premium cigar and we are talking about  
20 humidor. If you haven't visited it, it's  
21 about 15 by 35. It's a humidor. And I have  
22 done many cigar lounges. I did one in  
23 Florida, I did one in Manhattan, one in Garden  
24 City, and at that time they allowed bars and  
25 they allowed alcohol. Now state code because

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1  
2 they don't allow or permit it, so whatever  
3 bars they have are juice bars or nonalcoholic  
4 bars.

5 I just want to bring this up because  
6 when we started the design, I had read the  
7 code and there was nothing to prohibit the use  
8 of a cigar retail smoking lounge, and one of  
9 the things that we have brought to this lounge  
10 was a high level of clientele, an upscale  
11 clientele that you are talking about cigars  
12 that some can range from \$12 to \$190 to \$600  
13 for one cigar. And it's the rarity of it and  
14 the accumulation of the kind of people and you  
15 have groups that come in and sit and talk I  
16 mean as rabbis and there is this and that. We  
17 have a good communication of people coming  
18 together, and as a result of that, it's a  
19 network of friendship, and there is no bad  
20 element. I don't see an adverse effect here  
21 in terms of the environment.

22 We had spent a ton of money putting in  
23 the most sophisticated purification system  
24 that there is. The highest technology could  
25 have. It's based on, you know, purification

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2 of the air, evacuation, and filtering so you  
3 don't smell a thing in that area that does  
4 have the smoke. Just want to bring that up on  
5 behalf of my client.

6 CHAIRMAN KRENGEL: Appreciate it.

7 MR. GOLDFEDER: I do have to make two  
8 points only because you touched on them. One  
9 is while the code changed after the property  
10 was presented before construction was begun  
11 and before plans were submitted, yourself and  
12 the owner of the property were made aware by  
13 the board of trustees and you acknowledged the  
14 change in the zoning.

15 MR. CAPOBIANCO: We did and we said we  
16 would go for the variance.

17 MR. GOLDFEDER: As a second point, you  
18 talked about the purification that was put in.  
19 In my mind you put in that purification with  
20 the knowledge that you are opening a lounge.

21 MR. CAPOBIANCO: Yes, we did. It's  
22 absolutely true.

23 MR. GOLDFEDER: As long as it's on the  
24 record. Contrary to the code, you invested  
25 funds on an expensive purification system

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1  
2 which -- let's be honest -- the financial  
3 expert added probably to the debt on this  
4 property in order to realize a reasonable  
5 return.

6 MR. CAPOBIANCO: Yes.

7 CHAIRMAN KRENGEL: Just to be clear, we  
8 are not here to discuss lounges are good or  
9 not good. We are here for basically a very  
10 specific purpose. It's not allowed. It was  
11 open; now it's closed. It's not a permitted  
12 use, and you are going for a use variance.

13 We are not at liberty just to give use  
14 variances. It's very different as you are  
15 aware, as your attorney is aware, a use  
16 variance is very different than an area  
17 variance. That's why we are here. We are not  
18 here to discuss the merits of the lounge.

19 MR. CAPOBIANCO: But compared to other  
20 uses, it's not a bad use.

21 CHAIRMAN KRENGEL: That could be. We  
22 are not here to discuss the merits.

23 MR. CAPOBIANCO: I understand.

24 CHAIRMAN KRENGEL: I am sure it's a  
25 great place. I have never been there.

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2 MR. CAPOBIANCO: Well, you should come.

3 CHAIRMAN KRENGEL: Anyone else would  
4 like to speak in favor of this application?  
5 Now go to this side. Oh, it's your turn.

6 MS. FREIFELD: I am trying. My name is  
7 Karen Freifeld.

8 CHAIRMAN KRENGEL: You are here to speak  
9 against?

10 MS. FREIFELD: I am here to speak  
11 against. Karen Freifeld, 336 Argyle Road. I  
12 wanted to first --

13 CHAIRMAN KRENGEL: How far from the  
14 site?

15 MS. FREIFELD: I am like four houses  
16 down. And what I found -- first of all, I  
17 just wanted to say when the lawyer for the --  
18 you know, seeking the variance said the  
19 hardship is not self-created, I think that was  
20 completely not true. I was -- the only other  
21 board -- I have been to two board meetings in  
22 the village of Cedarhurst even though I was  
23 actually born in Cedarhurst, and when I was  
24 here because there was something about a  
25 one-way street that they were talking about



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2 for Westminster in September of 2022, it came  
3 up that they had, you know, some kind of  
4 permit on the door before they started and at  
5 that point the mayor said no cigar lounge was  
6 permitted and it would not be coming in so  
7 they clearly knew --

8 CHAIRMAN KRENGEL: Everybody is well  
9 aware of the history.

10 MS. FREIFELD: Okay. Then the other  
11 thing I want to point out there is also a  
12 permit for a deli in that other business right  
13 next door to them, so there will be even more  
14 traffic coming in once that deli comes in in  
15 that area. Then they were talking about they  
16 are not using -- about Platinum not using --  
17 like using their spaces as opposed to parking  
18 on the block because of the different Platinum  
19 parking their vehicles in front of our houses  
20 every day. They do not park near Tobacco  
21 Road.

22 I can show you a dozen pictures of them  
23 being there all day long and both with -- they  
24 have Platinum plastered on at least two of  
25 their trucks and other ones with people who

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2 don't have anything on them, but none of them  
3 have commercial plates, so you apparently  
4 can't do anything about it when they park in  
5 front of your house all day.

6 In terms of their six spots that you  
7 were talking about, that last spot blocks it  
8 so you can not wheel like a stroller down to  
9 the corner now because it's in the way.

10 Again, I have pictures I can show you guys if  
11 you would like to see them.

12 The other thing is in terms of I have to  
13 feel like this is operating in bad faith  
14 because when they first opened, they had a  
15 sign in the front of the window that told  
16 people to park on Argyle Road. It said park  
17 in the designated spots and the arrows were  
18 pointing to Argyle Road. So those were not  
19 the designated spots. The designated spots  
20 went the other way.

21 CHAIRMAN KRENGEL: You are over the 2  
22 minutes, but we will give you another 30  
23 seconds.

24 MS. FREIFELD: They have a corking fee  
25 of \$10. They make it sound like they don't

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1  
2 serve alcohol. There is alcohol there. They  
3 have a corking. They tried to have a Super  
4 Bowl party at \$150 that included food and  
5 drinks. Where are those drinks coming from?  
6 They tried to get the support of local  
7 politicians. They were supposed to have a  
8 grand opening. I don't know how much you have  
9 to donate to get a local politician to come to  
10 your grand opening. But that was supposed to  
11 be there.

12 When I looked up the company, it's a  
13 limited liability company. The first time I  
14 heard the name of it was when they sent us  
15 something trying to tell us about that. That  
16 limited liability company has filed their  
17 required statement with the state that they  
18 needed to. They haven't --

19 CHAIRMAN KRENGEL: Can we focus on --  
20 you are over your time limit already. Thank  
21 you. We appreciate it.

22 MS. FREIFELD: What I am trying to point  
23 out is -- just give me another minute. What I  
24 am trying to point out, I think they have  
25 operated in bad faith, and by not filing the

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2 things that they needed to file, they show  
3 they don't operate in good faith.

4 CHAIRMAN KRENGEL: We are not going to  
5 the business practices.

6 MS. FREIFELD: In terms of our block, we  
7 have a lot of children on the block. These  
8 are people that are going -- they may be  
9 sitting there and having friendly  
10 conversations, but they are doing it with  
11 alcohol and late at night and it's -- you  
12 know, it's not --

13 CHAIRMAN KRENGEL: I am going to cut you  
14 off now. You are coming to the 4-minute mark.  
15 Thank you very much. Would the next person  
16 like to --

17 MS. REDLUS: You know it's going to be  
18 me, right? Irene Redlus, 417 Argyle Road. I  
19 live here over 40 years.

20 CHAIRMAN KRENGEL: I live here over 50  
21 years.

22 MS. REDLUS: On Argyle Road?

23 CHAIRMAN KRENGEL: No. My  
24 great-grandfather lived on Rugby Road.

25 MS. REDLUS: So let's put it this way.

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1  
2 There was a fixture store that has been there  
3 for years and years. Never created the  
4 problem like moi. He created the problem for  
5 the neighborhood. People can't park. You  
6 can't even make the turn because there is a  
7 specific truck there that's gray that I have  
8 called the police on where it says no parking  
9 after this sign. Truck is there all the time.  
10 The thing is that why are we here. We are  
11 here because it creates a problem for the  
12 people who pay taxes here.

13 CHAIRMAN KRENGEL: That's not why we are  
14 here. We are here because there is an  
15 application put in for a variance.

16 MS. REDLUS: I understand that but it's  
17 again, the people who live here for many  
18 years, they have the problem of containing  
19 themselves with people who are parking in  
20 front of their house all the time. We have  
21 Woodsburgh here, we have Lawrence here, we  
22 have other people there. Why don't they put  
23 it over there? Why don't you put it in  
24 Woodsburgh? Why? Because you never get  
25 permission in Woodsburgh. You wouldn't get

1 Proceedings - RS & NS LLC

2 permission in Lawrence either. So why is it  
3 in Cedarhurst?

4 Why do we have the problem that they  
5 created? Why do the people here on Argyle  
6 Road and everywhere else with their seven  
7 spots with their 100 people who come? Valet  
8 parking is going to be even further down on  
9 Argyle Road. So let's be very clear. The  
10 people who live in the vicinity of that  
11 smoking lounge -- and they don't check age. I  
12 hear nothing about checking people who come in  
13 about age. I hear nothing are they legal to  
14 come in to smoke.

15 CHAIRMAN KRENGEL: If you have comments  
16 against it, we are not discussing the business  
17 practices.

18 MS. REDLUS: Well, it's part of it.

19 CHAIRMAN KRENGEL: No, it's not. Why  
20 are you accusing them of doing things that are  
21 not -- we are not taking testimony about the  
22 business practices, about their age  
23 requirements. That's not what we are here  
24 for. We are not here to regulate their  
25 business. We are here for a very certain

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1  
2 purpose. The business is a prohibited use.  
3 They filed for the variance.

4 MS. REDLUS: Let's keep it that way.

5 CHAIRMAN KRENGEL: Keep it very focused  
6 on --

7 MS. REDLUS: If it's not a legal  
8 business, it should not be there.

9 MR. GOLDFEDER: Duly noted.

10 MS. REDLUS: We, the people of  
11 Cedarhurst, have a decent way of living. And  
12 therefore, I am going to say good night to  
13 you.

14 CHAIRMAN KRENGEL: Thank you so much.

15 MS. REDLUS: The people have spoken.

16 MR. GOLDFEDER: Anybody else?

17 CHAIRMAN KRENGEL: Would you like to  
18 speak against this application?

19 MS. JASSE: Hi. My name is Nirit Jasse.  
20 I live on Argyle Road, about six houses from  
21 the establishment. When they were open, I had  
22 a real, real hard time coming into my block on  
23 Argyle Road. It's always so full of traffic  
24 and I saw their cars there all the time and I  
25 can't park my car because so many cars are

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1  
2 parking on Argyle Road and I don't feel I have  
3 a suburban house anymore. I used to live in  
4 Forest Hills. No. I wanted to get away from  
5 all this and now it's coming to me and I feel  
6 very gypped about it.

7 They invested all this money, now they  
8 are on something that's illegal, and they are  
9 crying that they are losing their money.  
10 Well, why did you do that? It's not my  
11 problem. I invested a lot of money in my  
12 house and they are bringing their stuff and my  
13 house is not a suburb house anymore. And  
14 there is kids. How many kids are on the  
15 block. Do you have grandchildren? Would you  
16 like your grandchildren near a smoking joint  
17 house where they are allowed to drink and  
18 bring their own drinks and who knows how much  
19 marijuana might be smoking over there?

20 They are driving. Would you like your  
21 children -- we have babies born two houses  
22 from that place. We have five-year-olds, we  
23 have four-year-olds playing around that area.  
24 We don't want them playing with smoking old  
25 men. We don't want them to see them walk in



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2 and out like that.

3 CHAIRMAN KRENGEL: We get the point.

4 Good evening, everybody.

5 MR. GORLIN: Good evening. Matt Gorlin,  
6 344 Argyle Road, Cedarhurst, on the block. I  
7 am also speaking on behalf of my wife who is  
8 here, but she had to step out. Cheryl Gorlin,  
9 also at 344 Argyle Road. Really I just want  
10 to focus on the quality-of-life issue that has  
11 come about since the establishment is running  
12 illegally for multiple weeks. I don't know  
13 exactly how much time it was, but it was  
14 running. There is a lot of people wandering  
15 around the streets now at all hours. It used  
16 to be -- it is a quiet street. Now the shop  
17 is closed again.

18 As an example, the weekend before on a  
19 Saturday afternoon, kids were playing outside.  
20 A couple drives up, parks in front of my  
21 house. They are smoking in the car with the  
22 windows closed for one hour. Staring at the  
23 kids who were playing. After about half hour,  
24 40 minutes, the kids were getting nervous, who  
25 are these people. They all went inside the

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1  
2 house because you have two people sitting in  
3 the car. Everybody can use their imagination  
4 what they are smoking with the windows shut  
5 for 45 minutes before I watch them walk into  
6 the lounge.

7 The point really is the thing is open  
8 till 12:00, 1:00 at night. People, kids are  
9 coming home from school, different things.  
10 You have people wandering through the streets.  
11 The traffic is increased tremendously. The  
12 parking -- people are parking all the way down  
13 Argyle. The traffic -- they are parking  
14 illegally on the sidewalk, which is the  
15 mysterious seventh spot maybe is actually the  
16 sidewalk where the curb cut goes in. People  
17 can't walk down the street, kids can't cross  
18 the street. You can't cross Rockaway Turnpike  
19 over there. The traffic is increased  
20 tremendously. Also the filtration system  
21 maybe is working inside making it, but the  
22 smoke outside is incredible. You can smell it  
23 for hundreds of feet away, the smoke from the  
24 smoke shop. I think my other neighbors will  
25 --

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2 So in summary, I think it's a  
3 quality-of-life issue with people wandering  
4 around the streets till 1:00 in the morning,  
5 making the children on the block  
6 uncomfortable, and without saying the parents.  
7 Not saying everybody is bad, but you have  
8 people sitting there, hanging out, loitering  
9 on a residential street. I think the bottom  
10 line is it's an establishment, but it's in the  
11 wrong place. It's on a corner of a  
12 residential street with children without  
13 proper parking.

14 So and again, the loitering is I think  
15 one of the bigger issues. People come out --  
16 my neighbor is going to talk about that also.  
17 Other people hanging out. With that being  
18 said, I will try to stay within my two  
19 minutes.

20 CHAIRMAN KRENGEL: You missed that  
21 already.

22 MR. GORLIN: I was pretty close.

23 MR. LADER: Michael Lader, 421 West  
24 Broadway. We recently got a dog a couple of  
25 years ago, so my kids walk down the block, I

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1  
2 walk down the block over there. It's healthy  
3 for me, helps me lose weight. A few times we  
4 have been down there, let's say over the last  
5 two years also, we noticed more and more the  
6 parking situation has gotten significantly  
7 worse and listen, I have been a smoker for  
8 about 20 years, so I completely understand.

9 But I think that the area that it is in  
10 is just not correct. I mean, they can put it  
11 anywhere else. Put it in a commercial  
12 district over there. It's perfectly fine.  
13 And if the owner has a problem finding a  
14 place, I have a perfect office for him.  
15 Willing to move in. If it's the financial  
16 issue is a problem, we are looking for a space  
17 the last year. It's just not the right place  
18 to be -- you know, to have that amount of cars  
19 with so many kids around and especially at  
20 nighttime. Normally when I walk the dog, it's  
21 late at night and the block is packed and it  
22 normally isn't like that. I don't think it's  
23 the right place to have it.

24 CHAIRMAN KRENGEL: Thank you. Anybody  
25 else would like to speak?

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2 MR. SCHLECHTER: Hi, Steve Schlechter,  
3 348 Argyle Road. I want to start off my  
4 comments just by saying, you know, the  
5 building actually does look nice. It's a nice  
6 building. But I think the premise that you  
7 started off with, that loss of business, loss  
8 of income, loss of whatever it was because of  
9 the use you have is not something that should  
10 be relevant to this case at all. What should  
11 be relevant is Argyle Road.

12 Argyle Road is the only road south of or  
13 north of West Broadway that cuts all the way  
14 through Cedarhurst. It's the busiest block in  
15 the entire area. Ambulances run through this.  
16 Anyone going from Rockaway Turnpike all the  
17 way through Woodmere pass through Argyle Road.  
18 Argyle Road is a one-way street, and there is  
19 only one room for cars to pass one way and the  
20 fact that there are open spaces -- it's a  
21 two-way street, but only one car can go at a  
22 time. So when you have cars parked on both  
23 sides of the street which is what's been  
24 happening, it causes major, major backup and  
25 traffic and causing major safety issues, which

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1  
2 is what I really want to discuss. The safety  
3 issues for the kids playing on the block, the  
4 cars coming down, not being able to go through  
5 is a major, major problem with this  
6 establishment.

7 There is no fire hydrant on Argyle Road  
8 from Oxford all the way to Rockaway Turnpike,  
9 so I don't know if there was a fire study done  
10 or something in terms of having a lounge that  
11 people would smoke in, but I think that's  
12 something that should be looked into and is a  
13 major concern.

14 For those who live north of West  
15 Broadway, some of the Board members do, we  
16 have been hit a lot in our neighborhood.  
17 After Hurricane Sandy and just constant  
18 flooding going on on our block, the quality of  
19 life alone on our block has caused many people  
20 to move out and it's causing major, major  
21 problems for us in the quality-of-life  
22 standpoint. You cause this traffic and you  
23 have this establishment come through, within a  
24 few years the entire area of Argyle, Rugby,  
25 Westminster is going to become vacant. No one

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1  
2 is going to want to live there anymore because  
3 it's become too unbearable.

4 So while the establishment may be a good  
5 establishment, I think there are places all  
6 over Nassau County. None of them are on  
7 residential blocks or close to residential  
8 blocks. I looked into a bunch of them. They  
9 are all in strip malls, something like that.  
10 That's where it should be. For those of you  
11 who want to have that business camaraderie,  
12 you should all go do that in a place that's  
13 not near a residential block. Thank you.

14 MR. SLANSKY: Dov Slansky, 325 Argyle  
15 Road. I am about three houses away on the  
16 opposite side of the street. We have been  
17 living on the block for nearly 14 years. So  
18 when the previous store was there, obviously  
19 very different use, but there were certainly  
20 no issues with it. A retail store, if it's  
21 properly zoned for with that amount of spots  
22 makes sense. It's not about the quantity of  
23 cars that come or I don't think the applicant  
24 was saying there is enough spots for the  
25 quantity. It's not the quantity; it's the

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duration.

So even if you were to assume there were enough spots, which I think it's proven there aren't because people park up and down the block, the duration is a major issue. Once you come and sit there for 30 minutes, an hour, an hour and a half, you are now taking up the quantity that multiple people would have used if it was a regular retail establishment. That in addition to the fact that I think other folks here have mentioned the quality of life has gone dramatically downhill. There is a tremendous increase in traffic on the block. A previous person, Steven mentioned the street is wide enough for really one car to pass. You can get back by if there are spots empty for parking.

I have had cars drive across my property. I have on video cars driving across my front lawn because the traffic was backed up so they couldn't get down my block so in order to go through, they came up my driveway, over my lawn, and out my neighbor's driveway. That's not acceptable anywhere. And can I say



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1  
2 it's one of their patrons? Of course I can't.  
3 Can I say it's because there is not enough  
4 parking, not enough cars, and that my kids who  
5 were playing basketball in the driveway  
6 shouldn't have to be worried that someone is  
7 going to come driving up the sidewalk because  
8 the amount of traffic. I think I can say  
9 that.

10 Additionally, the lounge is open till  
11 midnight. Retail establishments close 6:00  
12 p.m., 7:00 p.m., 8:00 p.m. It's open to  
13 midnight, which means there is a tremendous  
14 amount of people at night. It's a residential  
15 block. The only people who should be on that  
16 block at night should be people who live there  
17 or coming to see people on that block. When I  
18 walk out at night, I go for a walk, I talk on  
19 the phone, there is no reason why I have  
20 people strolling up and down the block, noise,  
21 garbage, smoking whatever else they are  
22 smoking. Could be just cigarette but smoking,  
23 talking in the street, loud noise late at  
24 night. Videos, standing people standing in  
25 front of my house standing by their car at

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1  
2 11:30 at night having loud conversations 12  
3 feet from my house, and it shows them clearly  
4 coming from the business establishment that's  
5 the only one open till midnight. So like he  
6 mentioned, wrong place. You want to operate  
7 it, that's fine. The building looks nice,  
8 great. You want to sell retail? Fine.  
9 Lounge, wrong place for it. Take it someplace  
10 where there is no residential area.

11 MRS. SLANSKY: Hi, Miri Slansky, 325  
12 Argyle Road. That was my husband who just  
13 spoke, and I was actually involved in that  
14 traffic jam on the block that he was speaking  
15 about where the car went on our lawn. I was  
16 -- I came on from Rockaway Turnpike down  
17 Argyle Road, headed to park in my driveway,  
18 and I am three houses away from the corner.  
19 Two houses away, one house away from my house  
20 I was stuck in the traffic jam. Couldn't  
21 move, sat there about 10 to 15 minutes. We  
22 didn't know what to do. Cars were coming in  
23 this way, cars were coming that way.  
24 Deadlocked. We looked at each another. No  
25 one knew what to do. People started going

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1  
2 into the lounge and telling the parking -- the  
3 people, the residents, the people in the  
4 lounge to go move their cars because we were  
5 deadlocked, and at that point I saw and took  
6 pictures of cars going onto my lawn because  
7 that was the only way to get out of this  
8 deadlock. It was insane.

9 I have been involved in, you know, a lot  
10 of traffic jams on the block because of this.  
11 The parking on each side of the block, there  
12 is not enough room, and in addition at the  
13 corner by the Shell gas station, they like to  
14 park there illegally because there is a few  
15 spots where you are not allowed to park. They  
16 do park there anyway, which really causes the  
17 traffic. There is a sign that you can't,  
18 there is no parking, but they park there  
19 anyway, which completely destroys the block.

20 Another thing is I am very, very much  
21 against smoking. I did not mind that the  
22 store was opening. It was a beautiful store.  
23 It looks gorgeous. I thought they were  
24 selling cigars, come and go, no problem. The  
25 problem I am smelling the smoke outside my

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1 house, and I am smelling the smoke inside my  
2 house. I can't take it. Secondhand smoke is  
3 the worst thing. I hate smoke, my kids aren't  
4 handling it. It's not for me. It's really  
5 awful, and yes, as my husband spoke about, the  
6 garbage, the people walking up and down my  
7 block.

8  
9 I have a basketball hoop right in front  
10 of my house. I am three houses off Rockaway.  
11 Never bothered me before. Random people  
12 walking, they interact with my children. It's  
13 just not a safe place anymore, which is sad.  
14 Thank you.

15 MR. SHTEIERMAN: Is the traffic still  
16 there now that they are closed?

17 MRS. SLANSKY: No. Now that they are  
18 closed, it's wonderful. And it's back to how  
19 it was. There is traffic in terms of there is  
20 lots of cars that go down the block. The  
21 problem is when the lounge was open, the  
22 amount of cars just parked there for hours  
23 that the traffic couldn't go through, so we  
24 still do have a ton of cars going down. It's  
25 a thoroughfare. Argyle goes into Lincoln, but

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2 it's not deadlocked. There is no traffic  
3 jams, there aren't any cars at the corner  
4 parked illegally. It's just the cars go  
5 through. Yes, we have traffic but it's not  
6 like deadlocked or jammed or you know how it  
7 goes from Rockaway Turnpike, it can get all  
8 backed up. So it's improved tremendously  
9 since it closed.

10 CHAIRMAN KRENGEL: Anybody else?

11 MS. ZWICK: Good evening. My name is  
12 Shari Zwick. I live right here in Cedarhurst,  
13 544 Hudson Avenue. I speak for my husband  
14 Yisroel Zwick who was here and had to run to a  
15 meeting. I am here because whenever I am  
16 coming back into town up Rockaway Turnpike, I  
17 always turn up Argyle. Not always but very  
18 often turn up Argyle since it's a through  
19 street. And driving through, I also always  
20 notice how many kids are on the block.  
21 Mothers walking with children, kids riding  
22 their bikes up and down the block. It's a  
23 very, very busy block with young children, and  
24 I can only imagine the traffic and people  
25 coming in to the area from outside the

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1  
2 community, not living -- not living on the  
3 block in the area. Coming in, hanging out on  
4 the block when the kids are playing outside,  
5 and I did notice that the block is very busy.  
6 It's hard to park, and when there are cars  
7 parked on both sides, it's definitely much  
8 harder to get through and it's more backed up.

9 MS. BLANK: My name is Harriet Blank. I  
10 live at 320 -- I own the house at 329 Argyle  
11 Road right now. I have a tenant there who is  
12 about to move out so that my son and  
13 grandchildren can move into the house. I  
14 lived in Cedarhurst for 28 or 25 years, sorry.  
15 Twenty-five years. And I want to make sure  
16 that there is a place for my kids to live. I  
17 live here on Arbuckle now and know that there  
18 is so much traffic and that -- I live next  
19 door to the Slanskys. I own the house. I  
20 don't want to know if my granddaughter is  
21 playing outside there might be a car going  
22 over the grass, so again, I understand that a  
23 lounge is something people need, but they may  
24 be needed in a strip mall, a place that has a  
25 bigger parking lot, maybe on the other side of

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2 the street but not necessarily on Argyle Road.

3 MR. SCHLECHTER: Can I add something?

4 CHAIRMAN KRENGEL: Anybody else want to  
5 speak?

6 MRS. SCHLECHTER: Very briefly, traffic  
7 by day, traffic at night. I am always -- I am  
8 a night person. I am out at night. We have  
9 three children who are driving, so the kids  
10 are out at night, going to weddings, going to  
11 yeshiva, whatever it is, coming home at night  
12 when the lounge is open. There were  
13 definitely cars that are parked here, parked  
14 there, hard to get down the block. That's  
15 really what is the traffic.

16 During the day a lot of little kids on  
17 the block, playing during the day. Cars  
18 coming around, kids on bikes. For sure  
19 speeding for sure. Ball going into the  
20 street, kids doing what they do, running into  
21 the street, there are always cars zooming down  
22 the block racing toward that light. It takes  
23 forever. It's just scary.

24 MR. MINERVA: Mr. Chairman, I object to  
25 any respeaking because as you heard, everybody

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2 is going to respeak.

3 CHAIRMAN KRENGEL: Everybody has one  
4 shot. Let's just make this clear. They gave  
5 direct testimony. This is public comment.  
6 This is two totally different things.

7 MR. FREUD: Avi Freud, 333 Argyle Road.  
8 I just want to speak to the fact that when the  
9 lounge was open, you could smell the smoke and  
10 you could actually could smell it, and aside  
11 from the fact that I am long, I know it's the  
12 same problem with the traffic pattern when the  
13 cars -- when all the cars are parked and you  
14 have buses, buses and trucks, cars trying to  
15 get by. It just creates a deadlock.  
16 Dangerous.

17 CHAIRMAN KRENGEL: Thanks. Anyone else  
18 would like to speak? Okay. At this time we  
19 will allow the applicant to respond to public  
20 comment. Possibly quick.

21 MR. MINERVA: I will be brief. Just a  
22 few points, I want to make. The comment on  
23 the valeting on Argyle Street, my client has  
24 spoken with a valet company, Parking Systems  
25 Plus. There is a valet plan that the cars



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1  
2 will be parked behind this other facility at  
3 315 Rockaway Turnpike. It's about one block  
4 south, and he has a storage area behind that  
5 that currently landscapers rent. Those  
6 landscapers will no longer be allowed to rent  
7 that area, and there is a space for the cars  
8 to be valeted. The valet would be between  
9 6:00 p.m. and 10:00 p.m., Thursday to  
10 Saturday, which is his peak hours.

11 On the general complaints regarding the  
12 parking and traffic when the lounge was open,  
13 he had approximately 35 customers a day. You  
14 could see the figures that were in the parking  
15 and traffic report. It's de minimis. There  
16 is no way he was causing traffic jams at this  
17 site. We will also dispute that the smoke can  
18 be smelled from outside the premises. He has  
19 a double entrance vestibule so smoke can't  
20 escape when one door is open, and he has open  
21 engineered filtration system. Those are  
22 points we wanted to make on rebuttal.

23 CHAIRMAN KRENGEL: Okay. The Board will  
24 take a brief break to confer with counsel.

25 (Recess taken.)

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1  
2 CHAIRMAN KRENGEL: As was previously  
3 mentioned, the threshold for use variance is  
4 high. After conferring with our attorney at  
5 this time, it is the opinion of the Board that  
6 this burden has not been met by the applicant.  
7 I therefore make a motion to deny the  
8 variance.

9 MR. SHTEIERMAN: I second the motion.

10 MR. CLARK: Denied.

11 MR. BLEIBERG: Denied.

12 CHAIRMAN KRENGEL: The application of  
13 variance has been denied. Full decision will  
14 be forthcoming with a full explanation of the  
15 decision by the Board.

16 (Time noted 8:54 p.m.)  
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C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

COUNTY OF QUEENS )

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 18th day of June, 2024.

-----

YAFFA KAPLAN

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----- EXHIBITS -----

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VILLAGE FOR ID.

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APPLICATION FOR ZONING VARIANCE  
IN THE MATTER OF  
IDIDIA NISANOV  
462 OAKLAND AVENUE  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

May 30, 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 - Ididia Nisanov

2 CHAIRMAN KRENGEL: Good evening,  
3 everybody. Welcome to Cedarhurst Board of  
4 Zoning Appeals. We have four cases this  
5 evening, so I am not sure which everyone is  
6 here for. The first case tonight has been  
7 assigned Case Number 008 of 2024 and is the  
8 application of Ididia Nisanov, the applicant  
9 of a parcel known as 426 Oakland Avenue and  
10 designated as Section 39/Block 272/Lots 6 and  
11 7.

12 The applicant proposes to construct a  
13 second-story addition in front and two-story  
14 addition in the rear. The applicant seeks  
15 variances from Cedarhurst Code Section  
16 265-49C, building area, 265-51, front yards,  
17 and 265-52A, side yards.

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

25 MR. GOLDFEDER: Mr. Chairman, members of

1 Proceedings - Ididia Nisanov

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 April 25, 2024,  
11 a non-collusion affidavit has been duly  
12 executed by the applicant, Ididia Nisanov,  
13 wherein he stated that there are no other  
14 persons or entities involved in this  
15 application that are employed by or connected  
16 to the Village of Cedarhurst, its officers, or  
17 employees, which would in any way constitute a  
18 conflict under 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 - Ididia Nisanov

2 MR. PINCHASOV: Daniel Pinchasov,  
3 representing Ididia Nisanov on their address,  
4 462 Oakland Avenue. We are asking for -- the  
5 front porch of the house has -- the front of  
6 the house has a porch right now. We just want  
7 to box it up in the front and there is an  
8 existing side yard setback that is not  
9 complying with the code and then the lot  
10 coverage. We just want -- in the back of the  
11 house there is a garage so we want to give  
12 access for the cars to go into the garage but  
13 try to pull them back I think it's like 4 or 5  
14 feet to, you know, try to get him to move into  
15 the house to try to get supporting lot size to  
16 try to get as much as possible for the house.

17 CHAIRMAN KRENGEL: This lot is a  
18 40-by-100 lot, correct?

19 MR. PINCHASOV: Yes.

20 CHAIRMAN KRENGEL: Which is a subpar lot  
21 in the village, correct?

22 MR. PINCHASOV: Correct. If you look, I  
23 actually brought a picture. The house has a  
24 garage, has like a porch over here in the  
25 front which is not compliant obviously, so we

1 Proceedings - Ididia Nisanov

2 want to just be able to build it out as a  
3 second floor, which if you look, I don't know  
4 if you can see the pictures, but the neighbors  
5 as well are all at 16 feet, which some of  
6 these lots are --

7 CHAIRMAN KRENGEL: If this was a larger  
8 -- if it was a compliant lot, a standard  
9 lot --

10 MR. PINCHASOV: -- we wouldn't need it.

11 CHAIRMAN KRENGEL: Okay.

12 Is there anybody here that's here for  
13 this case on Oakland Avenue? I will make a  
14 motion to approve the application.

15 MR. SHTEIERMAN: Approved.

16 MR. CLARK: Approved.

17 MR. BLEIBERG: Approved.

18 CHAIRMAN KRENGEL: Approved.

19 (Time noted: 7:04 p.m.)

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Proceedings - Iddia Nisanov

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 18th day of June, 2024.

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YAFFA KAPLAN



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Proceedings - Lincoln Street NY LLC

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APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
LINCOLN STREET NY LLC  
506 LINCOLN STREET  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

May 30, 2024  
7:05 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 - Lincoln Street NY LLC

2 CHAIRMAN KRENGEL: The second case on  
3 the calendar tonight has been assigned Case  
4 Number 009 of 2024 and is the application of  
5 Lincoln Street New York LLC, the applicant of  
6 a parcel known as 506 Lincoln Street and  
7 designated as Section 39/Block 305/Lots 7 and  
8 8 in an R2 Zone.

9 The applicant proposes to construct a  
10 pool with deck surrounding the rear yard. The  
11 applicant seeks variances from Cedarhurst Code  
12 Section 265-12.1B, fences on residential  
13 properties, 265-44B and C, open decks and  
14 patios, 265-125, location restricted (pools),  
15 265-126, area of limitations. Everybody  
16 please be quiet so we can get through these  
17 cases.

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

25 MR. GOLDFEDER: Mr. Chairman, members of

1           Proceedings - Lincoln Street NY LLC  
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 May 3, 2024, a  
11          non-collusion affidavit has been duly executed  
12          on behalf of the applicant, by Elnatan  
13          Pinchasov, wherein he stated that there are no  
14          other persons or entities involved in this  
15          application that are employed by or connected  
16          to the Village of Cedarhurst, its officers, or  
17          employees, which would in any way constitute a  
18          conflict under 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 - Lincoln Street NY LLC

2 CHAIRMAN KRENGEL: Just for the record,  
3 this property has already come before this  
4 Board and has -- they were granted certain  
5 variances with regard to the building. You  
6 have now come to amend those plans.

7 MR. PINCHASOV: Not the building. The  
8 pool.

9 CHAIRMAN KRENGEL: The property was  
10 already granted variances.

11 MR. PINCHASOV: So as we know, again 40  
12 by 100 but this time it's in a flood zone.  
13 The backyard is always full of water. I am  
14 pretty sure the deck is going to be under the  
15 3 feet minimum curb cut which would be  
16 surrounding the pool, but because it's a flood  
17 zone, we are trying to -- it's my personal  
18 house. Because it's a flood zone, we are just  
19 trying to make use of the backyard because  
20 when it rains, there is 6, 7 inches of water  
21 down there.

22 CHAIRMAN KRENGEL: In your original  
23 variance, we had a pool in the plans.

24 MR. PINCHASOV: We had a pool complying  
25 with the code which was small. It wasn't

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Proceedings - Lincoln Street NY LLC

really -- it was a lap pool. Thank God, my wife is going to have a kid, so we need the kids to be able to enjoy it. That's the goal.

CHAIRMAN KRENGEL: Anybody on the Board have any questions?

MR. SHTEIERMAN: You are surrounding this with a fence 9-foot high?

MR. PINCHASOV: Because if you look at the pool, the pool is going to be the deck. I don't know if you have the elevation. I actually brought the original plan. The deck is going to be about 2.11 off the curb which in the back will be, let's say give or take about 2 and half above. So if I put a regular 6-foot fence, it's going to be pretty much 4 feet from when I am standing on the deck. So I am asking to get it higher so I don't have the neighbors so we can keep a little bit of privacy between us and the neighbors.

CHAIRMAN KRENGEL: That was not part of your original --

MR. PINCHASOV: Correct, which was eventually introduced to me, it should be something that would be nice if we could get a

1 Proceedings - Lincoln Street NY LLC

2 nice fence. Again, obviously the fence -- I  
3 know we put it over here for the whole  
4 property. Just the backyard. I don't mind  
5 dropping it down by the house or a couple of  
6 feet from where the car starts to regular  
7 height just around the pool itself.

8 CHAIRMAN KRENGEL: Any other questions  
9 from the Board? Comments? Is there anybody  
10 in the audience that would like to speak in  
11 favor or against this application? Okay.  
12 Anybody on the Board have a motion here? Mr.  
13 Shteierman?

14 MR. SHTEIERMAN: Make a motion to reduce  
15 the size of the pool.

16 CHAIRMAN KRENGEL: As far as the fence  
17 goes, make a motion instead of a 9-foot fence,  
18 8-foot fence.

19 MR. SHTEIERMAN: And only to the back of  
20 the house.

21 MR. PINCHASOV: Okay.

22 CHAIRMAN KRENGEL: But the pool needs to  
23 be compliant as originally planned. That's  
24 the motion. I think that's what Mr.  
25 Shteierman is making a motion for, yes?

1 Proceedings - Lincoln Street NY LLC

2 MR. SHTEIERMAN: Yes.

3 CHAIRMAN KRENGEL: So we are going --  
4 the Board is going to take a vote to approve  
5 an 8-foot fence in the backyard to the line of  
6 the house, but the pool needs to be compliant  
7 as previously approved in the previous  
8 application.

9 MR. BLEIBERG: Approved.

10 MR. CLARK: Approved.

11 MR. SHTEIERMAN: Approved as modified.

12 CHAIRMAN KRENGEL: Approved as modified.

13 (Time noted: 7:10 p.m.)  
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Proceedings - Lincoln Street NY 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 18th day of June, 2024.

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YAFFA KAPLAN

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