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Proceedings - George Moskovitz

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APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
GEORGE MOSKOVITZ  
14 COLUMBIA AVENUE  
  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

May 8, 2025  
7:01 p.m.

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

1 Proceedings - George Moskovitz

2 CHAIRMAN KRENGEL: Good evening,  
3 everybody. The first case on the calendar  
4 tonight has been assigned Case Number 5 of  
5 2025. It's the application of George  
6 Moskovitz, the applicant of the parcel known  
7 as 14 Columbia Avenue and designated as  
8 39/421/31 in an R1 Zone. The applicant seeks  
9 variances from Cedarhurst Code Sections  
10 265-44, Open Decks and Patios. The village  
11 attorney will now read a statement into the  
12 record.

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

21 Pursuant to New York State General  
22 Municipal Law Section 809, on March 5, 2025, a  
23 non-collusion affidavit has been duly executed  
24 by the applicant, George Moskovitz, wherein he  
25 stated that there are no other persons or

1 Proceedings - George Moskovitz

2 entities involved in this application that are  
3 employed by or connected to the Village of  
4 Cedarhurst, its officers, or employees, which  
5 would in any way constitute a conflict under  
6 the law.

7 Pursuant to an agreement between the  
8 Village of Cedarhurst and Nassau County  
9 Planning Commission, the Nassau County  
10 Planning Commission has been given notice of  
11 this application and has waived consideration  
12 thereof.

13 Mr. Chairman, members of the Board.

14 CHAIRMAN KRENGEL: Will the owner or its  
15 representatives please step forward. State  
16 your name and address for the record.

17 MR. FLAUM: Good evening, Chairman,  
18 members of the Board. My name is Shmuel  
19 Flaum, residing at 194 Wanser Avenue, Inwood  
20 11096. Here on behalf of the owner seeking a  
21 variance for the rear yard deck/railing that  
22 was installed inadvertently without discussing  
23 with me at the rear of the property.

24 There was previously a deck in the rear.  
25 They decided to recreate it by making it flush

1 Proceedings - George Moskovitz

2 for the new owners who are older in age. It  
3 was inadvertent, and the variance we are  
4 seeking is a 2-foot encroachment into the  
5 required setback of 10 feet. It's 8 feet from  
6 the rear lot line.

7 CHAIRMAN KRENGEL: If it were flush,  
8 there would be no issue, flush to the ground?

9 MR. FLAUM: If it was flush at grade, it  
10 wouldn't be an issue, but it's a step up.

11 MR. GOLDFEDER: Just to clarify, this is  
12 lower than 3 feet, correct?

13 MR. FLAUM: Yes. It's just one step up,  
14 but for the people who are older in age to be  
15 able to have a transition from inside to  
16 outside with no step down, it's much safer.

17 CHAIRMAN KRENGEL: Is that your case?

18 MR. FLAUM: That was it.

19 CHAIRMAN KRENGEL: Any questions from  
20 the Board? Anybody in the audience have  
21 anything to say in favor or against this  
22 application?

23 I make a motion to approve.

24 MR. BLEIBERG: Approved.

25 MR. BURG: Yes.

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MR. SHTEIERMAN: Approved.

CHAIRMAN KRENGEL: Approved.

MR. FLAUM: Thank you very much. Have a  
good evening.

(Time noted: 7:03 p.m.)

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Proceedings - George Moskovitz

C E R T I F I C A T E

STATE OF NEW YORK     )  
  
                                  : ss.  
  
COUNTY OF QUEENS     )

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

IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of May, 2025.

-----  
YAFFA KAPLAN

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Proceedings - Lisa and David Jason Mark

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APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
LISA AND DAVID JASON MARK  
579 TRYSTING PLACE  
  
Applicant.  
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200 Cedarhurst Avenue  
Cedarhurst, New York

May 8, 2025  
7:05 p.m.

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

1 Proceedings - Lisa and David Jason Mark

2 CHAIRMAN KRENGEL: Go straight to the  
3 next case. Good evening once again. The  
4 second case on the calendar has been assigned  
5 Case Number 4 of 2025 and is the application  
6 of Lisa and David Jason Mark, the applicant of  
7 the parcel known as 579 Trysting Place,  
8 designated as lot 39/272/17 in an R2 Zone.  
9 The applicant seeks variances from Cedarhurst  
10 Code Section 265-51, Front Yards. The village  
11 attorney will now read a statement into the  
12 record.

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

21 Pursuant to New York State General  
22 Municipal Law Section 809, on February 10,  
23 2025, a non-collusion affidavit has been duly  
24 executed by the applicants, Lisa and David  
25 Mark, wherein they stated that there are no

1           Proceedings - Lisa and David Jason Mark  
2           other persons or entities involved in this  
3           application that are employed by or connected  
4           to the Village of Cedarhurst, its officers, or  
5           employees, which would in any way constitute a  
6           conflict under the law.

7                       Pursuant to an agreement between the  
8           Village of Cedarhurst and Nassau County  
9           Planning Commission, the Nassau County  
10          Planning Commission has been given notice of  
11          this application and has waived consideration  
12          thereof.

13                      Mr. Chairman, members of the Board.

14                      CHAIRMAN KRENGEL: Will the owner or its  
15          applicant please step forward. State your  
16          name, please.

17                      MR. CAPPUCCI: Nicholas Cappucci. I  
18          work with Todd O'Connell Architect, 1200  
19          Veterans Memorial Highway, Suite 120,  
20          Hauppauge, New York. Good evening, gentlemen.  
21          At this time I would like to hand in the green  
22          cards of mailing receipt, and as well as I  
23          have some exhibits of just samples of houses  
24          with short front yards.

25                      CHAIRMAN KRENGEL: Okay.

1 Proceedings - Lisa and David Jason Mark

2 MR. CAPPUCCI: There should be five. So  
3 the variance that we have here, as stated is  
4 just a front yard variance. We are located in  
5 R1 zoning district, so our front yard is  
6 25-foot requirement. We are asking for a  
7 19.82 proposal. The property that we are --  
8 the dwelling that is on the property already  
9 has a nonconforming feature to it. The  
10 existing first floor front yard house is  
11 situated about 20.68 feet off the front yard.  
12 I did submit an example of some houses around  
13 the subject property that have short front  
14 yards. Some of these houses are around 15  
15 feet. Some of them are 21 feet. So with this  
16 variance we do feel we are staying within the  
17 characteristics of the neighborhood especially  
18 on the blocks of Trysting it kind of matches  
19 all other houses on that block.

20 CHAIRMAN KRENGEL: And quickly what kind  
21 of extension are you doing?

22 MR. CAPPUCCI: We are doing just a front  
23 second-floor extension. We are not going over  
24 the existing portion of the house. We are  
25 cantilevering in front of the house, but there

1           Proceedings - Lisa and David Jason Mark  
2           is a bay window and we are trying to catch  
3           that bay window with the roof so we don't have  
4           to do.

5           CHAIRMAN KRENGEL: The encroachment is  
6           only on the second floor?

7           MR. CAPPUCCI: Correct. It's only on  
8           the second floor, only in the front yard. We  
9           are complying with all other side yards, rear  
10          yards lot coverage, everything else.

11          CHAIRMAN KRENGEL: Okay. Thank you. Is  
12          that your case? Questions from anybody on the  
13          Board? Anybody in the audience have anything  
14          to say in favor or against the application?  
15          Make a motion to approve.

16          MR. BURG: Motion to approve.

17          MR. SHTEIERMAN: Approved.

18          MR. BLEIBERG: Approved.

19          CHAIRMAN KRENGEL: Approved.

20          MR. CAPPUCCI: Thank you. Have a good  
21          night.

22          (Time noted: 7:09 p.m.)

23          (Applicant Exhibit 1, Examples of other  
24          houses in the neighborhood, marked for  
25          identification, as of this date.)

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Proceedings - Lisa and David Jason Mark

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  
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transcript of the stenographic notes taken  
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IN WITNESS WHEREOF, I have hereunto  
set my hand this 22nd day of May, 2025.

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Proceedings - Lisa and David Jason Mark

----- EXHIBITS -----

APPLICANT FOR ID.

Exhibit 1 Examples of other houses in the 7  
neighborhood

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1 Proceedings - MOD VC LLC C/O JILDOR SHOES, INC.

2 -----

APPLICATION FOR ZONING VARIANCE

3

IN THE MATTER OF

4

MOD VC LLC, CARE OF JILDOR SHOES, INCORPORATED  
473 CENTRAL AVENUE

5

Applicant.

6

-----

7

200 Cedarhurst Avenue

8

Cedarhurst, New York

9

10

May 8, 2025

11

7:09 p.m.

12

13

B E F O R E:

14

MEIR KRENGEL, Chairman

15

MICHAEL BLEIBERG, Board Member

16

DAVID SHTEIERMAN, Board Member

17

DANIEL BURG, Board Member

18

YOEL GOLDFEDER, Village Attorney

19

WAYNE YARNELL, Supt. Bldg. Dept.

20

21

22

23

24

25

1 Proceedings - MOD VC LLC C/O JILDOR SHOES, INC.

2 CHAIRMAN KRENGEL: Case Number 3 tonight  
3 has been assigned Case Number 6 of 2025 and is  
4 the application known as MOD VC LLC, care of  
5 Jildor Shoes, Incorporated, the applicant of  
6 the parcel known as 473 Central Avenue,  
7 designated as 39/422/438 in a GB Zone. The  
8 applicant seeks variances from Cedarhurst Code  
9 Section 265-94.A, On-Site Parking. The  
10 village attorney will now read a statement  
11 into the record.

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

20 Pursuant to New York State General  
21 Municipal Law Section 809, on March 24, 2025,  
22 a non-collusion affidavit has been duly  
23 executed by David Feldman, on behalf of the  
24 applicant, wherein he stated that there are no  
25 other persons or entities involved in this

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2 application that are employed by or connected  
3 to the Village of Cedarhurst, its officers, or  
4 employees, which would in any way constitute a  
5 conflict under the law.

6 Pursuant to an agreement between the  
7 Village of Cedarhurst and Nassau County  
8 Planning Commission, the Nassau County  
9 Planning Commission has been given notice of  
10 this application and has waived consideration  
11 thereof.

12 Mr. Chairman, members of the Board.

13 MR. NOVELLO: Good evening, Chairman,  
14 members of the Board. My name is John  
15 Novello. I am here from the office of John F.  
16 Capobianco Architect PLLC, located at 159  
17 Doughty Boulevard, Inwood, New York 11096. I  
18 am here on behalf of MOD VC LLC and Jildor  
19 Shoes, the owner of the building.

20 As the chairman stated, we are seeking a  
21 variance from Section 265-94.A, on-site  
22 parking. The existing building is a -- on the  
23 ground floor is Jildor Shoes. It's been in  
24 Cedarhurst for probably 40 to 50 years. The  
25 building, it is a three-story building with a

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2 cellar. The second and third floors were I  
3 guess grandfathered in. There is apartments,  
4 four apartments on each floor.

5 So the reason we are here is that we are  
6 proposing to change the usage from apartments  
7 to office space. The office space we are  
8 proposing is sort of the, you know, like the  
9 single -- what has become popular in the last  
10 five to ten years, single offices where maybe,  
11 you know, people that have businesses could  
12 use this -- in the area could use this as  
13 satellite or remote offices. So they are not  
14 going to be here every single day. You know,  
15 if they have a place in Manhattan or Brooklyn  
16 or Queens, you know, maybe on a Friday, they  
17 can just use the local office on the weekend.  
18 So we are anticipating very low usage. It's  
19 only 13 offices. So compared to eight  
20 apartments, 13 offices.

21 CHAIRMAN KRENGEL: Thirteen or 10?

22 MR. NOVELLO: Thirteen. Thirteen. If  
23 you look at the plans --

24 MR. GOLDFEDER: If I can just clarify,  
25 you said they are changing the use, but this

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2 is a permitted use and it's not a use  
3 variance. It's a permitted use in the general  
4 business.

5 MR. NOVELLO: Yes so but because it's an  
6 office as opposed to apartments, the parking  
7 calculations changed. So as apartments, four  
8 apartments, each apartment needs one and a  
9 half spaces. So eight apartments times one  
10 and a half spaces, we are grandfathered in for  
11 12 parking spaces. As office use.

12 CHAIRMAN KRENGEL: I think it's 14.

13 MR. BURG: Because you have a conference  
14 room.

15 CHAIRMAN KRENGEL: It's 14 plus the  
16 conference room. It's --

17 MR. NOVELLO: I apologize.

18 CHAIRMAN KRENGEL: Looks to me like 14.

19 MR. NOVELLO: Close enough.

20 CHAIRMAN KRENGEL: Because 13 is your  
21 highest number.

22 MR. BURG: All together it's 15.

23 MR. NOVELLO: Okay, 14 it is. So we are  
24 grandfathered in for 12 spaces for, you know,  
25 the eight apartments. And using it as office

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2 space. There is a little -- a hair over 2,000  
3 square feet per floor. At 200 square foot we  
4 are required to have 21 spaces as office. So  
5 that's a net difference of 9, so we are  
6 required to have 9, we are missing 9 parking  
7 spaces. The applicant is aware and has no  
8 problem, you know, contributing into the  
9 parking fund.

10 CHAIRMAN KRENGEL: It's currently 7,500  
11 a spot.

12 MR. NOVELLO: That's fine. We are okay  
13 with that. And you know, if the Board has any  
14 other questions about our application, I will  
15 be more than happy to answer it.

16 CHAIRMAN KRENGEL: Is that your case?

17 MR. NOVELLO: Yes.

18 CHAIRMAN KRENGEL: I just have a letter  
19 from Larry Bienenfeld, owner of the property.  
20 "Dear Wayne, Building Commissioner, I am  
21 formally requesting a variance of my property  
22 at 473 Central Avenue in Cedarhurst. My  
23 family has been in the retail shoe business in  
24 Cedarhurst for 75 years. We will continue to  
25 keep Jildor operating on our main floor. The

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2 second and third floor could better serve the  
3 community and my family if it was allowed to  
4 become offices versus residential apartments.  
5 The proposed change is to meet increased  
6 demand for professional space in the area and  
7 improve building functionality. I believe  
8 this adjustment will benefit both the  
9 community and the building's long-term  
10 sustainability. I greatly appreciate your  
11 consideration of this request. Thank you,  
12 Larry Bienenfeld."

13 Anybody on the Board have any questions?

14 Anybody in the audience have anything  
15 for or against the application? Off the  
16 record.

17 (Discussion off the record.)

18 CHAIRMAN KRENGEL: In previous similar  
19 type of projects we have required the operator  
20 to buy parking village parking permits on a  
21 yearly basis going forward.

22 MR. NOVELLO: How many parking space?

23 CHAIRMAN KRENGEL: Five permits.

24 MR. NOVELLO: If they are not resident,  
25 doesn't matter?

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2 CHAIRMAN KRENGEL: You can do -- I think  
3 there is residential permits and business  
4 permits.

5 MR. YARNELL: Business.

6 MR. GOLDFEDER: The tenants are going to  
7 need them anyway.

8 MR. NOVELLO: No problem.

9 CHAIRMAN KRENGEL: Okay. I would make a  
10 proposal to approve this application subject  
11 to understanding of the payment of \$7,500 per  
12 additional space and on the condition of the  
13 purchase of five parking spaces on a yearly  
14 basis going forward.

15 MR. NOVELLO: We agree.

16 MR. BURG: Motion to approve.

17 MR. SHTEIERMAN: Second the motion.

18 MR. BLEIBERG: Approved.

19 CHAIRMAN KRENGEL: Thank you. Approved  
20 with the modified conditions.

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

22 (Application Exhibit 1, Letter, marked  
23 for identification, as of this date.)  
24  
25

1 Proceedings - MOD VC LLC C/O JILDOR SHOES, INC.

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

3 STATE OF NEW YORK )

4 : ss.

5 COUNTY OF QUEENS )

6

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

13 IN WITNESS WHEREOF, I have hereunto  
14 set my hand this 22nd day of May, 2025.

15

16

17

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18

YAFFA KAPLAN

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1 Proceedings - MOD VC LLC C/O JILDOR SHOES, INC.

2 ----- EXHIBITS -----

3 APPLICANT FOR ID.

4 Exhibit 1 Letter 8

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Proceedings - Dov Zev and Riki Padeh

-----  
APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
DOV ZEV AND RIKI PADEH  
255 GROVE AVENUE  
  
Applicant.  
-----

200 Cedarhurst Avenue  
Cedarhurst, New York

May 8, 2025  
7:17 p.m.

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

1 Proceedings - Dov Zev and Riki Padeh

2 CHAIRMAN KRENGEL: The fourth case on  
3 the calendar tonight has been assigned Case 7  
4 of 2025, and it's the application of Dov Zev  
5 and Riki Padeh, applicant of a parcel known as  
6 255 Grove Avenue, designated as 39/253/205 in  
7 an R1 Zone. The applicant seeks variances  
8 from Cedarhurst Code Sections 265-38.C,  
9 Building Areas, 265-41.A, Side Yards. Also  
10 265-42.1A, Character of Roofs. The village  
11 attorney will now read a statement into the  
12 record.

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

21 Pursuant to New York State General  
22 Municipal Law Section 809, on April 6, 2025, a  
23 non-collusion affidavit has been duly executed  
24 by the applicant, Dov Padeh, wherein he stated  
25 that there are no other persons or entities

1           Proceedings - Dov Zev and Riki Padeh  
2           involved in this application that are employed  
3           by or connected to the Village of Cedarhurst,  
4           its officers, or employees, which would in any  
5           way constitute a conflict under the law.

6           Pursuant to an agreement between the  
7           Village of Cedarhurst and Nassau County  
8           Planning Commission, the Nassau County  
9           Planning Commission has been given notice of  
10          this application and has waived consideration  
11          thereof.

12          Mr. Chairman, members of the Board.

13          CHAIRMAN KRENGEL: Hi, good evening.  
14          Please state your name.

15          MR. BERKO: Hi, good evening, members of  
16          the Board. My name is Michael Berko. I  
17          reside at 3245 Benjamin Road, Oceanside, New  
18          York and represent the owners of 255 Grove  
19          Avenue, Riki and Dov Padeh. For 16 years the  
20          Padehs have been valued members of the  
21          Cedarhurst community. They have a growing  
22          family, and their current home is no longer  
23          sufficient to met their needs. In addition,  
24          Dov's aging parents are planning to move into  
25          their home next year.

1 Proceedings - Dov Zev and Riki Padeh

2 At this point we are proposing a  
3 1,585-square-foot enlargement to the footprint  
4 along with an existing garage. That proposed  
5 enlargement will bring the coverage to 31  
6 percent of the lot. The variance requests  
7 stems from the need to create a ground floor  
8 living suite for Dov's parents. In addition,  
9 we are proposing to maintain the existing  
10 garage at its current location so that it will  
11 be adjacent to the suite to allow ease of  
12 access for the senior couple to park near the  
13 entry of the suite as they have requested.

14 Having the garage attached creates side  
15 yard noncompliance specifically with the  
16 aggregate. We are requesting relief to these  
17 factors. The proposed enlargement in keeping  
18 with the heights and proposed proportion of  
19 the existing house and since it's been set  
20 back from the street, it will not detract from  
21 the character of the neighborhood. This  
22 project is proposed to address the needs of  
23 the growing family and the accommodation of  
24 valued family members. We believe it's a  
25 reasonable and measured request and we

1           Proceedings - Dov Zev and Riki Padeh  
2           respectfully ask the Board to approve the  
3           variances needed to proceed with the  
4           enlargement as designed. Thank you very much  
5           for your consideration.

6           CHAIRMAN KRENGEL: Thank you. So  
7           obviously the biggest issue here of these  
8           variances is the -- I mean, you are saying the  
9           aggregate it's 2 feet and the aggregate?

10          MR. BERKO: Yes, both.

11          CHAIRMAN KRENGEL: First thought was,  
12          you know, to increase the other side. Then  
13          you lose valuable house space.

14          MR. GOLDFEDER: The problem is also you  
15          indicate that it's an existing garage. There  
16          is an existing garage, but that's being taken  
17          down and it's being rebuilt.

18          MR. BERKO: For the most part, it's  
19          being rebuilt. We proposed to narrow it to  
20          give it a little more setback from the  
21          property line.

22          CHAIRMAN KRENGEL: The simplest solution  
23          that we came up with just to do a detach from  
24          the back.

25          MR. BERKO: Correct.

1 Proceedings - Dov Zev and Riki Padeh

2 CHAIRMAN KRENGEL: That may discount our  
3 -- you know, our concerns. I don't know what  
4 it does to you.

5 MR. BERKO: A significant portion of the  
6 design and the reason for doing -- part of the  
7 reason for doing an enlargement is because of  
8 this suite that's been created for the -- so  
9 there is some relief that we are asking for a  
10 specific reason and not just because --

11 CHAIRMAN KRENGEL: The problem is it's a  
12 major ask both from the aggregate and the 2  
13 feet. There is a fire concern also by having  
14 2 feet from the property line. Can't get  
15 around it.

16 MR. BERKO: If we --

17 CHAIRMAN KRENGEL: Do you have any  
18 suggestions, any modifications, or proposals?

19 MR. BERKO: I mean, would 3 feet make a  
20 difference? It just as we go further away  
21 from the property line, it gets harder to  
22 actually pull into the garage.

23 MR. GOLDFEDER: Keep in mind if you did  
24 it 3 feet, then you would have to shift over  
25 your garage because the garage has to be a

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2 minimum of 10 feet wide.

3 MR. BERKO: Right. Well --

4 MR. GOLDFEDER: And that would throw off  
5 and then you would have to have a tighter turn  
6 on the driveway.

7 MR. BERKO: Yes, absolutely.

8 MR. GOLDFEDER: So --

9 MR. BERKO: Yes. We understand it's a  
10 big ask, but there are needs we are trying to  
11 meet and it's not just --

12 CHAIRMAN KRENGEL: No, we understand the  
13 need.

14 MR. BERKO: It's not just give us what  
15 we want because we want it. And also --

16 CHAIRMAN KRENGEL: Is that a fire code  
17 issue?

18 MR. YARNELL: What?

19 CHAIRMAN KRENGEL: The 2 feet.

20 MR. YARNELL: No. In the state building  
21 code they would have to rate the side of the  
22 garage, but as the topic that you discussed  
23 about physical access, 3 feet is different  
24 than 2 feet for allowing a firefighter or  
25 something to get to the rear of the house.

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2 CHAIRMAN KRENGEL: If you went to 3  
3 feet, could you still have access to the  
4 garage? Could you do 3 feet?

5 MR. BERKO: It's tight.

6 MR. YARNELL: I don't see how you can  
7 get 3 feet if you are reducing the side to a  
8 3-foot side yard setback. Now the garage  
9 becomes less and you are having a tighter  
10 radius into the garage.

11 MR. BERKO: I would say we would be  
12 quicker to offer a foot, take a foot  
13 additionally on the other side of the house,  
14 and leave the garage 2 feet if that's  
15 something you are comfortable with. We would  
16 still have, you know, the kitchen area that we  
17 would like, but we would still be able to  
18 maintain that access for the elderly parents.

19 CHAIRMAN KRENGEL: Is there a fire code  
20 issue?

21 MR. BERKO: We discussed previously, you  
22 know, to be submitting the variance, and Wayne  
23 mentioned that if we fire-rated those exterior  
24 walls in the lot line, it would be acceptable.

25 CHAIRMAN KRENGEL: The other side is

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2 okay for access as per code?

3 MR. YARNELL: The code doesn't identify  
4 fire access to the rear yard. It identifies  
5 that if a structure is within certain distance  
6 to the property line, that portion of the  
7 structure has to be rated.

8 CHAIRMAN KRENGEL: Gotcha.

9 MR. BERKO: Regarding the access, do  
10 properties need access on both sides to the  
11 rear yard?

12 MR. YARNELL: Typically we do not have a  
13 property with a 2-foot access to the rear.  
14 Typically our properties are 6-foot access at  
15 the very least on either side. So you are  
16 limiting the access, you are forcing the  
17 firefighters to theoretically go to only one  
18 side of this to get to the rear of the house.

19 MR. BERKO: Would 2 and a half feet? I  
20 am trying to meet somewhere in the middle.

21 CHAIRMAN KRENGEL: Off the record.

22 (Discussion off the record.)

23 MR. PADEH: Is it okay if we can make  
24 the garage a little smaller?

25 CHAIRMAN KRENGEL: No.

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2 (Discussion off the record.)

3 CHAIRMAN KRENGEL: We will go inside for  
4 a couple of minutes, come back with a  
5 decision.

6 (Discussion off the record.)

7 MR. SHTEIERMAN: Okay. The Board  
8 requests that the dormers in the attic be  
9 removed, the back three, one on left side of  
10 the house and two on the right side. The one  
11 by the stair can stay to give you access to  
12 the attic. The other three dormers behind  
13 that should be removed.

14 MR. BERKO: I prepared a second version  
15 just if you felt that those dormers were --

16 CHAIRMAN KRENGEL: You don't have to  
17 give it to us. We don't need it.

18 MR. BERKO: I don't want to overstep,  
19 but I did a version where they were like very  
20 small dormers just so they can be not confused  
21 as they are definitely decorative. If that's  
22 acceptable because one of them is for a  
23 staircase.

24 MR. SHTEIERMAN: That one can stay.

25 MR. BERKO: Just to keep with the

1           Proceedings - Dov Zev and Riki Padeh  
2           aesthetic of the house. I can show them  
3           obviously in the plan as inaccessible,  
4           3-foot-3.

5           CHAIRMAN KRENGEL: He has a modified.

6           MR. BERKO: I only modified it because  
7           Wayne had a conversation with me about --

8           MR. YARNELL: It's not a village code.  
9           It's your Board. You have to make that  
10          determination.

11          MR. SHTEIERMAN: It says 3-foot-3.

12          CHAIRMAN KRENGEL: We will mark as  
13          Applicant 1 a modification of the plan to show  
14          the dormers as 3-foot-3 interior, which would  
15          at that point be purely decorative with no  
16          possibility of living space. So modify that  
17          as part of the building plans, and we will be  
18          okay with that. I am going to make a proposal  
19          to approve the plans as submitted including  
20          the modification of the dormers. With regard  
21          to the garage, as long as it conforms to all  
22          fire code and safety regulation of the  
23          building code, it's --

24          MR. BERKO: Which we will work it out.

25          CHAIRMAN KRENGEL: And that there be a

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clause there would be no second floor built on  
top of the garage.

MR. BERKO: Is that okay?

MR. PADEH: That's okay.

MRS. PADEH: Yes.

MR. BURG: Motion to approve.

MR. SHTEIERMAN: Second the motion.

MR. BLEIBERG: Approved.

CHAIRMAN KRENGEL: Approved with  
conditions as modified.

(Time noted: 7:36 p.m.)

(Applicant Exhibit 1, Modified plans,  
marked for identification, as of this date.)

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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 22nd day of May, 2025.

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YAFFA KAPLAN

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APPLICATION FOR ZONING VARIANCE  
  
IN THE MATTER OF  
  
488 BARNARD LLC  
456 BARNARD AVENUE  
  
Applicant.  
-----

200 Cedarhurst Avenue  
Cedarhurst, New York

May 8, 2025  
7:36 p.m.

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

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2 CHAIRMAN KRENGEL: Okay. Fifth case on  
3 the calendar tonight has been assigned Case  
4 Number 8 of 2025 and is the applicant of 488  
5 Barnard LLC, the applicant of a parcel known  
6 as 456 Barnard Avenue, designated as 39/180/4  
7 in a R1 Zone. The applicant seeks variances  
8 from Cedarhurst Code Sections 265-42.1A,  
9 Character of Roofs, and 265-36, Height. The  
10 village attorney will now read a statement  
11 into the record.

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

20 Pursuant to New York State General  
21 Municipal Law Section 809, on April 7, 2025, a  
22 non-collusion affidavit has been duly executed  
23 by Daniel Rosenthal, on behalf of the  
24 applicant, wherein he stated that there are no  
25 other persons or entities involved in this

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application that are employed by or connected to the Village of Cedarhurst, its officers, or employees, which would in any way constitute a conflict under the law.

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

Mr. Chairman, members of the Board.

CHAIRMAN KRENGEL: Will the applicant or its representative, please step forward. State your name and address for the record.

MR. MAYERFELD: Both of us. Stanley Mayerfeld, Daniel Rosenthal, owner.

CHAIRMAN KRENGEL: Off the record.

(Discussion off the record.)

MR. MAYERFELD: Mr. And Mrs. Rosenthal would like to do an addition to their home. The house was approved. He bought the house from a developer in about 2012. The house is built according to plan but with one exception that the building inspector didn't even

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realize this until we brought it up to their attention when we got the survey is that the first floor was built a little bit out of the ground, a little higher than was supposed to be.

We are doing an addition to the right-hand side. We want to maintain the floor levels and want to maintain obviously all levels so just want to keep the same height that we have now. This was not something the client brought on. This is something preexisting. There was never an issue up until now. No one realized it was a height issue. We just want to maintain the same height.

And also for character of the roof, which is something that the Board has seen before, less than 50 percent of the flat roof. Also we came prepared with support letters from a number of the neighbors.

CHAIRMAN KRENGEL: We will mark that Applicant 1. I just note they seem to be all the same.

MR. ROSENTHAL: All my immediate

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2 neighbors.

3 CHAIRMAN KRENGEL: But we have one, two,  
4 three, four, five -- eight letters. I will  
5 just read one of them because again, I think  
6 they are all the same. "To whom it may  
7 concern. I am writing in full support of my  
8 neighbor Daniel and Michelle Rosenthal,  
9 regarding their upcoming applicant before the  
10 Zoning Board of Appeals for a variance related  
11 to a proposed extension on their home of 456  
12 Barnard Avenue, Cedarhurst, New York 11516. I  
13 understand they are requesting a variance to  
14 maintain the existing house height which is  
15 currently above the allowable limit so the new  
16 extension will align consistently with the  
17 current roofline.

18 In addition, they are seeking permission  
19 to build a flat section in the center of the  
20 roof for both functional and architectural  
21 purposes. Based on my knowledge and  
22 observation of their property and the  
23 neighborhood, I fully support this request.  
24 The proposed changes are in keeping with the  
25 character of the area, will not negatively

1                   Proceedings - 488 Barnard LLC  
2                   impact neighboring homes, and will result in a  
3                   cohesive and attractive design. I do not  
4                   believe the proposed variances will create any  
5                   adverse effect on light, air, or privacy, nor  
6                   will they diminish the value or enjoyment of  
7                   nearby properties. I hope the Zoning Board  
8                   will look favorably upon this reasonable and  
9                   thoughtful request."

10                   We have Carlyle Street, Barnard,  
11                   essentially you have -- I think they are all  
12                   Carlyle and Barnard. Are these 200?

13                   MR. MAYERFELD: Even closer than.

14                   MR. ROSENTHAL: All my immediate  
15                   neighbors.

16                   MR. MAYERFELD: Nothing from across  
17                   town. This was not a self-created variance.  
18                   It was not something that was prepared to be  
19                   that was out of code. And we just want to  
20                   maintain what's already in place.

21                   CHAIRMAN KRENGEL: Any questions from  
22                   the Board?

23                   MR. SHTEIERMAN: No questions.

24                   (Applicant Exhibit 1, Letters of  
25                   support, marked for identification, as of this

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2 date.)

3 CHAIRMAN KRENGEL: Would anybody in the  
4 audience like to speak in favor or against in  
5 application? Anybody? Okay.

6 Bring up the dormers. Mr. Shteierman  
7 will address the dormers.

8 MR. SHTEIERMAN: The village feels that  
9 there is too much potential for habitable  
10 space with dormers on the side. When they are  
11 in the front and need for decorative purposes,  
12 then they can give it. On the side,  
13 powers-that-be feel it's not necessary. And  
14 the dormers on the side should come off.

15 MR. MAYERFELD: Because we have been  
16 here before --

17 MR. GOLDFEDER: It's a new adjustment to  
18 the -- listen, as these -- as more and more  
19 houses are being built with this flat roof,  
20 five years ago you didn't have a flat roof.

21 MR. SHTEIERMAN: You are going for  
22 character of roof variance. It's all season  
23 whether it's dormer or flat roof. When the  
24 Board looks at something like this, we are  
25 entitled to nothing to give once it's a

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2 variance.

3 MR. MAYERFELD: We have two dormers at  
4 the rear of the house.

5 MR. ROSENTHAL: If I can make one  
6 counterargument here for a second.  
7 Understanding that it's important to the  
8 character of the house and there is precedence  
9 all over the neighborhood for it, my house is  
10 a corner. It's very visible. It's not like  
11 it's tucked away in the back where you don't  
12 see it. So you can make the argument that all  
13 four sides are just as visible as the front  
14 is. You already give the front for aesthetic  
15 purposes. There is no reason to withhold it  
16 from the surrounding house.

17 It's a wide corner as you saw because  
18 there is no longer a corner house. It's being  
19 knocked down in order to provide for the  
20 extension -- the argument which I understand  
21 makes sense, you see my house from all four  
22 sides. I have no house on the other side  
23 either, so the precedence exists and it's now  
24 all four make sense.

25 MR. MAYERFELD: If you are concerned

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2 about habitable space, I am just looking, this  
3 is above. This wouldn't meet egress code.

4 MR. YARNELL: But the height would.

5 MR. MAYERFELD: I think it's too high.

6 MR. YARNELL: The height of the ceiling  
7 in the attic space meets code.

8 MR. SHTEIERMAN: The dormer on the  
9 street facade, I would suggest keeping the one  
10 on Carlyle. The one on the back of the house,  
11 this is not a street behind you, right? No.

12 CHAIRMAN KRENGEL: Keep Barnard and keep  
13 Carlyle.

14 MR. ROSENTHAL: Can I ask again --

15 CHAIRMAN KRENGEL: You made a fair  
16 argument.

17 MR. ROSENTHAL: I want to carry my  
18 argument through. I get it and I appreciate  
19 two out of the four so far, but again, my  
20 house, if you haven't been to me --

21 CHAIRMAN KRENGEL: One out of three,  
22 there are three dormers. Two in the back over  
23 here, one on the side.

24 MR. ROSENTHAL: Right.

25 MR. MAYERFELD: Give up one. It's

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2 not --

3 MR. SHTEIERMAN: It's not affecting  
4 street view of the house.

5 MR. ROSENTHAL: You approve the ones in  
6 the front and one on Carlyle and now you are  
7 saying one in the back.

8 MR. BURG: There is none in the front.

9 CHAIRMAN KRENGEL: There is two in the  
10 back on the top left of the house I guess  
11 if --

12 MR. GOLDFEDER: If your argument is for  
13 the --

14 CHAIRMAN KRENGEL: Go to A-5.

15 MR. ROSENTHAL: Again, is there  
16 something -- first of all, just again, I am  
17 not building an attic which I know is your  
18 concern. So what's the issue?

19 MR. SHTEIERMAN: What's the issue with  
20 the dormers?

21 CHAIRMAN KRENGEL: Off the record.

22 (Discussion off the record.)

23 CHAIRMAN KRENGEL: We make a proposal to  
24 modify the dormers to 3-foot-wide dormers,  
25 3-foot-wide dormers with the condition of no

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stairs going to the third floor.

MR. MAYERFELD: The two in the rear.

MR. ROSENTHAL: Okay.

CHAIRMAN KRENGEL: Two in the rear, 3 feet wide with no step -- no staircase.

MR. YARNELL: No full set of stairs. You can have attic stairs.

CHAIRMAN KRENGEL: I make a motion to approve the application as modified.

MR. BURG: Second.

MR. BLEIBERG: Approved as modified.

MR. SHTEIERMAN: Approved as modified.

(Time noted: 8:08 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 22nd day of May, 2025.

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YAFFA KAPLAN

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----- EXHIBITS -----

APPLICANT FOR ID.

Exhibit 1 Letters of support 6

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