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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

TAMMY & JASON HIRSCH,
301 LEROY AVENUE,

Applicants

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

August 16, 2023
7:01 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

DAVID SHTEIERMAN, Board Member

JARED CLARK, Board Member

MICHAEL BLEIBERG, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

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2 CHAIRMAN KRENGEL: Good evening
3 everybody. The first case on the calendar
4 tonight has been assigned case number 13 of
5 2023, and is the application of Tammy and
6 Jason Hirsch, the applicants of a parcel known
7 as 301 Leroy Avenue, and designated as
8 Section 39/Lot 346/Lot 159. The applicant
9 proposes to construct an in-ground pool. The
10 applicants seeks variances from Cedarhurst
11 Code Section 265-125, location restricted.

12 This Board has determined that the
13 application is a Type II Action pursuant to
14 section 617.3 of the New York State Department
15 of Environmental Control Regulations and does
16 not require an Environmental Impact Statement.

17 The Village Attorney will now the
18 statement into the record.

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

25 Accordingly, the jurisdiction has been

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

4 Pursuant to New York State General
5 Municipal Law Section 809, on June 15th, 2023,
6 a non-collusion affidavit has been duly
7 executed by the applicant, Tammy Hirsch,
8 wherein she stated that there were no other
9 persons involved in this application that are
10 employed by or connected to the Village of
11 Cedarhurst, its officers, or employees, which
12 would in any way constitute a conflict under
13 the law.

14 Pursuant to an agreement between the
15 Village of Cedarhurst and the Nassau County
16 Planning Commission, the Nassau County
17 Planning Commission has been given notice of
18 this application, and has waived consideration
19 thereof. Mr. Chairman, members of the Board.

20 CHAIRMAN KRENGEL: Will the applicant or
21 its representative, please step forward?

22 MR. SHRIKI: Good evening, Board
23 Members. My name is Dan Shriki. I'm a
24 representative from John Capobianco's
25 Architect's Office. I'm here today on behalf

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2 of the Hirsch's, who are the owners of the
3 property at 301 Leroy. We are here seeking
4 relief for an in-ground pool in the rear yard.
5 The pool, in question, is a 10-foot by 30-foot
6 final line pool. We are requesting relief
7 from the Section Code 265-125 for a rear yard
8 setback where ten feet is required. We are
9 requesting a five-foot setback to the edge of
10 the pool. As you see from the design, the
11 rear yard property --

12 CHAIRMAN KRENGEL: Let me stop you one
13 second. I think that's the wrong code,
14 correct? It's not ten feet.

15 MR. YARNELL: No, the section of the
16 code states -- there is two parts to the code.
17 It says rear yard has to be ten feet, and also
18 if it abuts a roadway, it has to be 25 feet.

19 CHAIRMAN KRENGEL: Just for clarity,
20 it's a variance of 25-foot also.

21 MR. SHRIKI: Okay. And additionally,
22 there is a five-yard setback on either side,
23 which we do comply with. So in the current
24 setback for the house, we bring it up to
25 25-foot from the street. The rear yard is

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2 30-foot setback to the house. 25 would only
3 allow a five-foot difference between the house
4 line and where the pool can technically be
5 put, and then we revert back to the other part
6 of the code, which says ten feet.

7 We want to put a patio in there, so that
8 there is a place to lay out and for table and
9 chairs during the holidays to put a Succah up,
10 and we feel that a five-yard -- the house sits
11 on a dead-end road, as you can see on the
12 surveying plans, so there are no neighbors
13 directly behind them. They meet the side yard
14 setback, so they're not infringing on the
15 neighbors side yard with either side. They
16 wish to put up a planned screening on the side
17 yard property lines to kind of block in.
18 We're also going to put a six-foot line fence
19 all around on the edge of the property line to
20 give further screening. So also Ms. Hirsch
21 went around to their neighbors, and they got
22 several signatures on a petition. I believe
23 you've seen this already. One of their
24 neighbors, who was unable to sign the
25 petition, because they were away sent an

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e-mail.

CHAIRMAN KRENGEL: Are these within the
200-foot radius?

MR. SHRIKI: Yes.

CHAIRMAN KRENGEL: We have been given a
petition with eleven signatures from Leroy and
Roselle Avenue supporting this application.
In addition to that, we have an e-mail from a
Daniel Plaut, Village Trustee, at 275 Leroy
Avenue, also in favor of this application.
I'm just going to read one letter --
actually finish the case, then I'll read the
letter.

MR. SHRIKI: That's pretty much it. We
feel that this is a good application. We
don't -- we're not a detriment to the area,
and because it's on a dead-end block, it's not
really effecting potentially a neighbor that
would have gatherings in their backyard.

CHAIRMAN KRENGEL: The pool, I guess is
perpendicular to the roadway; correct?

MR. SHRIKI: Yes.

CHAIRMAN KRENGEL: There is no houses
directly behind this; correct?

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MR. SHRIKI: Correct. It kind of overlaps what would be the neighbor's property on the other side, if you look at the plot plan on my sheet that shows, but it lines up almost perfectly, and that's the front yard for that neighbor to the north.

CHAIRMAN KRENGEL: Thank you. Anybody here that has anything to speak in favor of this application? In favor? Anybody here that would like to speak against this application?

MS. KLEIN: Hi. Lydia Klein, 341 Livingston Place. Obviously nobody on my street, which is the dead-end, has stepped forward or contacted, except for the letters.

CHAIRMAN KRENGEL: Where are you in relation to that?

MS. KLEIN: I am the dead-end corner house.

CHAIRMAN KRENGEL: You're the last house on the corner?

MS. KLEIN: Yes, and then there is 350, which is across the street. He probably doesn't care, because he rents out the house

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2 and it's empty right now. I am going to make
3 enemies here, I apologize, but they are asking
4 for more than a five-foot variance. That's
5 pretty obvious, unless they put the pool right
6 up against the house. It's a 25-foot from a
7 street edge. Livingston Place is a street
8 edge. If I wanted to build a pool in my
9 backyard, I don't have the luxury of having an
10 open area in the back of me. I would have to
11 build this from the front of my house. They
12 have the luxury, I believe it's on the village
13 that they should not be allowed to do that.
14 I've had construction when the house was
15 built, which wasn't on them, months and months
16 of construction -- my -- the driveways being
17 blocked, the roads being blocks. All of my
18 neighbors were impacted.

19 We're still going to be impacted, even
20 though I've spoken to the owners. They've
21 been lovely. They've tried to find out a
22 timeline. They got two months max. I wanted
23 to know how am I going to be impacted, and I
24 know I'm going to be impacted, the whole block
25 is going to be impacted. They're going to be

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working off Livingston Place.

Again, if I wanted to build a pool in my backyard, they would have to go from my front of my house. I would be inconvenienced. None of my neighbors. I believe if somebody is building something, the impact should be on the person building, not the other people, and I think the onus is also on the village for allowing this. I have not dealt into looking into if there is laws against this. I've been told just go with it. I don't go with it when I'm impacted, and I'm inconvenienced. My driveway is blocked many, many times.

Also, there are variances. The whole nature of the neighborhood has been changing. There is codes. The codes was put in place for proper spacing of property privacy, and I know I'm going a little bit over here, but everything is changing in the neighborhood, as things do. But the quiet, the privacy, the greenery, everything is gone. Everybody is building on the footprint of the property, and you guys are granting all of these variances. Why are there codes? Get -- do away with

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2 them. There is a reason for codes. I feel
3 that this is going to disrupt me, my street,
4 which should not be allowed from Livingston
5 Place, number one. I also feel it's too
6 close. Again, it's at least -- they build
7 right up against their home. There is at
8 least, I believe, 15 feet of a variance --
9 more than five feet away, way more than five
10 feet, because you have to have that 25 feet.
11 I just feel that this is going to be like a
12 public pool, no matter how high you build a
13 fence. There is going to be a public pool.
14 It's right at the end of my street. I'm going
15 to be looking right out on it. That's what I
16 have. I do not believe this should be
17 granted, and if it is granted with caveats,
18 let it be built from Leroy, not from
19 Livingston.

20 CHAIRMAN KRENGEL: I don't know if we
21 can require that.

22 MS. KLEIN: Okay. I can look into the
23 Town of Hempstead for that, because I can't
24 believe that somebody is allowed to build from
25 a street. Just if you wanted to build a pool,

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are you open on the back of the house?

CHAIRMAN KRENGEL: I don't know the law.
We can refer --

MR. GOLDFEDER: We're not involved in
the building process, just on the zoning. Not
the actual construction process.

MS. KLEIN: Okay. So that's another
action for me --

CHAIRMAN KRENGEL: It's the front of the
street, so it's a public street. If you do it
from the front, or if you do it from the back.
Again I'm not an attorney. We're not going to
pine on that.

MS. KLEIN: All right. I thank you for
your time.

CHAIRMAN KRENGEL: Thank you. Anybody
else like to speak in opposition to that
application?

There is -- we do have a letter that
came in via e-mail dated today from -- it's
signed Miriam Goldstein from 301 Leroy
Avenue -- I'm sorry, 307 Leroy.

"My name is Miriam Goldstein. I reside
at 307 Leroy Avenue, next to the house at

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2 issue. I'm unable to attend today's meeting,
3 but I would like to raise some concerns. I
4 reside at my home for 30 years. I've never
5 had to raise any issues regarding construction
6 until now, and they are as follows: Since the
7 house has been built inches from my fence, I
8 respectfully request the pool would be placed
9 away from my property preferably in the center
10 of their property with proper safeguards in
11 place. Sitting water are breeding grounds for
12 mosquitos. I trust that they will be able to
13 address the concern properly. I am concerned
14 about my homeowner's insurance, and the impact
15 on my rates since it's a liability issue.
16 Lighting on the side, fencing on the property
17 should be limited scope to their property
18 parameters, and the current lighting shining
19 bright on our property. I am enclosing
20 pictures -- which we did not get. I have many
21 others to address that I will do on a later
22 date. Sincerely, Miriam."

23 Put this as Applicant's -- all put
24 together as Applicant 1.

25 (Applicant's Exhibit 1, Letters, marked

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for identification, as of this date.)

CHAIRMAN KRENGEL: I'm not going to give my opinion on any of the points in that letter, but whether they're true or factual or not. Anybody on the Board have any questions?

We would like to just take a vote with just open caveat, if it's approved, I would just ask that you try be nice to your neighbors and not shine light on their house.

Let's make a motion?

MR. SHTEIERMAN: Approved.

MR. CLARK: Approved.

MR. BLEIBERG: Approved.

CHAIRMAN KRENGEL: The application has been approved.

(Time noted: 7:14 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, RIVKA 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 16th day of August, 2023.

RIVKA KAPLAN

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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

AVI HERSKOVIC,
407 CHURCH AVENUE,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

August 16, 2023
7:23 p.m.

B E F O R E:

MEIR KRENGEL, Chairman

DAVID SHTEIERMAN, Board Member

JARED CLARK, Board Member

MICHAEL BLEIBERG, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

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2 CHAIRMAN KRENGEL: The third case on the
3 calendar tonight is assigned case number 11 of
4 2023, and is the application of Avi Herskovic,
5 the applicant of a parcel known as 407 Church
6 Avenue, designated as Section 39/Block 189/Lot
7 60. The applicant proposes to reconstruct and
8 expand a one-family residence. The applicant
9 seeks variances from Cedarhurst Code Section
10 265-36, height; 265-38C, building area;
11 265-41A, side yards; 265-42 rear yard;
12 265-42.1A, character of roofs; 265-43D,
13 permitted encroachment, and 265-8, garages
14 required.

15 This Board has determined that the
16 application is a Type II Action pursuant to
17 section 617.3 of the New York State Department
18 of Environmental Control Regulations and does
19 not require an Environmental Impact Statement.
20 The Village Attorney will now the statement
21 into the record.

22 MR. GOLDFEDER: Mr. Chairman, and
23 members of Board, for the record, we have been
24 provided with proof of the mailing and
25 publications in the local newspaper of record

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of all notices of this hearing as required by law.

Accordingly, the jurisdiction has been obtained over all necessary parties and this Board has jurisdiction to hear this appeal. Pursuant to New York State General Municipal Law Section 809, on April 25th, 2023, a non-collusion affidavit has been duly executed by the applicant, Avi Herskovic, wherein he stated that there were no other persons involved in this 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 the 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.

MR. YU: Good evening, members of the Board. My name is Yung Yu, 95 Empire

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2 Boulevard, Island Park, New York, 11558. I am
3 a partner at Yun's Group Architectural
4 Division, consultants for Herskovics, and
5 their architect, the Spiral Group.

6 So our client has filed a building
7 permit application to which it was denied, as
8 it deviated from the code. As such we have
9 filed an application with the Board Zoning of
10 Appeals seeking variances from 265-36, as the
11 renovation exceeds the permitted height of 30
12 feet, from the crown of road. We are
13 proposing 32 feet to the top of the parapet,
14 and 31 feet to the top of the flat roof --
15 excuse me -- 265-38C, where the lot coverage
16 shall not exceed 30 percent of the lot area,
17 we are proposing a lot coverage of
18 34.7 percent, which is 2082.19 square feet, of
19 which .7 percent is the entry porch awning,
20 and the bay window in the rear.

21 265-41A, where an aggregate of 16 feet
22 for side yard is required, we are proposing
23 14 feet, 4 inches, as we are maintaining the
24 existing -- the width of the existing
25 conditions.

1 Proceedings - Herskovic

2 265-42, where the minimum rear yard
3 setback is 25 feet, we are proposing 24 feet
4 for the one foot protrusion of the bay window.

5 265-42.1A where flat roofs are not
6 permitted, 32 percent of the roof area is
7 proposed to be flat.

8 MR. SHTEIERMAN: What's the -- how much
9 is the percentage?

10 MR. YU: 32 percent, and 265-43 where
11 the codes states a 3 feet by 6 feet projection
12 unenclosed roof overhang may encroach 3 feet
13 into the required setback, we are proposing
14 2 feet, 8-inch by 12 feet overhang.

15 265-8, where a garage is required, where
16 we have proposed a single-car garage, the
17 Building Department believes the garage to be
18 too narrow to properly fit a car. We believe
19 the requests are minor. The work being
20 proposed is a renovation to an existing
21 two-story single-family dwelling.

22 You will find that the existing house is
23 irregular in shape, and we're proposing to
24 square off the house by adding to the back
25 right corner to the front left corner, and a

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2 little bit to the back left corner of the
3 house. We're extending what is currently
4 there and not making the house any wider than
5 it currently is, and in fact, the garage was
6 pushed back from the 23 feet, 10-inch to 26
7 feet from the front yard setback, you know,
8 which is for the back-end what is currently
9 existing, and this allows us to provide a
10 better design in terms of the aesthetic, you
11 know, the layout and the flow of the house.

12 More than 50 percent of their foundation
13 will remain intact. The first floor elevation
14 will remain the same with the ceiling height
15 of 9 feet, 11. The second floor ceiling
16 height 9 feet. The attic will remain
17 unfinished and inhabitable, to be used solely
18 for storage with the height of 6 feet,
19 11 inches.

20 A portion of the roof, 32.74 percent,
21 will be flat to provide a steeper roof line
22 along the perimeter of the house, so that the
23 roof of this house doesn't look squatted, and
24 stays proportional to the overall design of
25 the house. The rooms were kept to a minimum,

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2 where the dining room is 20 feet, 4 inches
3 wide by 15 attached to the living room, that
4 is only 16 feet by 13 feet, 1 inch. This
5 allows the Herskovic's to expand into the
6 living room on the occasion they have many
7 guests over.

8 The family room is also modest at 14
9 feet, 1 inch by 19 feet, where the family will
10 spend most of their time. These room sizes
11 are less than what you would typically find at
12 homes of these nature.

13 The proposed plan shows five bedrooms on
14 the second floor. Each bedroom being very
15 modest in size are approximately a 176 square
16 feet, with two hallway bathrooms. The master
17 bedroom is only a hair bigger, and it's
18 smaller than what you typically find homes of
19 this size in this nature. The Herskovics have
20 four children and a grandmother that lives
21 with them, and they do hope to have more
22 children in the future and also build a long
23 lasting home where they will be able to house
24 their children and their children's children.
25 The Herskovics purchased their home back in

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2 2016, and -- excuse me -- while stating the
3 obvious, they love this neighborhood, they
4 made many friends. They're friendly with the
5 neighbors, and they are within close proximity
6 to their shul, all which are very important to
7 them. They have searched for properties
8 nearby, but as you already know there is very
9 limited supplies, you know, and a lot of the
10 properties are very, very expensive now. With
11 the rising cost of materials and labor, and
12 while, you know, while anyone would love to
13 have an unlimited budget they are very, very
14 conscious of their budget, and find the best
15 option for them would be to renovate, and add
16 to their home.

17 The home is within -- is in character
18 with the homes in the neighborhood. The house
19 across the street, 420 Church Avenue, has a
20 building height of 35 feet, 3 inches. 416
21 Church Avenue has a lot coverage of
22 37.6 percent, which includes the deck, that's
23 at 3.6 percent. However, the house addition,
24 and the garage addition adds to 34 percent of
25 the lot coverage.

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2 Another house nearby, 404 Barnard
3 Avenue, was granted a variance of 31 feet with
4 a flat roof. 572 Kensington was granted a
5 height variance of 31.5 feet, with a flat
6 roof, and also granted lot coverage of 34
7 percent.

8 CHAIRMAN KRENGEL: Just Kensington was
9 not -- I don't believe it was 34 percent above
10 ground. That included below ground space. It
11 was not explicit in the decision, but in the
12 minutes. 34 percent is not above ground.

13 MR. YU: Okay.

14 CHAIRMAN KRENGEL: Is that correct?

15 MR. GOLDFEDER: I believe so, and the
16 height was based on another application.

17 CHAIRMAN KRENGEL: It was an underground
18 space basement that increased. They went past
19 the footprint of the house.

20 MR. YU: The -- our spacing was based
21 on --

22 CHAIRMAN KRENGEL: The decision?

23 MR. YU: The decision. The existent
24 house has an existing nonconforming lot
25 coverage which is 31.85 percent, you know,

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1 covered porch, and the bay windows aside, we
2 are requesting an additional 2.15 percent,
3 which is 129 square feet, while the bay
4 window -- with the bay window and the covered
5 porch, we're requesting an additional
6 2.85 percent, which is 171 square feet, and we
7 believe that we're not setting new precedence
8 with this house.
9

10 In regards to the garage, a garage has
11 been provided in the drawings, in the design.
12 There is no provision in the codes that states
13 what a minimum size of the garage needs to be.
14 However, the Code Section 265-96G states that
15 the minimum parking space shall be 8-foot,
16 6 inches in width by 17 feet deep. The garage
17 width at the narrowest section is 8-foot,
18 5 inches; one inch less than what is defined
19 as parking space in the code, and gets wider
20 towards the garage door opening, at a width of
21 10 feet, 11 inches.

22 An argument was made that a car parking
23 in this garage would not be able to pull in
24 and physically open the door. However, as per
25 Google the average width of the car is 5 feet,

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2 9 and a half inches wide. If the car was
3 parking in the garage hugging the right side
4 maintaining about 6 to 8 inches, that would
5 leave approximately 2 feet to the left. Left
6 side of the driver, you know, so the driver
7 would be able to get in and out, and that's
8 not including the area that kind of flares
9 out, giving them a little bit more room to
10 play where the driver's side door is located.

11 Typically, we don't have any access from
12 the main house into that garage, so there
13 would be no stairs or obstruction in that
14 garage. The house will not have any
15 detrimental effect on the neighborhood nor
16 cause an undesirable change to the character
17 of the neighbor. With the growing family and
18 the desperate need for space, we are
19 requesting that the Village approve this
20 application. We do have letters from some of
21 the neighbors.

22 CHAIRMAN KRENGEL: Are these within the
23 200 feet radius?

24 MR. YU: Some of the homes are within a
25 200 feet radius.

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CHAIRMAN KRENGEL: We have a number of letters here. All letters here all in support of the application, various neighbors on Church Avenue. All on Church Avenue. Let's mark these as 1.

(Applicant's Exhibit 1, Letters, marked for identification, as of this date.)

CHAIRMAN KRENGEL: The letters come from Axelrod on 412 Church; Farkas on 420 Church; Goldfarb on 433 Church; Langer on 427 Church; Sklar, 400; Green on 401; Lechter, 383; Aranov, 398; Benjamine, 376; Greenstock 377; Pipko at 416. All in favor of the application. Is that your case?

MR. YU: Yes.

CHAIRMAN KRENGEL: Thank you so much. Does the board have any questions? Any questions? Could you -- you may think this is something maybe deminimis, but this is some of these what we can consider not deminimis. So, you know, the building coverage 34 percent on a 6,000 square foot lot is a high number. The roof is high. Have you looked into what you -- and the garage is a major issue, as you

1 Proceedings - Herskovic

2 saw from the previous case. So those --
3 before we get to anything else?

4 MR. GOLDFEDER: I just want to point
5 out, I mean there are cases that are
6 exceptions. They're mitigating factors. I
7 mean you brought up one case that had a 34
8 percent lot coverage. It was mitigated by
9 other aspect of the plans and you know, for
10 example, if you were going to say you were
11 exceeding lot coverage because of an open deck
12 or because of a bay window, it's one thing as
13 opposed to exceeding lot coverage due to
14 building space. So those are all mitigating
15 factors.

16 CHAIRMAN KRENGEL: I just want to read
17 from the Kensington minutes, the transcript
18 that evening. It says with regard to building
19 area, we made a motion to approve the 34
20 percent, but the interior living space is
21 30 percent. So I think there is -- I think 7
22 or 8 variances required. I think if we
23 address, you know, a couple of these first, it
24 may change some of the things to start with.

25 MR. YU: To answer you, right, so there

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2 was 416 Church Avenue, which is the Pipko
3 residence, where I have the minutes here which
4 says, to the house just to clarify, you are
5 seeking a variance, the house addition, garage
6 addition is going to bring the lot coverage at
7 34 percent. Then it continues, then the
8 proposed deck is increasing that by
9 3.6 percent to 37.6 percent.

10 So here, you know, in these minutes, it
11 is saying that the garage and the house
12 itself --

13 MR. GOLDFEDER: Again, it's possible. I
14 don't have a photographic memory of every case
15 and every transcript, but you have the benefit
16 of prior research and that's great. But there
17 are mitigating factors to every case and we
18 look at every case as a whole. I mean while
19 you indicated that it's deminimis, I think you
20 may have broken the record for the number of
21 variances requested. So that's also a factor.
22 I mean, you know, we're saying that it's
23 essentially a remodel.

24 It looks like we're keeping some of the
25 foundations, but we're really redoing the

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2 entire structure, you know, so on the one
3 hand, you want to look at that it like a
4 remodel, but the reality is you're changing
5 the entire look and feel of this house, and
6 while it doesn't say in the facts, I can't
7 tell you that we typically for a garage look
8 at -- look for a garage to be 10 by 20, while
9 it's not in the statute.

10 So there are a lot of things that we do,
11 and we do give variances to a degree, what
12 you're asking for on a one-off basis, without
13 any real justification of 34.732 feet. Those
14 are significant numbers, where this board has
15 taken a bright line lower than that without
16 really extenuating circumstances, and a desire
17 to live in the neighborhood and grow a family
18 is not necessarily extenuating justification
19 to exceed those.

20 CHAIRMAN KRENGEL: I think I mean we can
21 continue to keep going with the hearing, get
22 comments from the audience and voting on it,
23 or, you know, you can decide you want to hold
24 the hearing, and go back to the drawing board
25 and see what changes you can make to make it

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2 possibly more -- again, I don't know what the
3 results of the board is going to be. That I
4 can't tell you.

5 But again the building coverage, the
6 height, and the garage are the three major
7 issues that, you know, I think we will need to
8 be addressed.

9 MR. HERSKOVIC: Can I say something?

10 CHAIRMAN KRENGEL: Step up. State your
11 name, who you are.

12 MR. HERSKOVIC: My name is Avi
13 Herskovic. We moved into the neighborhood in
14 2016. We moved in with two kids, we bought a
15 house. It was a three bedroom house. Two
16 girls. We had another two girls since we are
17 here, so that's four girls, you know, I'd like
18 to have a boy. So we will hopefully keep
19 trying, so the space is like kind of important
20 for us in terms of like everything. My mom
21 actually lives with us. I don't know if
22 that's considered an extenuating circumstance
23 with having an extra room, maybe I should have
24 brought in like an affidavit that she is.

25 CHAIRMAN KRENGEL: We believe you.

1 Proceedings - Herskovic

2 MR. HERSKOVIC: But she's living with us
3 for a while now.

4 CHAIRMAN KRENGEL: Again, we're not
5 saying there would be no variances granted.

6 MR. HERSKOVIC: Yeah, I would love
7 to like -- I appreciate the fact that you're
8 listening and you're willing to talk to us,
9 and see where we are willing to -- I
10 appreciate that. I mean like the bay window
11 in the back, to be honest.

12 CHAIRMAN KRENGEL: I didn't spoke -- I
13 talked about three variances specifically,
14 because I think those are the major ones that
15 need to be addressed. The bay window in the
16 back --

17 MR. HERSKOVIC: If you don't mind, the
18 garage, and I'm not an architect. I know my
19 architect here was saying that it's kind of
20 key, because we have like a staircase, I
21 think, from what I understand that's up
22 against the wall.

23 CHAIRMAN KRENGEL: So you are either
24 going to come with a revised plan. Those
25 three things need to be addressed.

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1
2 MR. YU: If I may, you know, as I
3 stated, there is nothing in that provision, in
4 the code, that says what the minimum width of
5 a garage is in your code, right, and one of
6 the arguments that I did make with Wayne was,
7 you know, I told him I wasn't sure if this is
8 really a BZA, you know, a BZA item, because in
9 the code it does say parking space is 8 1/2 by
10 17 feet, which, you know, and -- I mean I'm
11 pretty sure they could make adjustments and
12 make it 8 1/2 by the 19 feet that they have,
13 but like I said, you know, in the codes you
14 don't actually have minimum dimensions of a
15 garage, and if we comply with the 8 1/2 by 19,
16 then we're compliant with what you define in
17 your code as a parking space.

18 MR. YARNELL: If I can just mention,
19 when you talk about an 8 1/2 by 19 parking
20 space, you're talking about parking spaces
21 next to each other. The issue is when you
22 open your door, I'm not questioning whether
23 the car can get in, in an 8 1/2 space. It's
24 when you to get out of the vehicle in 8 1/2
25 feet is the problem.

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2 CHAIRMAN KRENGEL: We have three -- like
3 I said, three major items that I believe will
4 need to be addressed. We could continue, we
5 can have the hearing go on, get comments from
6 everyone, we can listen then go back to the
7 drawing board and take a vote. You can decide
8 at this point.

9 MR. SPIRA: I'm going to introduce
10 myself. Aside from being Avi's father-in-law,
11 I'm also the architect. So in order to go
12 back to the drawing board, you have to know
13 what the issues are otherwise I would be
14 spinning my wheels. I know you brought up
15 three issues. I don't understand the garage
16 issue, because I'm new --

17 CHAIRMAN KRENGEL: Wayne will address
18 that.

19 MR. SPIRA: I know, but I just don't
20 know where it says -- it doesn't say anywhere
21 in the code, so I don't know what the usual
22 requirements are. As far as I can tell, we
23 are perfectly fine having a garage. I have
24 done parking space in areas in Brooklyn, New
25 York, what I do is 8 1/2 by 18 --

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2 CHAIRMAN KRENGEL: I'll stop you. Mr.
3 Shteierman is our architect, he will address
4 that.

5 MR. SHTEIERMAN: So the village doesn't
6 have a written code on that, but the written
7 codes on parking spaces, as Wayne just
8 mentioned, is for open parking in a parking
9 lot. Once it's enclosed, the village building
10 department has required people to have 10 by
11 20. Now there might be some flexibility on
12 that, but it probably won't be --

13 MR. SPIRA: We have ten. Most of the
14 garage is ten. It just cuts -- towards the
15 end, it cuts down to 8 1/2. I don't know why
16 it should be a problem. There is plenty of
17 room in the garage, if you look at the garage.
18 Most of the garage is ten.

19 MR. SHTEIERMAN: So the building
20 department, not the board here, has required
21 typically 10 by 20. The board did discuss
22 this and they would likely be open to reducing
23 that somewhat, but not necessarily down to 8
24 1/2 feet where the car is, but there is
25 probably some leeway on that. We're not

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2 looking necessarily for 10 by 20 because it is
3 an unwritten code, but just so you know, it's
4 basically an unwritten requirement of this
5 building by the building department, not us,
6 for 10 by 20. As a matter of fact, all of
7 those cases you mentioned, I have the plans
8 here, were 10 by 20, but again we're not
9 looking --

10 MR. SPIRA: You know that all parking
11 spaces like, for example, Brooklyn or anywhere
12 in New York, you have side yard, eight-foot
13 side yards in the parking, everyone uses side
14 yards in thousand of houses.

15 MR. SHTEIERMAN: This board doesn't make
16 that decision. You're hundred percent right,
17 and as you also know, from our experience in
18 New York, the BSA over there, and the BZA over
19 there, I always remind everyone, there is no
20 precedent. Every case is unique. But again,
21 I think of the three issues that Meir
22 mentioned as the smallest of the three, there
23 might be a little bit of leeway on them. But
24 the other two issues are the bigger points.

25 MR. SPIRA: Let's discuss the height.

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2 So we're asking -- I'm really asking for 31,
3 because the 32 is the top of the parapet. I
4 just want to have room for -- I don't like
5 doing flats roof on top of the thing, which is
6 really not common practice, but I'm just
7 giving myself an extra foot, but really I have
8 31 feet height to the flat roof. I don't
9 think that's asking much. It's only one foot.

10 As far as the parapet, if you want me to
11 cut down the parapet, I will do it. What's
12 going to happen is the water is going to go
13 right down to the side roof. I don't think
14 that's the right way to build a house, but if
15 that's something you insist on, I'm willing to
16 change it to 31.

17 MR. SHTEIERMAN: The board has looked
18 at, the height has been a bone of contention
19 in the community, and as a whole, the board
20 has looked at that. So I know it's just to
21 the parapet to curve around the drainage area,
22 but visually from the street, that's 32 feet.

23 MR. SPIRA: So if you want me to cut
24 that down, I'll cut that down.

25 MR. SHTEIERMAN: The board will have to

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2 look all of the factors and everything else.

3 MR. YARNELL: Off the record.

4 (Whereupon, there is a discussion held
5 off the record.)

6 CHAIRMAN KRENGEL: We're going to
7 continue now. You can sit down. Anybody in
8 the audience like to speak in favor of this
9 application. Anybody in the audience like to
10 speak in opposition to this application? Just
11 state your name and address.

12 MS. GILLER: My name is Erica Giller. I
13 live at 402 Barnard Avenue, which is right
14 behind the home that we're speaking about. I
15 grew up in the Five Towns, and I lived in the
16 house on Barnard Avenue for the last 21 and a
17 half years. We have done major construction
18 projects in our house. I'm not here to fight
19 about anyone making their home better or ask
20 questions about that. That's home improvement
21 and that's what makes the village what it is.
22 Wayne knows us very well. We have done three
23 extensions. We're currently in the middle of
24 an extension, but I -- we have been getting
25 more and more letters about these variances

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and I have a lot of questions about them.

CHAIRMAN KRENGEL: Is it about this specific case?

MS. GILLER: It is about this specific case.

CHAIRMAN KRENGEL: Try to keep it to just this case, not generally.

MS. GILLER: Okay. I will explain why I'm here. I just want to understand the process of variances. The way that I understand it is that there are codes and laws that protect the character and the value of the village and the way that it looks, and we trust the village and we trust the zoning department to protect those laws. So when we get letters in the mail that ask for 6 or 7 variances, it makes me wonder if it's still being upheld and the reason I'm here tonight, and I know I'm overstepping a little bit is because two years ago when six variances were approved on the home next to us, at 404 Barnard Avenue, I did not come, and what's been happening for the last two years is just unacceptable.

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1
2 The things that have been happening on
3 our block, because of all of these variances
4 because it's just such a huge house was
5 allowed to built. I'm speaking for neighbors
6 who did not want to be here tonight, and this
7 is nothing against the Herskovics, who we have
8 nothing personal against them, but the damages
9 and the problems and the issues that have been
10 going on our block, I don't know if any of you
11 are familiar or driven down that block. It's
12 almost impossible to drive down that block
13 without having to wait for trucks on both
14 sides. Two years. Two car accidents,
15 constant traffic, noise at all hours,
16 weekends, July 4 we've called the police.

17 The mess in the street is ridiculous,
18 the amount of glass and garbage. Like I said,
19 we've done construction and we've never had
20 those kinds of issues, but the house next door
21 to us is so large for the property that it's
22 on, that it's the garbage coming over onto our
23 property no matter how -- it's high, it's
24 wide. It's encroaching on every neighbor, and
25 again, I'm very for home improvement, but when

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1
2 I'm getting variances in the mail like this
3 one, and this is not personal to this, why all
4 these variances are being granted for houses
5 to come so close to other people's property,
6 it just changes everything.

7 I can't tell you how many people come
8 down our block and say things like what is the
9 deal with this house on the block. It just
10 does not fit on this block. So again if I had
11 to say from these variances, and I appreciate
12 that I did hear some pushback tonight, because
13 it makes me feel like there are people that
14 are listening and there are people that are
15 protecting the value of the height and the
16 rear -- I didn't know it was a bay window.
17 Obviously that doesn't bother me.

18 But I just think there are laws for a
19 reason, and when there are six or seven
20 variances being asked for on any property, not
21 this property, just any property in general,
22 there has to be the question of why. If you
23 can't follow the rules to maintain and I have
24 a variance on my property; one. I have sat in
25 the audience, and have had people pushback on

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2 my variances, I understand. But when you need
3 six or seven variances to build a house, there
4 should be a question.

5 I appreciate that you didn't ask that.
6 Why? Like -- and 404 Barnard Avenue, I wish I
7 was here that night, we had a wedding, me and
8 Carmy wrote a letter. I think it was totally
9 ignored. The trees, all the trees being cut
10 down. The trees we had in the front of the
11 block. It's --

12 CHAIRMAN KRENGEL: Let me interrupt you,
13 not everything is necessarily a variance, and
14 not -- and certain variances are only because
15 of a condition that's pre-existing. So it
16 isn't because it's a variances being asked for
17 or granted, it may actually be just, you know,
18 more of a procedural thing than anything that.

19 MS. GILLER: Right, I understand that.

20 CHAIRMAN KRENGEL: Chopping down a tree
21 has nothing to do with us necessarily.

22 MR. SPIRA: Did you study the
23 variances --

24 CHAIRMAN KRENGEL: The same way working
25 from a backyard street is no different than

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2 working from a front yard street. We
3 understand neighbors have concerns but
4 unfortunately or fortunately not everything is
5 perfect.

6 MS. GILLER: I just felt like if I
7 didn't come tonight, I didn't want a repeat of
8 what happened, and I didn't know before I came
9 exactly what they were asking. So I'm not --
10 I don't have any problem with the one in the
11 rear -- I understand that I -- I saw pictures,
12 it looks beautiful. I hope they have a
13 million kids in this house, the mother-in-law.
14 I'm happy for all that. I don't have any
15 issues -- it's just --

16 CHAIRMAN KRENGEL: We got it. We
17 understand.

18 MS. GILLER: You guys all know 404
19 Barnard Avenue, it's crazy what's going on our
20 block, and I'm surprised there aren't people
21 on Church Avenue that haven't come to like
22 just voice concerns, not against it, but like
23 it's really crazy what's been allowed to
24 happen on our block.

25 CHAIRMAN KRENGEL: Everybody has a right

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to go for a variance, and we can't stop you from asking.

MS. GILLER: Of course, but all the variances on the house next door to us were all approved.

CHAIRMAN KRENGEL: If they approved their case, or they showed there was a reason for it, we granted. If not, we just denied.

MS. GILLER: I'm happy I'm here because somebody has said to us, people do this in Cedarhurst, because they know the variances are just going to get approved. They approve everything. I'm really -- I'm happy I came tonight because I feel like a little bit better that are people that are reading through them --

MR. SHTEIERMAN: We welcome you to review the cases of the last two years, but I can tell you not every case has been approved, and just know that a lot of people walking down a block, I know some who daven in my shul who asked for 34 percent, and got denied, and he's look at that house, look at the variance they got. That house did not get a variance.

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2 It's under construction, it's wrapped in
3 Tyvek, it's a lousy design. It looks huge,
4 but that's just it's because it's a poor
5 design, which we don't control. The house
6 actually did not get a variance, so stick to
7 the facts. We have been very careful on that.

8 MS. GILLER: Okay. Thank you.

9 CHAIRMAN KRENGEL: Thank you. Anybody
10 else like to say anything?

11 MR. SHATZMAN: We're backyard a little.
12 Jonathan Shatzman, 400 Barnard Avenue. I'm
13 not going over the same things she said, but
14 the big house on Barnard Avenue it's a white
15 elephant.

16 CHAIRMAN KRENGEL: Let me stop you
17 there. With all due respect, we're trying to
18 keep this hearing with regards to this one
19 property. Other streets, other houses.

20 MR. SHATZMAN: It has something to do
21 with that. The town has to enforce the
22 construction of the house so it stays within
23 the property, not that they do the business in
24 the street.

25 CHAIRMAN KRENGEL: This is not our

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2 purview.

3 MR. GOLDFEDER: We're not involved in
4 the building process. We're just involved in
5 the zoning aspect. We don't control that.
6 Traffic, how the builders come, how they do
7 the construction.

8 MR. SHATZMAN: Back to asking for six
9 variances, if you need six variances to build
10 your house, you are in the wrong neighborhood.
11 You can go to Lawrence, buy a piece of land,
12 do it there. Not here.

13 CHAIRMAN KRENGEL: Thank you.

14 MS. RUBEL: Good evening. My name is
15 Rachel Rubel, and I'm their direct neighbor.
16 I live at 411 Church Avenue, and I actually
17 back the house on Barnard that's currently
18 under construction. I am here as a neutral
19 party. I don't care what they do with their
20 house.

21 My only concern is the rain water which
22 hopefully will not seep into my house and the
23 length of this process. We received our first
24 notice in regard to these variances in May,
25 and it was canceled, and now it's in August.

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2 It's been three months. I'm just requesting
3 that this process be hastened as fast as you
4 can, because we have construction in the back
5 of our house. We're going to have
6 construction on the right of our house, and I
7 don't want to live in construction for the
8 rest of my life.

9 So I'm just requesting that this
10 property process be hastened. So they can get
11 their plans approved and we can just kind of
12 move on with the show, and everyone is
13 complaining there has been construction on the
14 block for five years, I've only been living
15 there for one year. I see what's going on, I
16 frankly don't care. If they have the money to
17 spend, they want a larger house, good for
18 them. Makes no difference. But for the rest
19 of the people who live on the block, I just
20 ask that we get moving and things get resolved
21 quickly.

22 CHAIRMAN KRENGEL: Thank you. Anybody
23 else want to say anything to comment for or
24 against? Avi, you want to say something.

25 MR. HERSKOVIC: No, I'm just happy. It

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2 sounds like everybody is upset about the 404
3 Barnard house, and not ours.

4 CHAIRMAN KRENGEL: We are off the
5 record.

6 (Discussion held off the record.)

7 CHAIRMAN KRENGEL: Back on the record.
8 Based on the case that's presented, and the
9 evidence that was presented and based on
10 public comments, I would like to propose the
11 following before we take a vote. I would like
12 to propose that we approve the height up to
13 31 feet to the highest point. The parapet or
14 the ridge line. The building area is not to
15 exceed 32 feet -- 32 percent, and with regards
16 to the side yards, basically it's an existing
17 condition, so we will approve that. The rear
18 yard is the reason for variances here is only
19 because of the bay window so I would move to
20 approve that. The character of the roof as
21 presented is less than 50 percent, we would
22 approve that.

23 The permitted encroachment again is only
24 an overhang from the front door. So that's
25 also deminimis, we would approve that. With

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2 regards to the garage, we would require that
3 you increase the width to 9 feet to allow
4 better access in and out of the car. If
5 you're so inclined to take that as a modified
6 plan, we would vote on that as a matter. Mr.
7 Architect?

8 MR. YU: Can I have 30 seconds to
9 confirm?

10 CHAIRMAN KRENGEL: You can have 32.

11 (Whereupon, there is a discussion held
12 off the record.)

13 CHAIRMAN KRENGEL: Back on the record.

14 MR. YU: Our biggest concern right now
15 is the lot coverage, because the house
16 currently is 31.89 percent, and they really do
17 need the extra space. Would the board be
18 willing to go up to 33 percent? Everything
19 else they're okay within. We are willing --

20 CHAIRMAN KRENGEL: We can take a vote
21 but, if it's denied, then you are denied in
22 total.

23 MR. GOLDFEDER: Realistically it's
24 usually not above 32 percent. That's kind of
25 a right line.

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2 CHAIRMAN KRENGEL: Unless again there is
3 mitigation --

4 MR. GOLDFEDER: Unless you have a small
5 lot then we will give that, but this lot here
6 is a standard size lot. So the standard size
7 lot is subject to 30 percent. We have gone
8 through constructions to 32, you know, when
9 there is no mitigating, but there is really no
10 mitigating factors. Again, if you're saying
11 it's open deck, all right, that changes things
12 also, but that's not what we're dealing with.

13 MR. YU: Right. Another 30 seconds if I
14 may.

15 CHAIRMAN KRENGEL: Sure.

16 (Whereupon, there is a discussion held
17 off the record.)

18 CHAIRMAN KRENGEL: Back on the record.

19 MR. YU: Just to kind of clarify a
20 couple of things, because you said, you know,
21 you haven't approved anything above 32, but we
22 just want to make sure, because the .7 was the
23 bay window.

24 CHAIRMAN KRENGEL: We figured that you
25 might come back with that. So put the bay

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window in, knock out the bay window, keep the covered porch. So the 32.1, whatever that is.

MR. GOLDFEDER: The 32 plus the covered porch.

MR. YU: Perfect.

CHAIRMAN KRENGEL: Not the .7. 32 plus the covered porch.

MR. SPIRA: If you have a bay window, that's -- is considered lot coverage, or is that considered a window?

CHAIRMAN KRENGEL: That's a Wayne question.

MR. YARNELL: It's considered lot coverage. It doesn't fall -- it's an encroachment for a setback, if it doesn't go all the way to the floor. If it's a walkout bay, then it counts. If it's a bay that starts at this height and goes out, then it doesn't count as far as -- it counts as lot coverage, yes, but it doesn't count as far as setback.

MR. YU: So whatever that front porch awning is --

CHAIRMAN KRENGEL: I am going to

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2 delineate the numbers before we vote. Okay.
3 So it's going to be -- I'm going to -- my
4 motion is going to be 32 percent plus the
5 covered porch of .53 percent. Okay. So again
6 we're going to go through the variances. I
7 will make a motion to approve the modified
8 application as follows: The height shall not
9 exceed 31 feet to the highest point, whether
10 that is the ridge or the parapet. The
11 building area shall not exceed 32 percent,
12 plus we will allow for an additional
13 .53 percent, which is approximately 32 square
14 feet for the covered porch. I believe that's
15 in the front, correct, the front. The side
16 yard we will approve as proposed. The rear
17 yard we will -- well, again -- off the record.

18 (Whereupon, there is a discussion held
19 off the record.)

20 CHAIRMAN KRENGEL: We will approve the
21 rear yard with regards to the character roof,
22 we will -- my motion is to approve based on
23 the fact that's it's less than 50 percent.
24 With regards to an encroachment, again, it's
25 covered over the front door, we will approve

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2 that, and with regards to the garage, I'm
3 going to modify that to make a motion to
4 approve it that it should be nine feet wide,
5 no less than nine feet wide. We will make a
6 vote on that motion.

7 MR. BLEIBERG: Approved as modified.

8 MR. SHTEIERMAN: Approved as modified.

9 MS. CLARKE: Approved as modified.

10 CHAIRMAN KRENGEL: Approved as modified.

11 Thank you everyone.

12 (Time noted: 8:15 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, RIVKA 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 16th day of August, 2023.

RIVKA KAPLAN

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APPLICATION FOR ZONING VARIANCE
IN THE MATTER OF
544 ARLINGTON LLC,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

August 16, 2023
7:16 p.m.

B E F O R E:

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

1 Proceedings - 544 Arlington LLC

2 CHAIRMAN KRENGEL: The second case on
3 the calendar tonight has been assigned case
4 number 15 of 2023. It is the application of
5 544 Arlington, LLP, the applicant of a parcel
6 known as 544 Arlington Road, and designated as
7 Section 39/Lot 309/Lot 304.

8 The applicant proposes to construct a
9 new one family residence with the removal of
10 the garage requirement. The applicant seeks
11 variance from Cedarhurst Code Section 265-8,
12 garage required.

13 This Board has determined that the
14 application is a Type II Action pursuant to
15 section 617.3 of the New York State Department
16 of Environmental Control Regulations and does
17 not require an Environmental Impact Statement.

18 The Village Attorney will now the
19 statement into the record.

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

1 Proceedings - 544 Arlington LLC

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

5 Pursuant to New York State General
6 Municipal Law Section 809, on June 22nd, 2023,
7 a non-collusion affidavit has been duly
8 executed by the applicant, Nissan Pinchasov,
9 wherein he stated that there were no other
10 persons involved in this application that are
11 employed by or connected to the Village of
12 Cedarhurst, its officers, or employees, which
13 would in any way constitute a conflict under
14 the law.

15 Pursuant to an agreement between the
16 Village of Cedarhurst and the Nassau County
17 Planning Commission, the Nassau County
18 Planning Commission has been given notice of
19 this application, and has waived consideration
20 thereof. Mr. Chairman, members of the Board.

21 CHAIRMAN KRENGEL: Will the applicant or
22 its representative, please step forward?

23 MR. CAPOBIANCO: My name is John
24 Capobianco, Architect, 159 Doughty Boulevard
25 Inwood, New York. I'm here this evening on

1 Proceedings - 544 Arlington LLC

2 behalf of 544 Arlington Road, LLC. The owner
3 of the property is here with me this evening.
4 The house that we're talking about is pretty
5 much complete in terms of its construction.
6 It's in a flood zone, and issued in a flood
7 zone, you know we complied with the FEMA, and
8 there is no basement, and every inch of space
9 means a lot for people who are looking at the
10 house. So the thought was to eliminate the
11 garage, and construct an office/guest bedroom
12 off the hallway.

13 We had presented the case on Argyle
14 which had -- this house -- by the way before
15 we knocked it down, did have a garage in the
16 back, as well as the one on 357 Argyle Road.
17 That house had a garage, but there was a
18 45-foot wide lot, not a 50-foot wide lot, so
19 it's five-foot smaller. There was one on
20 Lincoln, that was in the flood zone also, that
21 the Board approved without having one car
22 garage.

23 CHAIRMAN KRENGEL: Were those new
24 construction FEMA compliant homes?

25 MR. CAPOBIANCO: Pardon?

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2 CHAIRMAN KRENGEL: Were those new
3 construction FEMA compliant homes?

4 MR. CAPOBIANCO: Yes.

5 MR. GOLDFEDER: On Lincoln, what was the
6 width?

7 MR. CAPOBIANCO: 40. I think that was
8 narrow.

9 MR. GOLDFEDER: That was narrow.

10 MR. CAPOBIANCO: Yes, and the one on
11 Argyle was 45, and that house was approved
12 without a garage. Now we're seeking, you
13 know, relief of having had the garage
14 obviously, and it would make the home have
15 more square footage on the first floor. We
16 didn't ask for a building coverage variance.
17 For that reason we kept the building coverage
18 at the required 30 percent of the lot. So the
19 area of the garage after we showed it so many
20 people loved the idea of having a study or
21 something without coming back later and
22 putting a fake wall up and going and doing
23 what they want, rather than do that, so the
24 house could look better or the window in that
25 room. So that's why we are here this evening,

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2 and you know if they have any questions, we
3 are here you know, not require the garage,
4 we're here to eliminate the garage, but we
5 have two-car parking on the property. We can
6 add a third car if we want, so we have enough
7 property, you know, to handle three parking
8 spots.

9 CHAIRMAN KRENGEL: Besides the fact that
10 you want more space, any justification for not
11 having a garage?

12 MR. CAPOBIANCO: Is there any
13 justification, not really.

14 CHAIRMAN KRENGEL: Thank you. Anybody
15 have any questions. Any questions? No?
16 Anybody in the audience like to speak in favor
17 of this application. Anybody want to speak
18 against this application? The Board will take
19 a vote.

20 MR. SHTEIERMAN: Denied.

21 MR. CLARK: Denied.

22 MR. BLEIBERG: Denied.

23 CHAIRMAN KRENGEL: Application is
24 denied.

25 (Time noted: 7:20 p.m.)

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Proceedings - 544 Arlington LLC

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF QUEENS)

I, RIVKA 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 16th day of August, 2023.

RIVKA KAPLAN

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