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APPLICATION FOR ZONING VARIANCE

IN THE MATTER OF

544 ARLINGTON LLC
544 ARLINGTON ROAD

Applicant.

200 Cedarhurst Avenue
Cedarhurst, New York

December 13, 2023
7:02 p.m.

B E F O R E

MEIR KRENGEL, Chairman

JARED CLARK, Board Member

DAVID SHTEIERMAN, Board Member

YOEL GOLDFEDER, Village Attorney

WAYNE YARNELL, Supt. Bldg. Dept.

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2 CHAIRMAN KRENGEL: Good evening,
3 everybody. The case on the calendar today
4 tonight has been assigned Case 24 of 2023.
5 It's the application of 544 Arlington LLC.
6 The applicant is the property of 544 Arlington
7 Road and designated Section 39/Block 309/Lot
8 304. The applicant has proposed to construct
9 a detached one-car garage. The applicants
10 seeks a variance from Cedarhurst Code, Section
11 265-38.C, Building Area.

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 read a statement
18 into the record.

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

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2 Board has jurisdiction to hear this appeal.

3 Pursuant to New York State General
4 Municipal Law Section 809, on October 26,
5 2023, a non-collusion affidavit has been duly
6 executed by the applicant, Nissan Pinhasov,
7 wherein he stated that there are no other
8 persons or entities involved in this
9 application that are employed by or connected
10 to the Village of Cedarhurst, its officers, or
11 employees, which would in any way constitute a
12 conflict under the law.

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

19 CHAIRMAN KRENGEL: Mr. Capobianco?

20 MR. CAPOBIANCO: Good evening. John
21 Capobianco. Architect, 159 Doughty Boulevard,
22 Inwood, New York. I sat with this afternoon
23 with the owner, and he actually called me
24 because he had met with the adjoining
25 neighbors at 540 Arlington, 546 Arlington, one

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2 on each side, and the property behind him
3 which is on 543 Bayview, and he had reviewed
4 the application with them and they said go for
5 it; they are all in favor of the garage. Just
6 wanted to bring that out before.

7 CHAIRMAN KRENGEL: Do you have a letter
8 to that effect by any chance?

9 MR. CAPOBIANCO: No, I didn't bring any
10 letters but that is why -- it was verbally
11 done, and I am testifying that it was verbally
12 done.

13 CHAIRMAN KRENGEL: Thank you.

14 MR. CAPOBIANCO: But the property is --
15 as you know is 50 by 100 and it's really close
16 to Peninsula and tends to flood a lot, and I
17 think building a garage to the back is a good
18 move for many reasons. You know, the garage
19 could flood, the garage could get things
20 damaged in it, and you know, he wanted to put
21 in there like a study/library and that would
22 work for him in terms of the footprint of the
23 building.

24 We are over 200 square feet over the
25 property allowable coverage, so we are at 34

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1
2 percent of building coverage, which I feel is
3 de minimis when it comes to this type of
4 property. The drainage is an issue and we are
5 going to have to deal with it and we will deal
6 with the drainage with the low profile, you
7 know, StormTech kind of system because there
8 is no depth to the water tables like right
9 there. You think all -- 3 feet, 2 and a half
10 feet and you are in the water. So we use
11 these chambers that -- you know, StormTech
12 chambers which will help keep it dry for the
13 time being anyway, but the proposed is a 10 by
14 20 detached garage. Architecturally it will
15 appear somewhat similar to the house which is
16 a stucco finish, so this will be gone and here
17 will be replaced with a window in front.

18 If you see, this is the plan of the
19 garage, which is a stucco finish, which will
20 have a one-hour rated treated roof and wall on
21 the side where the 2 feet setback is to the
22 property line. So we had to keep it as tight
23 to the property line because though we get to
24 maneuver too in the back, it tends to work on
25 the side you will see here, but you could see

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2 the driveway there is only like 9, 10.45 I
3 think, 10.43 in the front, and it gets down to
4 about 9, you know, a little over 8 and a half
5 in the back where you have the side curb. So
6 it's enough to get into the garage, but when
7 you see where it gets to behind the house, we
8 had to bring it 2 feet off the property.

9 We have 2 feet in the rear and 2 feet on
10 the side and because of that 2 feet, we have
11 to rate the wall. It's a one-hour rated wall
12 so basically it's -- you know, so it's a
13 narrow lot, floods a lot, and it's a good idea
14 to take the garage and put it in back because
15 we can raise the grade in the back and bring
16 the garage up on a higher elevation so
17 everything will pitch to the front and we will
18 have a trenched drain, which will stop the
19 water run out to the street. That's basically
20 the application and he plans to do a
21 study/library where the garage was and --

22 CHAIRMAN KRENGEL: So just for the
23 record, you are asking for a 34 percent lot
24 coverage, correct?

25 MR. CAPOBIANCO: Correct.

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2 CHAIRMAN KRENGEL: Now, again, this is
3 -- for the record, this is a -- I guess a
4 substandard lot. It's a 5,000-square-foot lot
5 where if it's a 6,000-foot lot, you would be
6 under the 30 percent.

7 MR. CAPOBIANCO: That's correct.

8 CHAIRMAN KRENGEL: Thank you and the
9 house is in the flood zone?

10 MR. CAPOBIANCO: Yes. And the house
11 will have the full crawl now under it, and you
12 know, with the -- and it complies to the base
13 flood elevation. The actual free board which
14 is 2 feet higher than the base flood
15 elevation.

16 CHAIRMAN KRENGEL: What keeps the garage
17 dry in the back?

18 MR. CAPOBIANCO: It's going to be
19 higher. That's why because in the front we
20 only have the 25-foot setback, so now we have,
21 you know, like 75 feet so we can grade it up
22 higher and slab higher.

23 CHAIRMAN KRENGEL: You have drainage in
24 the driveway?

25 MR. CAPOBIANCO: Right. Right.

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2 CHAIRMAN KRENGEL: Okay. Any comments?
3 Questions? No comments? Questions?

4 MR. YARNELL: Off the record.

5 (Discussion off the record.)

6 MR. CAPOBIANCO: So what we are doing is
7 we are creating a new driveway on the right
8 side of the house or the south side of the
9 property where it was before on the north side
10 of the property closer to Peninsula. So
11 getting it further away helps a little. And
12 also it would be 16-foot-wide curb cut so that
13 he could put two cars parallel together and
14 then he could have -- you know, have a car go
15 straight back to the garage.

16 MR. GOLDFEDER: However, the driveway
17 will just be 18 foot wide.

18 MR. CAPOBIANCO: The driveway 18 and the
19 curb cut 16.

20 CHAIRMAN KRENGEL: Just for the record,
21 the drawing that you presented for the
22 variance shows the front, relocating the
23 cement driveway from the left to the right.

24 MR. CAPOBIANCO: Correct.

25 CHAIRMAN KRENGEL: Starting from the

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right side of the house, 18-foot driveway,
grass, walkway, and then grass again.

MR. CAPOBIANCO: Correct.

CHAIRMAN KRENGEL: Okay. Thank you. Is
that your case?

MR. CAPOBIANCO: That's the case,
thanks.

CHAIRMAN KRENGEL: Since there is no one
in the audience for comment, I will take it
straight to a vote. Make a motion to approve
this. Due to the fact that it is a
substandard lot and it's in the flood zone, it
does make sense to have the detached garage in
the back of the house.

MR. SHTEIERMAN: Approved.

MR. CLARK: Approved.

CHAIRMAN KRENGEL: Approved.

(Time noted: 7:11 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 24th day of December,
2023.

YAFFA KAPLAN

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