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APPLICATION FOR ZONING VARIANCE
IN THE MATTER OF
572 LINCOLN STREET,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

November 9, 2023
7:19 p.m.

B E F O R E:

- MEIR KRENGEL, Chairman
- JARED CLARK, Board Member
- SHIFRA EDELMAN, Board member
- YOEL GOLDFEDER, Village Attorney
- WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - 572 Lincoln Street

2 CHAIRMAN KRENGEL: The first case on the
3 calendar today has been assigned case number
4 22 of 2023, and is the application of Aharon
5 Elchanan and Nissa Levy. The applicant of a
6 parcel known as 572 Lincoln Street, designated
7 as Section 39, Block 274, Lot 18. The house
8 will be FEMA compliant.

9 The applicant proposes a one-story
10 addition. The applicant seeks variances from
11 Cedarhurst Code Section 265-51 front yards,
12 265-52, side yards. Section 265-8 Garage is
13 not required, due to a change in the local law
14 allowing removal of a garage of this low
15 grade.

16 This Board has determined that the
17 application is a Type II Action, pursuant to
18 Section 617.3 of the New York State Department
19 of Environmental Regulations, and does not
20 require an Environmental Impact Statement.

21 The architect for the record is David
22 Shteierman, a member of our Zoning Board. He
23 will not be sitting for this hearing. The
24 Village Attorney will now read the statement
25 into the record.

1 Proceedings - 572 Lincoln Street

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

10 Pursuant to New York State General
11 Municipal Law, Section 809 on November 9th,
12 2023, a non-collusion affidavit has been duly
13 executed by the applicant, Nissa Levy, wherein
14 she stated that there is a person or entity
15 involved in the application that is employed
16 by or connected to the Village of Cedarhurst,
17 its officers or employees, which would
18 constitute a conflict under the law.

19 Pursuant to an agreement between the
20 village of Cedarhurst and the Nassau County
21 Planning Commission, the Nassau County
22 Planning Commission has been given notice of
23 this application, and waived consideration of
24 thereof. Mr. Chairman, and members of the
25 Board?

1 Proceedings - 572 Lincoln Street

2 CHAIRMAN KRENGEL: Mr. Shteierman?

3 MR. SHTEIERMAN: Good evening. My name
4 is David Shteierman, 400 Oak Avenue. I'm the
5 architect of this project representing Mr. and
6 Mrs. Levy. This project started out, as the
7 Chairman mentioned, for a variance to enclose
8 the garage, which is no longer necessary as
9 the rule has changed, but while the client was
10 pursuing the enclosed garage, they also wanted
11 to enclose the porch, which was the roof of
12 the garage, which would be a one-story
13 extension measuring approximately 8.4 feet by
14 11 feet, a total of 89.08 square four feet.
15 They more than complied with coverage. The
16 only variance that they are requesting is the
17 existing noncompliance side yard to maintain
18 that yard.

19 CHAIRMAN KRENGEL: And the front yard?

20 MR. SHTEIERMAN: And the front yard.
21 The existing noncompliance, correct. The side
22 yard is existing, they're not doing any work
23 there, and the front yard there is an existing
24 terrace that was above the garage. It was the
25 roof of the garage, and they are going to a

1 Proceedings - 572 Lincoln Street

2 build one-story in addition to enclose that
3 terrace, hence the front yard.

4 CHAIRMAN KRENGEL: Is that your case?

5 MR. SHTEIERMAN: That's it.

6 CHAIRMAN KRENGEL: Anybody in the
7 audience that would like to spoke in favor of
8 or against the application?

9 (No response.)

10 CHAIRMAN KRENGEL: Anybody on the Board
11 have any questions?

12 We will now take a vote on the motion.

13 MR. CLARKE: Approved.

14 MS. EDELMAN: Approved.

15 CHAIRMAN KRENGEL: Approved.

16 (Time noted: 7:20 p.m.)
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Proceedings - 572 Lincoln Street

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 9th day of November, 2023.

RIVKA KAPLAN

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APPLICATION FOR ZONING VARIANCE
IN THE MATTER OF
364 WESTMINSTER ROAD,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

November 9, 2023
7:25 p.m.

B E F O R E:

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

1 Proceedings - 364 Westminster

2 CHAIRMAN KRENGEL: The second case on
3 the calendar tonight has been assigned case
4 number 21 of 2023 and is the application of
5 Elchanan Navon, the applicant of a parcel
6 known as 364 Westminster Road, Section 39,
7 Block 363, Lot 96.

8 The applicant proposes a two-story
9 addition renovation with modification of a
10 detached garage. The house will be FEMA
11 compliant.

12 The applicant seeks variances from
13 Cedarhurst Code Sections 265-38C, Building
14 area, 265-42.1.A, Character of Roofs and
15 265 -- off the record --

16 (Discussion held off the record.)

17 CHAIRMAN KRENGEL: 265-43D, permitted
18 encroachments.

19 This Board has determined that the
20 application is a Type II Action pursuant to
21 section 617.3 of the New York State Department
22 of Environmental Control Regulations and does
23 not require an Environmental Impact Statement.

24 The Village Attorney will now read the
25 statement into the record.

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Proceedings - 364 Westminster

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

Accordingly, 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 October 20th, 2023, a non-collusion affidavit has been duly executed by the applicant, Elchanan Navon, 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

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Proceedings - 364 Westminster

thereof. Mr. Chairman, members of the Board.

CHAIRMAN KRENGEL: Will the owner or representative, please step forward.

MR. DELIMITROS: Yes. My name is Anthony Delimitros, spelled d-e-l-i-m-i-t-r-o-s. I'm a designer with Kristen Abruzzese Architects, spelled A-b-r-u-z-z-e-s-e, and we are here to present the three variances that we requested. One is for the building area, because we are exceeding the building area by 3.8 percent, per the recommendation of the Board in the last hearing, we were -- we resubmitted the plans to include the garage area, and the garage area is 280 square feet. But in comparison, and with that, that increased our building area to exceed 3.8 percent, under the encroachment --

CHAIRMAN KRENGEL: I believe you did leave out the front porch, which is counted. Also should be counted in the calculation.

MR. DELIMITROS: It should be counted, yes. I might have to go back and re-adjust.

CHAIRMAN KRENGEL: 280 square feet.

1 Proceedings - 364 Westminster

2 MR. DELIMITROS: 8 by 35, and 32 --

3 CHAIRMAN KRENGEL: 8 by 35. 28. That
4 brings you up to about 36, I think. It brings
5 you up almost to 40. It brings you almost to
6 over 39 percent.

7 MR. DELIMITROS: Sorry.

8 CHAIRMAN KRENGEL: How high is the front
9 porch?

10 MR. DELIMITROS: It is 35 feet wide.

11 CHAIRMAN KRENGEL: How high is that?

12 MR. DELIMITROS: Oh, how high?

13 MR. GOLDFEDER: If it's over three feet,
14 it goes to lot coverage.

15 MR. YARNELL: Off the record.

16 (Discussion held off the record.)

17 MR. DELIMITROS: It's just shy of four
18 feet. The encroachments, as we just discussed
19 earlier with my -- the encroachments on the
20 deck, we could reduce back.

21 CHAIRMAN KRENGEL: On the rear deck?

22 MR. DELIMITROS: Yes.

23 CHAIRMAN KRENGEL: If you take
24 everything into consideration, you're
25 almost -- you're really a 39, if my numbers

1 Proceedings - 364 Westminster

2 are correct. You have a building of 1585.

3 You have a garage of 208?

4 MR. DELIMITROS: Yup.

5 CHAIRMAN KRENGEL: And a front porch of
6 280?

7 MR. DELIMITROS: Yes.

8 CHAIRMAN KRENGEL: The total square
9 footage of 2073 on a lot of 5300. That's
10 39 percent. 39.11, whatever, which is way,
11 way above anything even in the realm of
12 contemplation. Even if this was a full-sized
13 lot, you would be over -- you would be at
14 almost 35 percent. It's a big number.

15 MR. DELIMITROS: If we cut back on the
16 porch?

17 CHAIRMAN KRENGEL: Yes.

18 MR. DELIMITROS: To cut back on the
19 porch, to bring it down to 140 square feet
20 instead of 280.

21 MR. GOLDFEDER: You're still -- you can
22 run the numbers, I think you're still over
23 like 35, 36 percent.

24 MR. DELIMITROS: The acceptable would
25 be, say, like 35?

1 Proceedings - 364 Westminster

2 CHAIRMAN KRENGEL: It's because it's a
3 small lot. I can discuss with the Board with
4 approving up to 35 percent. Off the record.

5 (Discussion held off the record.)

6 CHAIRMAN KRENGEL: I'm going to make a
7 proposal that we allow a lot coverage not to
8 exceed 34.5 feet, and the rear yard needs to
9 come into compliance, and the front yard does
10 not -- does not need a variance in the front,
11 and I will make a motion to approve the roof
12 as is, not to exceed 30 percent.

13 MR. YARNELL: Right, he has a new roof
14 plan that shows it's under 50 percent.

15 CHAIRMAN KRENGEL: Okay. So again I'm
16 going to make a motion to approve a building
17 area 34.5 percent based on the fact that this
18 is an undersized lot, to approve the flat roof
19 which is less than 50 percent, and we will
20 deny any encroachments.

21 Anybody on the Board have any questions?

22 (No response.)

23 CHAIRMAN KRENGEL: Anybody in the
24 audience want to speak in favor of or against
25 this variance? Let's take a vote.

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Proceedings - 364 Westminster

MR. SHTEIERMAN: Approved, as modified.

MS. CLARKE: Approved, as modified.

MS. EDELMAN: Approved, as modified.

CHAIRMAN KRENGEL: Approved, as modified.

MR. DELIMITROS: Thank you. We appreciate your time.

(Time noted: 7:31 p.m.)

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 9th day of November, 2023.

RIVKA KAPLAN

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APPLICATION FOR ZONING VARIANCE
IN THE MATTER OF
435 RUGBY ROAD,

Applicant

- - - - -

200 Cedarhurst Avenue
Cedarhurst, New York

November 9, 2023
7:35 p.m.

B E F O R E:

- MEIR KRENGEL, Chairman
- JARED CLARK, Board Member
- SHIFRA EDELMAN, Board member
- YOEL GOLDFEDER, Village Attorney
- WAYNE YARNELL, Supt. Bldg. Dept.

1 Proceedings - 435 Rugby Road

2 CHAIRMAN KRENGEL: The third and final
3 case this evening has been assigned case
4 number 20 of 2023. It is the application of
5 Barry Halpern, the applicant of a parcel known
6 as 435 Rugby Road, and designated as
7 Section 39, Block 323, Lot 33. The house is
8 in a R1 Zone.

9 The applicant proposes to construct a
10 two-story residence. The applicant seeks
11 variances from Cedarhurst Code Section
12 265-43D, permitted encroachments; 265-40 B,
13 front yards; 265.42, rear yards; 265-38C,
14 building area; 265- 42.1. A, character of
15 roofs.

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

21 The Village Attorney will now read the
22 statement into the record.

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

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publication in the local newspaper of record,
of all notices of this hearing as required by
law.

Accordingly, 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 September 1st,
2023, a non-collusion affidavit has been duly
executed by the applicant, Barry Halpern,
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 owner or
representative, please step forward.

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2 MR. KAFFASH: My name is Michael
3 Kaffash, Kingspoint Builders, 629 Arbuckle
4 Avenue, Woodmere, New York 11518, representing
5 Barry Halpern, 453 Rugby Road, Cedarhurst, New
6 York 11516. Good evening.

7 CHAIRMAN KRENGEL: Good evening.

8 MR. KAFFASH: I'm here representing my
9 client. I'll be building their house in
10 Cedarhurst. They have been living there for
11 close to ten years, and they love the area.
12 They're raising their kids in the area and
13 they really -- I've been in their house and
14 it's unfortunately falling apart. The family
15 is growing, and they're running out of space.

16 So originally they've come in front of
17 the Board to seek variances to keep the
18 existing house and make modifications to it.
19 But after going over all of the details and
20 seeing what they wanted and what they need, it
21 seemed it was better to knock down the full
22 house and rebuild the house.

23 The variances that they are going for,
24 they have a -- they're on a 80 by 80 lot, and
25 they're requesting the front yard to --

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2 they're proposing a 22.5 foot setback as
3 opposed to what's required, which is 25. They
4 have a second front yard, because it's a
5 corner lot, which is also required to be 25,
6 but they're proposing 20 feet.

7 The rear yard to the dwelling, the
8 setback required is 25 feet. They're
9 requesting 22.5. The rear yard to the deck
10 after the deck is built, the setback is going
11 to be 8.5 feet.

12 Something to mention about this rear
13 deck. If this house wasn't raised, and they
14 were able to put a regular patio on grade,
15 this issue wouldn't be occurring, but because
16 their first floor is raised and they want to
17 be able to get to their deck from the first
18 floor. They have to raise that deck creating
19 this setback variance requirement.

20 The dwelling -- what I want to mention
21 is the house itself is not going over the
22 30 percent lot coverage. What's putting the
23 house over the lot coverage is the outside
24 buildable areas, which is the roof over the
25 platform in the front, and the rear deck which

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2 is creating the 4.9 percent overview for the
3 lot coverage. They are also going for a flat
4 roof for the design and character of this
5 house, we are doing a mansard roof, but the
6 depth of the flat roof will not exceed
7 50 percent. Anything else -- no.

8 CHAIRMAN KRENGEL: Obviously the biggest
9 issue here that I see is the 35.2 lot coverage
10 on a 6500 square foot lot.

11 MR. KAFFASH: Right.

12 CHAIRMAN KRENGEL: How are we going to
13 address that?

14 MR. KAFFASH: So --

15 CHAIRMAN KRENGEL: I understand your
16 reasoning, I understand what you said, but we
17 got to bring it down.

18 MR. KAFFASH: So the owner is not here
19 obviously, and I mentioned to him that what
20 can you give, what you can take, they're going
21 to -- it's a variance meeting. The deck is
22 really -- it's for a succah, so he needs the
23 deck. So I told him what if I'm able to do --
24 it's 22 feet wide, let's make it 20 feet wide.
25 So a 14 by 20, so you're going to be taking

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2 away 28 square feet, I don't know what
3 percentage that's going to lower it from the
4 35 percent. But he's really -- he loves his
5 deck. He has a big deck there now also.

6 MR. GOLDFEDER: There is room to give up
7 in the master.

8 MR. KAFFASH: No, he has lot of kids.

9 CHAIRMAN KRENGEL: You know, you got to
10 be in the --

11 MR. KAFFASH: So what size does this
12 deck --

13 CHAIRMAN KRENGEL: Off the record.

14 (Discussion held off the record.)

15 CHAIRMAN KRENGEL: I'm not sure if it
16 was mentioned, but it was brought -- we did
17 discuss that this house is in a flood zone,
18 which is one of the reasons why it is zoned
19 higher, which it also does, as you mentioned,
20 cause the deck to be counted as lot coverage.

21 So I am going to make a proposal that we
22 approve all of the variances as is, except for
23 the building area.

24 I would like to propose a maximum
25 building area of 33.5 percent. The owner is

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at liberty to decide to build how that works
for him, and the 33.5 percent is including the
deck. So would anyone like to vote on that?

MR. SHTEIERMAN: Approved, as modified.

MS. EDELMAN: Approved, as modified.

MR. CLARK: Approved, as modified.

CHAIRMAN KRENGEL: Approved, as
modified.

(Time noted: 7:46 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 9th day of November, 2023.

RIVKA KAPLAN

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