

April 9, 2026

Mr. Y. Tenenbaum
Y. Tenenbaum Matzoh Inc.
460 Albany Avenue
Brooklyn, NY 11213

Dear Mr. Neuschloss:

I am writing in response to your January 29, 2026, application on behalf of Y. Tenenbaum Matzoh Inc. (Lubavitch Matzoh) for a variance from the requirements contained in Section 24-149.5 of the Air Code.

On March 12, 2026 an email notification was sent to members of the public that requested to be advised of any Air Code variance application that is posted on the DEP website. The email was sent advising that an application from Y. Tenenbaum Matzoh Inc. was posted on the DEP website. DEP waited more than the twenty-one days that is required for anyone to object to the application as required in Section 24-110 of the Air Code. No objection was received, and no hearing was held. DEP reviewed the application, lab report and cook stove registration, which are attached to this determination. Your variance application stated that a small amount of firewood is used when baking matzoh to maintain a religious custom. The application also demonstrates from the lab results that even without an emission control device, this establishment's emissions do not exceed the 10 ug/m³ upper limit for particulate matter.

DEP grants your variance subject to the following conditions:

1. The quantities and types of solid fuel are limited to those in the application.
2. The operation months are limited to those in the application.
3. The days per month, days per year, and hours per day are limited to those in the application.
4. The frequency is limited to the amounts in the application (logs/hour/day.)
5. Only the registered cooking equipment described in the application may be used.

In addition, you must submit an acknowledgement of these conditions by October 30th of each calendar year, and an annual affirmation of compliance with these conditions, due by April 30th of each calendar year.

Y. Tenenbaum Matzoh must affirmatively accept these conditions within 30 days of the date that this conditional variance is issued. To accept, the last page of this letter must be signed by the principal of the company, notarized, and returned. Failure to affirmatively accept the conditions renders the variance null and void.

The variance may be suspended until either reinstated, revoked, or modified by the Department if the conditions are not adhered to.

ACCEPTANCE OF CONDITIONS AND TERMS

I, _____ am the _____ of Y. Tenenbaum Matzah, and I am authorized to accept the terms of this variance on behalf of Y. Tenenbaum Matzah. I hereby accept the terms set forth above.

NAME PRINT

SIGNATURE

DATE

The variance petition is therefore conditionally granted.

Sincerely,



Lisa F. Garcia
Commissioner