In the Matter Of:

VILLAGE OF FARMINGDALE - ZBA HEARINGS

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June 13, 2024

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INCORPORATED VILLAGE OF FARMINGDALE

ZONING BOARD OF APPEALS

361 Main Street

Farmingdale, New York

June 13, 2024
8:01 p.m.

RE: Case No. 4-1
141 Division Street, Farmingdale, New York

Case No. 6-1
Arthur Street, Farmingdale, New York

ZBA - 6/13/24

A P P E A R A N C E S :

DAVID NOSTRAND, Chairman

MARISA TULLY, Member

MARY CARPENTER, Member

N O N - A P P E A R A N C E:

CLAUDIO DeBELLIS, ESQ., Zoning Board Attorney

A L S O P R E S E N T :

MANJINDER KAUR, Legal Assistant,
WALSH MARKUS MCDOUGAL & DeBELLIS, LLP
1600 Calebs Path, Suite 113
Hauppauge, New York

HONG ZHEN LU, Homeowner, For 141 Division Street, Farmingdale

PEARL SHIE, 141 Division Street, Farmingdale

CHRISTOPHER HARE, Homeowner,
For 9 Arthur Street, Farmingdale

CYNTHIA HARE, Homeowner,
For 9 Arthur Street, Farmingdale

ZBA - 6/13/24

CHAIRMAN NOSTRAND: I call the meeting to order for June 13, 2024.

I need a motion to waive the reading of the minutes from the last meeting.

MS. TULLY: I make a motion to waive the reading of the minutes from the last meeting.

MS. CARPENTER: I'll second it.

CHAIRMAN NOSTRAND: All in favor?

(WHEREUPON, there was a unanimous, affirmative vote of the Board members present. Motion passed 3-0.)

CHAIRMAN NOSTRAND: Motion carried.

Okay. The first case is leftover from last month. It's Case No. 4-1.

MS. TULLY: Two months.

CHAIRMAN NOSTRAND: Two months, excuse me.

141 Division Street about a

ZBA - 6/13/24

fence.

We did some research, and everything is in order. So we are going to pass that motion to approve that application at this meeting.

Do I have a motion?

MS. TULLY: I make a motion to approve the application as submitted for 141 Division Street, Case No. 4-1.

MS. CARPENTER: I'll second it.

CHAIRMAN NOSTRAND: All in favor?

(WHEREUPON, there was a unanimous, affirmative vote of the Board members present. Motion passed 3-0.)

CHAIRMAN NOSTRAND: Motion carried. You're all set.

MS. SHIE: Thank you.

MR. HONG: Thank you so much.

* * * *

CHAIRMAN NOSTRAND: Okay. Next, Case No. 6-1, Cynthia Hare and Christopher Hare, 9 Arthur Street.

ZBA - 6/13/24

Permit to erect a four-foot fence. They need a variance for, oh, front yard because this is a corner yard property.

You guys can come up if you want, state your case, your names for the record.

MS. HARE: Cynthia Hare and Chris.

We had bushes on the side of our yard. And over the course of many years, this past winter, they died. They were broken down in the middle, so we tore it down. And we have two little boys, so we're hoping to put the fence in to, kind of, keep them inside because we don't have a big backyard with grass, we have a deck. So that side part, technically, on Thomas Powell is, like, our backyard.

CHAIRMAN NOSTRAND: We get this all the time because you have two front yards, and that throws the rule book in a tizzy.

ZBA - 6/13/24

MR. HARE: It's more security for the boys.

CHAIRMAN NOSTRAND: Yeah. Do you know where the property line is exactly?

MR. HARE: I think we --

CHAIRMAN NOSTRAND: In relation to the sidewalk.

MR. HARE: I think it might be a foot off. I think you guys have the survey.

MS. TULLY: It doesn't really mark the sidewalks.

CHAIRMAN NOSTRAND: It doesn't really show.

MS. TULLY: Well, you know, it does show the bushes.

MR. HARE: The hedges have been there since the '50s. I think it's, like, a foot in.

CHAIRMAN NOSTRAND: From the sidewalk?

MR. HARE: I think. Technically.

ZBA - 6/13/24

CHAIRMAN NOSTRAND: Okay.

MS. HARE: I can tell you.

CHAIRMAN NOSTRAND: She's got good pictures there.

MS. HARE: 22 feet from the house and 28 feet from the fence where the bushes are now to the curb of Thomas Powell Boulevard. I don't know if this helps.

(WHEREUPON, a document was handed from Ms. Hare to Chairman Nostrand.)

CHAIRMAN NOSTRAND: What I'm getting to is this, normally we ask --

MS. TULLY: It's saying it's 30 feet from the edge of the house.

CHAIRMAN NOSTRAND: (Continuing) -- that you put the fence on the property line, or two feet in. There's enough space there (indicating).

MR. HARE: That's fine. We just want something for the boys.

CHAIRMAN NOSTRAND: We don't have a problem with the fence. These

ZBA - 6/13/24

surveys you have are very vague.

MR. HARE: Well, we did it with the Carmans.

CHAIRMAN NOSTRAND: That doesn't mean anything.

THE COURT REPORTER: Excuse me. You said the Carmans?

MS. HARE: Yeah. Up here (indicating).

CHAIRMAN NOSTRAND: The law firm. That's not important.

MS. HARE: I just took this picture before we left.

CHAIRMAN NOSTRAND: Right. No, we have all that. We have shrubs.

MS. CARPENTER: So the sidewalk -- this is Thomas Powell (indicating)?

CHAIRMAN NOSTRAND: Let's go off the record. A sidebar. She can't take five people talking at the same time.

(WHEREUPON, a discussion was held off the record beginning at 8:06 p.m. with the proceedings resuming at 8:10 p.m. as follows:)

ZBA - 6/13/24

CHAIRMAN NOSTRAND: So we are back on the record.

MS. TULLY: Are there any questions from the audience?

CHAIRMAN NOSTRAND: No audience to ask questions, so we can't see if there are any objections.

MS. TULLY: We do need to collect the green cards.

MS. HARE: Oh, yes. I have all that.

(WHEREUPON, documentation was handed from Ms. Hare to Ms. Tully.)

CHAIRMAN NOSTRAND: We need a motion to allow for the fence to be a foot and-a-half back from the property line, which would be 28 and-a-half feet from the house and to stop at the front line of the house.

MR. HARE: Is it -- I know we highlighted. Is it okay that we put a fence on that side (indicating)?

MS. CARPENTER: In the back?

CHAIRMAN NOSTRAND: Is that on

ZBA - 6/13/24

your line?

MS. CARPENTER: Back here (indicating)?

MS. TULLY: Oh, right here (indicating)?

CHAIRMAN NOSTRAND: That's the property line; right?

In the back?

MS. CARPENTER: Is there a fence there now?

CHAIRMAN NOSTRAND: There's no fence there now?

MS. HARE: No.

MS. CARPENTER: Oh. We thought there was.

CHAIRMAN NOSTRAND: What about across the whole back, there's no fence there?

MS. HARE: The whole back, but then it stops.

CHAIRMAN NOSTRAND: Oh. Here somewhere (indicating)?

MS. HARE: Mm-hmm.

CHAIRMAN NOSTRAND: Yeah. You

ZBA - 6/13/24

can run it there.

MS. TULLY: You're allowed to do that. It's just this piece that's tricky (indicating).

MS. CARPENTER: The Thomas Powell side. And you're going to do a four-foot fence, or these will be six?

MR. HARE: Four.

MS. TULLY: They can do six in the back.

MS. CARPENTER: Yeah, I just wondered. That's why I'm saying. Because the back one could be six.

MR. HARE: Well, the back is six foot, but this is going to be four foot just for the boys (indicating).

MS. CARPENTER: Okay.

CHAIRMAN NOSTRAND: So it will drop down here (indicating) to four feet because you're along the road.

MS. HARE: Yes.

CHAIRMAN NOSTRAND: And you'll have another four feet there (indicating).

ZBA - 6/13/24

MR. HARE: Yes.

CHAIRMAN NOSTRAND: Are you going to run it to the back of the house?

MS. HARE: Maybe in just a foot or two.

CHAIRMAN NOSTRAND: Well, that's up to you.

MS. CARPENTER: Dave's going to come by and check.

CHAIRMAN NOSTRAND: I'm redesigning.

MS. TULLY: And you don't need a variance for this either (indicating).

MS. HARE: Okay. Can I ask why you can't go past in front of the house?

CHAIRMAN NOSTRAND: That's another Code forever. Like I was saying with that picture you had, where the side fence can't go past the front line of the house, so that picture you showed us before, that's --

MS. CARPENTER: They want to

ZBA - 6/13/24

know the reasoning behind.

CHAIRMAN NOSTRAND: Well, so they don't have these big fences that go right out to the street.

MS. CARPENTER: You can't see to get out of your driveway.

CHAIRMAN NOSTRAND: This fence line out (indicating), not this fence (indicating), the one in the back. The one that comes up to that (indicating) is not allowed past the front line of the house.

MS. CARPENTER: And then you can't see anything.

MS. TULLY: Especially on the corner.

(WHEREUPON, there was a sidebar discussion held between Chairman Nostrand, Ms. Tully, and Mr. Hare.)

CHAIRMAN NOSTRAND: All right. So we can make a motion.

MS. CARPENTER: I make a motion to approve Case No. 6-1 -- Section 600-158; Fences Not Permitted in Front

ZBA - 6/13/24

Yard -- we approve a four-foot high fence, 28 and-a-half feet from the house, not to go past your front house line.

MS. TULLY: I second.

CHAIRMAN NOSTRAND: All in favor?

(WHEREUPON, there was a unanimous, affirmative vote of the Board members present. Motion passed 3-0.)

CHAIRMAN NOSTRAND: Motion carried.

MR. HARE: Thank you.

MS. HARE: Thank you.

* * * *

CHAIRMAN NOSTRAND: Motion to adjourn.

MS. TULLY: Second.

CHAIRMAN NOSTRAND: All in favor?

(WHEREUPON, there was a unanimous, affirmative vote of the Board members present. Motion passed

ZBA - 6/13/24

3-0.)

CHAIRMAN NOSTRAND: Motion carried.

Meeting adjourned.

(WHEREUPON, this meeting was concluded at 8:14 p.m.)

* * * *

ZBA - 6/13/24

C E R T I F I C A T E

I, TRACIE A. CINQUEMANI, Court Reporter and Notary Public in and for the State of New York, do hereby certify:

THAT the within transcript was prepared by me and is a true and accurate record of this hearing to the best of my ability.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of June, 2024.

Tracie A. Cinquemani

TRACIE A. CINQUEMANI

1

13 3:3
141 3:25 4:10

2

2024 3:3
22 7:6
28 7:7 9:18

3

3-0 3:16 4:17
30 7:16

4

4-1 3:21 4:10

5

50s 6:20

6

6-1 4:24
6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1

8

8:06 8:24
8:10 8:25

9

9 4:25

A

affirmative 3:14 4:15
and-a-half 9:17,18
application 4:6,9
approve 4:5,9
Arthur 4:25
audience 9:5,6

B

back 9:3,17,24
backyard 5:18,21
beginning 8:23
big 5:18
Board 3:15 4:16
book 5:24
Boulevard 7:9
boys 5:16 6:3 7:23
broken 5:14
bushes 5:11 6:18 7:8

C

call 3:2
cards 9:10
Carmans 8:4,8
CARPENTER 3:10 4:11 8:17 9:24
carried 3:18 4:19
case 3:19,20 4:10,24 5:7
Chairman 3:2,11,17,23 4:12,18,23 5:22 6:4,8,15,22 7:2,4,12,14,18,24 8:5,11,15,19 9:2,6,15,25
Chris 5:10
Christopher 4:25
collect 9:10
Continuing 7:18
corner 5:4
COURT 8:7
curb 7:8
Cynthia 4:24 5:9

D

deck 5:19
died 5:13
discussion 8:22
Division 3:25 4:10
document 7:11
documentation 9:13

E

edge 7:17
erect 5:2
excuse 3:24 8:7

F

favor 3:12 4:13
feet 7:6,7,17,20 9:18
fence 4:2 5:2,17 7:7,19,25 9:16,23
fine 7:22
firm 8:12
foot 6:11,21 9:17
four-foot 5:2
front 5:3,23 9:19

G

good 7:5
grass 5:19
green 9:10
guys 5:6 6:11

H

handed 7:12 9:14
Hare 4:24,25 5:9 6:2,7,10,19,24 7:3,6,12,22 8:3,9,13 9:11,14,21
hedges 6:19
held 8:23
helps 7:10
highlighted 9:22
HONG 4:21

hoping 5:16
house 7:7,17 9:19,20

I

important 8:12
indicating 7:21 8:10,18 9:23
inside 5:17

J

June 3:3

K

kind 5:17

L

law 8:11
left 8:14
leftover 3:20

M

make 3:7 4:8
mark 6:14
meeting 3:3,6,9 4:6
members 3:15 4:16
middle 5:14
minutes 3:5,8
month 3:20
months 3:22,23
motion 3:4,7,15,17 4:5,7,8,16,18 9:16

N

names 5:7
Nostrand 3:2,11,17,23 4:12,18, 23 5:22 6:4,8,15,22 7:2,4,13,14, 18,24 8:5,11,15,19 9:2,6,15,25

O

objections 9:8
order 3:3 4:4

P

p.m. 8:24,25
part 5:20
pass 4:5
passed 3:15 4:16
past 5:13
people 8:21
Permit 5:2
picture 8:14
pictures 7:5
Powell 5:21 7:9 8:18
present 3:15 4:16
problem 7:25
proceedings 8:24
property 5:5 6:5 7:20 9:17
put 5:16 7:19 9:22

Q

questions 9:5,7

R

reading 3:5,8
record 5:8 8:20,23 9:3
relation 6:8
REPORTER 8:7
research 4:3
resuming 8:24
rule 5:24

S

security 6:2
set 4:19
SHIE 4:20
show 6:16,18
shrubs 8:16
side 5:11,20 9:23
sidebar 8:20
sidewalk 6:9,23 8:17
sidewalks 6:14
space 7:21
state 5:7
stop 9:19
Street 3:25 4:10,25
submitted 4:9
survey 6:12
surveys 8:2

T

talking 8:21
technically 5:20 6:25
Thomas 5:20 7:9 8:18
throws 5:24
time 5:23 8:21
tizzy 5:25
tore 5:15
Tully 3:7,22 4:8 6:13,17 7:16 9:4, 9,14

U

unanimous 3:14 4:15

V

vague 8:2
variance 5:3
vote 3:14 4:15

W

waive 3:4,8

winter 5:13

Y

yard 5:4,12
yards 5:24
years 5:13

Z

ZBA 3:1 4:1 5:1 6:1 7:1 8:1 9:1