## In the Matter Of:

## VILLAGE OF FARMINGDALE - ZBA HEARINGS

## **ZBA HEARINGS**

June 13, 2024



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## ZBA HEARINGS 06/13/2024

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4		INCORPORATED VILLAGE OF FARMINGDALE
5		ZONING BOARD OF APPEALS
6		361 Main Street
7		Farmingdale, New York
8		
9		June 13, 2024 8:01 p.m.
10		0.01 p.m.
11		
12		Case No. 4-1 141 Division Street, Farmingdale, New York
13		Case No. 6-1
14		Arthur Street, Farmingdale, New York
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25	866-	ACCURATE COURT REPORTING SERVICE, INC. 388-2277 info@accuratecorp.com 631-331-3753

1	ZBA - 6/13/24
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3	APPEARANCES:
4	DAVID NOSTRAND, Chairman
5	MARISA TULLY, Member
6	MARY CARPENTER, Member
7	NON-APPEARANCE:
8	CLAUDIO DeBELLIS, ESQ., Zoning Board Attorney
9	ALSO PRESENT:
10	MANJINDER KAUR, Legal Assistant, WALSH MARKUS MCDOUGAL & DeBELLIS, LLP
11	1600 Calebs Path, Suite 113 Hauppauge, New York
12	nauppauge, New Tork
13	HONG ZHEN LU, Homeowner, For 141 Division Street, Farmingdale
14	rarmingaare
15	PEARL SHIE, 141 Division Street, Farmingdale
16	CHRISTOPHER HARE, Homeowner,
17	For 9 Arthur Street, Farmingdale
18	CYNTHIA HARE, Homeowner, For 9 Arthur Street, Farmingdale
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1	ZBA - 6/13/24
2	CHAIRMAN NOSTRAND: I call the
3	meeting to order for June 13, 2024.
4	I need a motion to waive the
5	reading of the minutes from the last
6	meeting.
7	MS. TULLY: I make a motion to
8	waive the reading of the minutes from
9	the last meeting.
10	MS. CARPENTER: I'll second it.
11	CHAIRMAN NOSTRAND: All in
12	favor?
13	(WHEREUPON, there was a
14	unanimous, affirmative vote of the
15	Board members present. Motion passed
16	3-0.)
17	CHAIRMAN NOSTRAND: Motion
18	carried.
19	Okay. The first case is
20	leftover from last month. It's Case
21	No. 4-1.
22	MS. TULLY: Two months.
23	CHAIRMAN NOSTRAND: Two months,
24	excuse me.
25	141 Division Street about a

1	ZBA - 6/13/24
2	fence.
3	We did some research, and
4	everything is in order. So we are going
5	to pass that motion to approve that
6	application at this meeting.
7	Do I have a motion?
8	MS. TULLY: I make a motion to
9	approve the application as submitted
10	for 141 Division Street, Case No. 4-1.
11	MS. CARPENTER: I'll second it.
12	CHAIRMAN NOSTRAND: All in
13	favor?
14	(WHEREUPON, there was a
15	unanimous, affirmative vote of the
16	Board members present. Motion passed
17	3-0.)
18	CHAIRMAN NOSTRAND: Motion
19	carried. You're all set.
20	MS. SHIE: Thank you.
21	MR. HONG: Thank you so much.
22	* * * *
23	CHAIRMAN NOSTRAND: Okay. Next,
24	Case No. 6-1, Cynthia Hare and
25	Christopher Hare, 9 Arthur Street.

1	ZBA - 6/13/24
2	Permit to erect a four-foot fence.
3	They need a variance for, oh, front
4	yard because this is a corner yard
5	property.
6	You guys can come up if you want,
7	state your case, your names for the
8	record.
9	MS. HARE: Cynthia Hare and
10	Chris.
11	We had bushes on the side of our
12	yard. And over the course of many
13	years, this past winter, they died.
14	They were broken down in the middle, so
15	we tore it down. And we have two
16	little boys, so we're hoping to put the
17	fence in to, kind of, keep them inside
18	because we don't have a big backyard
19	with grass, we have a deck. So that
20	side part, technically, on Thomas
21	Powell is, like, our backyard.
22	CHAIRMAN NOSTRAND: We get this
23	all the time because you have two front
24	yards, and that throws the rule book in
25	a tizzy.

1	ZBA - 6/13/24
2	MR. HARE: It's more security
3	for the boys.
4	CHAIRMAN NOSTRAND: Yeah. Do
5	you know where the property line is
6	exactly?
7	MR. HARE: I think we
8	CHAIRMAN NOSTRAND: In relation
9	to the sidewalk.
10	MR. HARE: I think it might be a
11	foot off. I think you guys have the
12	survey.
13	MS. TULLY: It doesn't really
14	mark the sidewalks.
15	CHAIRMAN NOSTRAND: It doesn't
16	really show.
17	MS. TULLY: Well, you know, it
18	does show the bushes.
19	MR. HARE: The hedges have been
20	there since the '50s. I think it's,
21	like, a foot in.
22	CHAIRMAN NOSTRAND: From the
23	sidewalk?
24	MR. HARE: I think.
25	Technically.

1	ZBA - 6/13/24
2	CHAIRMAN NOSTRAND: Okay.
3	MS. HARE: I can tell you.
4	CHAIRMAN NOSTRAND: She's got
5	good pictures there.
6	MS. HARE: 22 feet from the
7	house and 28 feet from the fence where
8	the bushes are now to the curb of
9	Thomas Powell Boulevard. I don't know
10	if this helps.
11	(WHEREUPON, a document was
12	handed from Ms. Hare to Chairman
13	Nostrand.)
14	CHAIRMAN NOSTRAND: What I'm
15	getting to is this, normally we ask
16	MS. TULLY: It's saying it's 30
17	feet from the edge of the house.
18	CHAIRMAN NOSTRAND: (Continuing)
19	that you put the fence on the
20	property line, or two feet in. There's
21	enough space there (indicating).
22	MR. HARE: That's fine. We just
23	want something for the boys.
24	CHAIRMAN NOSTRAND: We don't
25	have a problem with the fence. These

1	ZBA - 6/13/24
2	surveys you have are very vague.
3	MR. HARE: Well, we did it with
4	the Carmans.
5	CHAIRMAN NOSTRAND: That doesn't
6	mean anything.
7	THE COURT REPORTER: Excuse me.
8	You said the Carmans?
9	MS. HARE: Yeah. Up here
10	(indicating).
11	CHAIRMAN NOSTRAND: The law
12	firm. That's not important.
13	MS. HARE: I just took this
14	picture before we left.
15	CHAIRMAN NOSTRAND: Right. No,
16	we have all that. We have shrubs.
17	MS. CARPENTER: So the sidewalk
18	this is Thomas Powell (indicating)?
19	CHAIRMAN NOSTRAND: Let's go off
20	the record. A sidebar. She can't take
21	five people talking at the same time.
22	(WHEREUPON, a discussion was
23	held off the record beginning at
24	8:06 p.m. with the proceedings resuming
25	at 8:10 p.m. as follows:)

1	ZBA - 6/13/24
2	CHAIRMAN NOSTRAND: So we are
3	back on the record.
4	MS. TULLY: Are there any
5	questions from the audience?
6	CHAIRMAN NOSTRAND: No audience
7	to ask questions, so we can't see if
8	there are any objections.
9	MS. TULLY: We do need to
10	collect the green cards.
11	MS. HARE: Oh, yes. I have all
12	that.
13	(WHEREUPON, documentation was
14	handed from Ms. Hare to Ms. Tully.)
15	CHAIRMAN NOSTRAND: We need a
16	motion to allow for the fence to be a
17	foot and-a-half back from the property
18	line, which would be 28 and-a-half feet
19	from the house and to stop at the front
20	line of the house.
21	MR. HARE: Is it I know we
22	highlighted. Is it okay that we put a
23	fence on that side (indicating)?
24	MS. CARPENTER: In the back?
25	CHAIRMAN NOSTRAND: Is that on

1	ZBA - 6/13/24
2	your line?
3	MS. CARPENTER: Back here
4	(indicating)?
5	MS. TULLY: Oh, right here
6	(indicating)?
7	CHAIRMAN NOSTRAND: That's the
8	property line; right?
9	In the back?
10	MS. CARPENTER: Is there a fence
11	there now?
12	CHAIRMAN NOSTRAND: There's no
13	fence there now?
14	MS. HARE: No.
15	MS. CARPENTER: Oh. We thought
16	there was.
17	CHAIRMAN NOSTRAND: What about
18	across the whole back, there's no fence
19	there?
20	MS. HARE: The whole back, but
21	then it stops.
22	CHAIRMAN NOSTRAND: Oh. Here
23	somewhere (indicating)?
24	MS. HARE: Mm-hmm.
25	CHAIRMAN NOSTRAND: Yeah. You

1	ZBA - 6/13/24
2	can run it there.
3	MS. TULLY: You're allowed to do
4	that. It's just this piece that's
5	tricky (indicating).
6	MS. CARPENTER: The Thomas
7	Powell side. And you're going to do a
8	four-foot fence, or these will be six?
9	MR. HARE: Four.
10	MS. TULLY: They can do six in
11	the back.
12	MS. CARPENTER: Yeah, I just
13	wondered. That's why I'm saying.
14	Because the back one could be six.
15	MR. HARE: Well, the back is six
16	foot, but this is going to be four foot
17	just for the boys (indicating).
18	MS. CARPENTER: Okay.
19	CHAIRMAN NOSTRAND: So it will
20	drop down here (indicating) to four
21	feet because you're along the road.
22	MS. HARE: Yes.
23	CHAIRMAN NOSTRAND: And you'll
24	have another four feet there
25	(indicating).

1	ZBA - 6/13/24
2	MR. HARE: Yes.
3	CHAIRMAN NOSTRAND: Are you
4	going to run it to the back of the
5	house?
6	MS. HARE: Maybe in just a foot
7	or two.
8	CHAIRMAN NOSTRAND: Well, that's
9	up to you.
10	MS. CARPENTER: Dave's going to
11	come by and check.
12	CHAIRMAN NOSTRAND: I'm
13	redesigning.
14	MS. TULLY: And you don't need a
15	variance for this either (indicating).
16	MS. HARE: Okay. Can I ask why
17	you can't go past in front of the
18	house?
19	CHAIRMAN NOSTRAND: That's
20	another Code forever. Like I was
21	saying with that picture you had, where
22	the side fence can't go past the front
23	line of the house, so that picture you
24	showed us before, that's
25	MS. CARPENTER: They want to

1	ZBA - 6/13/24
2	know the reasoning behind.
3	CHAIRMAN NOSTRAND: Well, so
4	they don't have these big fences that
5	go right out to the street.
6	MS. CARPENTER: You can't see to
7	get out of your driveway.
8	CHAIRMAN NOSTRAND: This fence
9	line out (indicating), not this fence
10	(indicating), the one in the back. The
11	one that comes up to that (indicating)
12	is not allowed past the front line of
13	the house.
14	MS. CARPENTER: And then you
15	can't see anything.
16	MS. TULLY: Especially on the
17	corner.
18	(WHEREUPON, there was a sidebar
19	discussion held between Chairman
20	Nostrand, Ms. Tully, and Mr. Hare.)
21	CHAIRMAN NOSTRAND: All right.
22	So we can make a motion.
23	MS. CARPENTER: I make a motion
24	to approve Case No. 6-1 Section
25	600-158; Fences Not Permitted in Front

1	ZBA - 6/13/24
2	Yard we approve a four-foot high
3	fence, 28 and-a-half feet from the
4	house, not to go past your front house
5	line.
6	MS. TULLY: I second.
7	CHAIRMAN NOSTRAND: All in
8	favor?
9	(WHEREUPON, there was a
10	unanimous, affirmative vote of the
11	Board members present. Motion passed
12	3-0.)
13	CHAIRMAN NOSTRAND: Motion
14	carried.
15	MR. HARE: Thank you.
16	MS. HARE: Thank you.
17	* * * *
18	CHAIRMAN NOSTRAND: Motion to
19	adjourn.
20	MS. TULLY: Second.
21	CHAIRMAN NOSTRAND: All in
22	favor?
23	(WHEREUPON, there was a
24	unanimous, affirmative vote of the
25	Board members present. Motion passed

1	ZBA - 6/13/24
2	3-0.)
3	CHAIRMAN NOSTRAND: Motion
4	carried.
5	Meeting adjourned.
6	(WHEREUPON, this meeting was
7	concluded at 8:14 p.m.)
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1	ZBA - 6/13/24
2	CERTIFICATE
3	I, TRACIE A. CINQUEMANI, Court
4	Reporter and Notary Public in and for
5	the State of New York, do hereby
6	certify:
7	THAT the within transcript was
8	prepared by me and is a true and accurate
9	record of this hearing to the best of my
10	ability.
11	I further certify that I am not
12	related, either by blood or marriage, to
13	any of the parties in this action; and
14	THAT I am in no way interested in
15	the outcome of this matter.
16	IN WITNESS WHEREOF, I have hereunto
17	set my hand this 13th day of June, 2024.
18	Iracie A. Cinquemani
19	TRACIE A. CINQUEMANI
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21	
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25	

13 3:3 141 3:25 4:10  2		Arthur 4:25	<b>died</b> 5:13
B	1	audience 9:5,6	discussion 8:22
2 2024 3:3 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  4  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 cars 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 Continuing 7:18 corner 5:4 COURT 8:7 curb 7:8 A affirmative 3:14 4:15 and-a-half 9:17,18 application 4:6,9  back 9:3,17,24 backyard 5:18,21 beginning 8:23 bedge 7:17 erect 5:2 excuse 3:24 8:7  F favor 3:12 4:13 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 helps 7:10 highlighted 9:22 HONG 4:24	<b>13</b> 3:3		<b>Division</b> 3:25 4:10
2 backyard 5:18,21 beginning 8:23 big 5:18 edge 7:17 erect 5:2 book 5:24 excuse 3:24.8:7  3 Boulevard 7:9 boys 5:16 6:3.7:23 broken 5:14 bushes 5:11 6:18.7:8 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 case 3:19,20.4:10.24.5.7 Chairman 3:2,11,17,23.4:12,18, 18,24.8:5,11,15,19.9:2,6,15,25 Chris 5:10 green 9:10 guys 5:6.6:11  9 4:25  A COURT 8:7 courb 7:8 COURT 8:7 curb 7:8 Courb 7:8 Cynthia 4:24.5:9 held 8:23 helps 7:10 held 8:23 application 4:6,9 deck 5:19  backyard 5:18,21 beginning 8:23 beginning 8:23 beginning 8:23 big 5:18 edge 7:17 erect 5:2 excuse 3:24.8:7  F additional 8:24 excuse 3:24.8:7  F avor 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  CARPENTER 3:10.4:11.8:17 good 7:5 grass 5:19 green 9:10 guys 5:6.6:11  H A courb 7:8 held 8:23 helps 7:10 held 8:23 helps 7:10 highlighted 9:22 buys 6:414	<b>141</b> 3:25 4:10	B	document 7:11
Backyard 5:18,27   Backyard 5:18,27   Backyard 5:18,27   Backyard 5:18,27   Backyard 5:18,27   Backyard 7:9   Backyard 7:0   Backyard 7:9   Backyard 7:0   Backyard 7:0   Backyard 7:0   Backyard 7:9   Backyard 7:0		<b>back</b> 9:3,17,24	documentation 9:13
2024 3:3         beginning 8:23           22 7:6         big 5:18         edge 7:17           28 7:7 9:18         Board 3:15 4:16         erect 5:2           3         Book 5:24         excuse 3:24 8:7           Boulevard 7:9         boys 5:16 6:3 7:23         F           boys 5:14 6:18 7:8         favor 3:12 4:13           4         C         call 3:2         fence 4:2 5:2,17 7:7,19,25 9:16, 23           5         call 3:2         fine 7:22         firm 8:12         foot 6:11,21 9:17         four-foot 5:2         frour-foot 5:2         frour-foot 5:2         frour-foot 5:2         frour-foot 5:2         grow 7:5         good 7:5         grass 5:19         good 7:5         grass 5:19	2	backyard 5:18,21	
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  4  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  9 4:25 A  affirmative 3:14 4:15 and-a-half 9:17,18 application 4:6,9  Board 3:15 4:16 book 5:24 excuse 3:24 8:7  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  A  COURT 8:7 curb 7:8 Cynthia 4:24 5:9 held 8:23 helps 7:10 highlighted 9:22 HONG 4:34	<b>2024</b> 3:3	beginning 8:23	E
Book 5:24   Boulevard 7:9   F	<b>22</b> 7:6	<b>big</b> 5:18	<b>edge</b> 7:17
Sacroscopies   Sacr	<b>28</b> 7:7 9:18	<b>Board</b> 3:15 4:16	erect 5:2
Solution   7:18   Solution		<b>book</b> 5:24	<b>excuse</b> 3:24 8:7
3-0 3:16 4:17 30 7:16 boys 5:16 6:37:23 broken 5:14 bushes 5:11 6:18 7:8  4  C  4-1 3:21 4:10  5  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 6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1  8:06 8:24 8:10 8:25  Christ 5:10  Court 9:10 Continuing 7:18 corner 5:4 COURT 8:7 curb 7:8  A  affirmative 3:14 4:15 and-a-half 9:17,18 application 4:6,9  boys 5:16 6:37:23 broken 5:14 bushes 5:11 6:18 7:28 feet 7:6,7,17,20 9:18 fine 7:22 firm 8:12 foot 6:11,21 9:17 foot 6:11,2	3	Boulevard 7:9	
30 7:16     broken 5:14 bushes 5:11 6:18 7:8     favor 3:12 4:13 feet 7:6,7,17,20 9:18 feet 7:6,7,17,20 9:18 feet 7:6,7,17,20 9:18 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       50s 6:20     CARPENTER 3:10 4:11 8:17 9:24 foot 6:11,21 9:17 four-foot 5:2 front 5:3,23 9:19       6-1 4:24     CARPENTER 3:10 4:11 8:17 9:24 foot 6:11,21 9:17 four-foot 5:2 front 5:3,23 9:19       6-1 4:24     Case 3:19,20 4:10,24 5:7     G       6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1 8     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 grass 5:19 green 9:10     good 7:5 grass 5:19 green 9:10       8:06 8:24     Christopher 4:25 collect 9:10     H       9     Continuing 7:18 corner 5:4     Handed 7:12 9:14       9     COURT 8:7 curb 7:8 curb 7:8     Hare 4:24,25 5:9 6:2,7,10,19,24 7:36,12,22 8:3,9,13 9:11,14,21 hedges 6:19 held 8:23 helps 7:10 highlighted 9:22 HONG 4:21 HONG 4:21 helps 7:10 highlighted 9:22	<b>3-0</b> 3:16 4:17	<b>boys</b> 5:16 6:3 7:23	F
C   C   C   C   C   C   C   C   C   C		broken 5:14	<b>favor</b> 3:12 4:13
C call 3:2 fine 7:22 firm 8:12 foot 6:11,21 9:17 four-foot 5:2 front 5:3,23 9:19  6-1 4:24		<b>bushes</b> 5:11 6:18 7:8	<b>feet</b> 7:6,7,17,20 9:18
call 3:2       fine 7:22         50s 6:20       Cards 9:10       Carmans 8:4,8       CARPENTER 3:10 4:11 8:17       foot 6:11,21 9:17       four-foot 5:2       front 5:3,23 9:19         6-1 4:24       Case 3:19,20 4:10,24 5:7       G         6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1       Case 3:19,20 4:10,24 5:7       G         6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1       Case 3:19,20 4:10,24 5:7       G         B       Chris 5:10       good 7:5       grass 5:19       green 9:10       green 9:10       B         8:10 8:25       Collect 9:10       H         A       COURT 8:7       Curb 7:8       COURT 8:7       Curb 7:8       Cynthia 4:24 5:9       Hane 4:24,25 5:9 6:2,7,10,19,24 7:36,12,22 8:3,9,13 9:11,14,21 hedges 6:19 held 8:23 helps 7:10 highlighted 9:22         D       deck 5:19       HONG 4:31	4		
5       Cards 9:10       Carmans 8:4,8       CARPENTER 3:10 4:11 8:17       9:24     foot 6:11,21 9:17       6-1     4:24       6-1 4:24     carried 3:18 4:19       6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1     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     good 7:5       8:06 8:24     Chris 5:10     green 9:10       8:06 8:24     Christopher 4:25     guys 5:6 6:11       H       Collect 9:10       Continuing 7:18     handed 7:12 9:14       COURT 8:7     Curb 7:8       CURT 8:7     Curb 7:8     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       A     D     highlighted 9:22       HONG 4:21	<b>4-1</b> 3:21 4:10		fine 7:22
Carmans 8:4,8  CARPENTER 3:10 4:11 8:17 9:24  6-1 4:24  6-1 4:24  6-1 4:24  8  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  COURT 8:7  curb 7:8  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  Christopher 4:25  Collect 9:10  Continuing 7:18  Corner 5:4  COURT 8:7  curb 7:8  Cynthia 4:24 5:9  Christopher 4:25  Christopher 4:25  Collect 9:10  Christopher 4:25  Collect 9:10  Continuing 7:18  Corner 5:4  COURT 8:7  curb 7:8  Cynthia 4:24 5:9  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  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  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  Chairman 3:2,11,17,23 4:12,18, 23 6:24,8,15,22 7:2,4,12,14, 18,24 8:5,11,15,19 9:2,6,15,25  Chris 5:10  Christopher 4:25  Chairman 3:2,11,17,23 4:12,18, 23 6:24,8,15,22 7:2,4,12,14, 18,24 8:5,11,15,19 9:2,6,15,25  Chris 5:10  Chairman 3:2,11,17,23 4:12,18, 23 6:24,8,15,22 7:2,4,12,14, 18,24 8:5,119  Formative 3:14 4:15  D  deck 5:19			<b>firm</b> 8:12
Carmans 6:4,8         CARPENTER 3:10 4:11 8:17 9:24       four-foot 5:2 front 5:3,23 9:19         6-1 4:24       case 3:19,20 4:10,24 5:7       G         6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1       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       good 7:5 grass 5:19 green 9:10         8:06 8:24       Chris 5:10       guys 5:6 6:11         9       Collect 9:10       H         Continuing 7:18       Count 7:18       Handed 7:12 9:14         9 4:25       COURT 8:7       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 held 8:23 helps 7:10 highlighted 9:22 HONG 4:21			<b>foot</b> 6:11,21 9:17
6       9:24       front 5:3,23 9:19         6-1 4:24       case 3:19,20 4:10,24 5:7       G         6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1       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       good 7:5       grass 5:19         8:06 8:24       Chris 5:10       green 9:10       guys 5:6 6:11         8:10 8:25       Collect 9:10       H         9       4:25       COURT 8:7       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         9 4:25       Cynthia 4:24 5:9       hedges 6:19 held 8:23 helps 7:10 highlighted 9:22         A       D       highlighted 9:22 hong 4:24	<b>50s</b> 6:20		four-foot 5:2
6-1 4:24       carried 3:18 4:19       G         6/13/24 3:1 4:1 5:1 6:1 7:1 8:1 9:1       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       good 7:5         8:06 8:24       Chris 5:10       green 9:10         8:10 8:25       Christopher 4:25       collect 9:10         9       Continuing 7:18       H         4       COURT 8:7       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         9 4:25       Curb 7:8       Cynthia 4:24 5:9         A       Cynthia 4:24 5:9       held 8:23         held 8:23       helps 7:10         highlighted 9:22       HONG 4:21			front 5:3,23 9:19
Case 3:19,20 4:10,24 5:7         6/13/24       3:1 4:1 5:1 6:1 7:1 8:1 9:1       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       good 7:5       grass 5:19       grass 5:19         8:06       8:24       Chris 5:10       guys 5:6 6:11         8:10       8:25       Collect 9:10       H         9       Continuing 7:18       handed 7:12 9:14         COURT 8:7       Curb 7:8       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         held 8:23       helps 7:10         highlighted 9:22       HONG 4:21		<b>carried</b> 3:18 4:19	
8 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  9 Continuing 7:18 corner 5:4 COURT 8:7 curb 7:8 Cynthia 4:24 5:9  affirmative 3:14 4:15 and-a-half 9:17,18 application 4:6,9  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 grass 5:19 green 9:10 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	<b>6-1</b> 4:24	<b>case</b> 3:19,20 4:10,24 5:7	G
8	<b>6/13/24</b> 3:1 4:1 5:1 6:1 7:1 8:1 9:1		good 7:5
8:06 8:24  8:10 8:25  Christopher 4:25  collect 9:10  Continuing 7:18  corner 5:4  COURT 8:7  curb 7:8  A  Cynthia 4:24 5:9  A  Cynthia 4:24 5:9  Corner 5:4  Court 7:8  Cynthia 4:24 5:9  Corner 5:4  Court 7:8  Court 7:8  Cynthia 4:24 5:9  Court 7:8  Court 8:7  Court 7:8  Court 8:7  Court 7:8  Court 7:3,6,12,22 8:3,9,13 9:11,14,21  Court 7:3,6,12,22 8:3,9,13 9:11,14,21  Court 7:8  Court 8:7  Court 8:7  Court 8:7  Court 7:8  Court 7:3,6,12,22 8:3,9,13 9:11,14,21  Court 7:3,6,12,22 8:3,9,13 9:11,14,21  Court 7:3,6,12,22 8:3,9,13 9:11,14,21  Court 7:8  Court	8		grass 5:19
8:10 8:25    Collect 9:10		<b>Chris</b> 5:10	green 9:10
Collect 9:10 Continuing 7:18  corner 5:4  COURT 8:7  Curb 7:8  Cynthia 4:24 5:9  A  Cynthia 4:24 5:9  A  Cynthia 4:24 5:9  Cynthia 4:6,9  Collect 9:10  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		Christopher 4:25	<b>guys</b> 5:6 6:11
9       Continuing 7:18         4       corner 5:4       handed 7:12 9:14         4       COURT 8:7       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         A       Cynthia 4:24 5:9       hedges 6:19         and-a-half 9:17,18       D       held 8:23 helps 7:10 highlighted 9:22         application 4:6,9       deck 5:19	<b>8:10</b> 8:25	collect 9:10	
COURT 8:7  CUIPD 7:8  Cynthia 4:24 5:9  A  Cynthia 4:24 5:9  Cynthia 4:24 5:9  Cynthia 4:6,9  Courd 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	9	Continuing 7:18	
COOK 1 8.7  curb 7:8  Cynthia 4:24 5:9  affirmative 3:14 4:15  and-a-half 9:17,18  application 4:6,9  curb 7:8  Cynthia 4:24 5:9  below 6:19  held 8:23  helps 7:10  highlighted 9:22  HONG 4:21	·	corner 5:4	handed 7:12 9:14
A	<b>9</b> 4:25	COURT 8:7	
Cynthia 4:24 5:9  affirmative 3:14 4:15  and-a-half 9:17,18  application 4:6,9  Cynthia 4:24 5:9  held 8:23  helps 7:10  highlighted 9:22  HONG 4:21		<b>curb</b> 7:8	
and-a-half 9:17,18  application 4:6,9  deck 5:19  helps 7:10 highlighted 9:22		<b>Cynthia</b> 4:24 5:9	
application 4:6,9  deck 5:19  highlighted 9:22	affirmative 3:14 4:15		
deck 5:19	and-a-half 9:17,18		-
approve 4:5,9	application 4:6,9	<b>deck</b> 5:19	
	approve 4:5,9		HUNG 4:21

hoping 5:16	0	—   <b>set</b> 4:19
house 7:7,17 9:19,20		<b>SHIE</b> 4:20
	objections 9:8	<b>show</b> 6:16,18
	<b>order</b> 3:3 4:4	shrubs 8:16
important 8:12		<b>side</b> 5:11,20 9:23
indicating 7:21 8:10,18 9:23	Р	sidebar 8:20
inside 5:17	<b>p.m.</b> 8:24,25	sidewalk 6:9,23 8:17
	part 5:20	sidewalks 6:14
J	<b>pass</b> 4:5	space 7:21
June 3:3	passed 3:15 4:16	state 5:7
	<b>past</b> 5:13	<b>stop</b> 9:19
K	people 8:21	<b>Street</b> 3:25 4:10,25
kind 5:17	Permit 5:2	submitted 4:9
	picture 8:14	survey 6:12
L	pictures 7:5	surveys 8:2
law 8:11	Powell 5:21 7:9 8:18	Т
left 8:14	present 3:15 4:16	· · · · · · · · · · · · · · · · · · ·
leftover 3:20	problem 7:25	talking 8:21
	proceedings 8:24	technically 5:20 6:25
M	property 5:5 6:5 7:20 9:17	<b>Thomas</b> 5:20 7:9 8:18
<b>make</b> 3:7 4:8	<b>put</b> 5:16 7:19 9:22	throws 5:24
mark 6:14		<b>time</b> 5:23 8:21
meeting 3:3,6,9 4:6	Q	<b>tizzy</b> 5:25
members 3:15 4:16	questions 9:5,7	tore 5:15
middle 5:14		<b>Tully</b> 3:7,22 4:8 6:13,17 7:16 9:4 9,14
minutes 3:5,8	R	_
month 3:20	reading 3:5,8	U
months 3:22,23	record 5:8 8:20,23 9:3	unanimous 3:14 4:15
<b>motion</b> 3:4,7,15,17 4:5,7,8,16,18	relation 6:8	unammous 3.14 4.15
9:16	REPORTER 8:7	V
	research 4:3	vegue 8:2
	resuming 8:24	vague 8:2
names 5:7	rule 5:24	variance 5:3
Nostrand 3:2,11,17,23 4:12,18,		<b>vote</b> 3:14 4:15
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	<b>S</b>	_
	security 6:2	waive 3:4,8

<b>yard</b> 5:4,12	
yards 5:24	
<b>years</b> 5:13	