

In the Matter Of:

VILLAGE OF FARMINGDALE - ZBA

CASE NO. 7-1 DALE DRIVE, FARMINGDALE

July 11, 2024



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INCORPORATED VILLAGE OF FARMINGDALE
ZONING BOARD OF APPEALS
361 Main Street
Farmingdale, New York

July 11, 2024

8:00 p.m.

RE: Case No. 7-1 Dale Drive, Farmingdale, New York

ACCURATE COURT REPORTING SERVICE, INC.
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2 A P P E A R A N C E S :
3 DAVID NOSTRAND, Chairman
4 MARISA TULLY, Member
5 MARY CARPENTER, Member
6 CLAUDIO DeBELLIS, ESQ., Zoning Board Attorney
7 N O N - A P P E A R A N C E :
8 STEVE FELLMAN, Superintendent of Buildings
9 A L S O P R E S E N T :
10 MANJINDER KAUR, Legal Assistant,
 WALSH MARKUS MCDUGAL & DeBELLIS, LLP.
11 1600 Calebs Path, Suite 113
 Hauppauge, New York
12
13 MICHAEL BUONO, Homeowner,
 For 18 Dale Drive, Farmingdale
14
15 CHRISTINA BUONO, Homeowner,
 For 18 Dale Drive, Farmingdale
16
17 JOHN RECINE, Neighbor, Dale Drive, Farmingdale
18 LAUREN RECINE, Neighbor, 14 Dale Drive,
19 Farmingdale
20 DAN CONERS, Neighbor, Dale Drive, Farmingdale
21
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2 CHAIRMAN NOSTRAND: Let's call
3 the meeting to order for July 11,
4 2024.

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

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

11 MS. CARPENTER: I 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.

20 Okay. First case is 7-1,
21 Michael Buono, needs a permit for 18
22 Dale Drive, also known as Section 49,
23 Block D, Lots 400 and 401 in a
24 Residence A Zoning District. Requires
25 a variance because it's against Code.

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2 So who is here to represent?

3 (WHEREUPON, a member of the
4 assemblage raised a hand to be
5 recognized.)

6 CHAIRMAN NOSTRAND: Okay.

7 MR. BUONO: Michael Buono, 18
8 Dale Drive, and my wife.

9 MS. BUONO: Hi. Christina
10 Buono.

11 CHAIRMAN NOSTRAND: So our
12 questions start with how did you get
13 here, how did you get this lot?

14 Just out of curiosity, for the
15 history of Farmingdale, how did you
16 acquire this lot?

17 MR. BUONO: Sure. Great
18 questions.

19 CHAIRMAN NOSTRAND: Lot 400.

20 MR. BUONO: Yeah. So Lot 400
21 is the lot, I believe, directly
22 behind my property, which is Lot 401.

23 So my wife and I moved to the
24 Village of Farmingdale back in 2017
25 just after we were married. So we

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2 really started to lay some roots here.
3 Fast forward to today, we now have
4 three young boys -- five, four, and
5 two and-a-half.

6 We love the Village, we love
7 our residence, we love our block. But
8 one of the things that has been
9 lacking for us is an appropriate sized
10 yard to allow our three boys to play
11 in.

12 We became very good friends
13 with the Williamses -- Barbara and Joe
14 -- may he now rest in peace -- and
15 they had acquired that lot many, many
16 years ago. They never did anything
17 with it. It was always on a separate
18 deed, it was always Lot 400.

19 It was overgrown and pretty run
20 down, and it became -- I had asked him
21 one day about that back piece of
22 property because it was somewhat
23 fenced off from his. And he had
24 mentioned that if ever one day came to
25 pass that he wanted to sell the lot,

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2 that he would come to us and ask. And
3 I said that would be ideal. Except,
4 at the time, we had one boy when he
5 had proposed that.

6 When we closed on the lot in
7 March, we had three boys. It made
8 perfect sense. So we completed that
9 transaction in March. We cleaned up
10 the lot -- I think I put a picture in
11 there -- and we fenced it in to our
12 actual property.

13 And the next step was that we
14 wanted to then build a pool back there
15 for our family. And when I came to
16 talk to the Village about acquiring a
17 permit, they had mentioned I can't
18 build a pool on a free-standing lot.

19 So I talked to Steve Fellman.
20 He walked me through the process of
21 submitting the application. He told
22 me it would be denied and that I would
23 have to come in front of the Board
24 here to request a variance to merge
25 Lot 400 with Lot 401 so that we could

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2 then apply for our pool application,
3 should that variance be approved by
4 you folks here.

5 CHAIRMAN NOSTRAND: So Mr.
6 Williams was this guy back here
7 (indicating)?

8 MR. BUONO: Correct.

9 CHAIRMAN NOSTRAND: He owned
10 this little "t"?

11 MR. BUONO: Correct. Yes.
12 And I believe there's a map in there
13 that shows it broken up.

14 MS. CARPENTER: We have the
15 map. We have it.

16 CHAIRMAN NOSTRAND: So, I
17 guess, they had it forever?

18 MR. BUONO: Yeah. They had it
19 for quite some time. And they had
20 intentions to, I think, develop it,
21 and it never came to fruition.

22 CHAIRMAN NOSTRAND: It can't
23 be developed.

24 MR. BUONO: Not developed,
25 excuse me, like, clean it up to put a

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2 swing set or a pool on it.

3 CHAIRMAN NOSTRAND: So you've
4 been in this house since 2017?

5 MR. BUONO: Correct.

6 CHAIRMAN NOSTRAND: Okay. Any
7 questions from the Board other than
8 its history?

9 MS. TULLY: So you applied for
10 a permit to merge the lots, not to
11 apply for a permit to install a pool
12 on the lot?

13 MR. BUONO: Correct.

14 MS. TULLY: Why didn't you
15 apply for a permit to install a pool
16 on the lot and then that would get
17 denied. Because we don't -- the Code
18 doesn't allow merges.

19 MR. BUONO: So I was told by
20 Steve Fellman in the Village that I
21 first needed to apply to have the
22 lots merged, which would be declined.
23 And before I could even apply for
24 the pool permit, I would need to have
25 the lots merged together and then

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2 apply for the pool permit.

3 CHAIRMAN NOSTRAND: Okay.

4 MR. DeBELLIS: Wait a minute.

5 So Steve Fellman said to you that you

6 needed to get denied and then you

7 could apply for the permit?

8 CHAIRMAN NOSTRAND: No. He

9 said if we get this approved tonight

10 -- to merge them -- then he would

11 have to come back for the pool.

12 MR. BUONO: Correct.

13 MS. CARPENTER: But it would

14 be denied.

15 MR. BUONO: Correct. He told

16 me it would be denied. Yes. Yes.

17 He walked me through the whole

18 process. That it would be denied,

19 I'd get the letter, and then I'd

20 apply or appeal to the Zoning Board,

21 which is how we are here this

22 evening.

23 (WHEREUPON, there was a sidebar

24 discussion held between Chairman

25 Nostrand, Ms. Tully, and Ms.

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2 Carpenter.)

3 CHAIRMAN NOSTRAND: So the
4 problem we have is this big law about
5 not merging lots. We just have a big
6 problem with that. But there's got
7 to be a way to get this done.

8 I think that the way to do it
9 is a little differently than Mr.
10 Fellman told you. If you were to
11 apply for the pool and get a variance
12 for the pool, that we would definitely
13 have no problem with.

14 MR. BUONO: Okay.

15 CHAIRMAN NOSTRAND: But you
16 can't --

17 MS. TULLY: Most likely.

18 CHAIRMAN NOSTRAND: It's
19 highly unlikely that you would ever
20 have the ability to develop that back
21 piece because you just can't have
22 flag lots in this Village.

23 MS. BUONO: We have no
24 intention of doing that.

25 CHAIRMAN NOSTRAND: Right.

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2 But the next guy might. So that's
3 the thing that we have to consider.

4 You're saying I won't, but the
5 next guy that comes in, he wants to
6 build a house back there. Well, we
7 made the mistake of merging the
8 properties and now -- you still
9 can't because it's against the law.
10 So that's what we have to look out
11 for.

12 MR. DeBELLIS: It's the same
13 reason that you need more property to
14 build the pool. The same problem
15 happens if you want to put a bigger
16 home on the property. You attach
17 more property, they can build a
18 bigger home. We're not saying or
19 suggesting that's what you're going
20 to do, but that's the concern that
21 they have.

22 CHAIRMAN NOSTRAND: Each piece
23 is about 6,000-square-feet.

24 MS. TULLY: That's a really
25 big piece of property for a pool.

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2 MR. DeBELLIS: Do you have
3 plans for the pool?

4 MS. BUONO: No. We haven't
5 spoken with anyone yet. We were,
6 kind of, going through this process,
7 feeling everything out.

8 I mean, we would like to put a
9 swing set for our kids. We'd like to
10 have grass so they're not playing in
11 front of our house. All of those
12 things.

13 This absolutely is already
14 fenced in.

15 We want it to be part of our
16 home. We want this to be our forever
17 home.

18 CHAIRMAN NOSTRAND: This
19 picture was taken from behind your
20 house (indicating)?

21 MR. BUONO: Correct. That's
22 the lot.

23 CHAIRMAN NOSTRAND: This is
24 your house (indicating)?

25 MS. BUONO: Yes. That's our

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2 patio.

3 CHAIRMAN NOSTRAND: Okay.

4 MS. TULLY: So whether there's
5 an actual legal subdivision between
6 the lots or not, you still own the
7 lot. So you can put grass in and
8 everything.

9 MR. BUONO: Correct.

10 MS. BUONO: Sure. Of course.

11 MS. TULLY: It's the building
12 part of it that --

13 CHAIRMAN NOSTRAND: Yeah. I
14 think what we'd like to do is
15 redirect this through the Village
16 and, maybe, modify this application
17 for a pool. And then come back to us
18 again, and then we could consider
19 giving a variance for the pool.

20 Then you'll have two separate
21 lots, two separate tax bills of
22 course. I think we could get that
23 done that way.

24 MS. CARPENTER: Can we do
25 that?

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2 MR. DeBELLIS: I think he's
3 already indicated Fellman told him
4 that he can't build a pool on a
5 vacant lot.

6 MS. TULLY: But with a
7 variance.

8 MR. DeBELLIS: The other
9 problem is that Building
10 Superintendent Steve Fellman is not
11 here tonight. He usually is, but he
12 had a death in the family.

13 (WHEREUPON, there was a sidebar
14 discussion held between Ms. Carpenter
15 and Mr. DeBellis.)

16 MR. RECINE: May I speak, sir?

17 CHAIRMAN NOSTRAND: Sure.
18 Just state your name for the record.

19 MR. RECINE: John Recine, 14
20 Dale Drive.

21 I was, actually, part of the
22 original extension of Dale Drive.

23 CHAIRMAN NOSTRAND: Uh-huh.

24 MR. RECINE: We acquired the
25 property from the Ketchums (phonetic)

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2 -- where one of the people who are
3 here today actually resides at -- and
4 we subdivided the land. Actually, it
5 started out as a four-lot
6 subdivision, and then we acquired
7 property from the Williamses, so this
8 way 16 and 18 could be developed.

9 CHAIRMAN NOSTRAND: Okay.

10 MR. RECINE: So we didn't have
11 the depth in property. So already
12 some property was acquired by them to
13 build their house.

14 CHAIRMAN NOSTRAND: Okay.

15 MR. RECINE: I'm in the field
16 of construction. I know the Village
17 has, I believe, an eight-foot side
18 yard. They would never be able to
19 put a driveway or a flag lot to get
20 to the back.

21 I was born and raised in
22 Farmingdale. My wife is here. Our
23 kids go to Farmingdale schools.

24 MS. RECINE: Our backyards
25 actually touch now. So if it affects

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2 anybody --

3 MR. RECINE: It's our
4 property.

5 MR. CONERS: I'm on the other
6 side.

7 MR. RECINE: Yeah. They're on
8 the other side. They're bringing
9 their family up just like I did. My
10 oldest just graduated Farmingdale
11 High School, my youngest is starting.
12 I'd love to see them stay and grow
13 and raise their family here.

14 So I know. Like I said, I
15 developed the six houses -- well,
16 five, I didn't do theirs -- so there
17 is no way that it's going to be a flag
18 lot that somebody can get down their
19 side yard because it's only an
20 eight-foot setback.

21 CHAIRMAN NOSTRAND: They
22 couldn't build it there anyway.

23 MR. RECINE: They couldn't
24 build it there anyway. So, I mean,
25 they would just like to get this

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2 process going. I'm helping them out,
3 trying to do whatever I can with my
4 experience.

5 I think just letting them put a
6 pool in the backyard for their family
7 for something that can't be developed
8 by anybody, I think for them to come
9 back and lose months and months --
10 they'd like to get this thing going
11 and build it, close it for the
12 wintertime, and then have their kids
13 enjoy it for next summer.

14 I really think coming back
15 is -- if you would give them a little
16 leniency if you're going to give them
17 the variance on just the lot being
18 vacant with the pool, I think it would
19 be greatly appreciated.

20 MS. TULLY: I don't think the
21 issue was necessarily the pool, as
22 we've discussed. It's the merger of
23 the lots.

24 MR. RECINE: And he's only
25 merging the lots because he was told

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2 that he can't put a pool on there.

3 MS. TULLY: I understand that.

4 CHAIRMAN NOSTRAND: I think
5 they were thinking of a different
6 version or a different path.

7 MR. RECINE: Yeah. Right.

8 CHAIRMAN NOSTRAND: There's a
9 path to this pool, and I'm trying to
10 help you with the path.

11 So let me -- if the Board
12 agrees with me, give me a couple of
13 days, and we can, maybe, modify this
14 and do this without making it a
15 six-month event.

16 It's one case tonight. Next
17 month, it might not be one case. This
18 is not a big deal.

19 MR. RECINE: Believe me, I've
20 been here plenty of times when we had
21 our subdivision back in 2001.

22 CHAIRMAN NOSTRAND: We're not
23 the Town of Oyster Bay, we're not
24 Hempstead, we're not that big.

25 MR. RECINE: I know. The

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2 Village is 1.1-square-miles. I know
3 it's not large.

4 CHAIRMAN NOSTRAND: So do the
5 other neighbors want to say
6 something?

7 MR. CONERS: Yeah, I mean, I
8 would just echo that. My name is
9 Daniel Coners, I'm at 22.

10 My fence is the other side of
11 their lot. And I just moved here a
12 couple of years ago with my family.
13 It's a very similar situation to them.
14 I have two young kids.

15 One of the reasons we moved
16 here was our friendship with them.
17 When this house became available, that
18 was one of the main reasons why we
19 moved here. So we, obviously,
20 understand their connections and ties
21 to the community, and we have those as
22 well.

23 So we just wanted to voice our
24 support for their plans.

25 CHAIRMAN NOSTRAND: Thank you.

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2 Any more questions?

3 MS. TULLY: No. I don't know
4 how to handle it. I think we have to
5 continue it, technically; right?

6 Is that right?

7 MR. DeBELLIS: Yeah.

8 MS. TULLY: Okay. I'd like to
9 make a motion to continue the
10 decision on Case Number 7-1 until the
11 next official meeting next month. In
12 the meantime, Mr. Nostrand will --

13 MS. BUONO: Can I -- is there
14 anything that we could say to you to
15 reassure you that, like, from what
16 John said, its perspective. We can't
17 build another house. We're not
18 trying to build another house.

19 Like, is there anything that we
20 can say to push this back a month?

21 We've been talking to the
22 Williamses since we moved here about
23 this. This is our dream come true,
24 and it's right here.

25 And I appreciate that there are

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2 other avenues. And we certainly would
3 have loved to come in and done that
4 from the beginning, but to have our
5 lot, our home, be on one. It's just
6 cleaner. It just feels better. It's
7 ours.

8 It's just -- we're not moving.
9 We're not trying to go anywhere. The
10 reason that we acquired this and paid
11 for this and are doing this is so that
12 we don't have to move.

13 CHAIRMAN NOSTRAND: I
14 understand. We all understand that.
15 But there are things that if we do
16 here, the next person may want to
17 come in and say, oh, they did it for
18 this section. It's called setting a
19 precedent, and we're very careful
20 here to not do that.

21 So what we're doing is
22 protecting the Village from other
23 people doing things that might not be
24 as honest as you are. You want to put
25 in a pool, that's great. We love

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2 pools. But there are other people
3 that want to develop and sneak a
4 couple of houses in there.

5 MS. BUONO: I understand. I
6 mean, we're in the middle of a
7 cul-de-sac.

8 CHAIRMAN NOSTRAND: There's a
9 simple way to fix this. We'll work
10 on that.

11 MS. BUONO: I appreciate that.
12 It's just discouraging to hear that
13 we'll be waiting another month to
14 have to come back.

15 CHAIRMAN NOSTRAND: I
16 understand. It's frustrating. Our
17 job is to help the Village not get
18 overbuilt in the wrong ways. And
19 there are laws that are in place to
20 keep that from happening.

21 MS. BUONO: I understand.

22 CHAIRMAN NOSTRAND: And the
23 one that you're asking us to forgive
24 on is one of them. It's not that
25 you're asking too much, it's just I

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2 don't think we can do it in this
3 situation. But we can get this done
4 for you.

5 MR. BUONO: So what are the
6 next steps at this point?

7 CHAIRMAN NOSTRAND: Let me
8 speak to the Village tomorrow.

9 MR. BUONO: Okay.

10 CHAIRMAN NOSTRAND: We'll find
11 out the best direction, and we'll
12 reach out to you.

13 MR. BUONO: So that will be
14 Lynne that reaches out to me or --

15 MR. DeBELLIS: No. You'll
16 come back -- when is the meeting
17 noticed?

18 CHAIRMAN NOSTRAND: Let me see
19 if there's other things we can do.

20 Let's go off the record for a
21 minute.

22 (WHEREUPON, a discussion was
23 held off the record beginning at
24 8:19 p.m. with the proceedings
25 resuming at 8:20 p.m. as follows:)

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2 CHAIRMAN NOSTRAND: Back on
3 the record.

4 We are going to table this
5 case, and we'll speak to you next week
6 about what we're going to do and how
7 we're going to do it.

8 MR. BUONO: Okay. I
9 appreciate that. Thank you very
10 much.

11 CHAIRMAN NOSTRAND: You may
12 have to come back for one more
13 meeting, but it will be done.

14 MR. BUONO: Okay.

15 MS. TULLY: So I should finish
16 making the motion, or did I finish
17 it?

18 CHAIRMAN NOSTRAND: I don't
19 think you did. Start over.

20 MS. TULLY: I make a motion to
21 continue the hearing of Case Number
22 7-1 for a final decision to the next
23 meeting of August 8, 2024. In the
24 meantime, Mr. Nostrand is going to
25 look into it a little bit further and

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2 mediate it.

3 MS. CARPENTER: I second the
4 motion.

5 CHAIRMAN NOSTRAND: All in
6 favor?

7 (WHEREUPON, there was a
8 unanimous, affirmative vote of the
9 Board members present. Motion passed
10 3-0.)

11 CHAIRMAN NOSTRAND: Motion
12 carries. Thank you.

13 MR. BUONO: Thank you.

14 MS. BUONO: Thanks.

15 * * * *

16 CHAIRMAN NOSTRAND: Seeing
17 there's no more business, I need a
18 motion to close the meeting.

19 MS. TULLY: I make a motion to
20 close the meeting.

21 MS. CARPENTER: I'll second.

22 CHAIRMAN NOSTRAND: All in
23 favor?

24 (WHEREUPON, there was a
25 unanimous, affirmative vote of the

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Board members present. Motion passed
3-0.)

CHAIRMAN NOSTRAND: Motion
carries.

(WHEREUPON, this meeting was
concluded at 8:21 p.m.)

* * * *

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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 11th day of July, 2024.

Tracie A. Cinquemani

TRACIE A. CINQUEMANI

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