

In the Matter Of:

VILLAGE OF FARMINGDALE - ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS

July 08, 2021



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INCORPORATED VILLAGE OF FARMINGDALE

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ZONING BOARD OF APPEALS

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8

July 8, 2021

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8:00 p.m.

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Due to the Novel Coronavirus Pandemic, Emergency

12

State bans on large meetings or gathers, and

13

pursuant to Governor Cuomo's Executive Orders

14

suspending the Open Meetings Law, this meeting will

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be held electronically via live stream instead of an

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in-person public meeting.

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- 2 A P P E A R A N C E S :
- 3 DAVID NOSTRAND, Chairman
- 4 MARISA TULLY, Board Member
- 5 CHRISTOPHER MARO, MEMBER
- 6 CLAUDIO DEBELLIS, ESQ., Town Attorney
- 7 STEVE FELLMAN, Building Inspector
- 8 ANDREW AND LISA POPEIL, #7-1
- 9 PAUL DE SILVA, Architect #7-2
- 10 MILIND PATEL, #7-2
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2 CHAIRMAN NOSTRAND: Okay, are any
3 of the cases up in front of us yet on the
4 screen or we're waiting for that?

5 I guess I'll call the meeting up.

6 ZOOM MODERATOR: We have attendees.

7 CHAIRMAN NOSTRAND: Okay, I don't
8 see them, am I supposed to see them?

9 ZOOM MODERATOR: You can see them
10 on the right-hand side under the word
11 attendees, yes. There's seven attendees.

12 CHAIRMAN NOSTRAND: I don't see
13 them, what do I do?

14 ZOOM MODERATOR: Go to the word
15 participants down on the bottom.

16 CHAIRMAN NOSTRAND: Yup.

17 ZOOM MODERATOR: And when you hit
18 participants, you'll see panelists.
19 You're a panelist. The attendees are
20 there, but I can manage it. I'll manage
21 it for us.

22 CHAIRMAN NOSTRAND: Okay.

23 ZOOM MODERATOR: All right.

24 CHAIRMAN NOSTRAND: I see seven
25 attendees, yeah.

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2 ZOOM MODERATOR: Good, perfect.

3 CHAIRMAN NOSTRAND: When do I -- do
4 I see them on the screen eventually?

5 ZOOM MODERATOR: When I let them
6 in, when their case comes up.

7 CHAIRMAN NOSTRAND: Oh, okay, all
8 right.

9 All right, so we call the meeting
10 to order for July 8th, 2021, the Zoning
11 Board of Appeals, Incorporated Village of
12 Farmingdale.

13 I'll go right to case number 7-1,
14 application of Andrew Popeil, to install a
15 6-foot PVC fence in the front yard.

16 Are the Popeils available?

17 ZOOM MODERATOR: They certainly
18 are. I'm going to let them in.

19 CHAIRMAN NOSTRAND: Okay.

20 ZOOM MODERATOR: Okay, standby.

21 CHAIRMAN NOSTRAND: All right.

22 Andrew and Lisa, okay.

23 ZOOM MODERATOR: Fantastic.

24 CHAIRMAN NOSTRAND: There they
25 are.

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2 ZOOM MODERATOR: And they're going
3 to unmute right now, please, and we'll be
4 on our way. Here we go.

5 MR. POPEIL: Hello.

6 MS. POPEIL: Hello.

7 CHAIRMAN NOSTRAND: Good evening,
8 how are you?

9 MS. POPEIL: Good, how are you?

10 CHAIRMAN NOSTRAND: Sorry, we got a
11 late start.

12 MS. POPEIL: That's okay. I
13 apologize in advance if our dog
14 makes a little noise.

15 CHAIRMAN NOSTRAND: That's quite
16 all right.

17 MS. POPEIL: Thank you.

18 CHAIRMAN NOSTRAND: I'm just going
19 to pull -- everybody's going to pull out
20 their -- this looks like the other -- my
21 package got left in the rain, so if I'm
22 struggling with it...

23 You're putting a fence in the front
24 yard?

25 MS. POPEIL: Well, it's really --

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2 we're a corner lot, so while it's
3 technically the front yard, it's to the
4 side of our house.

5 CHAIRMAN NOSTRAND: All right.

6 MS. POPEIL: It's to expand our
7 side yard.

8 CHAIRMAN NOSTRAND: So I think I'm
9 looking at the wrong one. It won't go
10 apart because it got soaking wet.

11 ZOOM MODERATOR: I can bring it up
12 as well.

13 CHAIRMAN NOSTRAND: William and
14 Grant, got that.

15 MR. FELLMAN: I would just question
16 the need to -- we're showing on the site
17 plan that you would bring it like all the
18 way to the sidewalk.

19 That, you know, that would be
20 really out of character in the Village. I
21 understand your neighbor's fence comes
22 past you a little bit, you know. Would
23 you need to go past your neighbor's fence?

24 MS. POPEIL: You know, I guess we
25 were just looking to maximize the

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2 space while maintaining the privacy, you
3 know, and I guess looking at what we saw,
4 like other corner lots did in the
5 neighborhood, they seemed to all, you
6 know, to maximize their side yard. They
7 did go up to the sidewalk, but, you know,
8 certainly, you know, anything we'll take.

9 MR. POPEIL: Like the corner lot
10 directly across from us, they have their
11 fence. It's like maybe a foot back from
12 the sidewalk.

13 MR. FELLMAN: And doesn't it look
14 awful?

15 (Screen sharing presentation)

16 MR. POPEIL: No, it looks like
17 they've got a little bit more room and
18 everything. Like we have, you know --
19 we're looking to have kids, and we want to
20 be able to have all the room for them to
21 run around.

22 MS. POPEIL: And privacy.

23 MR. POPEIL: And privacy. It's not
24 a lot of room back there once you have
25 kids running around.

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2 CHAIRMAN NOSTRAND: All right.

3 Where's the garage -- oh, in the
4 middle.

5 MR. POPEIL: Yeah.

6 MS. POPEIL: Yeah.

7 CHAIRMAN NOSTRAND: So where's the
8 new fence -- oh, I see, to the other side
9 of the garage.

10 MR. POPEIL: Yeah, if you see where
11 it says Lot 2 and Lot 1, the old fence is
12 separating them.

13 CHAIRMAN NOSTRAND: Okay, so you
14 just want to move -- so there is a lot --
15 there is a fence in the front yard now.

16 MR. POPEIL: Yes.

17 MS. POPEIL: It's just a little --

18 CHAIRMAN NOSTRAND: But it's --
19 it's that, sort of -- it ends about where
20 the garage is; a little further out from
21 the garage.

22 MR. POPEIL: Yes.

23 MS. POPEIL: Yeah.

24 CHAIRMAN NOSTRAND: Okay.

25 MS. POPEIL: So it's kind of like

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2 there's this --

3

4 CHAIRMAN NOSTRAND: Is the rest of
5 the yard fenced?

6 MS. POPEIL: No.

7 MR. POPEIL: There's no fencing on
8 the Grant side or in the front of the
9 house, just that side lot.

10 CHAIRMAN NOSTRAND: Okay.

11 MR. POPEIL: There is a small fence
12 between the house and the garage, there's
13 a four-footer.

14 MS. POPEIL: Yeah, it's short.

15 CHAIRMAN NOSTRAND: So, basically,
16 Lot 2 is fenced now?

17 MS. POPEIL: Mm-hmm.

18 MR. POPEIL: Yes.

19 CHAIRMAN NOSTRAND: Okay, and then
20 -- who are the neighbors up the street?
21 Not on the Grant side, on the other side,
22 on the William side.

23 MR. POPEIL: Right across.

24 CHAIRMAN NOSTRAND: Is that --
25 where's their fence?

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2 MR. POPEIL: It's one -- it's a
3 foot back from the sidewalk. They
4 actually just re-did their fence, and
5 that's -- I was asking them about it.
6 That's how I found out the whole
7 procedure, from them.

8 CHAIRMAN NOSTRAND: So do they have
9 a variance for that fence?

10 MR. POPEIL: They had a wooden
11 fence, and they're replacing it with a PVC
12 one, so I don't --

13 MS. POPEIL: We don't want to cause
14 any trouble for any of our neighbors.

15 MR. FELLMAN: Yeah, I got a feeling
16 it's an illegal fence. I'm not positive.
17 If nothing else, there should be some kind
18 of setback to create some landscaping --

19 CHAIRMAN NOSTRAND: Yeah.

20 MR. FELLMAN: (Continuing) --
21 between the sidewalk and the fence.

22 MR. POPEIL: There is. There's
23 like a foot back, there's like a row of
24 bushes in front of it.

25 CHAIRMAN NOSTRAND: This is your

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2 neighbors we're talking about?

3 MR. POPEIL: Yes.

4 MS. POPEIL: Yeah, I feel bad, I
5 don't want to cause any trouble for our
6 neighbors.

7 MR. FELLMAN: No, no, no, no, no,
8 I'm talking about for you guys.

9 MS. POPEIL: Yeah.

10 MR. FELLMAN: I think you need to
11 move it back off the sidewalk a couple of
12 feet so you get some landscaping.

13 MR. POPEIL: All right, but how far
14 back should we have it?

15 CHAIRMAN NOSTRAND: You want to put
16 it in -- well, have it in line with the
17 neighbor's fence.

18 MR. FELLMAN: No, no, the neighbor
19 he's talking about isn't next door, I
20 don't think. It's across the street.

21 MR. POPEIL: Yeah, our neighbor
22 doesn't have any sort of fence on their
23 front yard.

24 CHAIRMAN NOSTRAND: Oh.

25 MR. FELLMAN: That's right. I

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2 think I would step it back at

3 least three or four feet, because

4 you need three feet for a hedge row.

5 CHAIRMAN NOSTRAND: Is there an
6 existing fence between the two properties?

7 MR. POPEIL: Just what we currently
8 have on the lot.

9 MR. FELLMAN: Yes.

10 CHAIRMAN NOSTRAND: Oh, and so the
11 other -- the Lot 2 that we referred to
12 earlier is the fenced lot. That's got a
13 square fence around it.

14 MR. POPEIL: Yes.

15 MS. POPEIL: Yeah.

16 CHAIRMAN NOSTRAND: Okay. So you
17 just want to come straight out from the
18 existing line.

19 MR. POPEIL: Yeah.

20 MS. POPEIL: Yeah.

21 MR. POPEIL: We just want to move
22 that up so that, you know, maximize the
23 space. It's a small yard.

24 MS. POPEIL: Yeah.

25 MR. FELLMAN: And your hardship is

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2 you don't have a backyard.

3 MR. POPEIL: Yeah.

4 MS. POPEIL: We're trying to make
5 the most it.

6 MR. POPEIL: We got that 5.9 feet.

7 CHAIRMAN NOSTRAND: Yes, that's not
8 a lot of backyard.

9 MR. POPEIL: Yeah.

10 CHAIRMAN NOSTRAND: Would you be
11 opposed to setting it back a little bit,
12 so that -- like Mr. Fellman said, we could
13 have a little landscaping on there or
14 grass.

15 MR. POPEIL: Yeah, that might --

16 MS. POPEIL: Yeah, I mean if we can
17 just get -- I mean like anything is better
18 than nothing.

19 MR. POPEIL: Yeah.

20 MR. FELLMAN: I mean, three feet
21 gives you a nice evergreen hedge row if
22 you want.

23 MS. POPEIL: Yeah, yeah.

24 CHAIRMAN NOSTRAND: Does three feet
25 take up the entire -- I'll call it an

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2 addition -- an addition to the square box?

3 How much further towards the street is the

4 new fence going to be from the old fence?

5 MR. POPEIL: About ten feet that
6 would give us.

7 CHAIRMAN NOSTRAND: Oh, so, okay.

8 MR. POPEIL: That's a lot of room.

9 CHAIRMAN NOSTRAND: Yeah.

10 MS. POPEIL: We're in a dead space
11 right now.

12 CHAIRMAN NOSTRAND: Right. Why
13 don't they cut it back -- why don't you
14 come back two feet from the sidewalk --

15 MS. POPEIL: Mm-hmm.

16 CHAIRMAN NOSTRAND: (Continuing) --
17 and that would give you an eight-foot
18 addition.

19 MS. POPEIL: Yeah.

20 CHAIRMAN NOSTRAND: Ms. Tully, what
21 do you think of that or Mr. Maro, other
22 members?

23 Mr. Maro, two feet sound good to
24 you?

25 MR. MARO: So it's a foot now, is

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2 that what we're saying, off the sidewalk?

3 CHAIRMAN NOSTRAND: No, I think
4 it's -- right now, they want to put it
5 right on the sidewalk, right to the
6 sidewalk; is that correct?

7 MR. POPEIL: Yeah, we didn't know
8 what the setback was, so we figured we'd
9 ask for everything, and then we'd go back
10 as much as you wanted us to.

11 MS. POPEIL: Yeah.

12 MR. MARO: The way I would evaluate
13 it is that you want to give yourself
14 leeway to provide the appropriate
15 landscaping, so if two feet, two
16 and-a-half feet is that appropriate
17 landscaping, I think that's what you want
18 to judge yourself by.

19 MR. POPEIL: What type of
20 landscaping do we need to put in front of
21 that? Is that optional? Do we have to
22 put it in?

23 MR. MARO: No, it's optional.

24 CHAIRMAN NOSTRAND: It's optional.

25 MR. POPEIL: Okay.

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2 CHAIRMAN NOSTRAND: Grass is okay
3 or smaller shrubs.

4 MS. POPEIL: Yeah.

5 MR. POPEIL: We're going to have
6 grass. We're doing the fence and then
7 we're going to get sprinklers, we're going
8 to make it all nice and pretty --

9 CHAIRMAN NOSTRAND: Okay.

10 MR. POPEIL: (Continuing) -- over
11 the next year. That's our big goal this
12 year.

13 CHAIRMAN NOSTRAND: You would be
14 okay with two feet from the sidewalk?

15 MS. POPEIL: Yes.

16 MR. POPEIL: We would be very happy
17 with that.

18 CHAIRMAN NOSTRAND: Okay.

19 MS. POPEIL: Anything is good.

20 CHAIRMAN NOSTRAND: All right. Any
21 of the members have any questions?

22 Ms. Tully?

23 MS. TULLY: This might be a dumb
24 question, but is it safe to assume that
25 you're going to take down the existing

1 ZONING BOARD OF APPEALS - JULY 8, 2021

2 fence that's currently --

3 MR. POPEIL: Yes.

4 MS. TULLY: (Continuing) -- between
5 Lot 1 and 2.

6 MR. POPEIL: We spoke to a couple
7 of companies and they said they could just
8 use that fence and move it forward, so all
9 we have to do is add in the new, like --

10 MS. TULLY: Just put the side
11 sections in. Okay, gotcha.

12 MR. POPEIL: Yeah.

13 CHAIRMAN NOSTRAND: I guess, at
14 this time, is there anybody in the
15 audience that wants to -- what do you say,
16 Kevin? Put their hand up, raise a hand or
17 something?

18 ZOOM MODERATOR: You would raise
19 your hand.

20 If there's any cell phone callers
21 -- because there is one -- hit star 9 if
22 you want to comment on this applicant's
23 case.

24 CHAIRMAN NOSTRAND: Okay.

25 ZOOM MODERATOR: I see no hands

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2 raised. Cell phone callers, again, would
3 hit star 9.

4 I don't see that.

5 CHAIRMAN NOSTRAND: All right.

6 Okay, we need to make a motion. Marisa,
7 Ms. Tully, can you make a motion to
8 approve this application?

9 MS. TULLY: I will make it. I make
10 a motion to approve this application with
11 the exception that the fence has to remain
12 two feet off the existing sidewalk.

13 CHAIRMAN NOSTRAND: All in favor?

14 (WHEREUPON, there was a unanimous,
15 affirmative vote of the Board member
16 present.)

17 CHAIRMAN NOSTRAND: All right,
18 motion carried.

19 Thank you.

20 MR. POPEIL: Thank you all, so
21 much.

22 MS. POPEIL: Can I ask -- just
23 procedurally, from this point, do we get
24 paperwork from the Village to then move
25 forward with a company to, you know -- I

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2 just didn't know like what the logistics
3 -- after --

4 MR. FELLMAN: We will issue you a
5 fence permit.

6 MS. POPEIL: Oh, perfect. Sorry.
7 Thanks.

8 CHAIRMAN NOSTRAND: Steve, how long
9 does that take, Mr. Fellman?

10 MR. FELLMAN: Probably tomorrow
11 afternoon.

12 CHAIRMAN NOSTRAND: Tomorrow
13 afternoon.

14 MS. POPEIL: Okay.

15 MR. POPEIL: Thank you, so much.

16 MS. POPEIL: Thank you.

17 CHAIRMAN NOSTRAND: Do they come to
18 see you or just call or what should they
19 do?

20 MR. FELLMAN: Call in. Call in
21 late in the afternoon.

22 MR. POPEIL: Okay, I'll call you on
23 my way home from work.

24 Thank you, so much.

25 CHAIRMAN NOSTRAND: And it's Steve

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2 Fellman, call him.

3 MS. POPEIL: I'm sorry it's Corey
4 (phonetic). She's happy with the
5 decision.

6 MR. POPEIL: You gave her more room
7 to run around. She's very happy.

8 CHAIRMAN NOSTRAND: Well, we're
9 dog-friendly here in Farmingdale.

10 MS. POPEIL: Thank you, very much.

11 MR. POPEIL: Thank you, very much.

12 CHAIRMAN NOSTRAND: All right, have
13 a good night.

14 MR. POPEIL: We love it.

15 MS. POPEIL: Thank you guys.

16 CHAIRMAN NOSTRAND: Okay, be well.
17 Okay.

18 * * * *

19 ZOOM MODERATOR: All righty, on to
20 the next case.

21 CHAIRMAN NOSTRAND: Should you let
22 them in or should I call the case first?

23 ZOOM MODERATOR: Definitely call
24 the case first, please.

25 CHAIRMAN NOSTRAND: Okay. Case

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2 7-2, application of Milind Patel, to
3 construct a second story addition to the
4 dwelling at 8 Vernon Street, Village of
5 Farmingdale, requiring a Village
6 ordinance, Part II, Chapter 600.

7 Okay, so we can hear from the Patel
8 family or whoever is representing them.

9 ZOOM MODERATOR: Mr. Patel is in,
10 we'll just ask if there's any other
11 parties to this case.

12 We'll ask now.

13 MR. PATEL: Hi.

14 ZOOM MODERATOR: Hi.

15 MR. PATEL: Good evening, how are
16 you.

17 ZOOM MODERATOR: Is it just
18 yourself, sir?

19 MR. PATEL: No, I have my
20 architect, Mr. Paul, if you can let him
21 in.

22 ZOOM MODERATOR: Paul de Silva?

23 MR. PATEL: Yes, sir.

24 ZOOM MODERATOR: Standby, please.
25 No one else; correct?

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2 MR. PATEL: No, sir.

3 ZOOM MODERATOR: Okay. All right,
4 he's in. He can hear us, and, hopefully,
5 we can hear Paul, and his video is coming
6 up.

7 MR. DE SILVA: Yes, hi, I'm -- can
8 you see me and hear me now?

9 ZOOM MODERATOR: Yes, see you and
10 hear you -- both of you.

11 Debbie, if you need names, just
12 ask.

13 Thank you.

14 COURT REPORTER: Got it, thank you.

15 CHAIRMAN NOSTRAND: Okay, Mr.
16 De Silva, I assume you're going to present
17 the case?

18 MR. DE SILVA: Yeah, sure. So
19 there's three variances required. This is
20 a small house on a very narrow lot. The
21 existing structure, for some reason, is
22 set very close to one of the property
23 lines.

24 The project we're proposing does
25 not increase the footprint of the house at

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2 all -- all right --

3 CHAIRMAN NOSTRAND: Okay.

4 MR. DE SILVA: (Continuing) --

5 we're maintaining the footprint.

6 For the front yard, even though the
7 house currently violates code, we are
8 setting back the second floor addition to
9 meet the zoning ordinance, and on the side
10 yard we are going directly above the
11 existing first floor, which is, by
12 ordinance, too close to the property line.
13 But it is a very narrow house, and if we
14 were to maintain the zoning requirements,
15 it would essentially require us to do --
16 to either have a very small second floor
17 or to have an extensive construction on
18 the opposite side of the house which we
19 don't feel is in the best interest of the
20 Patels and would not in any way benefit
21 the Village.

22 CHAIRMAN NOSTRAND: So if I
23 interrupt you, you're keeping the exact
24 same footprint?

25 MR. DE SILVA: Yes.

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2 CHAIRMAN NOSTRAND: And you're just
3 going up?

4 MR. DE SILVA: Yes.

5 CHAIRMAN NOSTRAND: Okay. So we
6 have a pre-existing, non-conforming house
7 that needs a variance to pretty much just
8 stay where it is.

9 MR. DE SILVA: That's correct.

10 CHAIRMAN NOSTRAND: And then the
11 only other thing I see is that you are one
12 percent over the square footage?

13 MR. DE SILVA: Not over the gross
14 square -- yeah, the floor area ratio.

15 CHAIRMAN NOSTRAND: Yeah.

16 MR. FELLMAN: The F.A.R.

17 CHAIRMAN NOSTRAND: The F.A.R.,
18 you're one percent over.

19 MR. DE SILVA: Yes.

20 CHAIRMAN NOSTRAND: That's
21 somewhere.

22 MR. FELLMAN: Have you gotten any
23 comment from the next door neighbor?

24 MR. PATEL: Because I'm very
25 friendly with them, I talk to everybody,

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2 and everybody is absolutely fine.

3 MR. FELLMAN: Because that's
4 important. I mean, it's one thing to have
5 a one-story wall next to you and only two
6 and-a-half feet setback. A whole
7 different thing for this now to become a
8 two-story wall with a roof, only two
9 and-a-half from that property.

10 MR. PATEL: Yeah, but -- when you
11 see the next door property, yes, it's very
12 close to the fence --

13 MR. FELLMAN: Right.

14 MR. PATEL: (Continuing) -- but on
15 my side is his backyard, so I'm not
16 blocking anything.

17 MR. FELLMAN: That's why I'm
18 saying, you know, the neighbor's input --

19 MR. PATEL: Everybody -- because I
20 want to be friendly with them -- and I
21 spoke to everybody before I even started
22 this project, and everybody's absolutely
23 fine.

24 MR. FELLMAN: I see some names on
25 the list over here, Kevin. Are there

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2 audience members out there?

3 ZOOM MODERATOR: There certainly
4 is, if you're looking for comments, but
5 you know, please state that.

6 MR. FELLMAN: Yeah, I think --

7 CHAIRMAN NOSTRAND: I guess at this
8 time, we'll see if there's any comments
9 from anybody in the audience.

10 ZOOM MODERATOR: Raise hands if
11 there are comments digitally on Zoom, or,
12 again, if there is a cell phone user out
13 there, please hit star 9.

14 No hands are raised at this time,
15 therefore, no comment.

16 CHAIRMAN NOSTRAND: All right. Any
17 of the members have any questions?

18 Ms. Tully?

19 MS. TULLY: I have a question about
20 the calculations on the floor area ratio.
21 I just kind of tried to do them with this
22 plan, and it looks a little bit off.

23 Is the second floor that's
24 crosshatched here -- I'm sorry, is the
25 crosshatched area the entire second floor?

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2 MR. DE SILVA: Yes, it's the entire
3 -- I'm sorry, let me get a look -- let me
4 look at the drawing.

5 MS. TULLY: Well -- thank you.

6 MR. DE SILVA: Yeah, yes, the
7 crossed-hatch area is the entire second
8 floor.

9 MS. TULLY: So I'm getting numbers
10 like the second floor being 1,166, it's
11 another 130 square feet for the second
12 floor.

13 MR. NOSTRAND: And I have a
14 question also, Mr. de Silva.

15 There's no second floor in this
16 house at all now?

17 MR. PATEL: No.

18 MR. DE SILVA: That's correct,
19 there's no second floor at all.

20 CHAIRMAN NOSTRAND: So you're
21 basically doubling the house.

22 MR. DE SILVA: It's a one-story
23 house with a flat roof. There's not even
24 an attic.

25 CHAIRMAN NOSTRAND: Flat roof?

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2 Wow.

3

4 MR. DE SILVA: Yes.

5 MS. TULLY: Okay.

6 CHAIRMAN NOSTRAND: The new house
7 will have a little bit of an attic.

8 MR. DE SILVA: Yes.

9 CHAIRMAN NOSTRAND: Have a ridge.

10 MR. DE SILVA: That's correct.

11 MR. NOSTRAND: And what about the
12 height, are we all right with the height
13 on this?

14 MR. FELLMAN: The height is --

15 CHAIRMAN NOSTRAND: It's okay?

16 MR. FELLMAN: Yeah. Again, it
17 becomes a big change to the neighborhood.
18 A one-story flat roof becomes a two-story
19 with a pitch to it.

20 CHAIRMAN NOSTRAND: Yeah.

21 MR. FELLMAN: Much bigger mass.

22 CHAIRMAN NOSTRAND: But are we
23 under the height restrictions?

24 MR. FELLMAN: Yeah.

25 MR. DE SILVA: Yes, it's only 28.6

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2 feet, and the height restriction is 35.

3 CHAIRMAN NOSTRAND: Okay.

4 MR. FELLMAN: Quite a bit, quite a
5 bit.

6 MR. DE SILVA: Again, it's a narrow
7 house, so the roof doesn't rise all that
8 much.

9 CHAIRMAN NOSTRAND: Yeah, I
10 understand.

11 MR. FELLMAN: I mean, it is the
12 perfect hardship, they can't slide the
13 existing house. They are stuck with it.

14 CHAIRMAN NOSTRAND: Over there, so
15 far we have no objections from anybody in
16 the audience or any comments either?

17 ZOOM MODERATOR: Nope.

18 CHAIRMAN NOSTRAND: Nope, okay.

19 MR. MARO: So I'm looking at -- if
20 I look at Google Earth, I'm seeing that
21 your neighbor to the right of you, facing
22 your house, has an upstairs deck.

23 So have you -- you've spoken to
24 your neighbor there?

25 MR. PATEL: Absolutely, he lives by

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2 himself, and I know him very well. I have
3 a very good relationship with him, and I
4 spoke to him, yeah.

5 MR. MARO: Okay.

6 CHAIRMAN NOSTRAND: Ms. Tully, did
7 you get your square footage question
8 answered?

9 MS. TULLY: Well, the question
10 wasn't answered. I'm saying that the
11 calculations don't look correct, and
12 they're higher than what's stated on the
13 plans by a considerable amount.

14 CHAIRMAN NOSTRAND: Ah.

15 MR. DE SILVA: Well, 20. So it's 5
16 by 25 by 28. The difference between the
17 first and second floor should be 140 feet.
18 The second floor should be 100, so --

19 CHAIRMAN NOSTRAND: 140 square feet
20 less?

21 MR. DE SILVA: Yeah, the second
22 floor should be 140 feet less than the
23 first floor, and I see it's 148 feet less.

24 So yes, I guess there is a
25 discrepancy.

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2 MS. TULLY: So what's the first
3 floor?

4 MR. FELLMAN: One thing, the
5 stairwell would only count once.

6 MS. TULLY: Correct, I didn't even
7 count the stairwell, so --

8 MR. DE SILVA: Oh, okay. So, I'm
9 sorry, in my calculation, the stairwell
10 was counted twice.

11 MS. TULLY: So this -- I'm getting
12 that the first floor is -- well, let's put
13 it this way, I'm getting that the second
14 floor is 1,176.

15 MR. DE SILVA: The second floor is
16 1,176?

17 MS. TULLY: Yup.

18 MR. DE SILVA: Well, then the first
19 floor is less than 1,181, because the
20 second floor is, like I was saying, 150,
21 148 square feet less than the first floor.

22 MS. TULLY: The second floor is
23 1,176, which would mean that the first
24 floor has to be 1,176 or better -- right
25 -- so --

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2 MR. DE SILVA: Yes.

3 MR. FELLMAN: It was 12 something.

4 MR. PATEL: I guess when --

5 MS. TULLY: So I'm coming up with
6 about 2,490 square feet. I think that we
7 need to get these calculations correct --
8 stated correctly on the -- unless there's
9 no objection by other members of the
10 Board.

11 CHAIRMAN NOSTRAND: Well, the
12 discrepancy is 140.

13 MS. TULLY: It's a lot, so --

14 CHAIRMAN NOSTRAND: Yeah. Mr.
15 De Silva, where do you think these errors
16 are popping up?

17 MR. DE SILVA: I have no idea. I
18 mean, you know, I can't answer that
19 question right now. I'd have to go back
20 and recalculate.

21 CHAIRMAN NOSTRAND: So is the
22 proposed second floor basically the same
23 size as the first floor?

24 MR. DE SILVA: No, no, it's set
25 back five feet.

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2 CHAIRMAN NOSTRAND: So it would be
3 smaller?

4 MR. DE SILVA: Yes.

5 CHAIRMAN NOSTRAND: Where is it
6 set back, on the second floor -- where is
7 it set back? I don't see it --

8 MR. FELLMAN: In the front.

9 CHAIRMAN NOSTRAND: In the front?

10 MR. DE SILVA: Yes.

11 CHAIRMAN NOSTRAND: It's set back.

12 MR. DE SILVA: Yeah, it's set back
13 five-foot-one on the front.

14 CHAIRMAN NOSTRAND: Okay. Oh, is
15 there a small -- is there a roof, a small
16 roof on the front of the building then?
17 I'm missing something.

18 MR. DE SILVA: Yes.

19 MS. TULLY: So the number 43.8, is
20 that for the whole corner of the house or
21 is that for the dimension of the second
22 floor -- let's see.

23 CHAIRMAN NOSTRAND: If you look at
24 the south --

25 MR. DE SILVA: 43.8 is the whole

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2 length of the house.

3 MS. TULLY: Okay, then that's where
4 the confusion lies.

5 MR. FELLMAN: The second floor
6 would be five feet less.

7 MR. DE SILVA: Correct.

8 CHAIRMAN NOSTRAND: So when you
9 look at the south elevation, you see that
10 the -- from the chimney side of the house,
11 that the second floor is back off.
12 There's a small roof over the first floor
13 in the little dormer -- not the dormer,
14 the front entrance.

15 MR. DE SILVA: Yeah, the dimensions
16 on the site plan are the footprint of the
17 house, not the dimensions of the second
18 floor addition.

19 CHAIRMAN NOSTRAND: Right, so it's
20 going to be roughly, what, 1,000 square
21 feet.

22 (SCREEN SHARING PRESENTED)

23 MR. DE SILVA: Yes.

24 CHAIRMAN NOSTRAND: And the first
25 floor is roughly 1,200 square feet.

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2 MR. FELLMAN: That's it right
3 there.

4 CHAIRMAN NOSTRAND: Yeah. If you
5 can go to the side elevation, that would
6 -- there you go.

7 (SCREEN SHARE PRESENTED)

8 CHAIRMAN NOSTRAND: You know, the
9 north elevation shows -- the north and the
10 south elevation show that -- that's a good
11 help, thank you.

12 ZOOM MODERATOR: You got it.

13 CHAIRMAN NOSTRAND: Everybody
14 follow me? The south and the north
15 elevation show how the top floor is set
16 back from the front stoop.

17 MR. FELLMAN: That's going to help
18 quite a bit, architecturally, too. It's
19 going to give a nice three-dimensional
20 feel to that front.

21 CHAIRMAN NOSTRAND: Yes, maybe it
22 won't look like a box.

23 MR. FELLMAN: Right.

24 MR. DE SILVA: Okay.

25 MR. FELLMAN: It's actually pretty

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2 cute.

3 CHAIRMAN NOSTRAND: Ms. Tully, do
4 you see that setback?

5 MS. TULLY: Yeah, I saw that, yup.
6 Thank you.

7 CHAIRMAN NOSTRAND: Are we sure
8 that the first floor is 1,181 square feet?

9 MS. TULLY: I came up with a higher
10 number than 1,181. I came up with 12 and
11 change, and I just --

12 MR. FELLMAN: And the first floor
13 is not a rectangle, it steps in about
14 halfway back.

15 MS. TULLY: Steps in, in the back,
16 yup.

17 CHAIRMAN NOSTRAND: And again,
18 those four walls are remaining.

19 MR. FELLMAN: But the other thing,
20 too, is you see the line, open to above on
21 the first floor?

22 CHAIRMAN NOSTRAND: Yup.

23 MR. FELLMAN: That open to above,
24 that -- so that doesn't count in square
25 footage, it only counts on the first

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2 floor.

3 CHAIRMAN NOSTRAND: Plus the
4 footprint for the second floor is smaller
5 already.

6 MR. FELLMAN: Yeah.

7 MS. TULLY: Gotcha, okay.

8 CHAIRMAN NOSTRAND: All right. Are
9 you good with all that, Ms. Tully?

10 MS. TULLY: Sure.

11 CHAIRMAN NOSTRAND: Okay.

12 MR. FELLMAN: Did you call me
13 short?

14 MS. TULLY: Oh, my God.

15 CHAIRMAN NOSTRAND: Mr. Maro, any
16 questions on your side?

17 MR. MARO: No.

18 CHAIRMAN NOSTRAND: Nope, good,
19 okay.

20 Well, we have no objection from
21 anybody in the audience?

22 ZOOM MODERATOR: We'll ask one more
23 time. If anybody would like to comment on
24 this case, this project, please raise your
25 Zoom hand.

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2 No hands raised, Mr. Chairman.

3 CHAIRMAN NOSTRAND: Okay. All
4 right. So I need a motion to approve the
5 plans as submitted.

6 Ms. Tully?

7 MS. TULLY: I make a motion to
8 approve the application for the Patel
9 residence as submitted.

10 CHAIRMAN NOSTRAND: Okay. All in
11 favor?

12 (WHEREUPON, there was a unanimous,
13 affirmative vote of the Board members
14 present.)

15 CHAIRMAN NOSTRAND: Okay, motion
16 carried.

17 MR. DE SILVA: All right, thank you
18 all.

19 CHAIRMAN NOSTRAND: Thank you, Mr.
20 De Silva.

21 MR. PATEL: Thank you.

22 MS. TULLY: Thank you.

23 CHAIRMAN NOSTRAND: Good luck, Mr.
24 Patel with the addition. It looks like a
25 big job.

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2 MR. PATEL: What is the next step
3 for me?

4 CHAIRMAN NOSTRAND: Mr. Fellman, at
5 the Village Hall, will issue a building
6 permit.

7 MR. FELLMAN: Get you a building
8 permit and charge you an exorbitant fee,
9 and we'll set you on your way.

10 MR. PATEL: Thank you.

11 CHAIRMAN NOSTRAND: And how long is
12 -- that will be -- will that be ready
13 tomorrow as well, Mr. Fellman?

14 MR. FELLMAN: That might be another
15 day. By Monday for sure.

16 MR. PATEL: Thank you, sir.

17 CHAIRMAN NOSTRAND: So Mr. Patel,
18 call Mr. Fellman in a couple of days at
19 the Village Hall.

20 MR. PATEL: Thank you, sir.

21 CHAIRMAN NOSTRAND: Okay, thank
22 you.

23 MR. FELLMAN: Good luck.

24 CHAIRMAN NOSTRAND: Good luck with
25 the project.

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2 Thank you, Mr. De Silva.

3 MR. DE SILVA: All right, thank you
4 all.

5 CHAIRMAN NOSTRAND: Okay, good
6 night.

7 MR. DE SILVA: Good night.

8 CHAIRMAN NOSTRAND: Okay, I need a
9 motion to close the meeting.

10 MS. TULLY: I make a motion to
11 close the meeting.

12 CHAIRMAN NOSTRAND: Okay, all in
13 favor?

14 (WHEREUPON, there was a unanimous,
15 affirmative vote of the Board members
16 present.)

17 (WHEREUPON, this meeting was
18 concluded at 8:35 p.m.)

19 * * * *

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2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 SS:

5 COUNTY OF NASSAU)

6 I, DEBBIE BABINO, a certified
7 Shorthand Reporter in the State of New York, do
8 hereby certify:

9 That the foregoing is a true and accurate
10 transcript of my stenographic notes.

11 I further certify that I am not related,
12 either by blood or marriage, to any of the parties
13 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 set my
17 hand On this 13th day of July, 2021.

18 *Debbie Babino*

19 DEBBIE BABINO

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