

In the Matter Of:

VILLAGE OF FARMINGDALE - ZBA HEARING

CASE #11-1 LINWOOD AVENUE

December 08, 2022



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ZONING BOARD OF APPEALS PUBLIC HEARING

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THE INCORPORATED VILLAGE OF FARMINGDALE

6

361 MAIN STREET

7

FARMINGDALE, NEW YORK 11735

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December 8, 2022

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8:00 p.m.

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15 Case #11-1 Linwood Avenue

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1 ZBA - DECEMBER 8, 2022

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

3 DAVID NOSTRAND, Chairman

4 MARISA TULLY, Board Member

5 JAMES PORTER, Board Member

6 LAURA COLETTI, IMPACT ARCHITECTURE
Case #11-1, Linwood Avenue .

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2 CHAIRMAN NOSTRAND: Should we call
3 the meeting to order?

4 MS. TULLY: I make a motion to call
5 the meeting to order.

6 MR. PORTER: Second.

7 CHAIRMAN NOSTRAND: All in favor?

8 (WHEREUPON, there was a unanimous,
9 affirmative vote of the Board members
10 present.)

11 CHAIRMAN NOSTRAND: Okay.

12 MR. PORTER: Mr. Chairman, I move
13 that we dispense of the reading of the
14 minutes of the previous meeting.

15 CHAIRMAN NOSTRAND: All in favor?

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

19 CHAIRMAN NOSTRAND: Motion carried.

20 We'll try to keep this simple,
21 tonight.

22 MS. COLETTI: Okay.

23 CHAIRMAN NOSTRAND: It doesn't look
24 like you have a whole crowd of people
25 objecting.

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2 MS. COLETTI: No.

3 MR. PORTER: No angry neighbors or
4 individuals.

5 MS. COLETTI: Okay.

6 CHAIRMAN NOSTRAND: I should call
7 your case.

8 MS. COLETTI: Oh, okay, yeah, call
9 the case, yeah.

10 COURT REPORTER: And you're going
11 to have to introduce yourself for the
12 record.

13 MS. COLETTI: I will.

14 COURT REPORTER: Okay.

15 MS. COLETTI: I have a business
16 card. I think you have one.

17 COURT REPORTER: I have your
18 information, just for the record.

19 MS. COLETTI: All right.

20 CHAIRMAN NOSTRAND: Case #11-1,
21 application of Laura Coletti, RA, to
22 construct a new front porch and cellar
23 entrance at 10 Linwood Avenue in a
24 Residence A Zoning District requiring a
25 variance from Village Ordinance Part II,

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2 Chapter 600 Zoning.

3 Ms. Coletti?

4 MS. COLETTI: Hi, Laura Coletti,
5 Impact Architecture, 399 Conklin Street,
6 Farmingdale, New York.

7 COURT REPORTER: Thank you.

8 MS. COLETTI: So, it's a small home
9 on an undersized lot which is already
10 dimensionally non-conforming. They are
11 just looking -- it's mostly an interior
12 renovation (indicating) where they're
13 adding a master bath, redoing the kitchen,
14 moving the kitchen into what was the
15 dining/family room, adding a laundry room
16 and changing the stair.

17 The existing stair to the basement
18 was over here (indicating), and it really
19 didn't have the headroom. It wasn't
20 really to code. So we're taking that
21 stair out and putting it over here
22 (indicating) and opening it up, and then
23 in the basement, it's just a full open
24 basement plan with a half bath. Front
25 porch, to give it a little character. It

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2 just has some crumbling front steps right
3 now, so we're just going to put a
4 farmhouse look front porch on it, and
5 they're looking for the entrance to the
6 stair.

7 So we're seeking relief from 600-57
8 for the building area. With the shed and
9 the front porch, it brings it up from 29
10 percent lot coverage to 32 percent lot
11 coverage.

12 The front yard setback which is
13 required to be 30 feet, it exists as 29
14 feet and with the front porch we're making
15 it 25 feet.

16 600-59, side yard not less than
17 eight feet. They're both less than eight
18 feet existing. So with that cellar stair,
19 that brings it out to 3.22 feet on that
20 one side. The combined side yard is not
21 less than 16, proposed at 10.92 but they
22 exist at less than the 16, and then the
23 600-212E, supplemental regulation, which I
24 think was just passed in 2020, exterior
25 stairs to basement not permitted.

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2 So those are the zoning codes we're
3 seeking relief on.

4 Any questions?

5 It was recent. See the batch that
6 got passed in 2017 or in 2020.

7 CHAIRMAN NOSTRAND: Mm-hmm, as long
8 as it got passed.

9 MS. COLETTI: Yes.

10 CHAIRMAN NOSTRAND: Usually I ask
11 the audience if there are any objections
12 because there's nobody here.

13 Unfortunately, we do have an issue
14 with the side stairs there because that is
15 just something that the village is dead
16 set against.

17 MS. COLETTI: Yeah, I know.

18 CHAIRMAN NOSTRAND: It leads to
19 illegal apartments.

20 MS. COLETTI: Mm-hmm. Well, this
21 is a young couple, it's a small house.
22 They're just looking to be able to
23 entertain on their patio in the back and
24 have easy access to the basement/rec room
25 when entertaining.

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2 CHAIRMAN NOSTRAND: We realize
3 that.

4 MS. COLETTI: Yeah.

5 MS. TULLY: It's either the
6 bathroom or the stairs.

7 MS. COLETTI: Oh, they don't give
8 both, okay.

9 MS. TULLY: Yeah. That would be --
10 is the utility room just the boiler and
11 whatnot?

12 MS. COLETTI: Yeah.

13 MS. TULLY: Yeah, there's no slop
14 sink or anything?

15 MS. COLETTI: No.

16 MS. TULLY: So if there's no
17 fixtures back in the kitchen in the
18 basement, then you can --

19 MS. COLETTI: Then you can do the
20 exterior stairs.

21 MS. TULLY: Yeah.

22 MS. COLETTI: Yeah, well they have
23 the laundry room off the kitchen, so --

24 CHAIRMAN NOSTRAND: The front yard
25 setback of the porch is fine, the building

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2 area, two percent over is fine, you know.
3 They're clearly in the neighborhood in the
4 front yard of the house.

5 MS. COLETTI: Are you willing to
6 give up the bathroom to have the exterior
7 stair or do you want to do what we talked
8 about?

9 (WHEREUPON, there was an
10 off-the-record discussion amongst the
11 Board members present.)

12 MS. COLETTI: Yeah, but that's why
13 we'd be seeking relief for that.

14 (WHEREUPON, there was an
15 off-the-record discussion amongst the
16 Board members present.)

17 MS. TULLY: The stairs, they're
18 just not allowed.

19 CHAIRMAN NOSTRAND: They're just
20 not --

21 MS. COLETTI: They're just not
22 permitted?

23 Okay, so --

24 MS. TULLY: There's no decision,
25 it's just not permitted to have the stair.

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2 MS. COLETTI: Okay, all right.

3 CHAIRMAN NOSTRAND: The bathroom is
4 fine down there.

5 MS. COLETTI: All right.

6 We have to put an egress window in
7 then, probably in that same location of
8 the stair because it's a finished basement
9 and needs egress.

10 MR. PORTER: Let's talk to the
11 Building Department about that.

12 CHAIRMAN NOSTRAND: Yeah, that's --

13 MS. COLETTI: Yeah, yeah, and from
14 what I understand the egress windows don't
15 encroach on the side yard, they don't
16 consider that an encroachment but I'll
17 talk to Steve about that.

18 So then the --

19 MS. TULLY: Do you want to talk
20 about allowing a variance for an egress
21 window or they have to come back?

22 CHAIRMAN NOSTRAND: I don't know.

23 MS. COLETTI: I don't think we have
24 to come back for that.

25 CHAIRMAN NOSTRAND: I don't think

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2 so. I don't think we need it.

3 MS. COLETTI: Yeah, but one thing
4 we might have to come back for, unless you
5 can give it to us now, is if they put a
6 stoop on this side of the house. It would
7 encroach on the side yard because it's
8 already less than eight feet, and then put
9 a side door over there.

10 CHAIRMAN NOSTRAND: Is there a side
11 door in the plan or do you want to change
12 it?

13 MS. COLETTI: We would be changing
14 it.

15 CHAIRMAN NOSTRAND: There's no back
16 door of the house?

17 MS. COLETTI: There's no -- there's
18 a back door but not a side door.

19 CHAIRMAN NOSTRAND: Oh, yeah, that
20 leads into the --

21 MS. COLETTI: So where this window
22 is (indicating) we could put a side door
23 so that they can come around and just go
24 down the stairs, you know, the idea being
25 they won't -- if they were entertaining in

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2 the back they don't want people to have to
3 traipse through the whole house.

4 MS. TULLY: Yeah, that's
5 understandable.

6 (WHEREUPON, there was an off-the
7 record discussion amongst the Board
8 members present.)

9 CHAIRMAN NOSTRAND: All of these
10 laws are here to keep people from putting
11 apartments in where they don't belong, and
12 a house like yours, having six cars which
13 would upset the entire neighborhood.

14 HOMEOWNER: Yeah.

15 CHAIRMAN NOSTRAND: That's what
16 this is all about.

17 HOMEOWNER: Yeah, no, I understand.

18 CHAIRMAN NOSTRAND: That's the
19 reason for all of this --

20 HOMEOWNER: Mm-hmm.

21 CHAIRMAN NOSTRAND: (Continuing) --
22 and the reason for the concern. Just
23 because you guys put a side entrance in,
24 it doesn't mean if you sell the house in a
25 few years, and then someone else would be

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2 inclined to put in an illegal basement
3 apartment.

4 (WHEREUPON, there was an
5 off-the-record discussion amongst the
6 Board members present.)

7 MS. COLETTI: Here it would just be
8 like a stoop down here with stairs up to
9 it, like three steps up to a stoop, to a
10 side door.

11 CHAIRMAN NOSTRAND: I think --

12 MS. TULLY: We might have to revise
13 the plans.

14 CHAIRMAN NOSTRAND: Revise the
15 plans but not come back here and go
16 through all this --

17 MS. TULLY: Yeah.

18 CHAIRMAN NOSTRAND: (Continuing) --
19 just for that.

20 MS. COLETTI: Yeah, we would need
21 the side yard variance for that stoop.

22 MS. TULLY: Right.

23 CHAIRMAN NOSTRAND: We could -- if
24 that's something you wanted to do, we
25 would -- we could grant that.

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2 MS. COLETTI: Okay.

3 CHAIRMAN NOSTRAND: With the
4 provision that you'd have to revise the
5 plans, submit them to the Building
6 Department.

7 MS. COLETTI: Okay.

8 CHAIRMAN NOSTRAND: It's a little
9 unorthodox.

10 MS. COLETTI: Yeah.

11 CHAIRMAN NOSTRAND: It's a stoop,
12 it's not a --

13 MS. COLETTI: Yeah.

14 CHAIRMAN NOSTRAND: (Continuing)--
15 third story addition.

16 MS. COLETTI: Okay.

17 MS. TULLY: Barring any other
18 objection that we're not thinking about.

19 CHAIRMAN NOSTRAND: Right, the
20 Building Department might pick up on
21 something and say you can't do that.

22 MS. TULLY: Something different,
23 yeah.

24 MS. COLETTI: Yeah.

25 CHAIRMAN NOSTRAND: You see, my

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2 concern is that the side door could, in
3 the future, be changed to a basement
4 apartment access.

5 MS. COLETTI: Okay.

6 CHAIRMAN NOSTRAND: Given the
7 walls in the house, the new walls.

8 MS. COLETTI: Mm-hmm.

9 CHAIRMAN NOSTRAND: I'm not sure
10 how the village keeps after that. I guess
11 they do inspections sometimes.

12 MS. TULLY: The code on the side
13 entrance?

14 CHAIRMAN NOSTRAND: I don't know.
15 Jim, do you have the code?

16 MR. PORTER: Yes, there's no code
17 on the side entrance except for the
18 setback. That's the only concern for a
19 side entrance. The side entrance coming
20 into the main level of the house. It's
21 just the setback for any structures around
22 it.

23 CHAIRMAN NOSTRAND: How far up off
24 -- how much high would the stoop have to
25 be? One step? Two steps?

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2 MS. COLETTI: I think it's three
3 steps. Wait, one, two -- probably two
4 steps up to the -- and then one step up
5 into the house. So two steps to the
6 stoop, and then one step up into the
7 house.

8 CHAIRMAN NOSTRAND: So you come
9 up, turn, and to the door.

10 MS. COLETTI: Yeah, so it would be
11 three risers, altogether.

12 CHAIRMAN NOSTRAND: We have an
13 issue with the side yards with the Fire
14 Department requirements.

15 MS. COLETTI: Oh, okay.

16 CHAIRMAN NOSTRAND: Three feet or
17 four feet.

18 MR. PORTER: Three feet minimum for
19 the code.

20 MS. COLETTI: Yeah, you would end
21 up with four feet seven inches on the side
22 yard there.

23 CHAIRMAN NOSTRAND: Left over.

24 MS. COLETTI: Left over.

25 CHAIRMAN NOSTRAND: With a three-

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2 foot stoop.

3 MS. COLETTI: Yeah, yeah.

4 MS. TULLY: Three-foot stoop.

5 CHAIRMAN NOSTRAND: Would the stoop
6 have to be --

7 MS. TULLY: In here?

8 MS. COLETTI: It doesn't have to
9 be ADA compliant, no.

10 MS. TULLY: I think it's got to
11 be --

12 MS. COLETTI: It's got to be three
13 feet.

14 MS. TULLY: (Continuing) -- three
15 feet.

16 MS. COLETTI: Yeah.

17 MR. PORTER: So you would say
18 roughly a four foot setback on that side.

19 MS. COLETTI: Yeah.

20 MS. TULLY: Yeah.

21 CHAIRMAN NOSTRAND: It's about
22 eight feet; right? On that side?

23 MS. TULLY: Seven, seven.

24 CHAIRMAN NOSTRAND: Seven, seven.

25 MS. COLETTI: Right, it would be

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2 4.7 feet.

3 CHAIRMAN NOSTRAND: The Fire

4 Department needs to drag hoses --

5 MS. COLETTI: Yeah.

6 CHAIRMAN NOSTRAND: (Continuing) --

7 back there even if it's the house behind.

8 MS. COLETTI: Yeah.

9 CHAIRMAN NOSTRAND: They have to
10 get there.

11 (WHEREUPON, there was an
12 off-the-record discussion amongst the
13 Board members present.)

14 CHAIRMAN NOSTRAND: Do you guys
15 have some questions or what would you like
16 us to do?

17 MS. COLETTI: Do you guys have any
18 questions?

19 (WHEREUPON, there was an
20 off-the-record discussion amongst the
21 Board members present.)

22 MS. COLETTI: Okay, they're not
23 going to do the side door, anyway, with
24 the side stair.

25 CHAIRMAN NOSTRAND: No?

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2 MS. COLETTI: No. Yeah, they don't
3 see a need for it then. That's fine.

4 CHAIRMAN NOSTRAND: Okay.

5 (WHEREUPON, there was an
6 off-the-record discussion amongst the
7 Board members present.)

8 MS. COLETTI: They don't --

9 CHAIRMAN NOSTRAND: They don't want
10 to do it?

11 MS. COLETTI: They don't want to do
12 it. They'd rather not have another door.

13 CHAIRMAN NOSTRAND: Okay.

14 MS. TULLY: Okay.

15 MS. COLETTI: Case closed.

16 MR. PORTER: Okay.

17 MS. COLETTI: I tried. So it's
18 just the front yard and the undersized
19 lot.

20 CHAIRMAN NOSTRAND: It's no
21 problem.

22 Okay, we're back on.

23 Jim, do you want to make a motion?

24 MR. PORTER: Mr. Chairman, I move
25 that we approve the variance, the

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2 requested variance in Section 600-57 and
3 600-58, the front porch, and we deny the
4 request for variance under Section 600-59
5 and 600-212E.

6 MS. TULLY: Second.

7 CHAIRMAN NOSTRAND: Okay. All in
8 favor?

9 (WHEREUPON, there was a unanimous,
10 affirmative vote of the Board members
11 present.)

12 CHAIRMAN NOSTRAND: Motion carried.

13 MS. COLETTI: Okay, thank you.

14 CHAIRMAN NOSTRAND: Thank you.

15 MS. TULLY: Make a motion to close
16 the meeting.

17 CHAIRMAN NOSTRAND: Make a motion
18 to close the meeting.

19 MR. PORTER: Seconded.

20 CHAIRMAN NOSTRAND: All in favor?

21 (WHEREUPON, there was a unanimous,
22 affirmative vote of the Board members
23 present.)

24 (WHEREUPON, this meeting was
25 concluded at 8:15 p.m.)

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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 Shorthand
7 Reporter in the State of New York, do
8 hereby certify:

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

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

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

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 13th day of December,
20 2022.

21 Debbie Babino

22 Debbie Babino, Certified Reporter

23

24

25

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