

In the Matter Of:

INCORPORATED VILLAGE OF FARMINGDALE ZONING BOARD OF APPEALS

CASE NO. 3-1 KENNETH O'CONNOR

March 09, 2023



ACRS

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Case No. 3-1 Kenneth O'Connor 03/09/2023

INCORPORATED VILLAGE OF FARMINGDALE
ZONING BOARD OF APPEALS

March 9, 2023

8:09 p.m.

361 Main Street
Farmingdale, New York

RE: Case No. 3-1 KENNETH O'CONNOR
 29 Hill Road

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

DAVID NOSTRAND, Chairman

JAMES PORTER, Member

MARY CARPENTER, Member

CLAUDIO DeBELLIS, ESQ., Board Counsel

STEVE FELLMAN, Superintendent of Buildings

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

KENNETH O'CONNOR, Homeowner,
29 Hill Road, Farmingdale
Case No. 3-1

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2 CHAIRMAN NOSTRAND: I make a motion to
3 call the meeting to order.

4 MS. CARPENTER: Second.

5 CHAIRMAN NOSTRAND: So moved.

6 All in favor?

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

10 CHAIRMAN NOSTRAND: Motion carried.

11 First case --

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

15 CHAIRMAN NOSTRAND: All in favor?

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

19 CHAIRMAN NOSTRAND: Motion carried.

20 All right. Case 3-1 for an outdoor
21 pool issue from Mr. Ken O'Connor.

22 MR. O'CONNOR: Yes, sir.

23 CHAIRMAN NOSTRAND: Do you have a case
24 to propose for us, an explanation --

25 MR. O'CONNOR: No clue.

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2 CHAIRMAN NOSTRAND: (Continuing) -- a
3 description?

4 MR. O'CONNOR: An above-ground pool.

5 CHAIRMAN NOSTRAND: All right.

6 Usually, the applicant presents a case
7 as to why they've come to the Board for the
8 variance, and how they got to that, and how
9 long it took, and what they've done to prepare
10 for it, et cetera.

11 MR. O'CONNOR: Gotcha.

12 CHAIRMAN NOSTRAND: So I'll start the
13 first question.

14 MR. O'CONNOR: Okay.

15 CHAIRMAN NOSTRAND: How long have you
16 had this house?

17 MR. O'CONNOR: We moved in in, I
18 believe, we moved next to my in-laws in '07.

19 CHAIRMAN NOSTRAND: And when did you
20 build the pool?

21 MR. O'CONNOR: We built it right when
22 the pandemic started. Got it in '19, and it
23 was put up in June of '20. In that area.

24 CHAIRMAN NOSTRAND: And you came
25 before us -- we were a little vague -- you've

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2 been here, and there was an issue with the
3 power line over the pool.

4 MR. O'CONNOR: Yes.

5 CHAIRMAN NOSTRAND: And you've moved
6 that.

7 MR. O'CONNOR: That has been moved,
8 correct.

9 CHAIRMAN NOSTRAND: And at the time,
10 was there any discussion of the location of
11 the pool?

12 MR. O'CONNOR: The location of the
13 pool that I had drawn a diagram of where it
14 was going to be, and it is within, I believe,
15 it was 10 feet of my in-laws -- who are next
16 door -- and that was the issue. And I had the
17 power lines moved, and everything is certified
18 and the permits for that and all.

19 CHAIRMAN NOSTRAND: Yeah, we saw that.

20 MR. O'CONNOR: And then it's just been
21 coming back and forth since then.

22 And the -- I'm sorry, I didn't mean to
23 interrupt -- but the, I guess, the variance or
24 whatever it is where I had to mail out within
25 200 yards or a hundred yards --

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2 MR. FELLMAN: 200 feet.

3 MR. O'CONNOR: Yeah, I sent that out.

4 CHAIRMAN NOSTRAND: We'll need those
5 notices.

6 Did they come back to you -- the green
7 cards?

8 MR. O'CONNOR: Yes. I have them all.
9 I gave them to, I believe --

10 MR. FELLMAN: Lynn.

11 MR. O'CONNOR: Yes. She has that.
12 The green cards and the green and white ones
13 also. I gave that to her last week.

14 CHAIRMAN NOSTRAND: The problem we
15 have here, Mr. O'Connor, is you knew of this
16 setback issue, and you built the pool anyway.

17 MR. O'CONNOR: When I did build the
18 pool, I did not know that there were issues
19 with it. We were, actually, going to put the
20 pool halfway onto my in-laws and halfway on to
21 mine. I had put up a fence in between with
22 snapping alligators and all, but that's a
23 different story.

24 MR. DeBELLIS: Make sure you get the
25 alligators.

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2 THE COURT REPORTER: I got the
3 alligators.

4 MR. O'CONNOR: So we put the pool in,
5 but I did not know -- my own fault -- that I
6 needed to get any sort of a permit to put the
7 pool in. I, honestly, thought if it was an
8 in-ground pool. It's an above-ground pool and
9 then I forget the other -- I think his name
10 was Steve also --

11 MR. FELLMAN: Yes.

12 MR. O'CONNOR: (Continuing) -- that
13 came, and there were some issues between him
14 and I, and that's, kind of, what just brought
15 us to this point today.

16 So anything in between then, I had the
17 power lines moved, I had the permit put in --
18 that was denied -- I needed to get a variance,
19 and that was sent out, and that's, fast
20 forward, that's where we are here today.

21 CHAIRMAN NOSTRAND: Okay. Off the
22 record for a second.

23 (WHEREUPON, a discussion was held off
24 the record beginning at 8:13 p.m. with the
25 proceedings resuming at 8:15 p.m. as follows:)

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2 CHAIRMAN NOSTRAND: Okay. We're back
3 on.

4 Are there any questions from the
5 Board?

6 MR. PORTER: I have a few questions,
7 Mr. Chairman.

8 CHAIRMAN NOSTRAND: Go ahead.

9 MR. PORTER: Did you build the pool
10 yourself, or did you have a contractor install
11 it?

12 MR. O'CONNOR: No. I put it up with
13 guys from my firehouse. I'm a retired fireman
14 in the Bronx.

15 MR. PORTER: Okay. So no professional
16 involved with advice on a permit situation?

17 MR. O'CONNOR: No.

18 MR. PORTER: Okay. I guess you didn't
19 think about moving the pool. Trying to move
20 that would be something of a --

21 MR. O'CONNOR: I could move it, but
22 then my wife and I would be sleeping with
23 snorkels.

24 CHAIRMAN NOSTRAND: Okay.
25 Mary?

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2 MS. CARPENTER: No. I think Jim asked
3 the questions.

4 CHAIRMAN NOSTRAND: So we'll make a
5 motion to --

6 MR. PORTER: Can I give the state of
7 motion, Mr. Chairman?

8 CHAIRMAN NOSTRAND: Yeah.

9 MR. PORTER: Okay. I move that we
10 accept the variance as requested and the
11 stipulation that it applies only to existing
12 pool, and it's his pool, that if he replaces
13 or it's substantially repaired, a new
14 allocation has to be made.

15 MR. O'CONNOR: Yes, sir.

16 CHAIRMAN NOSTRAND: You'd have to go
17 to the three feet.

18 MS. CARPENTER: Minimum.

19 CHAIRMAN NOSTRAND: Three feet
20 minimum, right, and we'll write that up.

21 MS. CARPENTER: Mm-hmm.

22 CHAIRMAN NOSTRAND: With your help.

23 MR. DeBELLIS: Mm-hmm. Yeah.

24 MS. CARPENTER: I second the motion.

25 CHAIRMAN NOSTRAND: All in favor?

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

CHAIRMAN NOSTRAND: Motion carried.
Thank you.

MR. O'CONNOR: Thank you very much.

CHAIRMAN NOSTRAND: Motion to adjourn.

MS. CARPENTER: Second.

CHAIRMAN NOSTRAND: All in favor?

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

CHAIRMAN NOSTRAND: Meeting adjourned.

(WHEREUPON, this meeting was concluded
at 8:16 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 9th day of March, 2023.

Tracie A. Cinquemani

TRACIE A. CINQUEMANI

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