

In the Matter Of:

VILLAGE OF FARMINGDALE - ZONING BOARD OF APPEALS

VILLAGE OF FARMINGDALE - ZBA HEARINGS

April 11, 2024



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

April 11, 2024
8:00 p.m.

RE: Case No. 4-1
141 Division Street
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 CHRISTOPHER MARO, Member

7 CLAUDIO DeBELLIS, ESQ., Zoning Board Attorney

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

9 HONG ZHEN LU, Homeowner, 141 Division Street,
Farmingdale

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11 PEARL SHIE, 141 Division Street, Farmingdale

12 ANN PHILLIPS, 10 Cornelia Street, Farmingdale

13 STANLEY ROBEY, 8 Cornelia Street, Farmingdale

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

4 We need a motion to waive the
5 reading of the minutes from the last
6 meeting.

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

10 MS. TULLY: Second.

11 CHAIRMAN NOSTRAND: All in favor?

12 (WHEREUPON, there was a
13 unanimous, affirmative vote of the Board
14 members present. Motion passed 4-0.)

15 CHAIRMAN NOSTRAND: Motion
16 carries.

17 Okay. In the case of 4-1 --
18 forgive my pronunciation -- Hong Zhen Lu
19 for a permit for a six-foot fence along
20 Cornelia Street at 141 Division Street,
21 also known as Section 49, Block 1, Lot
22 17, in a Downtown Mixed-Use Zoning
23 District, requiring a variance from
24 Village Ordinance Part II, Chapter 600,
25 Zoning.

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2 Who is representing the family?

3 MR. HONG: We all come there?

4 CHAIRMAN NOSTRAND: Whoever is
5 representing the family. Who is going
6 to represent the family?

7 MR. HONG: Okay. She is
8 translator.

9 CHAIRMAN NOSTRAND: Okay. What's
10 your name, young lady?

11 MS. SHIE: Pearl.

12 CHAIRMAN NOSTRAND: Pearl?

13 MS. SHIE: Yes.

14 CHAIRMAN NOSTRAND: Pearl, can
15 you tell us your last name so this young
16 lady (indicating) can put it in the
17 minutes?

18 MS. SHIE: Shie, S-H-I-E.

19 THE COURT REPORTER: Thank you.
20 And your address?

21 MS. SHIE: 141 Division Street.

22 CHAIRMAN NOSTRAND: So we need to
23 know what it is you're trying to do.
24 We're a little confused where the fence
25 is going to go. There's a fence there

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2 already.

3 MS. SHIE: It's not new. It's
4 the fence that's already up. It's not
5 in the front yard. It's in the back
6 yard on the side.

7 CHAIRMAN NOSTRAND: So it's the
8 fence that's already up?

9 MR. MARO: So you're replacing
10 the current?

11 MS. SHIE: No.

12 CHAIRMAN NOSTRAND: It's the
13 fence in the back now where the cars are
14 parked?

15 MS. SHIE: No.

16 CHAIRMAN NOSTRAND: We need some
17 clarification.

18 MR. HONG: I show you the
19 picture.

20 (WHEREUPON, a document was handed
21 from Mr. Hong to Chairman Nostrand.)

22 CHAIRMAN NOSTRAND: That's what
23 you want to put up?

24 MR. HONG: Yes.

25 MS. SHIE: We did that.

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2 CHAIRMAN NOSTRAND: We see that.
3 Now you want a variance for it.

4 MR. DeBELLIS: You want to put up
5 another fence, or that's the fence?

6 MR. HONG: That's all. Before we
7 put here (indicating). We stay very
8 simple. We say that's our property
9 area, and we don't have a backyard, so I
10 think, maybe, we put a fence. It's
11 okay. But the Village say it different
12 with us. So they say this is a new
13 unit, new construction, and then you
14 need a permit. So right now we come
15 here to do --

16 MR. DeBELLIS: To file for the
17 permit.

18 Did you file the permit for that
19 fence or no?

20 MR. HONG: This our front door
21 (indicating). We don't put anything
22 here (indicating).

23 MR. DeBELLIS: No. No. For the
24 fence in the back.

25 MR. HONG: Yeah. Only this side

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2 (indicating).

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

6 MR. DeBELLIS: Yes, ma'am.

7 Another potential translator?

8 MS. PHILLIPS: Yes.

9 THE COURT REPORTER: May I have
10 your name and address if you're going to
11 speak?

12 MS. PHILLIPS: Ann Phillips, 10
13 Cornelia Street.

14 THE COURT REPORTER: Thank you
15 very much.

16 MS. PHILLIPS: Hello.

17 CHAIRMAN NOSTRAND: So you're
18 across the street?

19 MS. PHILLIPS: Yes. I'm across
20 the street.

21 So, apparently, they put up a
22 fence. I don't know if they had a
23 permit before. I think the problem was
24 they did not have the permit before they
25 put up the fence. The fence in the back

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2 was put up by the town, not put up by
3 them.

4 MS. CARPENTER: Along the parking
5 lot.

6 MS. PHILLIPS: Along the parking
7 lot, yes.

8 But on Cornelia Street, this
9 fence was put up by them. And it also,
10 kind of, matches the house on the corner
11 as well. So that's what they're here
12 for.

13 They're not adding a fence to the
14 front or anything like that. They just
15 want to apply for a permit for the fence
16 that they have up -- the existing fence.

17 CHAIRMAN NOSTRAND: Here, on the
18 Board, we call that asking for
19 forgiveness, not permission, since it's
20 already up.

21 MS. PHILLIPS: Oh, okay.

22 MR. DeBELLIS: The notice talks
23 about a front-yard fence.

24 MS. PHILLIPS: Yeah, they're not.
25 That's what I misunderstood. They're

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2 not putting up a new fence.

3 CHAIRMAN NOSTRAND: So they want
4 permission to keep the existing fence.

5 MS. PHILLIPS: Yes.

6 CHAIRMAN NOSTRAND: The problem
7 is, legally, according to Village
8 Counsel, this application is worded all
9 wrong.

10 MS. PHILLIPS: Do they have that?

11 CHAIRMAN NOSTRAND: Yes. I would
12 imagine.

13 (WHEREUPON, a member of the
14 assemblage raised a hand to be
15 recognized.)

16 CHAIRMAN NOSTRAND: Yes, sir.

17 MR. DeBELLIS: We have another
18 interested party.

19 CHAIRMAN NOSTRAND: Give her your
20 name and address.

21 MR. ROBEY: Stanley Robey, 8
22 Cornelia Street.

23 We live directly adjacent to
24 these people here, okay. If any of you
25 have ever gone down Cornelia Street or

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2 know that one time it was a dead end.

3 At one time it was a dead end, okay.

4 Now, after the parking lot was
5 finished, you took the dead end out, you
6 took out the sidewalk along our side,
7 but we do have a six-foot fence, okay.
8 It's on the side.

9 But everything that goes on in
10 that parking lot on Wednesdays, Fridays,
11 and Saturdays -- maybe one of you guys
12 -- or ladies -- should just walk through
13 the town. And I think you're well
14 aware.

15 And there's been two accidents
16 within the last two months over there.
17 The 8th Precinct came down because there
18 is no stop sign at the end of Cornelia.
19 They just come (demonstrating) shooting
20 through. And they come off Main Street.
21 There's that alleyway there, they come
22 flying. We have cameras, and
23 I can bring you proof how these guys
24 drive -- and ladies -- come through
25 there, okay?

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2 CHAIRMAN NOSTRAND: So you're
3 saying right here (indicating).

4 MR. ROBEY: We're right across
5 the street.

6 CHAIRMAN NOSTRAND: At this
7 intersection (indicating).

8 MR. ROBEY: That's where a stop
9 sign -- you got every other sign there,
10 but not a stop sign.

11 MS. PHILLIPS: And there used to
12 be a barricade there.

13 MR. ROBEY: It should have been
14 put in. And I asked about putting in,
15 you know, a bump there so they at least
16 slow down. That never happened. That's
17 over four years, five years ago.

18 CHAIRMAN NOSTRAND: Okay.

19 MR. ROBEY: The only thing that I
20 got -- and this was from the Mayor
21 himself -- this is unacceptable. Four
22 years later --

23 MR. DeBELLIS: This Board can't
24 help you. Come to the Board of Trustees
25 meeting.

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2 MR. ROBEY: You have to talk a
3 little louder.

4 MR. DeBELLIS: I said, come to
5 the Board of Trustees meeting. This
6 Board can't help you with your issue,
7 but the Board may be able to help you.
8 It's on the first Monday.

9 MR. ROBEY: I've been here over
10 37 years.

11 MR. DeBELLIS: Yeah. Come to
12 those meetings.

13 CHAIRMAN NOSTRAND: Sir, their
14 fence and your request for a stop sign
15 are completely different. We don't do
16 stop signs. The Village -- the Planning
17 Board -- the Trustees, really.

18 MR. DeBELLIS: The first Monday
19 of the month.

20 CHAIRMAN NOSTRAND: The first
21 Monday of every month is a Trustee
22 meeting right here in this room. You
23 guys should come here.

24 I will say something to the Mayor
25 myself tomorrow about your stop sign

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2 request, but we're not the right Board
3 to come to. We do variances and fences.
4 We don't do stop signs.

5 MR. ROBEY: But it's just that I
6 shouldn't have to be a watchdog on
7 something like this. This should be
8 common sense.

9 CHAIRMAN NOSTRAND: But, sir,
10 they're here for a fence.

11 MR. ROBEY: Okay. I'll discuss
12 that later on.

13 MR. DeBELLIS: Come on Monday.
14 The Board will be happy to hear it.

15 MS. PHILLIPS: I think he was
16 giving you a pre-story of what the
17 neighborhood looked like before, and the
18 stop sign not being there --

19 MR. DeBELLIS: Do you have a
20 problem with the fence?

21 MR. ROBEY: No.

22 MS. PHILLIPS: (Continuing) --
23 and the speed of which they come down.
24 So she needed the privacy, you know, the
25 fence.

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2 Do you know what I mean?

3 CHAIRMAN NOSTRAND: Yeah.

4 (WHEREUPON, there was a sidebar
5 discussion held between Attorney
6 DeBellis and Mr. Robey.)

7 MS. PHILLIPS: People walk their
8 dogs. Right before she put the fence,
9 people used to walk -- my window is
10 directly across -- they would walk their
11 dogs almost right up to their door.
12 Right along the side of that building.
13 It was disgusting. Some people would
14 clean up after their dogs, some
15 wouldn't. So it got really, really bad.

16 And, especially, like he said,
17 Wednesdays, Thursdays, Friday nights.
18 People would just wander through right
19 on her property. They would walk and
20 throw stuff. So that's what happened.

21 MR. DeBELLIS: Tell the Board
22 what you just told me.

23 MR. ROBEY: I said that property,
24 if you'd seen it before, it was all dry
25 sand and stuff like that where the fence

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2 is now, right. They had contractors
3 come in and fix the whole walk. I mean,
4 it's beautiful. That's why I said you
5 have to go over there to take a look.

6 CHAIRMAN NOSTRAND: Okay. I was
7 there today.

8 MR. ROBEY: They had no privacy
9 before that. They had nothing in the
10 front, nothing in the back to barbecue
11 and enjoy life a little bit. And they
12 had people running across their lawn,
13 looking in the windows.

14 Come on, what sort of a life is
15 that?

16 CHAIRMAN NOSTRAND: Okay. Thank
17 you.

18 MR. ROBEY: You're welcome.

19 CHAIRMAN NOSTRAND: We'll find a
20 way to make this work. It's got to come
21 back from a legal standpoint. We can't
22 approve an improper application.

23 MR. DeBELLIS: Can we go off the
24 record?

25 (WHEREUPON, a discussion was held

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2 off the record beginning at 8:11 p.m.
3 with the proceedings resuming at
4 8:14 p.m. as follows:)

5 MR. DeBELLIS: Back on the
6 record.

7 CHAIRMAN NOSTRAND: Can you
8 convey this to them?

9 MS. PHILLIPS: Sure.

10 CHAIRMAN NOSTRAND: We need to
11 fix this in the Village Hall so it's
12 written up properly, and it describes
13 what it is properly.

14 You may not need a variance, so
15 you may not have to come back here. But
16 let us work on this next week, and I'll
17 have the Village call you and tell you
18 what you have to do.

19 MR. HONG: Okay.

20 CHAIRMAN NOSTRAND: We'll make it
21 simple.

22 MR. HONG: Okay. Thank you.
23 Thank you so much.

24 MS. PHILLIPS: Do you understand
25 what he said?

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2 MS. SHIE: (No verbal response).

3 MS. PHILLIPS: So they're going
4 to take this document (indicating).
5 They're going to go back there during
6 the week and work on it, reword it, and
7 then they're going to call you and tell
8 you whether you have to come back or
9 not. Or maybe just a phone call to
10 resolve the problem.

11 MS. SHIE: Oh, okay.

12 MR. HONG: Okay.

13 MS. PHILLIPS: They'll tell you
14 what the next steps will be, okay, but
15 they have to change this document
16 (indicating).

17 Do you understand?

18 MS. SHIE: Yes.

19 CHAIRMAN NOSTRAND: Can I have
20 the Village call you on this?

21 MS. PHILLIPS: Sure.

22 CHAIRMAN NOSTRAND: In case
23 there's a communication issue?

24 MS. PHILLIPS: Sure. I'd be more
25 than happy.

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2 CHAIRMAN NOSTRAND: Thank you.

3 We will close the meeting out,
4 and then I'll get your number.

5 MS. PHILLIPS: Okay.

6 CHAIRMAN NOSTRAND: So we're
7 going to postpone this to the next
8 meeting, and they may or may not have to
9 come back. I'm not going to dismiss it,
10 just postpone.

11 MR. DeBELLIS: You need a motion.

12 CHAIRMAN NOSTRAND: I need a
13 motion to close.

14 MR. DeBELLIS: You need a motion
15 to continue to next meeting.

16 CHAIRMAN NOSTRAND: I need a
17 motion to continue this to the next
18 meeting.

19 MS. TULLY: Motion to continue
20 with the current application to the next
21 meeting.

22 MS. CARPENTER: Second.

23 CHAIRMAN NOSTRAND: All in favor?

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

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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 April, 2024.

Tracie A. Cinquemani

TRACIE A. CINQUEMANI

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