

In the Matter Of:

VILLAGE OF FARMINGDALE ZONING BOARD OF APPEALS

CASE 4-1 243 VAN COTT AVENUE

April 08, 2021



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VILLAGE OF FARMINGDALE

4

ZONING BOARD OF APPEALS

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6

April 8, 2021

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8:00 P.M.

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10 Due to the Novel Coronavirus (COVID-19) Pandemic and
11 recent Executive Orders issued by the Governor, the
12 Village of Farmingdale, Zoning Board of Appeals
13 Meeting was held electronically via Zoom Webinar.

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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 JAMES PORTER, Board Member

6 MARY CARPENTER, Board Member

7 CLAUDIO DEBELLIS, ESQ., Town Attorney

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

9 STEVE FELLMAN, Village Building Inspector

10 KEVIN WOOD, Zoom Administrator

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1 4/8/21 - ZBA

2 DAVID NOSTRAND: Call the meeting
3 to order for April 8th, 2021, Zoning Board
4 of the Village of Farmingdale.

5 I need a motion to waive the
6 reading of the last meeting's minutes.

7 Mr. Porter, can you do that,
8 please?

9 JAMES PORTER: I so move.

10 MARY CARPENTER: I'll second it.

11 DAVID NOSTRAND: Okay. All in
12 favor?

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

16 DAVID NOSTRAND: Okay, motion
17 carried.

18 We have Case 4-1, 243 Van Cott
19 Avenue. We have somebody representing the
20 family.

21 KEVIN WOOD: Let's ask that the
22 person or persons raise their Zoom hand
23 that want to be brought into the meeting
24 itself. Would you be so kind to do that?
25 It's star nine if you're on a cell phone.

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2 I do see a 518 number. Hit star 9.
3 There you go. You got it. Bringing you
4 in.

5 518 area code, if you wouldn't mind
6 stating your name; first and last. You
7 have to unmute, of course. 518 cell
8 phone, please unmute. I see your hand
9 raised. You can now talk.

10 KELLY BENNETT: Can you hear me?

11 DAVID NOSTRAND: Yup.

12 KELLY BENNETT: Good evening.

13 My name is Kelly Bennett. Address
14 is 1257 Udall Road, Bay Shore, New York
15 11706.

16 Good evening, Chairman and Members
17 of the Board.

18 So we're here before you this
19 evening for a proposed two-story and
20 one-story addition. The area variance
21 that we are seeking is basically to
22 request a total of 4,251 square feet as
23 opposed to the required 3500 square feet.
24 We are at a lot coverage of only 12
25 percent. It is a unique shaped lot. It's

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2 a hundred by, you know, 365 on one side
3 and 321 on the other. So it's a very deep
4 lot. And the homeowners -- you know, this
5 is their actual dream home, and they
6 really would like to stay in the Village.
7 Floor plan elevations are beautiful and
8 we're not seeking any other area variances
9 outside of the required square footage.

10 KEVIN WOOD: Kelly, it's Kevin.
11 May I ask, is there anybody else you want
12 inside this meeting, at this point?

13 KELLY BENNETT: Oh, I mean -- if
14 our homeowners are on, but you can direct
15 any questions to myself.

16 KEVIN WOOD: Okay.

17 KELLY BENNETT: Sure.

18 KEVIN WOOD: What's your
19 relationship?

20 KELLY BENNETT: Well, we're from
21 the architect's office. We actually
22 provided the plans. We've been working
23 with Melissa Tores who is the homeowner.

24 KEVIN WOOD: Okay, very good.

25 KELLY BENNETT: Yeah. So,

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2 basically, like I said it was their dream
3 home. They would like to stay there. I
4 don't know -- are there any other zoning
5 related questions and/or -- I know Melissa
6 was at work this evening. That is why I
7 am representing her. I did send her, you
8 know, the Zoom info. But any other
9 questions from the Board this evening?

10 DAVID NOSTRAND: What's the square
11 footage of the existing house?

12 KELLY BENNETT: The existing house
13 -- so the first story is 869 square feet.
14 The second story is 610. There is an
15 existing detached garage which is also 648
16 square feet. Again, none of this is
17 seeking any relief in terms of setbacks or
18 zoning. And we have calculated, you know
19 the first floor -- I don't know if all of
20 you members have the plans. But the
21 proposed first story addition, we're
22 proposing one thousand thirty-seven
23 hundred square feet (sic) on the first.
24 So we're increasing the second floor by an
25 additional three hundred and change square

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2 feet. We have a proposed front portico at
3 63 square feet, and then we calculated the
4 rear covered steps, and proposed for a
5 (inaudible) platform. So we've really
6 calculated everything and in terms of
7 square footage.

8 STEVE FELLMAN: Mr. Chairman, the
9 Board may want to make sure that those
10 variances don't ever get filled in, so to
11 speak.

12 KELLY BENNETT: We would absolutely
13 -- we would absolutely agree to a
14 condition to not enclose either, you know,
15 the front portico, rear covered steps or
16 have it be converted to living space, one
17 hundred percent. If that, you know, is
18 any, you know, relief for the Board. We
19 would never -- actually, we'd be open to
20 any condition but -- because we factored
21 in everything. We've actually cut it back
22 quite a bit. And like I said, the
23 homeowners really do love being in the
24 Village and they do want to stay in the
25 Village. So I know it's asking a lot in

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2 terms of square footage, but those
3 conditions would be agreed upon.

4 DAVID NOSTRAND: Any of the members
5 have any questions for Ms. Bennett?

6 MARISA TULLY: I have -- there
7 isn't a basement in this house; correct?

8 KELLY BENNETT: I mean we did not
9 provide a foundation plan for zoning
10 purposes. I know we would -- we're not
11 proposing any outside cellar entrances.
12 They weren't required in any type of
13 square footage. If you guys could -- you
14 need to know if there's a full basement?
15 Is that what the question is? Yes --
16 okay, so there is a basement. It is
17 existing and we're adding a new cellar.
18 But it's all unfinished and there's no
19 outside cellar entrances.

20 MARISA TULLY: Okay, thank you.

21 KELLY BENNETT: Yeah, so the
22 addition -- the two-story addition is
23 built on another -- we're proposing a new
24 basement, yeah.

25 DAVID NOSTRAND: Under the family

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2 room as well?

3 KELLY BENNETT: Yes, the entire
4 two-story addition is under a cellar.
5 It's unfinished with no outside access.
6 That's really not the -- you know, there
7 -- we've gained enough living space with
8 what we've got on the first and second
9 floor. So I don't think that they're --
10 we're not looking to ever finish or
11 propose any outside cellar entrances.

12 DAVID NOSTRAND: There's a
13 discrepancy between the plans and the
14 survey as to the size of the garage.

15 Mr. Fellman, are you aware of all
16 that?

17 STEVE FELLMAN: I am not, actually,
18 until just before.

19 DAVID NOSTRAND: Okay. That
20 doesn't affect any of this; does it?

21 STEVE FELLMAN: We're going by the
22 -- again -- Kelly, can you explain --
23 obviously, the total square footage of
24 everything that exists and proposed is
25 accurate?

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2 KELLY BENNETT: Absolutely, Mr.
3 Fellman. I mean we've calculated, you
4 know, every bit of square footage. The
5 survey does not show the new garage that
6 was put in last year. However, all the
7 square footages in perspective of the
8 plans, everything's presented to the
9 Board. Everything that would be
10 calculated to our square footage is one
11 hundred percent accurate.

12 STEVE FELLMAN: We need an updated
13 survey.

14 KELLY BENNETT: Okay, we can
15 absolutely -- you know, I mean the
16 existing detached garage is 648 square
17 feet. We will get you whatever you need,
18 for sure. It is still under construction.
19 We applied for a demo permit. The garage
20 -- I don't know if that's what may be
21 perhaps the concern is. The square
22 footage-wise in terms of our calculations
23 for tonight's purposes, presented to the
24 Board and the request of relief that we're
25 asking for is one hundred percent in line.

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2 If we need to show any under construction
3 surveys or final surveys or anything else
4 that you guys require, we'll absolutely
5 get it in the works or drop it off to you.

6 STEVE FELLMAN: I'm sure if you
7 tell me exactly everything correctly I
8 would -- I would go to the bank on that --

9 KELLY BENNETT: Yes.

10 STEVE FELLMAN: (Continuing) -- at
11 the end of this, we would need as-built
12 surveys and everything will be --

13 KELLY BENNETT: Okay.

14 STEVE FELLMAN: (Continuing) --
15 verified this pretty easily when it's all
16 said and done if the Board --

17 KELLY BENNETT: Absolutely.

18 DAVID NOSTRAND: This is a whole
19 brand new garage, or they demolished the
20 old one and started over?

21 KELLY BENNETT: It's an older
22 garage that -- you know, the house is
23 actually extremely old. So it is a brand
24 new garage. It's under construction, you
25 know. But we have separate permits. None

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2 of these affected at the time our proposed
3 addition which is what we're here before
4 the Board this evening to request relief
5 for, which is -- you know, and the garage,
6 absolutely, comes into play. But
7 calculated for, you know, the square
8 footage.

9 MARY CARPENTER: So the square
10 footage --

11 DAVID NOSTRAND: Does the Board
12 have any questions?

13 JAMES PORTER: Yes. In the
14 application package it doesn't appear that
15 the garage is included in the total square
16 footage.

17 Mr. Fellman, does the garage count
18 towards floor area ratio or total square
19 footage?

20 STEVE FELLMAN: Yes.

21 MARISA TULLY: Yes, it does.

22 JAMES PORTER: All right because
23 the footage a hundred fifty-one square
24 feet is just the first, second floor, then
25 a basement.

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2 STEVE FELLMAN: The basement
3 doesn't count.

4 KELLY BENNETT: Yeah, the basement
5 is extremely low.

6 STEVE FELLMAN: No, but the
7 basement is not counted towards FAO (sic).

8 JAMES PORTER: Okay, because the
9 footage a hundred fifty-one square feet
10 listed on the plans and the application is
11 for the second floor, basement, and first
12 floor, not the garage (inaudible) adjust
13 it.

14 DAVID NOSTRAND: Where do you see
15 that, James?

16 JAMES PORTER: On the plans. The
17 application package.

18 MARY CARPENTER: This doesn't have
19 the garage on it. It's also not listed on
20 here.

21 JAMES PORTER: There's no garage
22 listed.

23 DAVID NOSTRAND: They included the
24 basement?

25 JAMES PORTER: Included the

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2 basement.

3 DAVID NOSTRAND: Take the basement
4 out -- if you take the basement square
5 footage out of the formula and add the
6 garage, what does it end up, Ms. Bennett?

7 MARISA TULLY: Are we sure the
8 basement doesn't count? I'm reading the
9 code and it looks like it counts.

10 KELLY BENNETT: I mean, I don't
11 have anywhere where the, you know,
12 basement is actually, you know, in my
13 calculations, from my plans from the
14 office which does not have basement. The
15 basement, actually, I don't believe
16 counts, but we do know the size of the
17 detached garage is to remain. Everything
18 should be totaled at -- I mean, I don't
19 know if you guys are counting anything
20 extra, but, we've done our best.

21 DAVID NOSTRAND: It looks like
22 about 3500 square feet is proposed, not
23 42.

24 JAMES PORTER: Oh, okay.

25 DAVID NOSTRAND: It's not adding up

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2 here. Two, three --

3 MARY CARPENTER: Page 5 --

4 DAVID NOSTRAND: Something is not
5 adding up here. I'm on page 5 and it adds
6 up to about four -- fifty-five hundred.

7 JAMES PORTER: Fifty-three
8 sixty-eight.

9 (WHEREUPON, there was inaudible
10 cross-talk amongst the parties present.)

11 JAMES PORTER: If you add main
12 floor of 1906 square feet; second floor
13 fifteen fifty-six square feet; basement of
14 1906 square feet, adds up to fifty-three
15 sixty-eight, total square footage. So if
16 the basement doesn't count --

17 DAVID NOSTRAND: You're really at
18 3500.

19 JAMES PORTER: Yeah, thirty-four
20 sixty-two. But then you have to add --

21 MARY CARPENTER: Look at six
22 hundred dash two fourteen, it says to
23 count the basement.

24 CLAUDIO DE BELLIS, ESQ.: Yeah, but
25 you know if you read a little further in

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2 there, the basement can be excluded if
3 it's exclusively for dead storage.

4 STEVE FELLMAN: Right, unfinished
5 basement.

6 JAMES PORTER: The unfinished
7 basement.

8 CLAUDIO DE BELLIS, ESQ.: Yeah, if
9 it's not being used --

10 JAMES PORTER: I apologize.

11 MARY CARPENTER: Okay, so we
12 exclude the basement and add the garage;
13 is that right?

14 CLAUDIO DE BELLIS, ESQ.: Provided
15 it's designated exclusively for dead
16 storage.

17 MARY CARPENTER: So they can't
18 finish the basement?

19 JAMES PORTER: Yeah.

20 DAVID NOSTRAND: So we can add that
21 to the part of the parameters.

22 CLAUDIO DE BELLIS, ESQ.: Yeah, you
23 can do that.

24 DAVID NOSTRAND: Parameters
25 requirement.

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2 STEVE FELLMAN: Absolutely.

3 DAVID NOSTRAND: So you're really
4 at about 3500 square feet without the
5 garage.

6 KELLY BENNETT: I'm just really
7 honestly going off our zoning denial that
8 looks even, you know, better in our
9 circumstance, but, you know, it was how
10 the best we calculated the square footage,
11 so...

12 JAMES PORTER: If you exclude the
13 basement but add the garage, forty-one
14 hundred ten square feet.

15 DAVID NOSTRAND: So it's even less
16 than the variance.

17 JAMES PORTER: Right.

18 DAVID NOSTRAND: So it's six
19 hundred -- what, 610 difference, Jim?

20 JAMES PORTER: Yes. Six ten
21 (inaudible).

22 DAVID NOSTRAND: Yeah. Not seven
23 hundred --

24 JAMES PORTER: Right. (Inaudible)
25 this size, that's not much of a --

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2 DAVID NOSTRAND: No.

3 JAMES PORTER: (Continuing) -- in
4 my opinion.

5 DAVID NOSTRAND: Mr. Fellman,
6 should she read you the numbers and we can
7 approve it tonight -- should she redo the
8 application to show the proper numbers?

9 STEVE FELLMAN: Yeah, I would say
10 approve it subject to us getting --
11 correcting all the numbers reflecting what
12 we just discussed.

13 DAVID NOSTRAND: Right. Okay. Any
14 more questions --

15 KELLY BENNETT: And we'll have
16 that --

17 DAVID NOSTRAND: (Continuing) --
18 from the members?

19 KELLY BENNETT: No, but we will
20 have that to you guys tomorrow.

21 STEVE FELLMAN: Don't have it to me
22 until we talk about and agree on how we're
23 adding the numbers up.

24 KELLY BENNETT: Okay. Well, you
25 guys let us know that.

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2 DAVID NOSTRAND: Okay. Any of the
3 members have any more questions?

4 JAMES PORTER: Just the fact that
5 it's all predicated on the basement never
6 being finished; is that correct?

7 DAVID NOSTRAND: Right.

8 JAMES PORTER: If the basement is
9 finished then it has to be added in.

10 DAVID NOSTRAND: Right.

11 JAMES PORTER: Okay.

12 CLAUDIO DE BELLIS, ESQ.: They
13 would have to come back. They couldn't --

14 JAMES PORTER: Right, they would
15 have to come back.

16 CLAUDIO DE BELLIS, ESQ.: Yes.

17 DAVID NOSTRAND: We can make that
18 part of the stipulation just to go along
19 with the enclosed porches, et cetera.

20 JAMES PORTER: Right.

21 CLAUDIO DE BELLIS, ESQ.: Yup.
22 There you go.

23 KELLY BENNETT: Yeah, so we would
24 agree to that as well as -- I mean I don't
25 know if this is helpful at this point, but

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2 what we calculated was forty-two fifty-one
3 in terms of square footage.

4 CLAUDIO DE BELLIS, ESQ.: Okay, so
5 I don't want to make this even more
6 complicated --

7 KELLY BENNETT: Yes, I mean --

8 CLAUDIO DE BELLIS, ESQ.:
9 (Continuing) -- but the Board could give a
10 variance for the basement and allow it.
11 The code says you can't but that's what
12 they're here for, for that variance, so...

13 MARISA TULLY: And it doesn't -- so
14 that's like five thousand?

15 CLAUDIO DE BELLIS, ESQ.: Well, you
16 know, then it's a bigger number, yeah.

17 MARISA TULLY: Yeah.

18 CLAUDIO DE BELLIS, ESQ.: But you
19 have that ability if, you know, that's
20 what you want to do.

21 DAVID NOSTRAND: If the
22 homeowner --

23 KELLY BENNETT: I mean the bigger
24 focus for the homeowner is just their --
25 you know, their dream home on the first

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2 and second floor for their living space.
3 So, you know, that -- that's the -- the
4 unfinished basement is definitely not, you
5 know, any type of concern for us
6 whatsoever.

7 CLAUDIO DE BELLIS, ESQ.: Okay.

8 JAMES PORTER: We could just stay
9 silent on the question of basement, is
10 what you're saying.

11 KELLY BENNETT: Yes.

12 DAVID NOSTRAND: You don't think we
13 should put that as a stipulation?

14 KELLY BENNETT: Oh, no -- I mean if
15 you're calculating unfinished basement
16 square footage then yes, absolutely. I
17 don't know, I'm very confused by all --

18 CLAUDIO DE BELLIS, ESQ.: The
19 question should be, does the applicant
20 need the basement or they were intending
21 to have it unfinished?

22 KELLY BENNETT: Oh, well, it's
23 unfinished, but there is going to be -- I
24 mean, we're constructing this very large
25 addition to one hundred percent. There's

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2 going to be a full basement. It will
3 remain unfinished.

4 DAVID NOSTRAND: Make that part of
5 the --

6 CLAUDIO DE BELLIS, ESQ.: Make it
7 part of the condition then.

8 KELLY BENNETT: Okay, that's great.

9 STEVE FELLMAN: If ever they want
10 to finish the basement, they have to go
11 back to the Board.

12 KELLY BENNETT: That would be one
13 hundred percent, you know, acceptable.
14 Like I said, they're...

15 DAVID NOSTRAND: Any more questions
16 from the Board? Anybody on the Board?

17 MARY CARPENTER: Nope.

18 DAVID NOSTRAND: No? Okay.

19 We need a motion to approve the
20 application once it's resubmitted with the
21 proper numbers, recalculated properly.

22 KEVIN WOOD: Mr. Chair, do you want
23 to ask if there are any other comments out
24 there? You do have attendees out there.

25 DAVID NOSTRAND: Oh, okay, yeah,

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2 that's a good idea.

3 Is there anybody in the audience
4 that wants to raise their Zoom hand and
5 have a comment on this case?

6 KEVIN WOOD: Anybody on a cell
7 phone, star 9 to raise their hand.

8 Going once, going twice.

9 Could be more the attendees and
10 people of interest at the time.

11 No hands are raised, Mr. Chairman.

12 DAVID NOSTRAND: Okay. All right,
13 so we need a motion to approve Case 4-1,
14 at 243 Van Cott Avenue.

15 Mr. Porter?

16 JAMES PORTER: Want me to do it?
17 Okay.

18 Mr. Chairman, I move that we
19 approve the application as submitted with
20 the following conditions:

21 That the square footage now has to
22 be resubmitted and verified.

23 That the exterior porticos and
24 steps never be enclosed and that the
25 basement remain unfinished.

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2 MARY CARPENTER: I'll second it.

3 DAVID NOSTRAND: Okay.

4 KELLY BENNETT: We do greatly
5 appreciate your time.

6 JAMES PORTER: We haven't voted
7 yet.

8 MARY CARPENTER: Dave, we have to
9 vote.

10 DAVID NOSTRAND: Okay. All in
11 favor?

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

15 DAVID NOSTRAND: Motion carried.

16 KELLY BENNETT: Have a great
17 evening. Thank you, Chairman and Members
18 of the Board. We really appreciate it.

19 JAMES PORTER: You're welcome.

20 KELLY BENNETT: Good night.

21 DAVID NOSTRAND: Thank you, Ms.
22 Bennett.

23 MARY CARPENTER: Good night.

24 DAVID NOSTRAND: Mary, would you
25 like to make a motion to close the

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2 meeting?

3 MARY CARPENTER: Sure. I would
4 make a motion to close the meeting.

5 MARISA TULLY: Second.

6 DAVID NOSTRAND: All in favor?

7 (WHEREUPON, there was a unanimous,
8 affirmative vote of the Board members
9 present. Motion passed 4-0)

10 DAVID NOSTRAND: Okay, motion
11 carried.

12 (WHEREUPON, this hearing was
13 concluded.)

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C E R T I F I C A T E

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

I, LORRAINE D. BERARD, a certified
Shorthand Reporter and Notary Public in the State of
New York, do hereby certify:

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

I further certify that I am not related to
any of the parties to this matter by blood or by
marriage and that I am in now way interested in the
outcome of any of these matters.

IN WITNESS WHEREOF, I have set my hand On
this 8th day of April, 2021.

Lorraine D. Berardi

LORRAINE D. BERARDI

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