

In the Matter Of:
VILLAGE OF FARMINGDALE - ZBA

VILLAGE OF FARMINGDALE - ZBA HEARINGS

April 10, 2025



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INCORPORATED VILLAGE OF FARMINGDALE

5

ZONING BOARD OF APPEALS

6

361 Main Street

7

Farmingdale, New York

8

9

April 10, 2025

10

8:00 p.m.

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13 RE:

14 Case No. 4-1 300 Van Cott Avenue Farmingdale,
New York

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16 Case No. 4-2 Tulane Street Farmingdale, New
York

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ZBA - 4-10-25

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

MARISA TULLY, Member

MARY CARPENTER, Member

BERNARD HOTHERSALL, Member

CLAUDIO DeBELLIS, ESQ., Zoning Board Attorney

N O N - A P P E A R A N C E :

DAVID NOSTRAND, Chairman

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

BRIAN FISHER, R.A.

80 Sherwood Avenue
Farmingdale, New York
For 300 Van Cott Avenue, Farmingdale

DENNIS OLIVER, R.A.

924 Newbridge Road
North Bellmore, New York
For 5 Tulane Street, Farmingdale

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2 (WHEREUPON, the proceedings
3 began at 8:07 p.m.)

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

6 Somebody want to make a
7 motion to waive the meeting minutes?

8 MR. HOTHERSALL: I make a
9 motion to waive the meeting minutes
10 from last month.

11 MS. CARPENTER: I second it.

12 MS. TULLY: All in favor?

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

17 MS. TULLY: Case No. 4-1, the
18 application of Marcie Mastrelli for a
19 building permit to build a front porch
20 and widen the driveway at 300 Van Cott
21 Avenue, also known as Section 49,
22 Block 291, Lot 457, Residence B Zoning
23 District, requiring a variance from
24 Village Ordinance Part II, Chapter
25 600, Zoning.

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2 There are two requests for
3 variances: One is for a front yard
4 setback -- it is required to be 25
5 feet, proposed is 18.5; the second
6 is all driveways should have a
7 minimum of a three-foot side yard
8 setback, proposed is zero.

9 Do we have representation?

10 MR. FISHER: Yes.

11 MS. TULLY: Do you have the
12 cards?

13 MR. FISHER: Yes. We have
14 those. Do you take these?

15 THE COURT REPORTER: No.

16 MS. TULLY: I'll take those.

17 (WHEREUPON, documentation was
18 handed from Mr. Fisher to Ms.
19 Tully.)

20 MS. TULLY: Please state your
21 name for the record.

22 MR. FISHER: Brian Fisher, 80
23 Sherwood Avenue, Farmingdale, New
24 York.

25 MS. TULLY: Would you like to

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present the case?

MR. FISHER: Yes.

Good evening, members of the Board.

We are here for those two matters for our variance.

The existing front of the house has an original reverse portico in the front. So it's pretty bland out front, so we wanted to enhance the front and make a porch, sort of, towards the left side. It's all open roof. Nothing enclosed.

The house is low to the ground. There's not really many steps up into the house. The plans show that. And the front yard is at 25 feet, so anything more than that we understood there was a need for relaxation on that. So I believe it's 18 and a half feet we are requesting.

And the driveway is a single

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to do some improvements to the house,
so they wanted to make it presentable.
There's porches up and down the street
that look nice. They just wanted to
have a nice front facade on the house.

MS. MASTRELLI: We just wanted
a front porch with a swing. It was
something my husband wanted just to
make it nicer when we do the double
driveway.

MR. HOTHERSALL: It's just,
kind of, a drastic size from the
standard 25-foot minimum setback from
the yard. So we're just trying to
come to terms with that.

MR. FISHER: Well, we
understand that you're allowed six
feet for an open roof that doesn't
have a porch.

MR. HOTHERSALL: What's in
question here is the front yard
setback. The minimum is 25 feet.
You're looking for, with the
porch coming out, the minimum would be

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2 came out six. And then the overhang
3 is really the roofline, which is -- he
4 put it as a permitted encroachment
5 like eaves, cornices, towers,
6 chimneys. It was, kind of, in that
7 vain that it comes out a little bit
8 further. But that's just a roofline,
9 not anything else. The columns are
10 further back.

11 MS. TULLY: So where does this
12 structure begin?

13 MR. FISHER: It should be six
14 feet from the face.

15 MS. TULLY: The column line,
16 right?

17 (WHEREUPON, there was a
18 sidebar discussion held between Ms.
19 Tully, Ms. Carpenter, and Mr.
20 Hothersall.)

21 MR. HOTHERSALL: So to the
22 first column it's six feet away from
23 the house; is that what you're saying?

24 MR. FISHER: Yes.

25 MR. HOTHERSALL: But the entire

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2 structure will be seven and-a-half
3 feet off the face of the house with
4 the roof and the overhang.

5 MR. FISHER: With the roofline,
6 yes.

7 MR. HOTHERSALL: Okay.

8 (WHEREUPON, there was a
9 sidebar discussion held between Mr.
10 Hothersall, Ms. Carpenter, and Ms.
11 Tully.)

12 MR. HOTHERSALL: Can I ask you,
13 are you aware of any other homes on
14 the street or close to the residence
15 at 300 Van Cott that encroach or that
16 break the 25-foot setback the way that
17 this porch is proposed?

18 MR. FISHER: I'm not familiar
19 too much with --

20 MR. HOTHERSALL: Only because
21 you had mentioned other porches. I
22 didn't see that in my perusal of the
23 neighborhood, but I could be wrong, so
24 I'm giving you the benefit of the
25 doubt.

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2 MR. FISHER: When I was going
3 through the neighborhood -- I don't
4 have any specific references, but I
5 could get those.

6 MS. TULLY: Do you have any
7 other information you want to present
8 or add?

9 MR. FISHER: No.

10 MS. TULLY: I'm going to open
11 it up to the floor.

12 Is there anybody that wants
13 to speak?

14 (WHEREUPON, no response was
15 heard.)

16 MS. TULLY: I think that if --
17 well, let's flip to the driveway for a
18 second.

19 There is a requirement for a
20 minimum side yard of three feet,
21 which is a State Code, right?

22 MS. CARPENTER: Yes.

23 MR. DeBELLIS: State and
24 Village.

25 MS. TULLY: State Code as well

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2 as a Village Code. Do you happen to
3 know if the other properties on the
4 block have permits or variances for --
5 because I was up and down there
6 yesterday also -- they're extended
7 driveways?

8 MR. FISHER: I don't know that.

9 MS. TULLY: You don't know.

10 Okay.

11 MR. FISHER: It's two feet, not
12 zero.

13 MS. TULLY: Yeah. Yeah.

14 (WHEREUPON, there was a
15 sidebar discussion held between Ms.
16 Tully and Ms. Carpenter.)

17 MR. FISHER: It's level with
18 the ground.

19 MS. TULLY: Yeah.

20 MR. FISHER: It can't burn.
21 It's concrete.

22 MS. TULLY: We're trying to
23 come up with this. It's important for
24 the variance.

25 It's easy when there's other

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2 variances granted.

3 (WHEREUPON, there was a
4 sidebar discussion held between Ms.
5 Tully and Mr. Hothersall.)

6 MS. TULLY: So us members of
7 the Board, we have to make decisions
8 based on what the rest of the Code is,
9 what the rest of the neighborhood
10 looks like. We can't set precedents
11 that impact going forward. And the
12 biggest issue here is -- there's two
13 main issues, I believe, that are
14 really sticking points.

15 With respect to the porch.
16 It's a very substantial encroachment
17 into the minimum required setback.
18 Plus, it changes the character of
19 the neighborhood.

20 I went up and down that block
21 yesterday -- I don't know if anybody
22 else on the Board did -- and I didn't
23 see any other porches that come out
24 that far. The existing porches or
25 porticos are small, and they're over

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2 Yes. And it's a substantial porch
3 too. It's not a small -- it's the
4 whole front of the house.

5 MR. FISHER: But it's not high
6 up off the ground.

7 MS. TULLY: True.

8 MR. FISHER: There's no
9 railing, there's no knee wall, it's
10 flat. So it's just, really, a roof
11 that is there.

12 MS. TULLY: So we'd like to
13 table -- or is continuing the right
14 word?

15 MR. DeBELLIS: Either way.
16 What is the floor?

17 MR. FISHER: At that point,
18 it's a slab.

19 MR. DeBELLIS: It's concrete?

20 MS. TULLY: Pavers?

21 MR. FISHER: Concrete pavers.
22 It's not going to be wood. It's on
23 the ground, so it will be paved. It's
24 flat. There's no step up. Only into
25 the house.

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2 MS. TULLY: I should probably
3 finish the other lines.

4 MR. DeBELLIS: Go ahead.

5 MS. TULLY: Number three is the
6 degree of the variance, which we just
7 discussed, is a pretty substantial
8 encroachment into the setback.

9 Number four is the affect on the
10 physical and/or environmental
11 conditions of the existing locality.
12 That's not really an issue; right?

13 MS. CARPENTER: No.

14 MS. TULLY: And number five is
15 self-created difficulty. That's
16 always an obvious one. So --

17 MR. DeBELLIS: Do you want to
18 continue with the driveway?

19 MS. TULLY: Yes.

20 MR. DeBELLIS: I think what the
21 Board is saying, essentially, is if
22 you look in that area, if there's
23 something that's consistent with the
24 character of the neighborhood. The
25 issue here is that the setbacks are 25

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2 in this zone. You may go to a
3 different part of Farmingdale where
4 it's 30 or 40, so a six-foot variance
5 would be less substantial. Here,
6 unfortunately, because of the setback,
7 it's big.

8 MR. HOTHERSALL: It's a larger
9 ask.

10 MR. FISHER: I understand.

11 MR. DeBELLIS: And then what
12 happens is if the Board grants one,
13 now they have several that are up
14 against the street. So that's what
15 they're trying to do. So maybe if
16 your architect can come back with a
17 different proposal, the Board is
18 willing to hear it.

19 MR. FISHER: Okay. One second.

20 (WHEREUPON, a discussion was
21 held off the record beginning at
22 8:23 p.m. with the proceedings
23 resuming at 8:24 p.m. as follows:)

24 MS. TULLY: Would you like to
25 continue for next month?

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2 MR. FISHER: We would like to
3 come back next month. We will get you
4 some revised plans so you can look at
5 them well before that.

6 MS. TULLY: Sure.

7 MR. FISHER: We can do that.

8 MS. TULLY: Who wants to make a
9 motion?

10 MS. CARPENTER: I'd like to
11 make a motion to approve the driveway
12 setback with the side yard of one foot
13 for Section 600-142-E-5 for Case 4-1.

14 MR. HOTHERSALL: I second.

15 MS. TULLY: All in favor?

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

20 * * * *

21 MS. CARPENTER: And we will
22 continue for Case 4-1, front yard
23 setback, Section 600-72, which will be
24 continued to next month, which is May
25 of 2025.

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MS. TULLY: Or a later date.

MS. CARPENTER: Or a later date.

MR. FISHER: Thank you.

MS. MASTRELLI: Do you know what time in May because I'll be in Europe some of the month.

MS. TULLY: It's the second Thursday. So if you don't make May, it pushes to the next one.

MS. MASTRELLI: Okay.

MR. DeBELLIS: But if you want June, the Board can put it on for June tonight.

MS. MASTRELLI: No. I would like to do it sooner. I have a contractor all ready to go.

MR. HOTHERSALL: Understood. We have to second the motion.

MS. TULLY: We have to second to continue.

MR. HOTHERSALL: I second the motion to continue.

MS. TULLY: All in favor?

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

MS. TULLY: Thank you.

MR. FISHER: Thank you very much.

* * * *

MS. TULLY: Case No. 4-2, the application of Dennis Oliver for a raised deck and front porch at 5 Tulane Street, also known as Section 49, Block 226, Lot 2, in a Residence AA Zoning District, requiring a variance from Village Ordinance Part II, Chapter 600, Zoning.

Front yard setback shall not be less than 30 feet, proposed is 26.06.

MR. HOTHERSALL: State your name.

MR. OLIVER: Dennis Oliver, 924 Newbridge Road, Bellmore, New York.

(WHEREUPON, documentation was handed from Mr. Oliver to Ms.

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2 Tully.)

3 MR. OLIVER: Good evening,
4 members of the Board. I'm here
5 representing Mr. and Mrs. Del Monaco.
6 We are proposing to construct a front
7 roofed-over porch on the house. In
8 order to do that, we need a variance
9 obviously.

10 The front yard requirement is 30
11 feet, we are proposing 26.06. It
12 should be noted that this addition on
13 the front of the house will not
14 interfere with anybody's sight line, it
15 will not interfere with any of the
16 neighbors backing out of their
17 property.

18 In addition to that, there are
19 three other houses -- the next door
20 neighbor and two across the street --
21 that have porches with roofs over them.

22 And I have a letter signed by 12
23 of the 19 people on the mailing list
24 stating that they have no objection to
25 the variance being granted. It should

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2 be noted that all the adjoining
3 property owners and the owners of the
4 properties that live directly across --
5 and will have to look at this -- signed
6 this stating that they have no
7 objection to any Variances being
8 granted. I'd like to make this part of
9 the record.

10 (WHEREUPON, a document was
11 handed from Mr. Oliver to Ms.
12 Tully.)

13 MS. TULLY: Thank you.

14 MR. OLIVER: Having listened to
15 the last case, this is a different
16 zone with a 30-foot front yard
17 required, so I think it's just a
18 little bit less of an ask as opposed
19 to having a 25-foot front yard with a
20 six-foot intrusion.

21 And should the Board grant the
22 application, the owner would agree to a
23 stipulation that it never be enclosed
24 or turned into living space.

25 MS. TULLY: Questions?

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2 MR. HOTHERSALL: I would just
3 ask, the porch is how far -- the
4 proposed porch is going to be six feet
5 from the house?

6 MR. OLIVER: Correct, sir.

7 MR. HOTHERSALL: Is there any
8 -- would they be willing to scale back
9 to five feet or is the ask six feet?
10 I'm just asking.

11 MS. DEL MONICO: We would
12 prefer six, but if we had to scale
13 back --

14 MR. DEL MONICO: We're big
15 people.

16 MS. DEL MONICO: I think our
17 neighbor's is six feet.

18 MR. DEL MONICO: The other
19 neighbors are six.

20 MR. HOTHERSALL: The other
21 houses on the block have six?

22 MS. DEL MONICO: Yes.

23 MR. DEL MONICO: The one right
24 next door is six feet too.

25 MR. HOTHERSALL: Can you both

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just state your name for the record.

MS. DEL MONICO: Oh, I'm sorry.

MR. HOTHERSALL: Once you speak, you have to state your name.

MS. DEL MONICO: Jean Del Monico.

MR. DEL MONICO: Felix Del Monico.

MS. DEL MONICO: I'm sorry about that.

MS. TULLY: I do have a question.

MR. OLIVER: Sure.

MS. TULLY: The existing stoop. Is that being removed and replaced?

MS. DEL MONICO: Yes.

MS. TULLY: Okay. Is the new stoop going to be, basically, the same depth, or is it coming out?

MR. OLIVER: No. It's the same depth.

MS. TULLY: It's the same. I don't have a measurement.

MR. OLIVER: It's going to be

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2 the same depth.

3 MS. TULLY: So, essentially,
4 it's going to be the same as the stoop
5 that's out right now?

6 MR. OLIVER: Correct.

7 MS. TULLY: To the top?

8 MR. OLIVER: The same height,
9 the same number of steps.

10 MS. TULLY: The top step is --
11 the front base of the top step is
12 where the porch is going to start
13 essentially?

14 MR. OLIVER: Correct. The
15 material is going to be a little
16 different.

17 MS. TULLY: Yeah, yeah. I get
18 that.

19 MR. HOTHERSALL: That's fine.

20 MS. TULLY: It's going to go
21 across the whole front, right?

22 MR. OLIVER: No. Not the whole
23 front.

24 MS. CARPENTER: To the right of
25 the stoop?

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2 MR. OLIVER: It's, basically,
3 starting by the front door and going
4 to the left side of the house.
5 Depending on where you stand.

6 MS. CARPENTER: I was going to
7 say when I'm looking at the house?

8 MS. TULLY: Well, the front
9 elevation looks like it's going across
10 the whole front.

11 MS. CARPENTER: Yeah, it does.

12 MR. OLIVER: Unfortunately, I
13 didn't draw the whole front of the
14 house. I broke it, so it's not going
15 all the way across the front.

16 MS. CARPENTER: Oh, oh.

17 MS. TULLY: Oh, I see. So it
18 stops just to the right of that big
19 bay window.

20 MR. OLIVER: Right.

21 MS. TULLY: All right. I got
22 it. Would you mind showing me on the
23 picture on my phone here where this
24 actually is?

25 MS. OLIVER: Sure. So if you

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2

see this window here (indicating),

3

we're starting to the right of that

4

and going to this end of the house

5

(indicating).

6

MS. CARPENTER: Oh, okay.

7

MS. TULLY: Okay. All the way

8

down here (indicating). Okay. That

9

makes sense.

10

MS. CARPENTER: It's a cocktail

11

porch.

12

MS. TULLY: So it's ending

13

right at the shutters. Somewhere over

14

there (indicating).

15

MR. OLIVER: No. It's starting

16

between the door and the window and

17

going here (indicating).

18

MS. TULLY: Oh.

19

MS. CARPENTER: So it's, like,

20

half under.

21

MR. OLIVER: This bay window

22

here (indicating). Between the bay

23

window and the door (indicating),

24

that's where we're starting. And

25

we're going towards that side of the

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2 house.

3 MS. TULLY: Oh. This looks --

4 MR. OLIVER: Well, that's the
5 back of the house.

6 MS. TULLY: Oh, we're all
7 messed up here. Okay. Here we go.
8 My bad.

9 MR. OLIVER: So here's the door
10 (indicating).

11 MS. TULLY: Okay. I got it.

12 MR. OLIVER: Actually, if you
13 reference on the survey, it would be
14 from this point to this corner
15 (indicating).

16 MR. HOTHERSALL: Thank you for
17 clearing that up.

18 MR. OLIVER: No problem.

19 MS. TULLY: We have to ask for
20 public comments?

21 MR. DeBELLIS: You have to ask
22 if there's anyone who wants to speak
23 in favor or against.

24 MS. TULLY: Is there anyone who
25 wants to speak in favor or against

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2 this application?

3 (WHEREUPON, no response was
4 heard.)

5 MR. DeBELLIS: Because the
6 record can't see what's out here, but
7 we can, there is no one here.

8 MS. CARPENTER: The minutes
9 have to reflect it.

10 MS. TULLY: There's no one.
11 Does somebody want to make a motion?

12 MR. HOTHERSALL: I make a
13 motion to accept the proposed front
14 yard setback 600-44 at 5 Tulane Street
15 as filed.

16 MR. DeBELLIS: And with the
17 condition that --

18 MR. HOTHERSALL: And with the
19 condition that it's never to be closed
20 and used as living space.

21 MS. CARPENTER: I'll second the
22 motion.

23 MS. TULLY: All in favor?

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

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Board members present. Motion passed 3-0.)

MS. TULLY: You're approved.

MR. OLIVER: Really? Thank you very much. Have a good night.

* * * *

MS. TULLY: Who wants to make a motion to adjourn the meeting?

MS. CARPENTER: I'll make a motion to adjourn the meeting.

MR. HOTHERSALL: I second the motion.

MS. TULLY: All in favor?

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

MS. TULLY: Meeting adjourned.

(WHEREUPON, this meeting was concluded at 8:35 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 10th day of
April, 2025.

Tracie A. Cinquemani

TRACIE A. CINQUEMANI

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