

**In the Matter Of:**  
**VILLAGE OF FARMINGDALE - ZBA**

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**RE - ZAINO RESIDENCE**

*April 09, 2026*

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INCORPORATED VILLAGE OF FARMINGDALE

6

ZONING BOARD OF APPEALS

7

361 Main Street

8

Farmingdale, New York

9

April 9, 2026

10

8:00 p.m.

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RE: Case No. 4-1 Zaino Residence 88 Melville  
Road Farmingdale, New York.

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

3 MARISA TULLY, Acting Chairwoman

4 MARY CARPENTER, Member

5 BERNARD HOTHERSALL, Member

6 CLAUDIO DeBELLIS, ESQ., Zoning Board Attorney

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

8 MICHAEL ZAINO, Homeowner,

For 88 Melville Road, Farmingdale

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2 (WHEREUPON, the  
3 proceedings began at 8:17 p.m.)

4 CHAIRWOMAN TULLY: I'd like  
5 to call the meeting to order.  
6 Minutes?

7 MS. CARPENTER: From the  
8 last meeting?

9 CHAIRWOMAN TULLY: Yes.

10 MS. CARPENTER: I make a  
11 motion to waive the reading of the  
12 minutes from our past meeting.

13 MR. HOTHERSALL: I second  
14 that motion.

15 CHAIRWOMAN TULLY: All in  
16 favor?

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

21 CHAIRWOMAN TULLY: Motion  
22 carried.

23 We are here for Case No. 1,  
24 application of Michael Zaino, for a  
25 building permit to maintain an

2 in-ground pool and paver patio at  
3 88 Melville Road, Section 49, Block  
4 67, Lot 219, Residence B Zoning  
5 District requiring a variance from  
6 Village Ordinance Section 600,  
7 Article XX, Outdoor Water Pools;  
8 and Article X, Residence B  
9 Districts.

10 The pool is 4.1 feet from  
11 the side and 5.5 feet from the rear  
12 property line and the setback. And  
13 the patio is six feet from the  
14 property line and setback.

15 MR. ZAINO: Hi.

16 CHAIRWOMAN TULLY: Hi.

17 MR. ZAINO: Should I stand  
18 or --

19 MR. HOTHERSALL: Yeah. Just  
20 state your name and your address  
21 for the court reporter.

22 MR. ZAINO: My name is  
23 Michael Zaino. Address is 88  
24 Melville Road, Farmingdale, New  
25 York, 11735.

2                               So I just have a couple of  
3 notes if that's okay?

4                               CHAIRWOMAN TULLY: Yeah.  
5 That's fine.

6                               MR. HOTHERSALL: Yeah. Go  
7 ahead.

8                               CHAIRWOMAN TULLY: Wait.  
9 Time out. We need to get the  
10 cards.

11                              MR. ZAINO: So I dropped  
12 them off to Lynn earlier in the  
13 week because it, specifically, said  
14 to bring them in at least two days  
15 prior. So that was done.

16                              CHAIRWOMAN TULLY: Okay.

17                              MR. ZAINO: However, I did  
18 get one returning home from work  
19 just this evening. There were  
20 three missing, so now there's two.  
21 Two I didn't get the notices back.  
22 (WHEREUPON, a document was  
23 handed from Mr. Zaino to  
24 Chairwoman Tully.)

25                              CHAIRWOMAN TULLY: All

2 right. Thank you.

3 MR. ZAINO: So I just have a  
4 couple of bullet points. I wasn't  
5 sure if I was going to be able to  
6 speak or not, so thanks for your  
7 time. I appreciate it.

8 So bottom line is -- I'm  
9 sorry if this is a little out of  
10 order. What I'm doing, or what I'd  
11 like to do, is replace an existing  
12 pool and deck that came with the  
13 house when I bought it nine years  
14 ago. They're rotting and falling  
15 apart.

16 So these are going in the  
17 exact same spot of where these  
18 structures are. The pool was  
19 starting to collapse and rot, the  
20 deck needed to be updated. The  
21 pool is going to be the exact same  
22 size as the previous pool. The  
23 other one was a semi-inground, so  
24 it was nine inches from the ground,  
25 this is level with the ground.

2                   The variance is already in  
3                   place for the old pool, so, again,  
4                   I went through the process.  
5                   Everything is filed with the  
6                   Village -- the permits, variances  
7                   I'm going for now.

8                   I, specifically, did buy the  
9                   house in the center of the Village  
10                  to be next to Main Street in order  
11                  to enjoy it, and the house had the  
12                  pool. So that's the reason why we  
13                  bought this house in South  
14                  Farmingdale. We're spending a lot  
15                  of time and money on this to make  
16                  the house nicer and beautify it and  
17                  have a safer pool in the meantime.  
18                  That's it.

19                  CHAIRWOMAN TULLY: You said  
20                  the house came with the pool?

21                  MR. ZAINO: Correct.

22                  CHAIRWOMAN TULLY: It had  
23                  variances already. Do you have the  
24                  variances?

25                  MR. ZAINO: The Village has

2 all that stuff. I mean that came  
3 with the house.

4 MR. DeBELLIS: If you  
5 already got variances, I don't  
6 think you need these variances.

7 MR. ZAINO: So I had --

8 MR. DeBELLIS: You know what  
9 I mean, like --

10 MR. ZAINO: Do you want to  
11 know the detail? I'll tell you  
12 real quick.

13 MR. DeBELLIS: Go ahead.

14 MR. ZAINO: So I was dealing  
15 with Steve Fellman. You know I  
16 heard he passed away,  
17 unfortunately. I'm very sorry.

18 He was under the impression  
19 that I did not need these  
20 variances. But after I was told he  
21 passed and this was picked up, they  
22 said being that you're changing the  
23 type of pool -- it's a brand new  
24 pool -- you have to go for all this  
25 stuff.

2                   So this has been five  
3                   months. I've been getting all  
4                   these ducks in order and site plan  
5                   and everything else, so, yeah.

6                   MR. DeBELLIS: Do you happen  
7                   to have those variances with you by  
8                   any chance?

9                   MR. ZAINO: I don't. I  
10                  don't. I was told it was a moot  
11                  point, you have to go for all the  
12                  new ones. I applied for permits,  
13                  it was rejected, and now we're  
14                  going for the variances, so, yeah.

15                  MR. HOTHERSALL: So the  
16                  assumption is there's a variance  
17                  for each? The pool and the deck?

18                  MR. ZAINO: I imagine there  
19                  would have to be if the Village had  
20                  these rules in effect for all these  
21                  years -- 10 feet from the fence  
22                  lines and everything else. I'd  
23                  imagine that they had to have all  
24                  that.

25                  My house, quite frankly, is

2 a variance in itself because of the  
3 unique shape of the property line  
4 due to Melville Road cutting  
5 through it. My house is not 25  
6 feet -- the corner of my house to  
7 the street -- which is another  
8 variance, so, you know, it's all,  
9 unfortunately, a variance.

10 MS. CARPENTER: Should we  
11 see if we can get our hands on the  
12 variances and see what the story  
13 is?

14 CHAIRWOMAN TULLY: I believe  
15 so.

16 MS. CARPENTER: Because,  
17 unfortunately, Steve's no longer  
18 with us.

19 MR. ZAINO: I wasn't even  
20 planning on mentioning him. I  
21 mean, that's why we're in the  
22 position we're in.

23 We had to take out what was  
24 falling apart. We did put the  
25 walls in. The structure is there.

2                   The pool is not there, obviously,  
3                   it's a pile of dirt. My property  
4                   is destroyed. So, yeah, I have a  
5                   lot of work that needs to be done  
6                   just to fix my property let alone  
7                   updating.

8                   MS. CARPENTER: I know the  
9                   pool is there. I drive past it.

10                  MR. ZAINO: The walls are  
11                  there, there's no pool there. It's  
12                  a pile of dirt.

13                  MR. DeBELLIS: The  
14                  application is a bit different. If  
15                  there are variances already there,  
16                  the Board needs to see those. If  
17                  you're not asking for any  
18                  additional relief, then you don't  
19                  need any.

20                  MR. ZAINO: Additional  
21                  relief?

22                  MR. DeBELLIS: Let's say,  
23                  for example, the variances let you  
24                  go "x" number of feet but you need  
25                  an extra seven inches. That would

2 be a new variance. If your  
3 variance is exactly what you're  
4 looking for here --

5 MR. ZAINO: I mean it could  
6 be off by a few inches.

7 MR. DeBELLIS: The Board  
8 can't make a decision on your  
9 application unless it knows the  
10 current, existing conditions.

11 MR. ZAINO: I understand.  
12 The frustration is that this has  
13 been going on for two years with  
14 Steve Fellman, and I'm taking  
15 advice from the Village. I've been  
16 in that hall next door three dozen  
17 times. I've dealt with Mr. Hardy,  
18 I've dealt with Lynn, I've dealt  
19 with everybody. I've dealt with  
20 the architect. I've spent hours  
21 and hours, I've taken days off. I  
22 started this project at my house,  
23 and I've been living like this for  
24 five months with this going on with  
25 the anticipation that we were going

2 to have this variance hearing  
3 and --

4 MR. DeBELLIS: Listen, I can  
5 appreciate the frustration. I'm  
6 not going to say that I understand  
7 fully, but if this Board was the  
8 one that was, sort of, involved for  
9 the two years, I could understand.  
10 You have to appreciate that they  
11 can't decide your issue without  
12 knowing. And shame on whoever  
13 should have given them the  
14 variances or whatever the current  
15 conditions are, but they don't have  
16 it.

17 MR. ZAINO: Okay. But, so,  
18 I applied for the variances.

19 MR. DeBELLIS: I know. But  
20 let's say that they give you the  
21 relief tonight. It's somewhat  
22 inconsistent with what's already  
23 been granted or not granted.

24 MR. ZAINO: I'm just trying  
25 to understand here. I was told,

2 specifically, that whatever  
3 variances I had in the past that  
4 were there from the previous owner  
5 are no longer valid because that  
6 pool is no longer there.

7 MS. CARPENTER: I'm sorry.  
8 I have a question about your deck  
9 because you had a variance for the  
10 deck as well. Because it seems to  
11 us that there should be two  
12 variances. So we're just a little  
13 -- the pool is one thing, but the  
14 deck too.

15 We have no idea what the  
16 variance that was given to the  
17 original owners was actually for,  
18 you know, if it was 10 feet shorter  
19 than what you have, we don't know,  
20 so we can't say, yes, you can have  
21 this variance. We don't know.

22 MR. ZAINO: I just want to  
23 tell you information. So the pool  
24 is what I was originally going for.  
25 There was talk of the deck being

2 changed to pavers, and the  
3 architect from the Village said,  
4 why don't you do it together so you  
5 don't have to go through the  
6 process twice. So if we can do the  
7 pool part of it, that's a secondary  
8 event to me.

9 But I'm in a really tough  
10 spot right now listening to  
11 everything I was told to do each  
12 step of the way -- and it's all  
13 documented -- from them. And I  
14 just want you to know the details.  
15 If that's the case that those  
16 variances don't matter --

17 MS. CARPENTER: We don't  
18 have any --

19 MR. DeBELLIS: We don't  
20 know. We have no idea.

21 MS. CARPENTER: (Continuing)  
22 -- they didn't give us the  
23 documents.

24 MR. DeBELLIS: If you were  
25 the prior owner and you could say,

2 listen, I was here nine years ago  
3 and here's where I got the  
4 variances, we have a record, maybe  
5 the Board would be comfortable.  
6 Right now, they have no idea what  
7 the variances say.

8 MR. ZAINO: But those old  
9 variances didn't matter because  
10 that pool is not there anymore.

11 MR. DeBELLIS: This Board  
12 will make that decision. That's  
13 what the Building Department has  
14 decided. This Board could very  
15 well say, you know what, that's  
16 wrong. We think it's --

17 MR. ZAINO: That's terrible.

18 MR. DeBELLIS: That's why  
19 you have the Board of Zoning  
20 Appeals. Sometimes the Building  
21 Department --

22 MS. CARPENTER: Is wrong.

23 MR. DeBELLIS: (Continuing)  
24 -- doesn't make the right decision.

25 MR. ZAINO: I wish I could

2                   have gotten a word from you guys  
3                   five months ago.

4                   MS. CARPENTER: We don't get  
5                   these five months in advance. We  
6                   got them last week.

7                   MR. ZAINO: So what's the  
8                   next step now? I'm in a tough spot  
9                   right now.

10                  MR. DeBELLIS: We're in  
11                  April. Come back next month and  
12                  this will be decided.

13                  MR. ZAINO: But what if  
14                  these things are not found? What  
15                  if there's a problem with the  
16                  Village?

17                  MS. CARPENTER: Then that  
18                  will be our problem to decide.

19                  MR. ZAINO: Is there  
20                  anything I can do?

21                  MR. DeBELLIS: You don't --  
22                  you're not going to run home now,  
23                  but check in your real estate  
24                  documents. The variance may be in  
25                  your Title Report.

2 MR. ZAINO: I very well  
3 could have it. Are you going to be  
4 here? I live right up the block.  
5 I could grab the folder. Whatever  
6 I can do. I could have my wife run  
7 down the folder, and I can try and  
8 find it.

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

13 CHAIRWOMAN TULLY: Even the  
14 rear yard setback is heavily  
15 encroached.

16 MR. HOTHERSALL: What's the  
17 higher priority of the two  
18 variances, the pool or the deck or  
19 both?

20 MR. ZAINO: 1,000 percent  
21 the pool. The deck I could leave.  
22 I could get 10 more years out of  
23 it. That's fine.

24 MS. CARPENTER: Well, we  
25 don't want to make you do that. We

2                   would like to see you be able to do  
3                   the whole thing. You don't want to  
4                   have to come back to this Board  
5                   again.

6                   MR. ZAINO: The deck is  
7                   secondary. It's something I can  
8                   come back to in a year. I'm just  
9                   letting you know.

10                  (WHEREUPON, there was a  
11                  sidebar discussion held between  
12                  Chairwoman Tully, Mr. Hothersall,  
13                  and Mr. DeBellis.)

14                  MR. ZAINO: In theory, there  
15                  had to be a variance for the pool  
16                  because it was --

17                  MR. DeBELLIS: You would be  
18                  shocked of how many things are out  
19                  there that people do and don't come  
20                  in here and ask for approval. And  
21                  people will come in here and that  
22                  will be their defense -- well, so  
23                  and so did it -- and we're, like,  
24                  well, they don't have a variance,  
25                  so you want to tell on your

2 neighbor? And they're, like, no,  
3 no, no.

4 MR. ZAINO: If it's just a  
5 matter of you having that piece of  
6 paper, I very well may have that  
7 rider home if that's the case.

8 MR. DeBELLIS: You're the  
9 only application on tonight. I  
10 mean, I know you've been waiting  
11 months and months and months and  
12 years, but these guys have only had  
13 it one week. Come back in May, and  
14 we'll take care of it.

15 MR. ZAINO: But I just want  
16 you to understand. Please, coming  
17 back in May, I don't know what part  
18 of May that is.

19 MS. CARPENTER: Beginning.

20 MR. ZAINO: I don't know if  
21 there's going to be another  
22 problem --

23 MR. DeBELLIS: The second  
24 Thursday of the month.

25 MR. ZAINO: I'm just saying,

2 by the time they come and finish  
3 what they need to do with the pool,  
4 get it going, just to have water in  
5 the pool, I'm losing half the  
6 season. That's not even including  
7 my front lawn, which is destroyed,  
8 the shrubs, fencing down. I mean,  
9 I can't do anything until I get  
10 some sort of answers or approvals.  
11 That's the only reason why I'm so  
12 upset.

13 MR. DeBELLIS: The Board  
14 can't make you any promises, right,  
15 but if what you're saying is that  
16 the pool was there and this is just  
17 a replacement, you're going to get  
18 your relief. It's just that,  
19 legally, they have to dot their  
20 "i"s and cross their "t"s.

21 MR. ZAINO: Yeah. Yeah. I  
22 get it. I mean, if I have this,  
23 can I drop it off at the Village  
24 tomorrow?

25 MR. DeBELLIS: Absolutely.

2                   If you've got it, yeah. Great  
3                   idea.

4                   MS. CARPENTER: I was going  
5                   to say that we need copies.

6                   MR. ZAINO: I would have  
7                   brought that folder.

8                   MR. DeBELLIS: Bring that  
9                   folder in. Are you working with  
10                  Pete or -- who you working with?

11                  MR. ZAINO: Peter.

12                  MS. CARPENTER: Tell them we  
13                  need to have copies. They don't  
14                  send them to us.

15                  MR. ZAINO: I asked them  
16                  10,000 times to the point of  
17                  annoying them just because I didn't  
18                  want to have to come back. I  
19                  wanted everything -- it's, like, I  
20                  lost, probably, 30 pounds stressing  
21                  over this to be honest with you.

22                  MR. DeBELLIS: Listen -- and  
23                  you don't want any problems 30  
24                  years from now if you go to sell  
25                  the house. You can't sell the

2 house unless this is in order.

3 MR. ZAINO: I understand.

4 Can I just get, like, an okay to  
5 just put the liner in and just get  
6 a little work done on it? I mean,  
7 it's not like --

8 MS. CARPENTER: We can't do  
9 that.

10 MR. ZAINO: Okay.

11 CHAIRWOMAN TULLY: Yeah, we  
12 can't do that. We need to have  
13 that part.

14 MR. ZAINO: Okay.

15 CHAIRWOMAN TULLY: So what's  
16 our decision?

17 MR. DeBELLIS: I don't think  
18 you have much of a decision to  
19 make.

20 MS. CARPENTER: We have to  
21 wait for the paperwork.

22 CHAIRWOMAN TULLY: Is that a  
23 continuance?

24 MR. DeBELLIS: Just make a  
25 motion to adjourn to the next

2 meeting.

3 MS. CARPENTER: All right.  
4 I'll make the motion.

5 MR. DeBELLIS: It's the  
6 second Thursday.

7 MS. CARPENTER: I make a  
8 motion to adjourn Case 4-1, the  
9 application of Michael Zaino, for a  
10 building permit to maintain his  
11 in-ground pool and paver patio at  
12 88 Melville Road to our next  
13 meeting in May --

14 MR. DeBELLIS: What's the  
15 second Thursday in May?

16 MR. HOTHERSALL: May 14th.

17 MS. CARPENTER: To May 14,  
18 2026.

19 MR. DeBELLIS: So May 14th  
20 you won't have to wait for an  
21 answer.

22 MR. ZAINO: I appreciate  
23 that.

24 MR. DeBELLIS: And the other  
25 thing is that you don't need a new

2 notice because whoever was  
3 interested would have been here  
4 tonight.

5 MS. CARPENTER: I made the  
6 motion.

7 MR. HOTHERSALL: I second  
8 the motion.

9 CHAIRWOMAN TULLY: All in  
10 favor?

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

15 CHAIRWOMAN TULLY: Motion  
16 carries. Adjourned until May.

17 Motion to adjourn the  
18 meeting?

19 MS. CARPENTER: I make a  
20 motion to adjourn the meeting.

21 MR. HOTHERSALL: I second  
22 the motion.

23 CHAIRWOMAN TULLY: All in  
24 favor?

25 (WHEREUPON, there was a

2 unanimous, affirmative vote of the  
3 Board members present. Motion  
4 passed 3-0.)

5 (WHEREUPON, this meeting was  
6 concluded at 8:36 p.m.)

7 \* \* \* \*

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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 April, 2026.

*Tracie A. Cinquemani*

TRACIE A. CINQUEMANI

<b>A</b>	<b>S</b>
<b>Absolutely</b> 21:25 <b>adjourn</b> 23:25 <b>anticipation</b> 12:25	<b>sell</b> 22:25 <b>structure</b> 10:25 <b>stuff</b> 8:25
<b>D</b>	<b>T</b>
<b>Debellis</b> 21:25 <b>deck</b> 14:25	<b>talk</b> 14:25 <b>thing</b> 24:25 <b>Title</b> 17:25 <b>told</b> 13:25
<b>E</b>	<b>U</b>
<b>extra</b> 11:25	<b>understand</b> 13:25
<b>F</b>	<b>W</b>
<b>frankly</b> 9:25	<b>walls</b> 10:25
<b>H</b>	<b>Z</b>
<b>house</b> 9:25 22:25	<b>ZAINO</b> 16:25 20:25
<b>I</b>	
<b>inches</b> 11:25	
<b>M</b>	
<b>make</b> 18:25 <b>motion</b> 23:25	
<b>O</b>	
<b>owner</b> 15:25	
<b>P</b>	
<b>prior</b> 15:25	
<b>R</b>	
<b>Report</b> 17:25	