

Town of North Hempstead
Board of Zoning Appeals

PUBLIC HEARINGS

Wednesday, June 25, 2025

10:00 a.m.

BOARD MEMBERS PRESENT:

David Mammina, AIA, Chairman

Leslie Francis, Esq., Vice Chairman

Patricia A. Goodsell, Esq., Member

Daniel D. Donatelli, Esq., Member

ALSO PRESENT:

Deborah Algios, Esq., Deputy Town Attorney

Virginia Wagner, Secretary

Steven Perrotta, Planner

1 CHAIRMAN MAMMINA: Good morning. Will we all please rise and
2 join Vice Chairman Francis in the Pledge of Allegiance?

3 (Whereupon, the Pledge of Allegiance was recited.)

4 CHAIRMAN MAMMINA: Good morning, everyone. Welcome to the
5 Town of North Hempstead Board of Zoning Appeals. What I like to do
6 at the beginning is to go through the way that we conduct business,
7 as I put it, here in case it's different than another town or village
8 that you may have appeared before, and then that way we can clarify
9 that. We always do our best to help an applicant.

10 The way that things will happen is as each case is called by
11 our secretary, Ms. Wagner, I will repeat that. I will ask if anyone
12 else has interest in the case, and we will just ask for a show of
13 hands, and that could be that you love it or hate it. I agree. No,
14 I have nothing I'd like to add. I just wanted to hear it.
15 Simultaneously, the applicant will come forward to the microphone.
16 Everyone will then give their name and address to our court reporter.
17 We'll ask everyone to try your best to speak clearly and slowly
18 because she's writing down everything that we're doing.

19 In this case, I don't think we're going to have a lot of multiple
20 people up at the microphone simultaneously. We ask if there are two
21 people, that you try not to talk over one another because otherwise
22 it's impossible for her to take the record, and as I like to say,
23 sometimes, the reporters have enough of a problem trying to prevent
24 us from talking over one another. As each case is called, the
25 applicant will come forward, give their name and address, and at that
26 point, the podium then belongs to the applicant to put their

1 application onto the record. The Board will ask whatever questions
2 it may feel are appropriate for that, giving the applicant the
3 opportunity to either support or rebut those. When that is done,
4 I'll ask if anybody else wishes to go speak, and then the people
5 would -- they come forward, and that would be as one at a time. We
6 limit that share to three minutes. I like to say, you know, we're
7 not chopping anybody's head off at three minutes, but especially when
8 this room is filled with people, you know, it's three minutes, three
9 minutes, three minutes, three minutes. So we do control that.

10 What will happen then, if anybody else wishes, then the
11 applicant gets the last turn at the podium because that way the Board
12 can ask questions of the applicant that may have been raised based
13 on testimony, or they can then refute or support what people said.
14 At that point, the hearing is done. We virtually never have a second
15 hearing. We complete our hearing with -- our process is we complete
16 the hearing within this single hearing, and we offer four
17 alternatives that will then be acted on by the Board. One of those
18 will be that we approve the application. Second would be that we
19 deny the application. Third would be that we reserve the
20 application. If we reserve the application, that's basically saying
21 we most probably will not make a decision today. We may want to go
22 out and see the properties again. We may want to check with a point
23 of law because this is a legal proceeding, quasi-judicial. We may
24 ask the -- we may ask that. Then we would continue. If we continue
25 the application, that could be that we've asked the applicant to give
26 us some documentation. Maybe an old survey. Maybe a deed.

1 Maybe -- whatever might come up with that.

2 Did I hit everything?

3 MEMBER GOODSSELL: Cell phones.

4 CHAIRMAN MAMMINA: Oh, yes, please. All of these things that
5 we all rely on. My six-year-old granddaughter, who's only allowed
6 to use it for school. I doubt that that happens. When I can't figure
7 out how to do things online, that's who I ask. She can always show
8 me. I ask just that we turn those off. If you need to make a phone
9 call or take a phone call, at any point, stand up, all ladies and
10 gentlemen, walk out into the hallway, and make or take your phone
11 call. If there is anyone else who you're expecting to come or they
12 might come, then we just ask that you ask them to do the same.

13 Ms. Wagner, do we have any modifications in today's calendar?

14 SECRETARY WAGNER: Yes, Chairman. We have an adjournment of
15 Appeal #21690, Salvation Army; 992 Prospect Avenue, Westbury;
16 Section 11, Block 31, Lot 90; Zoned: Business A/New Cassel Overlay
17 District. Pursuant to 70-125. Variances from 70-46.B and 70-50.A,
18 and variances from 70-103.A(1)/70-103(R), and 70-203.J to construct
19 a new church that is too tall and will be located too close to the
20 street with not enough parking on site and with sliding chain link
21 gates/vehicular entrance gates that are too close to the street is
22 adjourned until July 16th.

23 CHAIRMAN MAMMINA: If anyone is here for that application, as
24 Ms. Wagner has just said, that is going to be adjourned until the
25 16th of July.

26 With that said, may we please call the first case?

1 SECRETARY WAGNER: Appeal #21614, Stephen Massinello; 86 Lake
2 Drive, New Hyde Park; Section 8, Block 263, Lot 6; Zoned: Residence
3 A.

4 Variances from 70-102.C(5)(a), 70-100.2(I)/70-100.1(A),
5 70-30(C), 70-31(A), 70-208(F), and 70-100.2(D) to legalize an
6 inground pool too close to a side property line and pool equipment
7 located in a side yard too close to a side property line; to construct
8 additions too close to the front property line and side property line
9 on a non-conforming home, and to install a fire pit too close to a
10 side property line.

11 CHAIRMAN MAMMINA: Please give your name and address.

12 MR. KOUTSOUMBIS: My name is Dean Koutsoumbis. My address is
13 121 Newbridge Road, Hicksville, New York 11801.

14 Good morning, Members of the Board.

15 VICE CHAIRMAN FRANCIS: Good morning.

16 MR. KOUTSOUMBIS: I'm here on behalf of the client, Mr. Stephen
17 Massinello, and I'm here with, in the audience, the architect, Paul
18 Lombardo.

19 There are several parts of this application. There's some
20 proposed work and some maintained work. I will talk about the
21 maintain work, and Mr. Lombardo will talk about the proposed work.
22 There's one change I'd like to request. The client no longer wants
23 to pursue the fire pit, so we're gonna remove that variance. We're
24 not gonna ask for a variance on the proposed fire pit. It wasn't
25 built, and he's gonna do other work, which doesn't need a variance.

26 VICE CHAIRMAN FRANCIS: Before you get into your application,

1 can you just explain how the pool got there in the first place?

2 MR. KOUTSOUMBIS: Back in 2021, they filed permits for the pool,
3 and they received the permits. I was taken on more recently to assist
4 with this variance. I reviewed several surveys, site plans,
5 documents, regarding the pool and the equipment, and it was
6 determined that the pool was put in to -- in the one direction, it
7 was put in 7.8, where the requirement is 10 feet. That's a difference
8 of 2.2.

9 Now, how this ended up like this is all a result of bad -- the
10 fences as originally -- as indicated on the surveys at the time were
11 incorrectly installed, so measuring -- you know, I'm assuming -- I
12 wasn't there to speak to the contractor or why -- but I'm assuming
13 they took measurements off the fences, and did not have a proper
14 stakeout, and that's why at the end, they got new surveys done. It
15 turns out fences can't move, and it was determined that this pool
16 was 2.2 feet out of the proper location.

17 It's an unfortunate situation. I do know that there is no
18 objection from the neighbor from that direction. I believe that
19 neighbor -- I did send a consent over. I don't know if he actually
20 sent it in, but I was told that from my client that was told that
21 the neighbor to the east would be the most affected would have sent
22 in the letter of consent for this variance that we're requesting.

23 CHAIRMAN MAMMINA: I don't like to jump around, so I just to
24 want to ask a couple of questions on this. So your testimony is that
25 the surveyor or the contractor did not have the surveyor stake out
26 where the pool would go? It's very odd.

1 MR. KOUTSOUMBIS: It's hard. There was multiple surveys.
2 There was at least -- and of course of this job, right now, I have
3 the most recent survey, which is dated December 14, 2024, is, let's
4 say, the most accurate. Since this sur -- fences were moved and --

5 CHAIRMAN MAMMINA: Just give me one second. Oh, there it is.
6 December 14th.

7 MR. KOUTSOUMBIS: Yeah, that's the most recent survey, which
8 accurately reflects the property as of today. Prior surveys had
9 different information on it. I know that the fences were completely
10 off both. In the two directions. Fences were in incorrect
11 location. Even if you look at that 2024 survey, on the other side
12 of the property, the vinyl fence is approximately three feet into
13 my client's property line. So there was definitely some
14 discrepancies there.

15 MEMBER DONATELLI: We all know that the measurement is from the
16 lot line, not from the fence. I can't imagine somebody making such
17 a simple mistake that's -- it should never be from a lot line.

18 MR. KOUTSOUMBIS: Yeah, I mean, I unfortunately, I can't speak
19 for the contractor. I can't speak to how they measured. All I can
20 even say is I reviewed the surveys, and that's what I determined is
21 a possible to -- measurements from a fence, which is in an incorrect
22 location.

23 MEMBER DONATELLI: When was that pool installed?

24 MR. KOUTSOUMBIS: 2021.

25 MEMBER GOODSSELL: Just checking for the survey that you
26 mentioned because normally what pops here, it says survey. There's

1 nothing on my screen that says survey, but it is here.

2 SECRETARY WAGNER: No. It's -- the pool plans are on the
3 survey.

4 MEMBER GOODSSELL: Okay.

5 SECRETARY WAGNER: As I think I indicated to the Board, and it's
6 just to be clear. The plans for the addition show a different
7 configuration for the pool.

8 MEMBER GOODSSELL: They do.

9 SECRETARY WAGNER: I want the Board to be clear, and I did
10 indicate to the Board that the pool plans show the accurate location
11 of the pool.

12 MR. KOUTSOUMBIS: Correct.

13 SECRETARY WAGNER: And the addition showed the -- they're only
14 to be used for the addition.

15 MR. KOUTSOUMBIS: Correct.

16 SECRETARY WAGNER: The addition plan.

17 MR. KOUTSOUMBIS: Correct.

18 SECRETARY WAGNER: Because the pool looks different on that
19 plan. So this is the setback to the pool on the survey. Don't use
20 this.

21 MEMBER DONATELLI: Right.

22 SECRETARY WAGNER: Don't use that. Go to that survey.

23 CHAIRMAN MAMMINA: Taking a look for it now, but I did see
24 someplace where the pool is located, and I believe it's an
25 architectural drawing as eight feet.

26 SECRETARY WAGNER: Right. That's why we said use this plan

1 that shows the survey. This one.

2 CHAIRMAN MAMMINA: Yes, I would use the survey.

3 VICE CHAIRMAN FRANCIS: Yeah.

4 SECRETARY WAGNER: Use that one on the left.

5 CHAIRMAN MAMMINA: Yeah.

6 SECRETARY WAGNER: Because the plans that show the addition,
7 show a different location.

8 CHAIRMAN MAMMINA: Yes.

9 SECRETARY WAGNER: A different setback for the pool.

10 CHAIRMAN MAMMINA: Right.

11 SECRETARY WAGNER: And the pool configuration --

12 CHAIRMAN MAMMINA: Which is certainly more than odd to me.

13 VICE CHAIRMAN FRANCIS: What's really bizarre about this
14 installation of the pool, is the amount of the space you had to the
15 left of the pool, so that you wouldn't have this issue with regard
16 to the fence. I mean, is this the first pool this pool installer
17 ever installed? This is ridiculous.

18 MR. KOUTSOUMBIS: Again, I can't speak for the pool installer.
19 I can't speak for the client.

20 MEMBER GOODSELL: Is the client here?

21 MR. KOUTSOUMBIS: The client is not --

22 CHAIRMAN MAMMINA: Or the pool installer? I mean, many times
23 we got the pool installer here as well because it's not ours to judge
24 who's guilty or not guilty. That's not what we do here.

25 VICE CHAIRMAN FRANCIS: Right.

26 CHAIRMAN MAMMINA: But we do like for the record, because what

1 we do here, someone else can point to, maybe another application,
2 you know, so we like to try to be careful, and -- yeah, it is odd
3 that the chain link fence on the neighbor and the vinyl fence, are
4 both in different locations, but when I look at the survey, the 7.8
5 feet is from the property line.

6 MR. KOUTSOUMBIS: That's correct.

7 CHAIRMAN MAMMINA: So it's not from the fence.

8 VICE CHAIRMAN FRANCIS: Right.

9 MEMBER DONATELLI: And what's even more strange is that it
10 appears that rear yard setback is exactly 10.0 feet.

11 CHAIRMAN MAMMINA: Right.

12 VICE CHAIRMAN FRANCIS: Right.

13 MEMBER DONATELLI: So somebody was very careful with that rear
14 yard setback.

15 VICE CHAIRMAN FRANCIS: Right.

16 MEMBER DONATELLI: But not with the side yard. Now, it's true
17 that the pool is not regular rectangular, and so that the 7.8 feet
18 encroachment is really just a limited part of the pool, but it seems
19 to me that there was so much space. Many times, when we've had these
20 pool applications in the past, it's because of the situation of the
21 house. It is because there's something unique with the property.

22 VICE CHAIRMAN FRANCIS: Correct.

23 MEMBER DONATELLI: And that the applicant really can't place
24 the pool anywhere else. Here, there is a very large rear yard then
25 the pool very easily placed elsewhere, so I would just note that for
26 the record.

1 Was this pool professionally installed by a pool company?

2 MR. KOUTSOUMBIS: Yeah, again, I can't speak for who put it in.

3 I do know, just from my experience doing this type of work, that the
4 town only issues pool permits to companies, which are pool and spa
5 certified. You can't, you know, they won't issue a pool permit to
6 homeowner or to anybody -- even a home improvement contractor won't
7 be able to get a pool permit.

8 CHAIRMAN MAMMINA: The pool is -- never seen anything like it.
9 Modular pieces that are fit together. It's not a typical liner pool.
10 I just didn't realize you could buy a pool that would be that large,
11 and not just be a vinyl lining.

12 MEMBER DONATELLI: And that was my question whether this was
13 a do-it-yourself kind of thing.

14 VICE CHAIRMAN FRANCIS: Right, yeah.

15 CHAIRMAN MAMMINA: Yeah. Certainly, it looks like it could be.

16 VICE CHAIRMAN FRANCIS: When I first looked at this, I thought
17 that was an above ground pool that was put in ground.

18 MEMBER DONATELLI: Right.

19 (Whereupon, a discussion was held between Board Members.)

20 MEMBER GOODSELL: So the permit that was issued in 2022, had
21 the correct information on it that the pool was set back 10 feet.

22 MR. KOUTSOUMBIS: Yes.

23 MEMBER GOODSELL: And the permit was issued to a pool
24 contractor?

25 MR. KOUTSOUMBIS: Again, I don't have -- I was not involved with
26 the process at the time. I don't know who was issued what.

1 CHAIRMAN MAMMINA: Do you have the approved drawings from the
2 pool?

3 MR. KOUTSOUMBIS: I do not have the approved drawings.

4 MEMBER GOODSSELL: Is the homeowner here?

5 MR. KOUTSOUMBIS: The architect is here.

6 VICE CHAIRMAN FRANCIS: Is the architect here specifically for
7 the pool?

8 MR. KOUTSOUMBIS: More so for the additions to the house.

9 CHAIRMAN MAMMINA: I'm sure both you and the architect can
10 recognize the dilemma that this put us in here because we've got a
11 good amount of conflicting information, you know, including one
12 property line dimension that's correct, and another one that clearly
13 shows that they measured the from property line, even though there
14 are two fences. I mean, when I looked at the fence I said, boy,
15 everybody's giving away a lot of property here, which is unusual.
16 It's not acres of land, but we're talking Nassau County.

17 MR. KOUTSOUMBIS: Let me point out, at the time the pool was
18 put in, the second fence, the vinyl fence as indicated on this 2024
19 survey, was not there. So therefore, if a contractor measured from
20 the fence, it would have been the chain link fence, which is two feet
21 onto the neighbor's property.

22 CHAIRMAN MAMMINA: Sure.

23 MR. KOUTSOUMBIS: That's -- they measured. That's why they --

24 MEMBER GOODSSELL: That's what we're assuming, but that's
25 not -- it doesn't say that on the survey.

26 CHAIRMAN MAMMINA: All the more reason for the confusion.

1 VICE CHAIRMAN FRANCIS: Right.

2 CHAIRMAN MAMMINA: As to how does that happen; we've had pool
3 contractors come in, and -- I'm not giving any opinion or an approval
4 or a disapproval because everything got its own circumstances, but
5 there have been times when people had to move a pool.

6 MEMBER DONATELLI: Do we have any way to estimate what the cost
7 of remediation of moving this pool into a compliant location? Are
8 you able to give us any kind of an estimation?

9 MR. KOUTSOUMBIS: I'm not prepared to figure that out, what the
10 cost would be. I mean, I would imagine that it'll be substantial.
11 I don't -- I would -- just from looking at this, looking at the pool,
12 it would have to be completely removed and completely reinstalled.
13 It's not something that can just be made smaller in that area or you
14 know, trim two feet off the pool. It, you know, based on that's,
15 you know, prefabricated panels, I would -- it appears as if the pool
16 in its entirety would have to be removed and reinstalled in the
17 correct location should the Board not --

18 CHAIRMAN MAMMINA: Substantiality is not one of our tests per
19 se, but it's something that the Board can consider in looking at the
20 overall application, so. I don't know. I'll leave it as well to
21 the rest of Board Members if they're going to want more information.

22 MEMBER GOODSSELL: I'd really like to see the original approval.
23 Particularly, I'm sure that the application contained an application
24 where to put the pool.

25 CHAIRMAN MAMMINA: Right. That's why I asked can we see the
26 application.

1 MEMBER GOODSSELL: See the original application.

2 MR. KOUTSOUMBIS: Absolutely.

3 MEMBER GOODSSELL: If we granted it, then the variance was
4 granted with respect to something.

5 MR. KOUTSOUMBIS: There wasn't a variance.

6 MEMBER GOODSSELL: No, it wasn't --

7 VICE CHAIRMAN FRANCIS: No, it was based on the pool.

8 MR. KOUTSOUMBIS: It was an as-of-right permit that was issued.

9 MEMBER GOODSSELL: So then the Building Department would have
10 approved the pool equipment in a complaint location.

11 MR. KOUTSOUMBIS: In regards to the pool equipment, I didn't
12 speak about the pool equipment.

13 MEMBER GOODSSELL: All right. Let's do pool equipment.

14 CHAIRMAN MAMMINA: Let's go to pool equipment.

15 MR. KOUTSOUMBIS: As far as the pool equipment goes, the pool
16 equipment was moved to the side of the house instead of the rear of
17 the house. Now, we submitted photographs of where -- what the -- the
18 pool equipment, where you see it in the photographs we just submitted,
19 was the previous location. That was the approved location of the
20 pool equipment. My client -- after speaking to my client, he decided
21 to move the pool equipment unaware that it was not permitted in the
22 side yard. He moved from the rear yard to the side yard for safety
23 reasons because even though where it's shown in those photographs
24 and on the approved plans, it was too close to the house and too close
25 to the pool. For safety reasons, just to have a little bit more of
26 a walkway in between, you know, the pool and the house. That's why

1 they decided to move it to the side yard.

2 CHAIRMAN MAMMINA: Did the pool installer have any input on
3 something like that? Because I would, I mean, I'd say, imagine, you
4 know, in quotes, that the pool contractor, you know, would understand
5 that whatever approved drawings there were, they have to comply with
6 those approved drawings because there's going to be an inspection.
7 And again, I think, seeing those pool drawings would be -- the
8 equipment drawings and things certainly be helpful and, you know,
9 can be at a later date.

10 SECRETARY WAGNER: Let the record show that Exhibit 1 is the
11 photographs of the old pool equipment. The pool equipment in the
12 old location.

13 CHAIRMAN MAMMINA: On those other drawings, do you show where
14 the pool equipment was originally?

15 MR. KOUTSOUMBIS: Correct. Yes. So the approved plans for
16 the pool, do show the pool equipment behind the house in the location
17 that you see in those photos. It was my client's decision to move
18 the pool equipment and the air conditioner to the side of the house.
19 The air conditioner does not need a variance. It is as-of-right in
20 the side yard. Pool equipment is not as-of-right, and that's why
21 we're requesting a variance.

22 VICE CHAIRMAN FRANCIS: Yeah, but --

23 MR. KOUTSOUMBIS: I'd also like to point out that it's an
24 electric pool heater. It doesn't omit any fumes or anything like
25 that, and it's a regular pool pump. It's not any louder than the
26 air conditioning, which would have been installed as-of-right.

1 CHAIRMAN MAMMINA: Can you give us documentation of decimal
2 levels and things on that --

3 MR. KOUTSOUMBIS: Absolutely.

4 CHAIRMAN MAMMINA: -- as that compares to the air conditioning
5 equipment?

6 MR. KOUTSOUMBIS: Yes.

7 MEMBER DONATELLI: I am not obviously a professional pool
8 installer, but when I look at this, it really seems to me that this
9 may have been done by either the homeowner him or herself or by some
10 do-it-yourselfer. I think that the piping that I see doesn't really
11 appear to be piping that I've seen anywhere else, any kind of pool
12 installation. Did the homeowner move the system?

13 MR. KOUTSOUMBIS: I'm really not aware who moved the system.
14 I really --

15 VICE CHAIRMAN FRANCIS: What really troubles me is that your
16 applicant did the opposite of what he got the permit for, so he was
17 like, I don't care what the plan or the permit -- I'm going to do
18 what I'm -- like what I feel like I want to do, and that troubles
19 me. So as one Board Member, I would like your applicant to appear
20 or --

21 CHAIRMAN MAMMINA: The pool installer.

22 VICE CHAIRMAN FRANCIS: Yeah, and the pool installer. So this
23 might be one of the rare occasions when we have a second hearing.

24 CHAIRMAN MAMMINA: Yeah.

25 VICE CHAIRMAN FRANCIS: I mean because this whole application
26 as to pool -- and I agree with Mr. Donatelli. This makes no sense

1 whatsoever. This is like Cheech and Chong installed this pool. If
2 you remember Cheech and Chong.

3 CHAIRMAN MAMMINA: I do.

4 MEMBER DONATELLI: I do.

5 CHAIRMAN MAMMINA: And I think what will also be helpful and
6 that can happen before any kind of second hearing if that is the
7 decision, is that the --

8 VICE CHAIRMAN FRANCIS: We need documentation.

9 CHAIRMAN MAMMINA: Right. The approved pool plans are brought
10 up to Ms. Wagner so she can then send those out to us in advance of
11 that.

12 VICE CHAIRMAN FRANCIS: Definitely.

13 CHAIRMAN MAMMINA: And see if there's anything else on that.

14 SECRETARY WAGNER: What do you want me to do?

15 CHAIRMAN MAMMINA: Just to see the original approved plans for
16 the pool. If we get those. Would you want those as scans, Ginny?

17 SECRETARY WAGNER: Yeah, that would help.

18 CHAIRMAN MAMMINA: If you can have them scanned so that we're
19 going to have them sent out.

20 MEMBER DONATELLI: I'd also like to state for the record as I
21 try to, we're not doing this to give you a hard time. We're doing
22 this because the Town of North Hempstead believes that it's a safety
23 issue to have these 10-foot rear and side-yard setbacks. We're
24 always very concerned when we have a situation where we have less
25 than the setbacks because again, safety. If somebody were to hop
26 over the fence. If something were to happen, the Town of North

1 Hempstead believes that there should be a 10-foot setback, and we're
2 not really -- we try to stick to that. So we're not just trying to
3 give you a hard time.

4 MR. KOUTSOUMBIS: I understand.

5 VICE CHAIRMAN FRANCIS: The only thing that we do not want to
6 do is set bad precedent.

7 MR. KOUTSOUMBIS: Right.

8 VICE CHAIRMAN FRANCIS: And I think you're hearing what we're
9 saying.

10 MR. KOUTSOUMBIS: Yeah. I'm well aware of the situation and
11 I informed my client very well of how this could pan out.

12 MEMBER GOODSSELL: Mr. Koutsoumbis, we interrupted you. Did
13 you have more to say about the pool equipment?

14 MR. KOUTSOUMBIS: I pretty much made it clear that in the
15 location where it was originally, even though it was approved
16 location, it was too close to the pool leaving a very narrow walkway,
17 you know, less than three -- it's approximately three feet from the
18 pool to the equipment. You know, the photos are somewhat misleading
19 because those pavers you see there were the old patio that was just
20 redone. The pavers that you see there aren't the permanent solution.
21 There is a plan in place to redo the back yard. Yes, the pavers do
22 look like they, you know, if that's what gives you the indication
23 that those were a whole new job, maybe, that's the thing, but I do
24 know that was temporary just so that they can use the pool in the
25 meantime until they redo their back yard and do these additions to
26 the house.

1 CHAIRMAN MAMMINA: I think the last question that I have on
2 this -- I apologize if I'm bombarding you with all of this.
3 Hopefully, you're jotting this down. If you look at the
4 architectural Sheet A-9, it shows the pool as being 8.8 feet.

5 VICE CHAIRMAN FRANCIS: Correct.

6 CHAIRMAN MAMMINA: From the property line, it shows a PVC fence
7 to be between the property line and the chain link fence, which is
8 not what the survey shows.

9 SECRETARY WAGNER: But that's why we're not using those plans
10 for the pool. The architecture's plans are only to be used for the
11 addition.

12 CHAIRMAN MAMMINA: Okay.

13 MR. KOUTSOUMBIS: But I would like to point out that I spent
14 a lot of time looking at various plans and surveys on this. At one
15 point, there was a survey that showed that pool 8.8. That number.
16 I can't read it on my --

17 VICE CHAIRMAN FRANCIS: Yeah, 8.8.

18 MR. KOUTSOUMBIS: Yes, 8.8. So what happened between the two
19 sur -- there was definitely discrepancies between two surveys. We
20 ask for that -- after the fences were all moved, we asked for a final
21 survey. The 2024 survey is the survey we're going by.

22 VICE CHAIRMAN FRANCIS: Why don't you continue with your
23 application.

24 MR. KOUTSOUMBIS: Okay, so based on what I'm hearing --

25 CHAIRMAN MAMMINA: I'd like to say one thing just to support
26 what you said. There is a note on the A-0 plan that says that the

1 information is taken from the survey as prepared by Empire State Land
2 Surveyor, and that's a different land surveyor than is shown on this
3 survey. It says Frank Lizzo, professional land surveyor. So
4 obviously there's a couple of things, you know, going on -- I'm not
5 sure if those things hurt you or help you, but you can look into that.

6 MR. KOUTSOUMBIS: I mean, yeah, there was definitely
7 discrepancies between two surveys, which worked on this job, and I
8 do know if you, you know, maybe if we could adjourn this to the next
9 hearing, I'll present multiple surveys if it means getting another
10 final survey done, you know.

11 CHAIRMAN MAMMINA: That will be the owner's and your call. If
12 I was just -- I hate to project myself into it as an architect, but
13 I mean, for there to be a second survey, there's got to be a reason
14 why there was a second survey, you know, coming out on this, and maybe
15 there isn't, or maybe just decided to change surveyors.

16 MR. KOUTSOUMBIS: I believe it was an availability issue. Like
17 at that point, we were trying to get the denial. We needed an updated
18 survey after the fence was removed. There was -- I believe, there
19 was some situation like that. Diluso wasn't available. He hired
20 a different surveyor, and then there's -- aside to our latest survey
21 2024, December 14th survey, that's what we're presenting here today.

22 CHAIRMAN MAMMINA: So that pool was installed in 2021? Looking
23 at the survey.

24 MR. KOUTSOUMBIS: I believe so.

25 CHAIRMAN MAMMINA: I think, again, another reason why we really
26 need to see the documents and things relating to the pool as its own

1 application as you said.

2 MEMBER DONATELLI: Do you want to address the balance of the
3 application as to the addition in the front yard and the side yard?

4 MR. KOUTSOUMBIS: So if we can -- if possible, maybe we can ask
5 for an adjournment on this first part, on the pool and the pool
6 equipment, and then if possible, we can address the additions today.

7 CHAIRMAN MAMMINA: We'll continue it.

8 DEPUTY TOWN ATTORNEY ALGIOS: Why don't we do this? Let him
9 finish his application. Let's continue it because maybe you want
10 to come back, maybe submitting documentation will end up being
11 sufficient.

12 VICE CHAIRMAN FRANCIS: Right.

13 DEPUTY TOWN ATTORNEY ALGIOS: We'll just continue it.

14 VICE CHAIRMAN FRANCIS: Okay.

15 DEPUTY TOWN ATTORNEY ALGIOS: But let him finish his
16 application.

17 MEMBER DONATELLI: I think we should at least get the
18 applicant's application on the record as to the front addition and
19 the side addition.

20 DEPUTY TOWN ATTORNEY ALGIOS: Let's do the whole thing.

21 SECRETARY WAGNER: So what the Board's going to do is we'll
22 determine whether we have enough information regarding the pool and
23 the pool equipment, and whatever information we don't have, we'll
24 request from you in order for them to make a decision, and they will
25 also decide whether or not we require you to come back to address
26 those things.

1 CHAIRMAN MAMMINA: As I said, we generally, we don't have second
2 -- we don't have second hearings. There could be other things. Like
3 I said, if we're continuing, it might be that we wanted to see, I
4 think, I said another survey, a deed, you know, whatever it might
5 be, and then if the Board has enough information, based on that; very,
6 very rare that we have a second hearing.

7 MR. KOUTSOUMBIS: Okay. With that being said, I would like to
8 ask Paul Lombardo, the architect, to come up, and he can discuss the
9 proposed additions.

10 MR. LOMBARDO: Good morning.

11 VICE CHAIRMAN FRANCIS: Good morning.

12 CHAIRMAN MAMMINA: Please give your name and address.

13 MR. LOMBARDO: My name is Paul Lombardo, 3939 New York Avenue,
14 Seaford, New York. The architect for Stephen Massinello.

15 CHAIRMAN MAMMINA: I will say this, Mr. Lombardo, maybe, off
16 the record.

17 (Whereupon, a discussion was held off the record.)

18 MR. LOMBARDO: I believe it was 2021, I was approached by Mr. and
19 Mrs. Massinello.

20 CHAIRMAN MAMMINA: If you could just speak up just a little bit.

21 VICE CHAIRMAN FRANCIS: Yeah, just pull that up.

22 CHAIRMAN MAMMINA: Just pull that up. Only because there are
23 people that are listening and just again for the stenographer.

24 MR. LOMBARDO: It's approximately 2021 when I was hired by
25 Stephen and his wife. Stephen Massinello. To do an addition to his
26 home, second-floor addition, and I proceeded to go to the house.

1 Meet with them. Found out the facts on what they wanted to do,
2 measurements and what not, and I went ahead did these plans.

3 The drawings were for the second-floor addition, and the
4 variance that we requested at the time also involved in gross floor
5 area, which we're over by approximately 47 square feet. We were able
6 to get that down, so that's no longer an issue. So what we do
7 have -- oh, sorry.

8 SECRETARY WAGNER: That's okay. Actually, move the mic
9 closer.

10 MR. LOMBARDO: The front yard variance is what we're
11 requesting. Also a side yard in the rear for a fire pit, which we're
12 no longer -- it's really off the table according to the owner.

13 CHAIRMAN MAMMINA: We'll come to that because I have other
14 questions.

15 MR. LOMBARDO: So the gross floor area as I mentioned is -- we
16 were able to get that under the required amounts, so that's no longer
17 an issue. What you see here is accurate. That's the front yard
18 variance. We have the minimum front yard setback 44.31. The
19 proposed is 42.6. The side yard we have is --

20 CHAIRMAN MAMMINA: Can you just put on the record what that
21 number is? What that is numerically?

22 MR. LOMBARDO: The 42.6?

23 CHAIRMAN MAMMINA: No, I'm saying the difference in that
24 number.

25 MR. LOMBARDO: Oh, I see.

26 CHAIRMAN MAMMINA: Which then shows the extent.

1 MR. LOMBARDO: Absolutely. That's a difference of a?

2 CHAIRMAN MAMMINA: It's not a trick question. I'm not trying
3 to put you on the spot.

4 MR. LOMBARDO: Yeah.

5 CHAIRMAN MAMMINA: As I say, I'm an architect because I'm very
6 bad at math.

7 SECRETARY WAGNER: The required is 44.31.

8 MR. LOMBARDO: Right.

9 SECRETARY WAGNER: Where the proposed is 42.6.

10 MR. LOMBARDO: That's correct. That's a difference right
11 there of approximately 1.7 feet from the property. From the property
12 line.

13 CHAIRMAN MAMMINA: Maybe just for your support of your
14 application, you want to read off from your average front yard setback
15 calculations. Some of the other numbers that are there.

16 MR. LOMBARDO: Sure.

17 CHAIRMAN MAMMINA: Just to show how approximate you are to
18 those.

19 MR. LOMBARDO: To those areas? Let me see. Okay. Hold on.
20 Just get -- I have a document there.

21 I do not have those. I do not have those.

22 CHAIRMAN MAMMINA: I'll help you out on this because again, not
23 trick questions. Not at all.

24 Just for record, if you look at the average front yard setback
25 calculation and the survey, there is one house, which is adjacent
26 that looks like its setback is 38.5. The balance of the street

1 appears to be 43.14, 42.6, 43.5, 43.5. You do get that -- those two
2 other houses that skew the -- that calculation, and you know, the
3 point, you know, for the record is that your 42.6 comports largely
4 with the good amount of the other houses on the street. Plus, you're
5 on the curve in the street, so you know, it's not as critical as you
6 look at -- as you're driving by, you're not seeing a whole bunch of
7 houses that are all in a line; one's here, other one's there, and
8 so -- that was where I was going.

9 MR. LOMBARDO: Okay. The side yard minimum is 10-foot, and due
10 to the fact that we -- the front corner of the house was extended
11 out above an overhang of the front northeast corner of the house.
12 Due to that, we came under the 10-foot requirement by approximately
13 a quarter of an inch because that's where the 9.75 feet from the west
14 property line. That's the proposed amount.

15 The rear opened porch is setback, it's 7.25 feet from the west
16 side property line, and also the fire pit, which is as I mentioned
17 no longer going to be included.

18 CHAIRMAN MAMMINA: Here's the real question that I have back
19 there. Is this roof over pergola, or whatever you want to call it,
20 which looks like it's 7.5 feet from the property line because it
21 completely roofed. It's not like something that's just vinyl, so
22 I mean, that's a structure.

23 MR. LOMBARDO: Right.

24 CHAIRMAN MAMMINA: That's a structure that your neighbors are
25 going to see. In terms of the 10-foot setback, I don't see it because
26 even looking at your drawings, you know, where it talks about the

1 side yard. Your drawings say that you provided 10.26, which you have
2 not. You've provided 10 according to this, and then 9.75, but then
3 as I'm trying to read the drawings, 7.5, where, you know, where that
4 is. If I look at your drawing A-4, you know, that's a fairly
5 prominent pergola that's raised up. All things considered, it's
6 just my opinion; fairly high.

7 MR. LOMBARDO: That's accurate. I see where you're referring
8 to that.

9 CHAIRMAN MAMMINA: But I'm saying, so that is, I believe,
10 another variance that is not point -- and the Building Department
11 is very good. They're not perfect.

12 MR. LOMBARDO: Right.

13 CHAIRMAN MAMMINA: I'm not perfect. You're not perfect.
14 Nobody's perfect. They may have missed it or they may have a
15 different opinion than me, but you know, I think that the -- that
16 that whole length of that pergola. Yeah, you even, you point to the
17 10-foot property setback line, and then you have a dotted line up
18 above for me, which for me as an architect, I know that that's the
19 edge of the pergola. I'm not saying you were trying to trick anybody.

20 MR. LOMBARDO: Right.

21 CHAIRMAN MAMMINA: And then there's a column that sits within
22 that as well. So again, my point is just that's, you know, that's
23 a substantial structure --

24 MR. LOMBARDO: Right.

25 CHAIRMAN MAMMINA: -- that's in there that I think to comply,
26 should be pulled over. It does appear that there's a slight splay

1 to the property line, which I think helps you in your front yard
2 setback, but in -- because you got three inches in there, and then
3 it opens up to compliant, but the back one, you know -- the same way
4 that the fire pit was too close, so is the patio -- I think you're
5 calling it a patio covering.

6 MR. LOMBARDO: Yeah. Well, that's something that certainly
7 that could be adjusted. I mean, I, you know, if it is a variance,
8 we'll, certainly, you know.

9 CHAIRMAN MAMMINA: And what I'm -- my goal always is that if
10 that got caught after it's built, then it's going to be a bigger
11 problem.

12 MR. LOMBARDO: Yeah. Better to catch it now.

13 CHAIRMAN MAMMINA: That way, where the swimming pool is.

14 MEMBER DONATELLI: And it seems to me that if your client's
15 withdrawing his request for the fire pit, that does give you some
16 flexibility as to the size of the stone patio and the size of the
17 roofed-over porch, or whatever you call it. So again, as I said
18 earlier, we're not here to give you a hard time, but we're here -- one
19 of the things that we have to determine as a Board, one of the Five
20 Factors that we have to determine is whether or not there are ways
21 to achieve what the applicant is trying to achieve without the need
22 for a variance. It seems to be in this case there is. Achieving
23 more or less the goal that the applicant is trying to achieve without
24 requesting a variance.

25 MR. LOMBARDO: Absolutely. I feel the same way.

26 SECRETARY WAGNER: Are you talking about the front addition?

1 MEMBER DONATELLI: No, I'm talking about the rear roofed-over
2 patio.

3 SECRETARY WAGNER: But that's not the subject of --

4 CHAIRMAN MAMMINA: No, I'm saying, I think it was missed. Try
5 A-4.

6 SECRETARY WAGNER: I know, but that's something you'll have to
7 look at separately, but what he is coming for a variance is the
8 addition.

9 CHAIRMAN MAMMINA: This is an addition also.

10 MR. LOMBARDO: This is an independent structure in the back of
11 the house.

12 SECRETARY WAGNER: Right, but --

13 MR. LOMBARDO: That's a variance, and it includes the front
14 piece that's actually the house itself. That's the house addition.

15 MEMBER DONATELLI: But I have on the third item on the denial
16 letter. I have the rear open porch; side yard 10 feet is required,
17 and it's applied with 7.25.

18 SECRETARY WAGNER: Okay. All right.

19 MR. LOMBARDO: I have not spoken to the client in some time about
20 that, but I feel that -- that something he'd be willing to, as with
21 the fire pit, willing to adjust and certainly bring it to conformance.

22 CHAIRMAN MAMMINA: Mr. Donatelli is correct. I was looking at
23 the variance piece underneath instead, so yes, the rear open porch
24 is a setback of 7.25 on the west side of property line, is also listed
25 there in addition to the open fire pit.

26 MR. LOMBARDO: There's certainly a height requirement there

1 too. We have it within a certain height.

2 CHAIRMAN MAMMINA: Yeah, you'll double-check that.

3 MR. LOMBARDO: We'll check it. All right. You know, I don't
4 want something that's very overpowering. I mean, this gives the
5 inclination that it is -- but certainly not. It's gonna be a canopy
6 over the patio.

7 CHAIRMAN MAMMINA: It's not quite a canopy, though, because
8 it's a constructed piece of building. It's framed out of wood and
9 has a roof on it.

10 MR. LOMBARDO: Yeah, it's more than a --

11 CHAIRMAN MAMMINA: Yeah, that's fine.

12 MR. LOMBARDO: Okay.

13 CHAIRMAN MAMMINA: That's what I meant. Double-check.

14 MR. LOMBARDO: We will certainly do whatever we need to do to
15 bring that in conformance and comply with any of your stated items.

16 CHAIRMAN MAMMINA: I think it's modifications to it and
17 then -- Debra, I guess go back to the Building Department to clarify
18 these or?

19 SECRETARY WAGNER: About the height, you mean?

20 CHAIRMAN MAMMINA: Or that rear porch as they're calling it.
21 It says rear setback of 7.25 from the west side property line. I
22 don't think we're going to be inclined to grant a variance for that.
23 As the applicant had said, we'll push that back to the 10 feet, and
24 make it compliant, so we'll eliminate that part, the second-story
25 addition setback at 9.75 feet, that would -- that would still be on
26 there.

1 MR. LOMBARDO: Yeah.

2 DEPUTY TOWN ATTORNEY ALGIOS: Or you can just deny that
3 variance.

4 CHAIRMAN MAMMINA: Okay. We can do that, too, yes.

5 SECRETARY WAGNER: But we're continuing it --

6 CHAIRMAN MAMMINA: Yeah, you'll continue it anyway, so.

7 VICE CHAIRMAN FRANCIS: Right.

8 CHAIRMAN MAMMINA: That probably would be easier for you if we
9 just deny that part.

10 MR. LOMBARDO: I appreciate that. That's fine.

11 SECRETARY WAGNER: Well, but what you're saying is continue it
12 anyway? I mean, it's kind of a --

13 CHAIRMAN MAMMINA: Oh, no, that's right. I'm not saying today.
14 Okay. All right. So I think --

15 SECRETARY WAGNER: Did we address everything? So we're
16 leaving -- we're going to continue this, and we're going to
17 ask -- we're going to decide whether asking the applicant to submit
18 additional information would be adequate or whether there's an
19 necessity to come back, correct?

20 VICE CHAIRMAN FRANCIS: Correct, yes.

21 CHAIRMAN MAMMINA: One other thing for the record. As Member
22 Francis had pointed out after I went through the setbacks, at the
23 corner of Lake Drive and Meadowfarm Road the setback in there is
24 55 feet, so that would then skew that a little bit further. That's
25 in your favor.

26 MR. LOMBARDO: Yes, thank you.

1 SECRETARY WAGNER: Do you want him to address the Five Factors?

2 CHAIRMAN MAMMINA: Yeah.

3 VICE CHAIRMAN FRANCIS: Yeah, I think he should. This could
4 be helpful.

5 SECRETARY WAGNER: These are the Five Factors for issuance of
6 a variance, and you want to go through those.

7 MR. LOMBARDO: These are the Five Factors in front of me here.
8 One, whether an undesirable change will be produced in the character
9 of the neighborhood or a detriment to nearby properties created by
10 the granting of the area variance? Two, whether the benefit sought
11 by the applicant --

12 CHAIRMAN MAMMINA: You answer --

13 VICE CHAIRMAN FRANCIS: You have to answer those five
14 questions.

15 MR. LOMBARDO: Well, as far as -- we don't feel it's going to
16 be a detriment at all to the nearby properties.

17 DEPUTY TOWN ATTORNEY ALGIOS: You have to explain why.

18 MR. LOMBARDO: The reason is really it's just a very small
19 corner of the front that's gonna be a variance, and due to the fact
20 that the curvature of the roadway, the individuals, would seem very
21 minimal in terms of any detriment or any unsightly lines that would
22 be -- that would come about due to the construction of the front of
23 the house.

24 Number two?

25 CHAIRMAN MAMMINA: Yes, please.

26 MR. LOMBARDO: Whether the benefit sought by the applicant can

1 be achieved by some method feasible for the applicant to pursue or
2 other than an area variance? We believe that by giving the
3 applicant, the homeowner, the amount of the space that he requires
4 that that does not lend to -- we feel that's gonna accomplish, and
5 you know, we feel that can't be achieved by any other method other
6 than what's been given in terms of the square foot.

7 Whether the requested area variance is substantial? Well, it's
8 a -- I believe, it's under 40 -- 27 square feet, and we feel that
9 that was an unsubstantial number. We tried to keep it as low as
10 possible.

11 Four, whether the proposed variance will have an adverse effect
12 or impact on the physical or environmental conditions in the
13 neighborhood? No, it will not. We don't feel that we're gonna be
14 impacting physically any of the neighborhood or history.

15 Five, whether the alleged difficult was self-created? With
16 consideration shall be relevant to the decision of the Board of
17 Appeal, but shall not necessarily preclude an area variance. We feel
18 that it was not self-created. This is something that came about
19 based on the physical conditions we were presented.

20 CHAIRMAN MAMMINA: Everything is always self-created, but
21 that's not necessarily damning for it. Just saying it for the
22 record.

23 MR. LOMBARDO: Okay.

24 VICE CHAIRMAN FRANCIS: That's fine.

25 MR. LOMBARDO: Well, that's all I have to say.

26 CHAIRMAN MAMMINA: All right. We're going to continue the

1 application. Are we giving him a list of what we except from him?

2 DEPUTY TOWN ATTORNEY ALGIOS: Do you want the gentleman to speak
3 about the Five Factors of the pool?

4 VICE CHAIRMAN FRANCIS: Yeah, that's a good idea.

5 CHAIRMAN MAMMINA: Yeah, we should probably do that as well,
6 yes.

7 SECRETARY WAGNER: Want to come back up and just address the
8 Five Factors.

9 CHAIRMAN MAMMINA: That's a good point, Debra. It is, for all
10 intents and proposes, to kind of split up two applications.

11 VICE CHAIRMAN FRANCIS: Two applications.

12 MR. KOUTSOUMBIS: As to whether or not there'll be an
13 undesirable change to the character of the neighborhood. The
14 setbacks to the pool are really not visible to any of the neighbors
15 so therefore, it's, you know, maybe different than other pools in
16 the area, but I would say that there is no undesirable change to the
17 neighborhood.

18 Number two, as to whether or not it could have been sought by
19 a different method. The answer to that is, it could have been, and
20 we are here asking for forgiveness to legalize it in the location
21 that it is.

22 Whether or not the variance is substantial? In my opinion, it
23 is not substantial as its own, you know, as far as the pool itself,
24 it's 2.2 feet off from code, and the equipment is in a side yard rather
25 than in the rear yard. Those are small differences. I know
26 they -- it's not in accordance with the Town Code but those are the

1 small differences that we're requesting.

2 Number four --

3 DEPUTY TOWN ATTORNEY ALGIOS: Do you want to also address the
4 fact that because of the curvature of the pool, it's only a small
5 section that's --

6 MR. KOUTSOUMBIS: Yeah, so, I'd like to point out that because
7 of the shape of the pool, the 7.8 is only at the furthest point and
8 not the entire length of the pool or width of the pool.

9 CHAIRMAN MAMMINA: Because of its radius.

10 MR. KOUTSOUMBIS: Because of the radius of the one portion of
11 the pool.

12 Number four, as per whether the proposed variance will have an
13 adverse effect on the impact and environmental conditions? The
14 answer to that is no. Pools and pool equipment are common
15 residential structures. Whether or not it needs a variance or not,
16 it is no different than a pool that didn't need a variance, and there's
17 no adverse effect on the environment or physical conditions of the
18 neighborhood.

19 Number five, as to whether or not this was self-created. This
20 was clearly self-created. It may have been self-created due to, you
21 know, uneducated or uninformed, you know, contractors or homeowners,
22 but we are asking for, you know, forgiveness of errors that happened;
23 simply, you know, for these reasons that we stated earlier.

24 CHAIRMAN MAMMINA: Please remember to submit decimal level and
25 information about the air conditioning equipment and the pool pump.

26 MR. KOUTSOUMBIS: Yes.

1 CHAIRMAN MAMMINA: So that you will hopefully be able to
2 demonstrate that there is no acoustic impact by having the pool there.

3 MR. KOUTSOUMBIS: May I also? Are we having a second hearing,
4 or we have to submit this information, including the previous
5 approved plans, possibly contractor affidavits, possibly --

6 CHAIRMAN MAMMINA: What I would say, and Ginny, please tell me
7 if you disagree. Any question that you might have, you can address
8 to the office, but we're not going to write the information for you.
9 That's on you. We're not asking for some big book of things. It's
10 just state the facts.

11 SECRETARY WAGNER: You wanted the information on the decimal
12 level. You wanted the prior pool plans that were approved.

13 CHAIRMAN MAMMINA: Yes.

14 MEMBER DONATELLI: I would ask for a copy of the invoice from
15 when the pool was installed.

16 CHAIRMAN MAMMINA: Yes, that's correct.

17 SECRETARY WAGNER: That and then an estimate to move the pool.

18 CHAIRMAN MAMMINA: Right, estimate.

19 VICE CHAIRMAN FRANCIS: You want to see the original pool
20 contract?

21 MEMBER DONATELLI: Yes.

22 CHAIRMAN MAMMINA: Yes.

23 VICE CHAIRMAN FRANCIS: The pool contract also.

24 MR. KOUTSOUMBIS: So we have a contract for the pool. Whether
25 or not the homeowner did it himself. The cost to move equipment or
26 cost to make the pool -- cost to move the pool and equipment or cost

1 to make it smaller. If it's even feasible. I'm not, you know, a
2 contractor could come and say they can, you know, change the radius
3 at that location make it smaller then --

4 CHAIRMAN MAMMINA: You can ask. It looks like a prefabricated
5 fiberglass pool.

6 MEMBER DONATELLI: And again --

7 CHAIRMAN MAMMINA: It's probably not.

8 MEMBER DONATELLI: -- the reason why we're asking for these
9 documents is to help us evaluate the Five Factors that you all just
10 read into the record.

11 CHAIRMAN MAMMINA: Good. Okay, thank you.

12 MR. KOUTSOUMBIS: All right. Thank you.

13 VICE CHAIRMAN FRANCIS: Thank you very much, gentlemen.

14 MR. KOUTSOUMBIS: Thank you. I will take a copy of these.

15 MR. LOMBARDO: Thank you very much.

16

17

18

19 SECRETARY WAGNER: Next appeal, Appeal #21710, Quickway
20 Japanese Hibachi; 215 Glen Cove Road, Carle Place; Section 10, Block
21 N, Lot 239; Zoned: Industrial B.

22 Conditional use 70-187.P to convert a retail food use to a
23 restaurant.

24 CHAIRMAN MAMMINA: You've heard Appeal #21710, Quickway
25 Japanese Hibachi. Is there anybody in the room interested in the
26 application other than the applicant? Seeing no one, and before we

1 go on the record.

2 (Whereupon, a discussion was held off the record.)

3 CHAIRMAN MAMMINA: Give your name and address.

4 MR. BROOKSTEIN: Good morning, Mr. Chairman, Members of the
5 Board. My name is Joshua Brookstein from Sahn Ward Braff
6 Coschignano, 333 Earle Ovington Boulevard, Uniondale, New York.
7 I'm filling in for Mr. Edwards, who unfortunately had a little bit
8 of a hip issue this morning, so he asked me to appear on his behalf.

9 CHAIRMAN MAMMINA: Again, off the record.

10 (Whereupon, a discussion was held off the record.)

11 MR. BROOKSTEIN: I'm here this morning on behalf of the
12 applicant, Quickway Japanese Hibachi, which is the proposed tenant
13 for the shopping center known as Parkway Plaza. It's fair to say,
14 we'll be occupying next to Dave's Hot Chicken, which was previously
15 before this Board a few months ago.

16 The applicant is seeking a conditional use permit pursuant to
17 Section 70-187.P of the Town Code to convert a retail food use to
18 a restaurant use. The location is in the plaza right near Dave's
19 Hot Chicken.

20 The shopping center has as its principal tenants, the Aldi,
21 which is a retail supermarket; T.J. Maxx, which is a retail store
22 for clothes and home goods, and other smaller tenants. There's also
23 a pad site on the premises with a Smoothie King along Glen Cove Road
24 at the northwest corner of the shopping center.

25 The parking for the center with this use is compliant with the
26 Town Code. We've submitted a floor plan showing the proposed layout

1 of the space, which will be 1,743 square feet with approximately 25
2 seats. Most of the area is actually kitchen prep area and coolers
3 and freezer for the refuse.

4 The Quickway Japanese Hibachi is a new fast casual restaurant
5 type of concept. It serves Japanese Hibachi food, sushi rolls, poke
6 bowls, stir fry, and bento boxes, which are a serving of each of the
7 offered dishes. The way I like to describe it is they're a Japanese
8 version of Chipotle.

9 I previously submitted a copy of the menu to the Board. I
10 believe the Board has that for their review.

11 SECRETARY WAGNER: So would that be Exhibit 1?

12 MR. BROOKSTEIN: Exhibit 1, thank you. Just like Chipotle,
13 rather than sitting down being served, this is a quick and efficient
14 way, where it brings a fast, hot, casual meal made fresh to the public.
15 They anticipate and they're in the process of opening a number of
16 locations along the northeast.

17 In considering an application for conditional use permit, of
18 course, you consider the factors as outlined in the Town Code, which
19 I'll mention momentarily.

20 I think it's safe to say that this shopping center located on
21 Glen Code Road in Carle Place, the proposed use as such a character,
22 size, location, design, and site layout, to be appropriate and in
23 harmony with the community. The use will provide a desirable
24 service, facility, and convenience to the area. You might not think
25 that another fast, casual restaurant would serve that, but it does.
26 It creates jobs, provides food options, especially for folks who are

1 responsible for bringing home dinner that night. It provides also
2 a healthy option for members of the community and desired by the
3 community.

4 The proposed use, I respectfully submit it's not hazardous,
5 conflicting, or incongruous to the immediate neighborhood by reason
6 it upsets the traffic, excessive persons or vehicles in proximity
7 to the school or pedestrians. This is a well-established shopping
8 center.

9 This space was previously part of the Hale and Hearty space,
10 and we respectfully submit it's harmonious with the district for the
11 reasons that I outlined previously.

12 I'm happy to answer any question that the Board may have.

13 VICE CHAIRMAN FRANCIS: Hours of operation?

14 MR. BROOKSTEIN: I'm sorry?

15 VICE CHAIRMAN FRANCIS: Hours of operation.

16 MR. BROOKSTEIN: Unfortunately, I do not have that, but if I
17 can just circle back. I would imagine it's consistent with a similar
18 to a Chipotle use, which from personal experience, opens at 11:00
19 for breakfast or early lunch, and usually closes 8:00 or 9:00 at
20 night. I can confirm that.

21 MEMBER DONATELLI: How many seats do you anticipate?

22 MR. BROOKSTEIN: I believe that the plans show approximately
23 25 seats.

24 CHAIRMAN MAMMINA: In terms of the seats, and I'll give you
25 another count as well. Other than the ones that are right against
26 the glass of the wall, are the other tables fixed in place, or are

1 those moveable? And I ask the question only because we want to make
2 sure that it's on the record that those, however many seats that adds
3 up to, don't end up being 25 percent more seats, when it's not, you
4 know, it's not. I know the shopping center very, very well. I don't
5 think it would impact it, but who knows? I don't know. So you
6 understand that?

7 MR. BROOKSTEIN: I do, Mr. Chairman. While I do not know if
8 the seats are permanently affixed, but we would agree to any
9 additional conditions that the Board would impose limiting the amount
10 of seats that is depicted on the plan. Should the applicant want
11 to change, we would come before this Board.

12 CHAIRMAN MAMMINA: That's reasonable, yes, because the seats
13 we wouldn't ask, but the -- it's not McDonald's, you know, but the
14 tables -- but no, I think that's a very good suggestion on how to
15 solve that, yes.

16 MEMBER DONATELLI: I just did an informal count based on the
17 plans that are before us. It looks like there are 31 seats that are
18 shown against the front wall and the side wall, and then what is marked
19 as the seating area. It looks like 31. And of course, some of those
20 seats appear to moveable so that there's a handicap access to the
21 table in lieu of two seats. It's not like that appears to be the
22 case. And certainly, in my experience that would be in keeping with
23 what was once Hale and Hearty, and in keeping with many of the
24 locations in that shopping center.

25 I'm always troubled by the fact that we get these delicious menus
26 right around lunchtime.

1 VICE CHAIRMAN FRANCIS: Always.

2 CHAIRMAN MAMMINA: Unfortunately, COVID hurt that shopping
3 center. That's my neighborhood there. Aldi appears to fill the
4 parking lot now.

5 VICE CHAIRMAN FRANCIS: Yeah, right.

6 CHAIRMAN MAMMINA: Where with the previous tenants that wasn't
7 the case, so. It's a good thing for the economy of the shopping
8 center owner. I know he lost substantial money doing that, but it's
9 all good.

10 MEMBER DONATELLI: We have a garbage cooler side.

11 CHAIRMAN MAMMINA: What about the exhaust fans for the cooking.
12 I think it's shown on here. I see it. It's towards the back. Yeah,
13 it's the kitchen diagram. Of course, that goes through the fire
14 marshal. That's not our purview if everything's correct. I think
15 this is M-14. I'm just saying because I don't think it has any hours
16 of limitation per se, but usually that shopping center is closed up
17 by 11:00 or so.

18 MEMBER DONATELLI: Any other questions from the Board?

19 VICE CHAIRMAN FRANCIS: You're going to be making a second
20 application for the signage?

21 MR. BROOKSTEIN: If any applications are required for any of
22 the proposed signage, we'll make any application as necessary.

23 MEMBER DONATELLI: I don't see any signage application.

24 VICE CHAIRMAN FRANCIS: I didn't either.

25 MEMBER DONATELLI: Mr. Chairman, I'll make a motion that we
26 grant the application subject to standard restaurant conditions.

1 CHAIRMAN MAMMINA: We have a motion by Member Donatelli. Do
2 you have a second?

3 VICE CHAIRMAN FRANCIS: Second.

4 CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis. Please
5 poll the Board.

6 SECRETARY WAGNER: Member Goodsell?

7 MEMBER GOODSSELL: Aye.

8 SECRETARY WAGNER: Member Donatelli?

9 MEMBER DONATELLI: Aye.

10 SECRETARY WAGNER: Vice Chairman Francis?

11 VICE CHAIRMAN FRANCIS: Aye.

12 SECRETARY WAGNER: Chairman Mammina?

13 CHAIRMAN MAMMINA: Aye. Application is granted.

14

15

16 SECRETARY WAGNER: Somebody want to move to adopt SEQRA?

17 MEMBER GOODSSELL: I'll move it.

18 CHAIRMAN MAMMINA: That's Member Goodsell.

19 SECRETARY WAGNER: Second?

20 VICE CHAIRMAN FRANCIS: I'll second.

21 CHAIRMAN MAMMINA: Seconded by Vice Chairman Francis.

22 SECRETARY WAGNER: All in favor?

23 BOARD MEMBERS: Aye.

24 (Whereupon, the Proceedings concluded at 11:39 A.M.)

25

26

C E R T I F I C A T E

STATE OF NEW YORK)

SS.:

COUNTY OF NASSAU)

I, Mariesel Berrios, a Shorthand (Stenotype) Reporter and Notary Public, do hereby certify that the foregoing Proceedings, taken at this time and place aforesaid, is a true and correct transcription of my shorthand notes.

I further certify that I am neither counsel for nor related to any party to said action, nor in any wise interested in the result our outcome thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of July, 2025.



MARIESEL BERRIOS