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M I N U T E S  
OF THE MEETING  
OF THE  
BOARD OF ZONING AND APPEALS  
INCORPORATED VILLAGE OF LAKE SUCCESS

June 16, 2025

7:30 p.m.

PRESENT:

- |                  |          |
|------------------|----------|
| DAVID N. MILNER, | CHAIRMAN |
| LISA W. DAVIS,   | MEMBER   |
| STEPHEN LEVINE,  | MEMBER   |
| ANDREW ACKERMAN, | MEMBER   |

ANDREA TSOUKALAS CURTO, ESQ. - ATTORNEY TO THE BOARD

Also Present:

- Stefan DeAlbuquerque - Building Department
- Lawrence Farkas - Trustee

1 CHAIRMAN MILNER: Welcome, everybody.

2 I apologize for being a little late tonight.

3 I am going to call the meeting of the  
4 Village of Lake Success Zoning and Appeals  
5 Board meeting to order.

6 We have, I believe, one matter before  
7 us tonight, and that is Case Number 2025-0067,  
8 a request submitted by the owners of 335 Old  
9 Lakeville Road, for an appeal to construct a  
10 new one-family dwelling exceeding 30 feet in  
11 height, which is not permitted, pursuant to the  
12 Village's Code.

13 Who is presenting on behalf of the  
14 applicant?

15 MS. ZHANG: My name is Emma. My name  
16 is Emma Zhang, I am here presenting for the  
17 homeowner here.

18 CHAIRMAN MILNER: Okay. I ask that you  
19 speak up so we can all hear you.

20 MS. ZHANG: Okay.

21 MS. WEBER: I'm sorry, I can't hear  
22 you, David.

23 MS. ZHANG: So, good evening, my name  
24 is Emma from HT Associates.

25 CHAIRMAN MILNER: And the last name?

1 MS. ZHANG: Zhang, Z-H-A-N-G.

2 I am the project architect representing  
3 for the owner of 335 Old Lakeville Road.

4 Here -- if you have the diagram here in  
5 the package, the building diagram, you can take  
6 it out, I think it's easier to the  
7 presentation. It looks like this.

8 CHAIRMAN MILNER: Okay.

9 MS. ZHANG: So here we are proposing to  
10 build a two-story single family residence on  
11 the property that currently contains a existing  
12 two-story house.

13 The site is currently located on the  
14 naturally sloped lot with approximately  
15 elevation change of 11 feet from the curb  
16 elevation to the existing average grade.  
17 According to the Village Code, the building  
18 height is measured from the curb elevation,  
19 which is 213.25, and based on that definition,  
20 our proposed new building will be 10 feet over  
21 the Zoning required.

22 And in the diagram you can take a look,  
23 the blue color representing the existing house  
24 which the ridge height is at 257.32, and for  
25 the purple color the ridge height -- the purple

1 color is representing what we propose for the  
2 new building, and the proposed ridge height is  
3 253.63, which is actually lower than existing  
4 house ridge height.

5 So here, even though the proposed new  
6 building is more than required Zoning height,  
7 but it's still lower than existing house. So  
8 here we are requesting a variance to allow  
9 building height to be measured from the average  
10 existing grade, which is approximately 224 feet  
11 rather than from the curb. This is a common  
12 sense adjustment that reflects the true  
13 topography condition of the lot and avoids  
14 unnecessary hardship that would result from  
15 attempting to regrade or excavating the entire  
16 site.

17 The proposed home has been carefully  
18 designed to remain consistent with the  
19 neighborhood character, minimize visual impact  
20 and respect bulk and scale with Zoning  
21 regulations.

22 And we believe the request is  
23 reasonable, and we respectfully ask for your  
24 support.

25 Thank you.

1 CHAIRMAN MILNER: Thank you.

2 Members of the Board, any questions?

3 (Whereupon, there was no response.)

4 CHAIRMAN MILNER: No questions.

5 Now, when we go through the criteria  
6 for approving a variance, I notice, number one,  
7 this is self-imposed, because your clients have  
8 opted to build a home taller than is permitted.

9 MS. ZHANG: Okay.

10 CHAIRMAN MILNER: In other words,  
11 alternatives, and we are supposed to grant  
12 variances that are the least intrusive.

13 So have you spoken to the Village's  
14 Building Department to see whether there was a  
15 way that you could perhaps accomplish what you  
16 want for your clients and staying within the  
17 Village Code, or not going up as high as  
18 10 feet over?

19 And I appreciate that the current  
20 structure is larger, but you are tearing it  
21 down.

22 MS. ZHANG: Yes.

23 CHAIRMAN MILNER: So there is no  
24 grandfathering.

25 MR. YANG: Permission to speak?

1                   My name Jerry Yang, HT Associate, I'm  
2                   principal of the firm too.

3                   So, yes, we spoke to Building  
4                   Department regarding to this matter. And,  
5                   however, since existing home is a two story  
6                   already and we're trying to, again, build on  
7                   two stories, even with the two stories we will  
8                   still be over the building height limitation  
9                   because there is -- the huge difference is made  
10                  from the main curb level to the existing  
11                  natural grade of the building -- of the lot  
12                  actually.

13                  So essentially in order to achieve a  
14                  new building on existing lot with a two story,  
15                  we will have to excavate the whole entire site.  
16                  We are learning, meaning we have to flatten out  
17                  11 feet of soil, or the only option that we  
18                  have is to build one-story house.

19                  MS. ZHANG: Which is even hard.  
20                  Because including the ridge height it will be  
21                  a -- only 30 feet allowed from the curb.

22                  MR. YANG: Right.

23                  CHAIRMAN MILNER: The requesting of a  
24                  10 foot variance might not be approved, but  
25                  perhaps the request of a shorter variance, a 5

1           foot variance, I am just saying hypothetically,  
2           that might be approved by the Village.

3                   MR. YANG: I understand that. It's  
4           just natural grade of the existing site, we are  
5           talking about 11 feet different from the curb  
6           level, which by Code, the higher the building  
7           needs to be measured from the main curb level.  
8           Again, we are talking about 11 feet of  
9           difference here.

10                   It's extreme hardship for my client  
11           without knowing, you know, this Code prior to  
12           purchasing the house, and now they find out  
13           they have to excavate 11 feet of soil in order  
14           to build a house they dreamed of.

15                   MS. CURTO: Do you know of any other  
16           homes that received variances for height in  
17           this area?

18                   MR. YANG: Not in this particular area  
19           I would say.

20                   MS. CURTO: Do you know of any other  
21           homes in this area that have a mansard roof?

22                   MR. YANG: Mansard roof? Yes, I  
23           believe so within the Village, yes.

24                   MS. CURTO: Within the Village in this  
25           area?

1 MS. ZHANG: Yes.

2 MR. YANG: Yes.

3 MS. CURTO: Okay.

4 I didn't know if that was the character  
5 or not. I didn't think that we had a lot of  
6 flat roofs in this area.

7 CHAIRMAN MILNER: We've got a difficult  
8 situation. We like to accommodate our  
9 residents, yet we are always very, very  
10 concerned is if we allow one resident a 10 foot  
11 variance on height of their home, the next  
12 resident might want a 12 foot variance.

13 MR. YANG: I understand that.

14 CHAIRMAN MILNER: We try -- for  
15 variances we'll work with the homeowner, we ask  
16 that the homeowner work with our Building  
17 Department to try to come up with a suitable  
18 compromise, that's been our policy.

19 I mean, are you saying there is no  
20 possible way that you could design the home so  
21 that it accomplishes what your clients want and  
22 with the Village mandates?

23 MR. YANG: It will be very huge  
24 deviation from our design, from what the  
25 homeowner prefer.

1                   CHAIRMAN MILNER: Again, I don't mean  
2                   to sound harsh, but your clients chose this  
3                   piece of property. If their intention was to  
4                   tear down the home and build a new home, they  
5                   should have made sure that they could  
6                   accomplish their dream home on the property as  
7                   it was without assuming or hoping that the BZA  
8                   would grant the variance.

9                   MR. YANG: Yeah.

10                  MEMBER ACKERMAN: This shows a 10 foot  
11                  high basement which is fairly high.

12                  MR. YANG: Yeah.

13                  MEMBER ACKERMAN: Is there any  
14                  opportunity to reduce that?

15                  MR. YANG: We can reduce it, but then,  
16                  you know, we are trying to excavate more for  
17                  the house itself, so to compensate for the  
18                  10 feet, but I mean obviously we can lower to  
19                  8, 9 feet of ceilings, but, again, that will  
20                  give us additional 1 feet of a difference.

21                  MEMBER ACKERMAN: Right, instead of 10.

22                  MR. YANG: Yeah.

23                  MR. DeALBUQUERQUE: You are showing  
24                  seven steps going into the front door, which I  
25                  am a little confused about, because that's

1 pushing the height of the house up.

2 MS. ZHANG: Right.

3 MR. YANG: Give me a second.

4 MS. ZHANG: I think it's because of --  
5 I think one of the grade is 226.5, you see the  
6 rear elevation, so I think it's because of  
7 that.

8 MR. DeALBUQUERQUE: You could do a  
9 reverse interior brick shelf, where you drop  
10 the flow package into foundation, and it will  
11 drop the house.

12 MS. CURTO: How many feet would that  
13 drop the house?

14 MR. DeALBUQUERQUE: Like maybe a foot  
15 and a half.

16 CHAIRMAN MILNER: Foot and a half,  
17 you've got a foot for the basement, we are  
18 getting there, we are moving along slowly.

19 MR. DeALBUQUERQUE: Again, as I had  
20 mentioned to you, the Planning Board is going  
21 to have to approve the house as well.

22 MR. YANG: Yeah.

23 MR. DeALBUQUERQUE: The mansard roof I  
24 mentioned to you, they really don't like that  
25 style and flat roofs in the Village so, you

1 know, if you had a regular roof rafter where  
2 it's a pitched roof, then you can go to the mid  
3 rafter, and we had discussed that as well. So  
4 the flat roof is hurting you and the grade is  
5 hurting you.

6 MR. YANG: Yes.

7 MS. ZHANG: Yes. We actually knew that  
8 we going to go through this process, if any  
9 design change we need to make for the  
10 appearance or for the roof. I mean if we can  
11 still remain the existing house height, then we  
12 can, of course, like, shift -- discuss with  
13 homeowner and maybe design something that she  
14 likes and also Village likes.

15 CHAIRMAN MILNER: I think that's an  
16 excellent idea. And if you like we can  
17 continue the hearing, allow you to speak to the  
18 homeowner, make whatever changes, and if you  
19 still need a variance afterwards, come back to  
20 us and we can continue our discussion on that.

21 MS. ZHANG: You mean the variance of  
22 the height?

23 CHAIRMAN MILNER: Yes. If you are  
24 still going to be 10 feet above or whatever  
25 number --

1 MS. ZHANG: I think no matter what  
2 option, the homeowner still want two-story  
3 house, I think that's the baseline.

4 MS. CURTO: What the Board is telling  
5 you is that you have to look for mitigating  
6 ways to reduce the height, that's number one.  
7 Number two, you have to go to the Planning  
8 Board, and they are going to look at the  
9 architecture, and that may impact your height  
10 variance as well.

11 MS. ZHANG: Okay.

12 MS. CURTO: So what we recommend to  
13 you, you don't have to do this, but what we  
14 recommend is that you amend your plan, go to  
15 the Planning Board, see what they have to say  
16 in terms of the aesthetic and, you know, what  
17 they want with the height and what they want  
18 with the roof lines. And then if you still  
19 need a variance, they are saying you can come  
20 back, you don't have to file a new application,  
21 they are continuing the hearing, you come back  
22 with that revised plan.

23 MR. YANG: Essentially what the Board  
24 suggesting us go through the Planning Board  
25 first to secure a facade look, aesthetic look

1 for design.

2 MS. CURTO: And also take a hard look  
3 as to how you can redesign to lower the height,  
4 because you do have some alternatives.

5 MR. YANG: Yeah, we do.

6 MS. CURTO: So you have to be a little  
7 creative. Instead of maybe a 10 foot variance,  
8 you come in with something less, which is what  
9 the Chairman said.

10 MEMBER DAVIS: How many residents are  
11 going to be occupying the house?

12 MR. YANG: It will be a family of four  
13 with --

14 MS. XIE: Grandma, grandpa.

15 MS. ZHANG: At least eight adults going  
16 to be.

17 MEMBER DAVIS: Eight adults?

18 MS. XIE: Including kids and family  
19 members, yeah.

20 MR. XIE: Including kids.

21 MS. XIE: Seven.

22 CHAIRMAN MILNER: You want to raise  
23 your concerns about the safety?

24 MEMBER DAVIS: Yeah.

25 I only have one concern having nothing

1 to do with the height of the roof.

2 335 Old Lakeville Road is in front,  
3 which leads into a cul-de-sac with 20 homes in  
4 the back of Jeffrey Lane, that is not a large  
5 roadway.

6 MR. YANG: Right.

7 MEMBER DAVIS: And when we have a  
8 landscaping truck parked in the roadway in  
9 front of that premises, there are always  
10 potential accidents, the police sometimes have  
11 to ask the landscaping truck to move, it's a  
12 public safety issue.

13 If you are going to have construction  
14 trucks doing demolition and then a rebuild with  
15 the trucks using that roadway of Old Lakeville  
16 Road, school buses are not going to be able to  
17 get through, residents are not going to be able  
18 to get through, it's going to be a real  
19 problem. So I think you have to make certain  
20 that all the trucks -- that's a deep  
21 property --

22 MR. YANG: It is.

23 MEMBER DAVIS: -- you have to be  
24 confined up and into the property and not on  
25 the roadway.

1                   MR. YANG: That's my next point I  
2                   actually want to bring up. With your concerns  
3                   with the safety, especially during construction  
4                   and landscaping later on, they do have a very  
5                   huge frontage, also the backyard, which the  
6                   property itself is situated somewhere in the  
7                   middle of the entire property, which gives them  
8                   enough driveways for them to park actual cars.

9                   MEMBER DAVIS: Right. I am concerned  
10                  about the trucks.

11                  MR. YANG: Yes.

12                  MEMBER DAVIS: So you have a very large  
13                  frontage, very landscaped, you can't even see  
14                  the house from the roadway.

15                  MR. YANG: You can't.

16                  So essentially what I am trying to say  
17                  is they have a large property in the back, even  
18                  during construction, the demolition, the  
19                  general contractor guys able to bring their  
20                  truck to the back of the rear yard and able to  
21                  do the work.

22                  MEMBER DAVIS: No one can be in the  
23                  roadway --

24                  MR. YANG: Definitely not.

25                  MEMBER DAVIS: -- obstructing traffic,

1 pedestrian traffic or vehicular traffic.

2 MR. YANG: Yeah. Matter of fact  
3 potential general contractor is here with us,  
4 you know, this way he is able to know it.

5 MR. AHDOOT: I agree with you.

6 CHAIRMAN MILNER: All right. So would  
7 you want us to continue the hearing?

8 MS. WEBER: Could I --

9 CHAIRMAN MILNER: Be with you in a  
10 second.

11 MR. YANG: Yes, we would actually like  
12 to continue with hearing, contingent on the  
13 Planning Board, we have to figure out the  
14 design, approval with them, and then figure out  
15 different design for the roof, maybe we're able  
16 to shrink the height limitation.

17 CHAIRMAN MILNER: My recommendation is  
18 you do it as a joint effort with our Building  
19 Department. They are here to work with you to  
20 say yes, they are not here to say no, here to  
21 make it work.

22 MR. YANG: Yeah.

23 CHAIRMAN MILNER: State your name for  
24 the record please?

25 MS. WEBER: Anita Weber, 329 Old

1 Lakeville Road.

2 And I got a letter that there was a  
3 variance required, a registered letter,  
4 certified letter, and to come to this meeting  
5 because I guess to find out what's going on  
6 next door to me.

7 You are right, Old Lakeville Road goes  
8 into Jeffrey Lane, and there's only four houses  
9 on Old Lakeville Road, and I am one of them,  
10 and it's fairly narrow with a turn, a big turn.

11 MEMBER DAVIS: It's dangerous.

12 MS. WEBER: Yes, to go into Jeffrey  
13 Lane.

14 And my driveway goes next to their  
15 driveway, so if there are big trucks that could  
16 be a problem because in front is land that I  
17 think belongs to the Village or to Nassau  
18 County, but there is those big boulders and  
19 plants, it's pretty, but if trucks go in there  
20 it will get all messed up.

21 My next question is the size of the  
22 house, because it's already on a hill. You  
23 know, that was Miss Sussman's house, she lived  
24 there forever, I am there 40 years, she was  
25 there, like, 50 years, and the house is on a

1 hill, so if you add 10 feet to the hill, it --

2 CHAIRMAN MILNER: No, actually the  
3 proposed home that they are asking for the  
4 variance would be lower than what you see, but  
5 it still exceeds the height by Code.

6 MS. WEBER: How huge the house would  
7 be? I have seen some houses built in the  
8 Village that are really massive. So what  
9 square footage are you thinking of?

10 MR. YANG: The square footage we're in  
11 compliance with Village regulation for the  
12 square footage of the house, we are not seeking  
13 a variance on square footage.

14 MS. WEBER: The land, the square  
15 footage of the land?

16 MR. DeALBUQUERQUE: The lot area and  
17 the floor area ratio conforms --

18 MS. WEBER: I'm sorry?

19 MR. DeALBUQUERQUE: The lot area and  
20 the floor area ratio is compliant with Village  
21 Code.

22 MS. WEBER: Okay.

23 CHAIRMAN MILNER: We are only concerned  
24 here with the height.

25 And the dilemma is they are on a hill,

1           which is a substantial grade, so it would  
2           appear that they are asking for a variance  
3           really in how we measure the height so that  
4           their home --

5                     MS. WEBER:   And measure from the curb.

6                     CHAIRMAN MILNER:   Right, from the  
7           average --

8                     MR. DeALBUQUERQUE:   It's from the  
9           average curb height.

10                    CHAIRMAN MILNER:   So that we would be  
11           able to approve the home as requested.

12                    And what we are suggesting is they take  
13           an effort to redesign the property so they  
14           could perhaps drop the height, still have what  
15           the family wants, come closer to complying with  
16           Village Code.   And then hopefully the Planning  
17           Board will give them permission for their  
18           design and then we will come back and give them  
19           potentially approval on the Zoning variance.

20                    MS. WEBER:   The Village doesn't allow  
21           two-family houses, right?

22                    CHAIRMAN MILNER:   No two-family house.

23                    MS. ZHANG:   It's one family.

24                    MR. YANG:   Yes.

25                    MS. WEBER:   Extended family living in

1           it.

2                   MEMBER DAVIS: That's fine.

3                   MS. CURTO: That's fine.

4                   MEMBER DAVIS: It's not a two-family  
5           house.

6                   MR. DeALBUQUERQUE: Another question,  
7           so the grade in the rear left corner goes up  
8           2 feet, so if you did a retaining wall in that  
9           back corner so that you could drop the  
10          foundation lower --

11                  MR. YANG: I'm sorry?

12                  MR. DeALBUQUERQUE: So you mentioned  
13          the grade is 226.5 in the rear left corner.

14                  MR. YANG: Yes.

15                  MR. DeALBUQUERQUE: If you did a  
16          retaining wall further away from the house so  
17          that you can lower the foundation, you would  
18          gain, you know, 2 feet there, plus the reverse  
19          brick shelf, you would gain about 3 feet.

20                  And I think Michael wants to say  
21          something.

22                  MR. AHDOOT: Michael Ahdoot, Empire  
23          Homes, 445 Northern Boulevard.

24                  I just want to make sure I understand  
25          something Mr. DeAlbuquerque said. You said if

1 the house -- the design of the house was  
2 different and it had a full pitched roof --

3 MR. DeALBUQUERQUE: Right.

4 MR. AHDOOT: -- you would measure the  
5 height of the house differently than it was a  
6 flat roof?

7 MR. DeALBUQUERQUE: Correct.

8 MR. AHDOOT: It would comply?

9 MR. DeALBUQUERQUE: It would get closer  
10 into compliance.

11 MR. AHDOOT: So by your 2 feet of the  
12 retaining wall and another foot and a half of  
13 reverse shelf --

14 MR. DeALBUQUERQUE: Right.

15 MR. AHDOOT: -- and making -- just  
16 changing the design to make it a full pitched  
17 roof, and I think the Village would prefer to  
18 have a full pitched roof rather than a mansard  
19 roof, I think you could solve your problem --  
20 almost solve all of our problems.

21 MR. DeALBUQUERQUE: That was the  
22 initial conversation we had.

23 MR. AHDOOT: Could solve everything  
24 tonight almost perhaps hopefully.

25 I believe the Village prefers a pitched

1 roof rather than a flat roof.

2 CHAIRMAN MILNER: Make any motions to  
3 continue the hearing?

4 MS. CURTO: Do you have anything more  
5 to state?

6 MR. YANG: No, I think we are good. I  
7 will take the suggestion from the Board, we'll  
8 go to Planning with the changes and come back  
9 if we do require additional variance. I am  
10 fully confident we still need a variance, it  
11 just will be how much variance, we're able to  
12 try to get much closer to conform to the  
13 building height.

14 CHAIRMAN MILNER: What it sounds to me  
15 is a foot for the basement, 2 feet for the  
16 retaining wall, foot and a half to drop the  
17 floor plan down a little bit, and then a roof  
18 that complies and gets measured differently,  
19 you will probably get very, very close, you may  
20 need a small variance, and probably be able to  
21 work with you. I can't make a promise, I can  
22 say we have an open mind.

23 MR. YANG: We do get more height able  
24 to get accomplished because measure from the  
25 main roof of the height rather than top of the

1 roof.

2 MS. ZHANG: Can I say something?

3 CHAIRMAN MILNER: Sure.

4 MS. ZHANG: So even though we  
5 measure -- even just assuming we have the  
6 pitched roof and we measure from the curb  
7 level, then that means the homeowner still can  
8 only have one story, right? Maybe plus a  
9 little bit attic?

10 MR. DeALBUQUERQUE: Right now your  
11 foundation is, like, 2 and a half feet above  
12 grade because of the rear corner, and what we  
13 just discussed before is going to get you down  
14 about 3 feet. And then if you get creative  
15 with the gables, the series of gables, smaller  
16 gables, you are going to get close.

17 MS. ZHANG: Okay.

18 MR. YANG: Mr. Stefan recommending drop  
19 this.

20 MS. ZHANG: Okay. Got it.

21 MR. DeALBUQUERQUE: Maybe one step into  
22 the front door at that point.

23 MS. ZHANG: Okay.

24 CHAIRMAN MILNER: Make a motion?

25 MS. CURTO: Yes.

1                   CHAIRMAN MILNER: I would like to make  
2                   a motion that we continue this hearing to a  
3                   date to be determined.

4                   Second?

5                   MEMBER DAVIS: Second.

6                   CHAIRMAN MILNER: All those in favor?  
7                   Steve?

8                   MEMBER LEVINE: Yes.

9                   CHAIRMAN MILNER: I say yes.  
10                  Lisa?

11                  MEMBER DAVIS: Yes.

12                  CHAIRMAN MILNER: Andrew?

13                  MEMBER ACKERMAN: Yes.

14                  CHAIRMAN MILNER: Four yes.

15                  Thank you very much for your time, and  
16                  we look forward to seeing you again.

17                  (Whereupon, the Zoning Board of Appeals  
18                  hearing stood adjourned.)

19                  \*\*\*\*\*

20                  CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT  
21                  OF THE ORIGINAL STENOGRAPHIC MINUTES TAKEN OF  
22                  THIS PROCEEDING.

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24  
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\_\_\_\_\_  
MARY KATE WALDRON  
COURT REPORTER