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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

August 18, 2025
7:30 p.m.

PRESENT:

- DAVID N. MILNER, CHAIRMAN
- LISA W. DAVIS, MEMBER
- DAVID GRABER, MEMBER
- STEPHEN LEVINE, MEMBER
- DAVID FALLICK, MEMBER
- ANDREW ACKERMAN, MEMBER
- JEFF GOODWIN, ALTERNATE MEMBER
- MARC VOSES, ALTERNATE MEMBER

GREGORY KALNITSKY, ESQ. - ATTORNEY TO THE BOARD

Also Present:
Stefan DeAlbuquerque - Building Department
Lawrence Farkas - Liaison Trustee

1 CHAIRPERSON MILNER: I am going to open
2 the meeting of the Board of Zoning and Appeals
3 for August. Welcome, everybody.

4 I will take an opportunity to introduce
5 two new alternates that today is their first
6 meeting, Jeff Goodwin and Marc Voses, so we
7 welcome them all.

8 Since we got a packed house tonight you
9 get to listen, you get to ask questions, sadly
10 you don't get to vote.

11 MEMBER GOODWIN: That's okay.

12 CHAIRPERSON MILNER: The first item we
13 have is Case 2025-0067, the owners of 335 Old
14 Lakeville Road.

15 This is a resubmission, if I am not
16 mistaken?

17 MR. YANG: Correct.

18 CHAIRPERSON MILNER: Who is presenting?

19 MR. YANG: She will be.

20 MS. ZHANG: I will be presenting.

21 CHAIRPERSON MILNER: Step on up,
22 introduce yourself, go on the record.

23 MS. ZHANG: My name is Emma, I am
24 presenting for --

25 CHAIRPERSON MILNER: Last name also

1 please.

2 MS. ZHANG: Emma Zhang.

3 CHAIRPERSON MILNER: You are on the
4 record, so we need it to be formal.

5 MS. ZHANG: Emma Zhang, Z-H-A-N-G, and
6 I am here presenting for 335 Old Lakeville
7 Road.

8 We are here to request to propose our
9 building height 3.08 more than it's requested,
10 30 feet. Since last variance request we have
11 already lowering the average grade to
12 222.63 feet from 224.0; and we also reduced the
13 first floor finish elevation from 227 to 223.5
14 with 1 feet above the average grade; and then
15 we also change the roof from French flat roof
16 to pitched roof; and then we also added -- we
17 actually maintain the retaining wall to help us
18 to minimize the site disruption.

19 Yeah, so that's it.

20 CHAIRPERSON MILNER: Also want to thank
21 you and the homeowners for working with our
22 Building Department to do as best as you could
23 to get the height to a conforming height, so I
24 very much appreciate that. We appreciate when
25 applicants are willing to work with us, so we

1 can almost give them what they want without
2 having too much of an adverse impact on the
3 Village as a whole.

4 MR. YANG: We try the best we can.

5 CHAIRPERSON MILNER: Thank you. I do
6 appreciate it.

7 MR. YANG: Thank you.

8 MS. ZHANG: Thank you.

9 CHAIRPERSON MILNER: Members of the
10 Board, any questions?

11 MEMBER DAVIS: No.

12 MEMBER FALLICK: I am trying to look at
13 the elevation here that you provided.

14 Without adding up the numbers quickly,
15 what is the actual height of the house from
16 grade to the top of the pitch?

17 MR. YANG: Top of ridge?

18 MS. ZHANG: Middle of the --

19 MR. YANG: High to the middle of the --
20 I'm sorry.

21 MEMBER FALLICK: What is the overall
22 height?

23 MR. YANG: Overall height will be
24 33.08.

25 MEMBER FALLICK: Three stories

1 basically.

2 MS. ZHANG: No, no.

3 MEMBER FALLICK: 33 feet.

4 MR. YANG: Two and a half stories.

5 MEMBER FALLICK: No, okay. 33 feet is
6 the answer of the overall height of the house.

7 MS. ZHANG: Yeah.

8 MEMBER FALLICK: Thank you.

9 MR. KALNITSKY: 33 feet is the mid
10 point of the roof.

11 MEMBER FALLICK: Right. Thank you.

12 CHAIRPERSON MILNER: Any other
13 questions, comments?

14 (Whereupon, there was no response.)

15 CHAIRPERSON MILNER: No one in the
16 audience? We have somebody in the audience.

17 MR. HAGEMANN: I am the next case.

18 CHAIRPERSON MILNER: I know that. I
19 figured that out all by myself.

20 MR. HAGEMANN: My opinion, I think it's
21 great.

22 MR. YANG: Thank you.

23 CHAIRPERSON MILNER: Then I am going to
24 make a motion that we approve the application
25 to grant the variance for Case Number

1 2025-0067, permitting the homeowners of 335 Old
2 Lakeville Road to construct their home,
3 notwithstanding that it exceeds the 30 foot
4 height variance in the Village by, I think it's
5 a little under 3 feet, it's actually 2 point
6 something; am I correct?

7 MS. ZHANG: It's 2.67.

8 CHAIRPERSON MILNER: Can I have a
9 second?

10 MEMBER DAVIS: I second.

11 CHAIRPERSON MILNER: I'll take a roll
12 call.

13 David?

14 MEMBER FALLICK: I approve.

15 CHAIRPERSON MILNER: Steve?

16 MEMBER LEVINE: I approve.

17 CHAIRPERSON MILNER: David?

18 MEMBER GRABER: I am going to abstain
19 because I didn't hear the original
20 presentation.

21 CHAIRPERSON MILNER: Lisa?

22 MEMBER DAVIS: I approve.

23 CHAIRPERSON MILNER: Andy?

24 MEMBER ACKERMAN: I approve.

25 CHAIRPERSON MILNER: I approve.

1 So we have four yeses and one
2 abstention.

3 Good luck on your construction. We
4 look forward to seeing it.

5 MR. YANG: Thank you, Members of the
6 Board.

7 MEMBER DAVIS: Lots of luck.

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1 CHAIRPERSON MILNER: Second matter,
2 this is Case Number 2025-0143, a request by the
3 homeowner of 9 Lake Road West, for a variance
4 to install a swimming pool where there is
5 insufficient rear yard which is not permitted
6 by the Village Code.

7 And you are presenting?

8 MR. HAGEMANN: Yes, I am, Mr. Chairman.

9 CHAIRPERSON MILNER: And you are?

10 MR. HAGEMANN: I am Peter Hagemann, I
11 am the architect, office is at 10 Mineola
12 Avenue, Roslyn Heights, New York 11577.

13 So I am --

14 CHAIRPERSON MILNER: Before you start,
15 I see you are holding some green cards?

16 MR. HAGEMANN: Yes. Who gets these?

17 MR. DeALBUQUERQUE: Right here.

18 CHAIRPERSON MILNER: Anybody's green
19 card not returned?

20 MR. HAGEMANN: A couple of -- a couple
21 of them did not come back. They were mailed
22 out, but they don't come back. These days the
23 post office I very rarely get those cards back
24 in time. Sometimes I get them back a month
25 from now.

1 CHAIRPERSON MILNER: You do have the
2 certified mail receipts?

3 MR. HAGEMANN: I do.

4 MR. DeALBUQUERQUE: Yes.

5 MR. HAGEMANN: I am the architect for
6 Nelson and Betty Leong, they are planning on --
7 they are living in the house now, planning on
8 knocking the house down and building a new
9 house, and part of that they are hoping to get
10 approval to build a pool.

11 So I'm sure you are all familiar with
12 the drawings. The pool violates the rear yard
13 setback. You have this drawing before you,
14 this is the pool in question, this is the rear
15 property line. If I were to draw -- this is
16 the 50 foot setback line here, and this happens
17 to be the envelope where we can place the
18 house. So if I were to comply with the 50 foot
19 rule, the pool would have to be something like
20 this here, which obviously wouldn't leave me
21 much room to build a house, and that's the
22 reason we are seeking this variance.

23 This is an aerial photo of that area.
24 Again, this is the subject property here. And
25 in the photo you can see there are a couple of

1 houses in the neighborhood that have pools, so
2 this is not without precedent. Because if you
3 look at this, this house, for instance, this
4 pool only has about a 20 foot setback, doesn't
5 comply with the rear yard setback. This house
6 has a pool but I see it's encroaching into the
7 side yard setback, so I'm assuming they got a
8 variance for that pool as well. This pool here
9 looks like very little setback in the rear yard
10 there, so, again, I don't think that pool
11 either complies with the 50 foot setback. Also
12 this pool is in the side yard, so I'm assuming,
13 I didn't do the FOIL request, I'm assuming they
14 obtained variances for those pools, so I don't
15 think it's without precedent.

16 This property, by the way, is
17 21,300 square feet where 40,000 is required.
18 This property is about half the size of what's
19 required in this residential zone, and that's
20 one of the problems when we try to fit a house
21 on it, it's very difficult to maintain the
22 setbacks, we've done it. The house we are
23 proposing will not require a variance, so
24 fortunately I won't be back before you guys,
25 but we do make it comply, it's just the pool

1 that's the issue.

2 Of course, the client is very desirous
3 of having a pool, it's one of their
4 requirements that they asked me when I designed
5 the house to accommodate a pool. We did as
6 best we could.

7 CHAIRPERSON MILNER: I reviewed the
8 plans. There seems to be an outdoor deck?

9 MR. HAGEMANN: Yeah. Are you talking
10 about the existing deck or proposed?

11 CHAIRPERSON MILNER: I was looking at
12 your plans, I am not sure if that's existing or
13 proposed construction.

14 MR. HAGEMANN: There is an existing
15 deck that will come down, there's also an
16 existing shed.

17 CHAIRPERSON MILNER: What we are
18 looking at, that drawing, is that existing or
19 the proposed construction?

20 MR. HAGEMANN: No, this is the proposed
21 deck.

22 CHAIRPERSON MILNER: So there is a deck
23 outside between the home and the pool?

24 MR. HAGEMANN: Correct.

25 CHAIRPERSON MILNER: How deep is that

1 deck?

2 MR. HAGEMANN: In terms of distance?

3 CHAIRPERSON MILNER: Between the house
4 and the pool.

5 MR. HAGEMANN: I can tell you that.

6 MEMBER FALLICK: About 14 feet, right?

7 MR. HAGEMANN: I would say you are
8 probably right. Close 16, 16 feet from this
9 part of the house. The house jogs, so from the
10 worst case here it's 16 feet, over here it
11 would be about 14.

12 CHAIRPERSON MILNER: Not knowing what
13 is permitted with pools and how close they can
14 be to a home, any thought of perhaps reducing
15 the size and depth of that deck to allow the
16 pool to move a little bit closer to the home?

17 MR. HAGEMANN: Closer to the house?
18 That's a little bit of an issue because when
19 they excavate for the pool, it can impact the
20 foundation of the house. There will be a
21 basement under this house.

22 I didn't mention it, but I did make the
23 pool a little smaller, it's a 16 by 36,
24 standard pool would be 20 by 40, so I did
25 decrease it a little bit. One of the reasons I

1 made it 16 is to keep it away from the house as
2 much as possible.

3 MEMBER FALLICK: How big is the house,
4 Peter, how many square feet?

5 MR. HAGEMANN: It's proposed to be
6 4,098 square feet where 4,260 is allowed, so
7 it's just under the allowable. It's a four
8 bedroom house.

9 MEMBER ACKERMAN: What borders --
10 what's the adjacent property behind the pool?

11 MR. HAGEMANN: That's a good question.

12 MEMBER FALLICK: It's Queens, right?

13 MR. HAGEMANN: Yes, it's Queens. It's
14 this block right here. So this is the house.
15 You see the house immediately behind it has a
16 deck that goes right up, there's zero lot line
17 there. Obviously in Queens you can build right
18 up to the property line. So that would be the
19 house most affected by it, yeah, that's the
20 Queens border right there.

21 MEMBER VOSES: What's that blue
22 rectangle next to the house?

23 MR. HAGEMANN: That's a good question
24 too. I thought that was a pool, it's not, it's
25 a sports court. First I thought, oh, it's a

1 pool, we got a great example, but, no, it's a
2 sports court.

3 MEMBER VOSES: If someone wanted to put
4 a pool in Queens, what's the setback?

5 MR. HAGEMANN: Well, you see here, you
6 got a pool right there.

7 MEMBER VOSES: Do you know what the
8 setback requirements are?

9 MR. HAGEMANN: No, I do not. I see a
10 pool here, again, right up to the property
11 line.

12 MEMBER FALLICK: And you are proposing
13 a 4 foot high fence along the back?

14 MR. HAGEMANN: Yes, that's a required
15 pool enclosure.

16 CHAIRPERSON MILNER: Any other
17 questions?

18 (Whereupon, there was no response.)

19 CHAIRPERSON MILNER: We have not
20 gotten, Stefan, any objections that we know of,
21 nothing came in in writing?

22 MR. DeALBUQUERQUE: No, nothing, no
23 phone calls, nothing.

24 MEMBER VOSES: Stefan, do you know what
25 the story is with the other pools?

1 MR. DeALBUQUERQUE: I don't. I'd have
2 to look into it.

3 I do agree with Dave, I think you can
4 push the pool closer to the house, probably get
5 around 30 feet to the rear yard line but, you
6 know, the lounge area, instead of being where
7 you have lounge chairs up against the house,
8 you know, they could be on the shorter side of
9 the pool, you could build out the patio. That
10 was one of the suggestions we had.

11 MR. HAGEMANN: It can be done. I can
12 put -- pull the pool closer to the house, it's
13 just a little bit more engineering work needs
14 to be done to make sure that it doesn't
15 undermine the house. If that's something the
16 Board would require we will certainly comply
17 with that.

18 MEMBER VOSES: What kind of pool is it?

19 MR. HAGEMANN: It will be a gunite
20 pool.

21 MEMBER VOSES: Does it have static
22 pressure that would push the water into the
23 basement potentially?

24 MR. HAGEMANN: Rule of thumb anything
25 like that 20 feet away from the foundation,

1 whether it's a pool or a drywell, just a rule
2 of thumb, but that's not to say you can't -- I
3 have designed pools in basements, it can be
4 done, it just needs to be engineered properly.

5 So I think we would be open to -- I
6 don't know about 30 feet, that would be jamming
7 the pool right up against the house, but maybe
8 25 feet as a compromise setback, 25 foot rear
9 yard setback as opposed to 20.

10 MEMBER FALLICK: So you are knocking
11 down the existing structure?

12 MR. HAGEMANN: Correct.

13 MEMBER FALLICK: Any other excavating
14 that you are going to have to do beside the
15 pool?

16 MR. HAGEMANN: There's going to be
17 drywells that need to be installed when the
18 house -- when you build the house.

19 CHAIRPERSON MILNER: Are you putting
20 new foundation for the home?

21 MR. HAGEMANN: It's completely new.
22 Tear out the old, build a new house.

23 You see the drywells, they are located
24 on the drawing, these round circles, one here,
25 one there.

1 MEMBER VOSES: Can you tell me why the
2 house has to be right there?

3 MR. HAGEMANN: The house has to fit
4 within that red -- 50 foot setback to the
5 house, 50 foot front yard setback and then side
6 yards have to total I believe --

7 CHAIRPERSON MILNER: If they didn't go
8 there, they'd be here for a variance for
9 something else to move closer to one of the
10 other property lines.

11 MR. HAGEMANN: Correct. You are going
12 to have a 75 foot aggregate side yard, that's
13 exactly what we have. This house is just right
14 to the numbers, and that's a function of the
15 property being undersized.

16 MR. DeALBUQUERQUE: This is actually
17 the second redesign Peter did on the house,
18 because we met twice on it already.

19 MR. HAGEMANN: We've been working very
20 hard to get this house to comply.

21 CHAIRPERSON MILNER: One question. Did
22 I get a sense that the homeowner might be
23 willing to move the pool a bit closer to the
24 house?

25 MR. HAGEMANN: He is supposed to be

1 here, I don't know why he is not. I'm pretty
2 sure he will be open to that.

3 CHAIRPERSON MILNER: I tend to agree, I
4 don't think you want to get it 10 feet closer
5 to the house, maybe somewhere in between 25
6 foot variance.

7 MR. HAGEMANN: They have little kids,
8 and you'd walk out the door and the pool would
9 be right there. I'm a little adverse to that,
10 I want to have some kind of buffer.

11 MEMBER FALLICK: They won't be little
12 kids forever though too.

13 MR. HAGEMANN: That's true.
14 And then there will be grandchildren.

15 MEMBER FALLICK: Thirty years from now.

16 CHAIRPERSON MILNER: Keep pushing it
17 there will be great grandchildren.

18 MR. HAGEMANN: Correct.

19 CHAIRPERSON MILNER: Is there any
20 requirements, Stefan, that they have another
21 fence around the actual pool area?

22 MR. KALNITSKY: State Code.

23 CHAIRPERSON MILNER: So they need a
24 second code.

25 MR. HAGEMANN: Well, the State Code

1 says you have to have an enclosure, doesn't
2 have to be immediately around the house, has to
3 enclose the property.

4 However, they will do an automatic
5 cover, you know, automatic pool cover that
6 closes off the pool. That we will do.

7 CHAIRPERSON MILNER: I don't believe
8 people use those automatic pool closures every
9 night, they do like every winter.

10 MR. HAGEMANN: That's true.

11 CHAIRPERSON MILNER: I know that where
12 my son lives in Port Washington they are
13 required to have a secondary fence around the
14 pool, at least in Port Washington North.

15 MEMBER FALLICK: Peter, in your
16 professional opinion, how much closer do you
17 feel you could make it to the house and then
18 make it more amenable to everybody sitting in
19 this room?

20 MR. HAGEMANN: Again, I would say
21 instead of a 20 foot setback, 25 would be
22 certainly -- again, I am just concerned not
23 having the pool just immediately out the doors,
24 you know, you got a little kid that runs out.

25 MEMBER FALLICK: Okay, we have already

1 established it's 16 foot, so every foot we
2 would deduct from that, right?

3 MR. HAGEMANN: Correct.

4 MEMBER FALLICK: So that's not 10 feet,
5 not immediately outside the door.

6 MR. HAGEMANN: Correct.

7 CHAIRPERSON MILNER: From a safety
8 standpoint, I am really going back and forth in
9 my head, you know, do I really care as much
10 about 20 versus 25 feet as I am about potential
11 safety issues of having that much less runoff
12 room between the back of the home and the pool.

13 There is going to be, I assume, a
14 concrete apron around the pool at some level?

15 MR. HAGEMANN: Yes, absolutely.

16 MR. DeALBUQUERQUE: There is also a
17 rear covered area, so you really have to walk
18 out 5 feet down to the patio that leads to the
19 pool.

20 The way the pool sits you are about
21 22 feet to the house because the rear door into
22 the house is on that 17 foot wall, Pete? I
23 don't have the floor plan here.

24 MR. HAGEMANN: Again, it's about
25 18 feet from the house to the edge of the pool

1 at this point, but at this point it's about
2 14 feet.

3 MR. DeALBUQUERQUE: Okay.

4 MEMBER FALLICK: Peter, one minor
5 thing, the floor plan I am looking at has the
6 pool at 18 by 36, survey has it 16, what's the
7 correct measure?

8 MR. HAGEMANN: It's 16. At one point
9 we had it at 18, I made it smaller. That's a
10 typographic error.

11 MEMBER VOSES: In terms of the existing
12 house, where is this house situated in relation
13 to the existing house?

14 MR. HAGEMANN: So you follow me, the
15 existing house on this drawing is dotted in,
16 it's like this, something like that, comes
17 across here like this, approximately like that.

18 MEMBER FALLICK: So, Peter, correct me
19 if I am wrong, on the floor plan you have the
20 entrance to the pool basically coming out of
21 the breakfast area, right, at a 90 degree angle
22 to the pool?

23 MR. HAGEMANN: Yeah.

24 MEMBER FALLICK: So you are 14 feet
25 from the pool and you are not -- the pool is

1 never going to be directly in front of the
2 person coming out.

3 MR. HAGEMANN: Yeah, that's true.

4 MEMBER FALLICK: They got to make a
5 left turn to go to the pool, so they are not
6 falling into the pool if we make it closer,
7 right?

8 MR. HAGEMANN: That's correct.

9 MEMBER FALLICK: Okay.

10 And the other door coming out of the
11 family room is much further away?

12 MR. HAGEMANN: What he is referring to,
13 this is the breakfast room, this is the door,
14 so you come out and have to turn to head to the
15 pool, and same condition here.

16 MEMBER FALLICK: That door is even
17 further from the pool?

18 MR. HAGEMANN: Correct.

19 MEMBER FALLICK: So your direct access
20 from the closest point is there, so right now
21 you are 14 foot plus away from the pool?

22 MR. HAGEMANN: Right.

23 MEMBER FALLICK: For every -- like we
24 said earlier, I am repeating myself now, every
25 foot makes it that much closer.

1 MR. HAGEMANN: Correct.

2 MEMBER FALLICK: So 5 foot, it will be
3 9 foot plus away from the pool?

4 MR. HAGEMANN: Yes.

5 MEMBER FALLICK: Okay.

6 Again, not directly into the pool?

7 MR. HAGEMANN: Right.

8 MEMBER FALLICK: Got to make a turn
9 into the pool.

10 MR. HAGEMANN: If we were to move the
11 pool 5 feet, we are talking about something
12 like that. So here's the door, so that
13 relationship.

14 MEMBER FALLICK: Okay.

15 CHAIRPERSON MILNER: Village Attorney,
16 we have to vote on the current application, or
17 we can basically table it, okay, and allow them
18 to make a new application, or can we vote on it
19 as it is with the adjustment?

20 MR. KALNITSKY: I would just make a
21 condition if you are choosing to do less relief
22 as far as the setback, you could always just
23 make a condition that that is the case, or you
24 could require the architect to submit plans
25 reflecting that condition first, it's up to

1 you.

2 I don't know what the regular course
3 is, Stefan, if there is a condition added on?

4 MR. DeALBUQUERQUE: I think if there's
5 a condition added on and he submits plans, I am
6 going to stick to the 25 foot, if that's what's
7 granted.

8 MR. HAGEMANN: I've done that in the
9 past.

10 MR. KALNITSKY: Okay, so make a
11 condition and submit plans to you for the
12 permit, and you check and make sure.

13 MR. DeALBUQUERQUE: Correct.

14 MEMBER VOSES: Do you have a tape
15 measure with you?

16 MR. HAGEMANN: I do not.

17 MEMBER VOSES: Do you know how wide
18 this table is? I just want to get perspective
19 of how large that deck is.

20 MR. HAGEMANN: I am going to guess that
21 table is 7 feet wide.

22 CHAIRPERSON MILNER: I think that deck
23 is --

24 MEMBER VOSES: After the adjustment
25 it's going to be 9?

1 MEMBER FALLICK: No, he is not
2 shortening the deck.

3 MR. KALNITSKY: Just the pool.

4 MEMBER VOSES: That's going to shorten
5 the deck.

6 MEMBER FALLICK: That's fair.

7 MR. HAGEMANN: 9 feet.

8 MEMBER VOSES: So they will have a
9 little bit more room than this table at its
10 widest point between the house and the pool.

11 MR. HAGEMANN: This is 19.

12 CHAIRPERSON MILNER: Peter, looking --

13 MR. HAGEMANN: This is 19.

14 CHAIRPERSON MILNER: Peter, how can you
15 move the pool closer to the home? Because I am
16 looking at something called a planter.

17 MR. HAGEMANN: Yes.

18 CHAIRPERSON MILNER: And on the other
19 side of that planter looks like a staircase.

20 MR. HAGEMANN: That's a staircase down
21 to the basement.

22 MEMBER FALLICK: Get rid of the
23 planter.

24 MR. HAGEMANN: Within this drawing,
25 this is just a planter, a flower bed basically,

1 that just gets smaller.

2 CHAIRPERSON MILNER: So if we remove
3 that you can get your 5, 6 feet back closer to
4 the home. And as you said, and pointed out by
5 Members of the Board, there is no real direct
6 access on this design, someone has to make a
7 turn to get to the pool.

8 MR. HAGEMANN: Correct.

9 CHAIRPERSON MILNER: Some young child
10 is not going to be running into the pool
11 without making a left turn.

12 MR. HAGEMANN: Yes, that's intentional.

13 MR. DeALBUQUERQUE: How close will it
14 be to the outside cellar, if you move it, will
15 you still have a 3 foot separation?

16 MR. HAGEMANN: Exactly, we will have
17 3 feet between the pool and the outdoor
18 staircase, basement stair.

19 Reason for the stair is the pool bath
20 and a changing room will be in the basement, so
21 people using the pool they don't have to come
22 into the house, they go down into the basement.

23 MEMBER FALLICK: Make everyone go out
24 that way and then you don't have to worry about
25 that door and then you are all set.

1 MEMBER GRABER: Did that change from
2 the drawing here? It shows a pool bath -- is
3 this the first floor or is this showing the
4 first floor plan?

5 MR. HAGEMANN: Yeah, that's the first
6 floor.

7 MEMBER GRABER: So it's not in the
8 basement, it's in the first floor?

9 MR. HAGEMANN: The pool bath is on the
10 first floor, but the changing rooms are in the
11 basement.

12 CHAIRPERSON MILNER: I am a little
13 confused. Which one is it?

14 MR. HAGEMANN: That was a mistake. The
15 pool bath was moved to the first floor. So
16 there's access from the outside, again, so
17 people don't have to go through the house.

18 CHAIRPERSON MILNER: That's a pool
19 bath. So the access is --

20 MR. HAGEMANN: From the outside.

21 CHAIRPERSON MILNER: I see.

22 MEMBER VOSES: The distance from the
23 property line closest to you and the pool is
24 how much?

25 MEMBER FALLICK: Left side basically

1 talking about.

2 MR. HAGEMANN: About 48 feet.

3 MEMBER VOSES: 48 feet?

4 MR. HAGEMANN: 48 feet, yeah. So the
5 other side is about 66.

6 MEMBER FALLICK: David, you made a good
7 point though.

8 MEMBER GRABER: It's on the other side
9 of the stairs so it's not going to matter.

10 CHAIRPERSON MILNER: Off the record for
11 a second.

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

14 CHAIRPERSON MILNER: Let's go back on
15 the record.

16 The stairs, are they inside the home or
17 outside the home?

18 MR. HAGEMANN: This is an exterior
19 staircase.

20 MEMBER GRABER: Here is the foundation
21 wall.

22 MEMBER VOSES: There's going to be a
23 railing there obviously?

24 MR. HAGEMANN: Yes, obviously a railing
25 around the stairs is indicated.

1 CHAIRPERSON MILNER: I think my
2 question to the Board is, what is more
3 important to us, reducing the variance or
4 having the homeowner redesign this home to
5 accommodate the fact that we prefer to have a
6 larger setback knowing that the other side of
7 that fence line is Queens?

8 MEMBER FALLICK: So what are we going
9 to gain by redesigning -- how many more feet
10 are we gaining by redesigning the house?

11 CHAIRPERSON MILNER: Sounds like
12 5 feet.

13 MEMBER FALLICK: Well, if he moves --
14 excuse me. If he moves the pool 5 feet without
15 touching the house, all he is sacrificing is
16 the planter basically.

17 MR. HAGEMANN: Correct.

18 MEMBER FALLICK: And making a deck a
19 little shorter.

20 MEMBER GOODWIN: You mentioned
21 engineering changes needed.

22 MR. HAGEMANN: Yes, has to be
23 structured so that the pool doesn't compromise
24 the foundation.

25 MEMBER ACKERMAN: So I think the fact

1 that it doesn't border the neighborhood --

2 MEMBER DAVIS: It's Queens.

3 MEMBER ACKERMAN: It's Queens, that
4 has, like, not the setback requirements we
5 have, is the factor in favor of approving it
6 as-is.

7 MEMBER DAVIS: Hundred percent.

8 MEMBER GRABER: As-is as modified?

9 MEMBER ACKERMAN: As-is. We are not
10 gaining anything by moving it 5 feet.

11 MEMBER FALLICK: We're just setting
12 precedent though.

13 MEMBER DAVIS: No, every case is judged
14 on its own.

15 CHAIRPERSON MILNER: To me the
16 precedence next time someone comes to us with a
17 rear yard setback issue where the backyard
18 borders on Queens we will probably vote the
19 same way.

20 MR. KALNITSKY: Don't forget it's a
21 nonconforming lot as well. It's about half the
22 size it should be.

23 MEMBER DAVIS: Right.

24 MEMBER LEVINE: When did he purchase
25 this lot?

1 MR. HAGEMANN: I am not sure, he's been
2 living there for a while.

3 MEMBER VOSES: My concern is moving
4 that pool back 5 feet brings that deck very
5 small area between the pool and the railing,
6 and if you have kids running around, that's a
7 dangerous condition.

8 MEMBER FALLICK: What railing?

9 MEMBER VOSES: This.

10 MEMBER FALLICK: Yeah, I understand
11 that.

12 MEMBER VOSES: Bring this pool back in
13 you have 3 feet in.

14 MR. DeALBUQUERQUE: The other thing we
15 could do, he just needs to maintain 30 feet on
16 the side here. If you move the pool to the
17 left, I don't know if that helps because right
18 now you said you are, like, 47, right, to the
19 water?

20 MR. HAGEMANN: I think 48 on that side,
21 66 on the other.

22 MEMBER VOSES: What's the current
23 distance between the railing of the staircase
24 and the pool?

25 MR. HAGEMANN: About 9 feet.

1 MEMBER VOSES: If you take 5 away you
2 are going to have 4 feet between the pool and
3 the railing?

4 MR. HAGEMANN: Yeah.

5 MEMBER FALLICK: Yes, 4 or 5 feet.

6 CHAIRPERSON MILNER: I am going to make
7 a motion that we go into executive session.

8 Can I have a second?

9 MEMBER DAVIS: Yes.

10 CHAIRPERSON MILNER: Thank you very
11 much. If you would excuse us please.

12 MR. HAGEMANN: You want me to leave?

13 CHAIRPERSON MILNER: Yes.

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

16 CHAIRPERSON MILNER: I'll make a motion
17 we come out of executive session.

18 MEMBER DAVIS: I second.

19 CHAIRPERSON MILNER: Thank you very
20 much.

21 Any further questions or discussion?

22 (Whereupon, there was no response.)

23 CHAIRPERSON MILNER: I am going to make
24 a motion that we approve the applicant's
25 request for a variance for Case Number

1 2025-0143 by the homeowner of 9 Lake Road West
2 to permit him to install a swimming pool,
3 notwithstanding there being insufficient rear
4 yard.

5 I need a second.

6 MEMBER ACKERMAN: I second.

7 CHAIRPERSON MILNER: Thank you, Andy.
8 Your vote?

9 MEMBER ACKERMAN: Approve.

10 CHAIRPERSON MILNER: Lisa?

11 MEMBER DAVIS: Approve.

12 CHAIRPERSON MILNER: David?

13 MEMBER GRABER: Approve.

14 CHAIRPERSON MILNER: Stephen?

15 MEMBER LEVINE: Disapprove.

16 CHAIRPERSON MILNER: David?

17 MEMBER FALLICK: Disapprove.

18 CHAIRPERSON MILNER: I approve.

19 MR. HAGEMANN: So I understand, we are
20 keeping with the 20 foot, not 25 feet?

21 CHAIRPERSON MILNER: No restrictions,
22 no conditions.

23 MR. HAGEMANN: Thank you very much,
24 everybody.

25 CHAIRPERSON MILNER: There being no

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further business, I will take a motion to
adjourn our meeting.

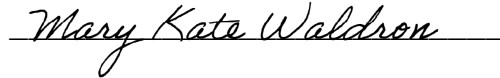
MEMBER GRABER: Second.

CHAIRPERSON MILNER: All in favor?

(Chorus of ayes.)

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

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



MARY KATE WALDRON
COURT REPORTER