

1 INCORPORATED VILLAGE OF FLORAL PARK

2 BOARD OF TRUSTEES - PUBLIC HEARING

3 OCTOBER 18, 2016

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6 P R E S E N T

7 MAYOR THOMAS J. TWEEDY

8 TRUSTEE KEVIN M. FITZGERALD

9 TRUSTEE DOMINICK A. LONGOBARDI

10 TRUSTEE LYNN POMBONYO

11 GERARD M. BAMBRICK, ESQ.

12 JOHN RYAN, ESQ., VILLAGE ATTORNEY

13 STEPHEN SIWINSKI, BUILDING SUPERINTENDENT

14 SUSAN E. WALSH, VILLAGE CLERK

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16 Application of: Special Use Permit

17 Anthony Peranio & Marie Elena Bianchi

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22 Reported By: Mary Anne Coppins, Court Reporter

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1 MAYOR TWEEDY: Again, as I said, we
2 have two Public Hearings. Right now,
3 the first is regarding a Special Use
4 Permit and an extension of prior
5 non-conforming use. I would ask our
6 Village Clerk, Susan Walsh, to read the
7 legal notice.

8 MS. WALSH: Thank you, Mayor
9 Tweedy.

10 Notice of Public Hearing,
11 Incorporated Village of Floral Park,
12 Floral Park, New York. Notice is hereby
13 given, that the Board of Trustees of the
14 Incorporated Village of Floral Park, New
15 York will hold a Public Hearing at
16 Village Hall, One Floral Boulevard,
17 Floral Park, New York, on Tuesday,
18 October 18, 2016 at 8:00 p.m. in
19 relation to the following application:
20 The application of Anthony Peranio &
21 Marie Bianchi, owners, for a Special
22 Permit Use under Chapter 99, Article
23 VII, 99-46, to allow the enlargement of
24 a second floor of a non-conforming
25 two-family house in an R-1 District.

1 This application is made in
2 accordance with Article VII, Section
3 99-46 of the Zoning Ordinance of the
4 Incorporated Village of Floral Park, New
5 York, which requires that any
6 enlargement or extension of a
7 non-conforming use may only be
8 authorized as a special use after a
9 public hearing. The structure for which
10 said Special Permit is applied is
11 situated on the east side of Willis
12 Avenue, 100 feet south of the corner of
13 Bryant Avenue and is known as 72 Willis
14 Avenue, Section 8, Block 67, Lots 19
15 through 20 on the Nassau County Tax Map.

16 A copy of the application is on
17 file in the Office of the Village Clerk,
18 One Floral Boulevard, Floral Park, New
19 York and may be examined by any persons
20 interested therein during business hours
21 Monday through Friday inclusive, except
22 legal holidays, from 8:30 to 4:30 p.m.
23 Now take notice that all parties in
24 interest and citizens will be given the
25 opportunity to be heard at the aforesaid

1 time and place. By Order of the Board
2 of Trustees, Incorporated Village of
3 Floral Park, New York, Susan E. Walsh,
4 Village Clerk. The legal notice was
5 dated October 5, 2016, and it has been
6 published in the official paper of the
7 Incorporated Village of Floral Park, New
8 York and posted according to law.

9 MAYOR TWEEDY: Thank you, very
10 much, Ms. Walsh.

11 Before we begin, I would also make
12 everyone aware that Trustee Archie Cheng
13 is absent with prior notice. I would
14 also like to place on the record that
15 the applicant has previously filed an
16 Affidavit of Service indicating that all
17 neighbors within a 200-foot radius of
18 the dwelling have been served with
19 notice. I would ask at this time if the
20 applicants would kindly come before with
21 your representatives. I will ask you to
22 be sworn in, place your name on the
23 record.

24 (Whereupon, the parties are sworn.)

25 MR. PERANIO: Anthony Peranio.

1 MS. BIANCHI: Marie Elena Bianchi.

2 MR. BIANCHI: Brian Bianchi.

3 MAYOR TWEEDY: Ms. & Mrs., I
4 assume. Okay, thank you very much for
5 coming this evening.

6 If you could maybe just walk us
7 through what we have in front of us.

8 MR. PERANIO: From what I can tell
9 you, not being a professional, is we are
10 trying to simply enlarge the second
11 floor to match the first floor. All
12 we're doing is going out as far as the
13 footprint is allowed; therefore, making
14 a bedroom in the back, just because me
15 and my wife are expecting a child, we
16 just need a second bedroom. So all
17 we're trying to do is build along the
18 footprint, try to go from the second
19 floor, just matching it to the first
20 floor, that's it.

21 MAYOR TWEEDY: I would say, as a
22 point of information, has this gone
23 before the ARB?

24 MR. PERANIO: They said we had to
25 come here first.

1 MAYOR TWEEDY: Very good. The
2 issues, those questions will be settled
3 with the ARB, okay.

4 Typically, in Floral Park we tend
5 not to see complete squares of
6 buildings. They may ask you to do
7 modifications.

8 A couple of questions we have
9 though, and each of us will be asking
10 questions, I will start with one.

11 The big one would be the use of the
12 basement. It mentions a finished
13 basement. What is the use of the
14 basement?

15 MR. PERANIO: Storage, and then we
16 have our laundry down there. So just
17 clothes, maybe a mini-storage, clothes.
18 That's really what it is used for.

19 MAYOR TWEEDY: All right, thank
20 you. That's all I have at the moment.

21 I'll ask Trustee Fitzgerald if he
22 has any questions.

23 TRUSTEE FITZGERALD: Thank you, Mr.
24 Mayor, thank you for coming in this
25 evening, a couple of quick questions.

1 With regards to parking, are there
2 and changes to the driveway?

3 MR. PERANIO: No, sir. Literally,
4 we're keeping the footprint. The
5 shingles stay the same, everything stays
6 the same. The only thing we're going to
7 do is, hopefully, add to the footprint
8 to make a second bedroom.

9 TRUSTEE FITZGERALD: This will
10 remain a two family?

11 MR. PERANIO: Yes, sir.

12 TRUSTEE FITZGERALD: The current
13 plan is you will be living upstairs?

14 MR. PERANIO: Yes, sir.

15 TRUSTEE FITZGERALD: And the width
16 of the building is not changing?

17 MR. PERANIO: No, sir.

18 TRUSTEE FITZGERALD: That's all I
19 have.

20 MAYOR TWEEDY: You will be seeing
21 Trustee Pombonyo, as she is the liaison
22 to the ARB. Trustee Pombonyo?

23 TRUSTEE POMBONYO: First, I want to
24 say congratulations, it's very exciting.
25 I just have a couple questions.

1 As you extend the second floor out,
2 is it going to cantilever or go out any
3 further?

4 MR. PERANIO: No. The front will
5 stay exactly the same, the front is not
6 going to change at all. Take the back
7 and like -- the second floor like ends
8 here, the first floor ends here, so
9 we're going to simply put it here.

10 TRUSTEE POMBONYO: No dormers?

11 MR. PERANIO: No.

12 TRUSTEE POMBONYO: Thank you.

13 MAYOR TWEEDY: Trustee Longobardi?

14 TRUSTEE LONGOBARDI: I don't have
15 any questions, congratulations.

16 MAYOR TWEEDY: Thank you.

17 Just for the edification of
18 everyone here, the existing roof line,
19 will that just be extended with the same
20 slope to accommodate the extension?

21 MR. PERANIO: Yes, sir.

22 MAYOR TWEEDY: It is presently a
23 masonry, brick first floor and a not
24 vinyl side.

25 MR. PERANIO: Yes.

1 MAYOR TWEEDY: And you're intending
2 to do that as well for the extension?

3 MR. PERANIO: Simply keep
4 everything the same. It's just a matter
5 of that little space that we are going
6 to move just to get extra room.

7 MAYOR TWEEDY: Just that second
8 floor. The first floor is the same,
9 you're not changing the footprint.

10 MR. PERANIO: No, sir.

11 MAYOR TWEEDY: Okay, very good.

12 TRUSTEE FITZGERALD: Is the height
13 going any higher than the existing
14 height, or is it staying the same?

15 MR. PERANIO: Off the top of my
16 head, I don't think it stays exactly the
17 same, literally reaching off so we can
18 get -- right now, we have a one bedroom,
19 so to extend, if we're able, to get that
20 second bedroom.

21 MAYOR TWEEDY: Okay, I have no
22 further questions.

23 At this time, I would ask if you
24 would just sit right there in the first
25 row, and I will ask if anyone, any

1 residents or anyone in the back has
2 questions that you direct them to the
3 Board. If you have any questions
4 regarding this application, if you would
5 please come forward at this time.

6 I see no one, so if you would
7 please come up.

8 Once again, are there any
9 additional questions from the Board?

10 TRUSTEE POMBONYO: No.

11 TRUSTEE FITZGERALD: No.

12 MAYOR TWEEDY: We are a deliberate
13 body. I would like to take the
14 information we have here, get a chance
15 to review it with the Board, with our
16 Superintendent of Public Works and our
17 attorney, and we will get back to you
18 very shortly.

19 MR. PERANIO: Thank you very much.

20 MS. BIANCHI: Thank you.

21 MAYOR TWEEDY: I'm sorry, thank you
22 very much, Ms. Walsh.

23 I'm going to make a motion to
24 reserve decision --

25 TRUSTEE FITZGERALD: So moved.

INCORPORATED VILLAGE OF FLORAL PARK
BOARD OF TRUSTEES

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In Re Application of

Anthony Peranio and Marie Elena Bianchi,

**DECISION
AND RESOLUTION**

For a Special Use Permit to Allow the
Enlargement of a Non-Conforming Two-Family
Story house in a R-1 district .
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This application is made under Section 99.46 of the Code for a Special Use Permit to allow the enlargement of a Second-Floor, Non-Conforming use. The Applicant has submitted an affidavit as the owner of the subject premises, verifying the statements set forth in the application. The Applicant also submitted plans for the proposed alteration, filed with the Village. Applicant also delivered to the Board the mailing receipts and return cards of the notice sent to all owners of real property within a two hundred (200') foot radius of the subject premises.

Under the Zoning Code, the enlargement of a non-conforming use may only be authorized by the Board of Trustees as a Special Use after a public hearing. This application for a Special Permit is made under Section 99-46 of the Zoning Code to allow the enlargement of a second floor in a non-conforming use. The property which is the subject of the application is a one-story building located on the East side of Willis Avenue, 100 feet South of the corner of Bryant Avenue and is known as 72 Willis Avenue, Floral Park, New York and identified as Section 8, Block 67 and Lots 19-20 on the Land and Tax Map of Nassau County.

Trustee Pombonyo offered the following resolution and moved its adoption:

WHEREAS, a public hearing was held on this application for October 18, 2016;

WHEREAS, a public hearing was held on this application on October 18, 2016, at which time the Applicant made a sworn presentation to the Board of Trustees;

WHEREAS, Members of the Board of Trustees have viewed and investigated the subject premises, its surroundings and other pertinent matters and circumstances in connection therewith; and

WHEREAS, the application and all testimony and exhibits presented at the hearing have been carefully considered and due deliberation given thereto.

NOW, THEREFORE, the Board of Trustees makes the following findings:

1. The subject property is in a R-1 District.
2. This Board has unanimously found that the application is a Type II action pursuant to SEQRA and has adopted a negative declaration.
3. The Applicant proposes to expand this pre-existing use to add a bedroom and relating living space on the second floor. There will be no increase to the footprint of this building.
4. Subject to the condition set forth below, this Special Use Permit is granted.
5. The proposed use will not create a hazard; nor is it conflicting or incongruous to the surroundings, neighborhood or Village.
6. The proposed use will not hinder or discourage the appropriate use and development of adjacent uses or impair their values.
7. The Board has considered the remaining standards set forth in Section 99-60 and finds that this application conforms with those standards.
8. This Decision and Resolution, as well as each and every condition set forth herein, may only be modified by the Board of Trustees following a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that by reason of the foregoing, the Application of ANTHONY PERANIO and MARIE ELENA BIANCHI for a Special Use Permit is granted, subject to the following:

- A. The premises shall only be utilized as a two-family residence; and

B. No tenants or other individuals shall occupy the basement of the premises;
and

C. Upon ten (10) days notice, the Village shall have the right to inspect the premises to confirm compliance with these conditions.

In the event of a violation of any of these conditions, this Special Use Permit shall be revoked.

The foregoing Resolution was seconded by Trustee Fitzgerald and adopted on a roll call as follows:

Mayor Thomas J. Tweedy	-	Aye
Trustee Dominick A. Longobardi	-	Aye
Trustee Kevin M. Fitzgerald	-	Aye
Trustee Lynn Pomponyo	-	Aye
Trustee Archie T. Cheng	-	Absent

Dated: October 18, 2016
Floral Park, New York

Board of Trustees
Incorporated Village of Floral Park

Final Decision and Resolution of Public Hearing officially filed in the Clerk's office of the Incorporated Village of Floral Park on October 18, 2016.

Susan E. Walsh, Village Clerk