

March 5, 2019

A Public Hearing for the Board of Trustees was held on the above date at 8:00 pm.

Present were Mayor Dominick A. Longobardi, Trustees Kevin M. Fitzgerald, Lynn Pombonyo, Archie T. Cheng and Frank J. Chiara, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works Stephen Siwinski, Deputy Superintendent of Public Works Kevin Ginnane, Police Commissioner Stephen McAllister and Village Attorney John E. Ryan

The application of Ray Cheng, owner, 80 Hawthorne Avenue, Floral Park, NY 11001, for a Special Use Permit under Chapter 99, Article VII, Section 99-46 to allow the construction of a deck on a non-conforming lot which does not meet legal lot size requirements.

Trustee Fitzgerald offered Resolution No. 2019-46 to reserve decision and close the public hearing.

The Resolution was seconded by Trustee Pombonyo and adopted on roll call as follows:

Trustee Fitzgerald	- Aye
Trustee Pombonyo	- Aye
Trustee Cheng	- Aye
Trustee Chiara	- Aye
Mayor Longobardi	- Aye

The hearing was closed at 8:15 pm.

A copy of the transcript and a copy of the legal notice of public hearing is attached and made a part of these minutes.

Susan E. Walsh
Village Clerk

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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
March 5, 2019
8:00 p.m.

P R E S E N T :

- | | |
|----------------------|----------------------|
| DOMINICK LONGOBARDI, | MAYOR |
| KEVIN M. FITZGERALD, | DEPUTY MAYOR/TRUSTEE |
| ARCHIE T. CHENG, | TRUSTEE |
| DR. LYNN POMBONYO, | TRUSTEE |
| FRANK J. CHIARA, | TRUSTEE |

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
- GERARD M. BAMBRICK, Village Administrator
- SUSAN E. WALSH, Village Clerk
- STEPHEN SIWINSKI, Supt. Public Works & Bldgs.
- STEPHEN MCALLISTER, Police Commissioner
- KEVIN GINNANE, Deputy Supt. of Public Works

Catherine P. Murphy
Court Reporter

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1 MAYOR LONGOBARDI: Good evening everyone.
2 Please stand for the Pledge of Allegiance.

3 (Pledge of Allegiance said.)

4 MAYOR LONGOBARDI: Good evening everyone.
5 Thank you all for being here tonight. We have
6 quite a long agenda. We have two public
7 hearings and a regular administrative calendar.
8 The Board will give their reports and then
9 after that, we will close the meeting and open
10 it up to the public for any comments or
11 questions they will have.

12 I also want to recognize because they're
13 hear, all the members of our Public Works
14 Department. Thank you for being all here. And
15 the members of CSEA unit. First and foremost,
16 over the last weekend, thank you for all your
17 work with regards to the snowstorm and things
18 like that. Thank you and thankfully we didn't
19 have more than a couple of inches. As you know
20 in our business, snow is a four letter word and
21 we keep it that way. Thank you for everything,
22 you do for doing the Village beautiful and
23 everything. Thank you so much.

24 With that, we have two public hearings.
25 The first will be a public hearing on 80

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1 Hawthorne Avenue. So, Miss Walsh, I will send
2 it over to you.

3 MS. WALSH: Thank you, Mayor Longobardi.
4 Legal Notice. Notice of Public Hearing
5 Incorporated Village Hearing of Floral Park.
6 Notice is hereby given that the Board of
7 Trustees of the Incorporated Village of Floral
8 Park, New York will hold a Public Hearing at
9 the Village Hall, One Floral boulevard, Floral
10 Park, New York on Tuesday, March 5, 2019 at
11 8:00 p.m. in relation to the following
12 application:

13 The application of Ray Cheng, owner, 80
14 Hawthorne Avenue, Floral Park, New York 11001,
15 for a Special Use Permit under Chapter 99,
16 Article V, Section 99-46 to allow the
17 construction of a deck on a non-conforming lot
18 which does not meet legal lot size
19 requirements.

20 This application is made in accordance
21 with Article VII, Section 99-46 of the Zoning
22 Ordinance of the Incorporated Village of floral
23 Park, New York, which requires that any
24 enlargement or extension of a non-conforming
25 use may only be authorized as a special use

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1 after a public hearing.

2 The structure for which said Special
3 Permit is applied is situated on the southwest
4 corner of Hawthorne and Bryant Avenues and is
5 known as 80 Hawthorne Avenue, Section 8, Block
6 70, Lot 133 on the Nassau County Tax Map.

7 A copy of the application is on file in
8 the Office of the Village Clerk, One Floral
9 Boulevard, Floral Park, New York and may be
10 examined by any persons interested therein
11 during business hours Monday through Friday
12 inclusive, except legal holidays, from 8:30
13 a.m. to 4:30 p.m.

14 Now Take Notice that all parties in
15 interest and citizens will be given the
16 opportunity to be heard at the aforesaid time
17 and place.

18 By Order of the Board of Trustees
19 Incorporated Village of Floral Park, New York,
20 Susan E. Walsh, Village Clerk. Dated February
21 20, 2019.

22 This Legal Notice has been published in
23 the official paper of the Incorporated Village
24 of Floral Park, New York and posted according
25 to law.

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1 MAYOR LONGOBARDI: Thank you, Miss Walsh.

2 I would like to place on the record that the
3 applicant had previously filed an affidavit of
4 service indicating that all neighbors within a
5 200 foot radius of the dwelling had been served
6 with Notice.

7 I would also like to just make this
8 statement in regards to this. The property
9 currently has a single, one family dwelling
10 with attached garage. In 1979, the property
11 was a result of a subdivision. The original
12 property size was 80 by 100. The subdivision
13 was for two lots, 50 by 100 each. In 1979, the
14 minimum frontage was 40 feet and the minimum
15 lot area was 4000 square feet. There was no
16 minimum lot depth. In 1996, the minimum lot
17 depth was added to the code. By having this
18 restriction, the lot is currently nonconforming
19 in depth. The proposed deck is two levels.
20 The upper level is 14.5 feet off the rear
21 property line and the lower is 4.6 feet off the
22 rear property line. If the property had the
23 correct depth, then the deck would have been in
24 conformance.

25 I wanted everyone to hear that and

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1 understand why we are here today. With that, I
2 would invite our applicant up and ask that you
3 please be sworn in by our Stenographer. And if
4 anybody wishes to be heard at this hearing 'in
5 regards to this, as you come up, we would ask
6 that you please state your name and address, be
7 sworn in by the Stenographer as well.

8 (Whereupon, Robert Keyloun, Ray Cheng and
9 Yvette Cheng were sworn in.)

10 MR. KEYLOUN: My name is Robert Keyloun,
11 I'm the Principal Architect of Bobby K
12 Architects, 45 Commonwealth Boulevard,
13 Bellerose, New York 11001.

14 MR. CHENG: Ray Cheng, 80 Hawthorne
15 Avenue.

16 MRS. CHENG: Yvette Cheng.

17 Good evening, Mr. Mayor, Members of the
18 Board, Superintendents, Counselor and friends
19 and neighbors of Floral Park. My name is
20 Robert Keyloun. I'm the Principal Architect of
21 Bobby K Architects, located at 45 Commonwealth
22 Boulevard in Bellerose. My clients, Mr. and
23 Mrs. Cheng are the current homeowners of the
24 subject property, 80 Hawthorne Avenue.

25 Mr. and Mrs. Cheng wish to replace the

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1 existing wood deck with a new deck located in
2 the rear of their property. Since this lot is
3 less than 100 feet deep, we seek a special use
4 permit to build, maintain and use a deck at
5 this property.

6 The description of the property, 80
7 Hawthorne Avenue, is a corner property located
8 at the southwest corner of the intersection of
9 Bryant Avenue and Hawthorne Avenue. The
10 property size is 50 feet wide by 80 feet deep.
11 The front of the home faces Hawthorne Avenue.
12 The home is a two family frame colonial style
13 home which has an attached one car garage to
14 the right side. To the right of that garage is
15 a side yard of lawn approximately 18 feet.
16 Adjacent to that is the Bryant Avenue sidewalk.
17 On the left side of 80 Hawthorne is neighboring
18 homes of similar style and size.

19 The subject deck is a two teared wood
20 deck. The upper deck is 12 foot 6 by 6 foot 4,
21 total of 80 square feet and serves primarily as
22 ingress of the home accessible by a single
23 glass sliding door. The height of the upper
24 deck is at the same elevation as the first
25 floor so there is a zero entry, zero threshold.

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1 The lower deck is approximately 9 foot 8 wide
2 by 24 feet long and is approximately 8 inches
3 above the grade, above grass.

4 My client would like to replace the
5 existing wood deck with the similar style deck
6 using new composite materials, including Timber
7 Tech decking and Permacast railing.

8 The Office of Bobby K Architects reviewed
9 the subject application with regards to
10 esthetics, safety and constructability. Our
11 office will design the proposed structure in
12 accordance with all applicable building codes
13 and jurisdictions who have the authority. We
14 are pleased as always to present progress to
15 our neighbors in Floral Park.

16 If there's any questions, I will be happy
17 to answer them now.

18 MAYOR LONGOBARDI: Okay. Thank you, sir.
19 I would ask if any of the Board Members have
20 questions.

21 TRUSTEE FITZGERALD: I have one. The
22 porch is staying the same or is that being
23 redone also?

24 MR. KEYLOUN: The porch -- the deck is
25 being replaced in its entirety.

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1 TRUSTEE FITZGERALD: Okay.

2 MR. KEYLOUN: It is a cedar deck.

3 Currently, we're proposing a new Timber Tech
4 flat service deck with a Permacast handrail.

5 TRUSTEE FITZGERALD: In one of the
6 diagrams, it says open porch. Is that being
7 touched at all?

8 MR. KEYLOUN: No. At the back of the
9 house, there is no open porch. It is just an
10 upper deck and lower deck. Might be a --

11 TRUSTEE FITZGERALD: Maybe the upper deck
12 is the open porch?

13 MR. KEYLOUN: It might be a typo on the
14 drawing. Where would that be, what drawing?

15 TRUSTEE FITZGERALD: ZD001, it says open
16 porch.

17 MR. KEYLOUN: That's a typographical
18 error.

19 TRUSTEE FITZGERALD: Upper deck. Okay.

20 MR. KEYLOUN: Yes. A lot of interns in
21 the office.

22 TRUSTEE FITZGERALD: That's all I have.

23 MAYOR LONGOBARDI: Thank you. Is there
24 anyone else?

25 TRUSTEE POMBONYO: Yes. If I am standing

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1 on the proposed new deck, what am I looking at?

2 MR. KEYLOUN: You are facing south.

3 You're in the rear yard. You are looking at
4 the neighbors fence.

5 TRUSTEE POMBONYO: Okay.

6 MR. KEYLOUN: In the back.

7 TRUSTEE POMBONYO: Do you know how high
8 the fence is?

9 MR. KEYLOUN: I think it is 36 inches. It
10 is a standard chain-link fence.

11 TRUSTEE POMBONYO: How close would the
12 edge of the deck be?

13 MR. KEYLOUN: To that fence, there's a 3
14 foot sidewalk that traverses the property,
15 front to back. And immediately after that 3
16 foot sidewalk is a fence.

17 TRUSTEE POMBONYO: Is this new deck
18 bringing any closer proximity to the property
19 line of the neighbors fence then the other deck
20 was?

21 MR. KEYLOUN: I'm sorry?

22 TRUSTEE POMBONYO: Is the new deck any
23 closer to the property line where the
24 neighbor's property then the pre-existing?

25 MR. KEYLOUN: No. No. The new deck

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1 footprint will match the current deck in like
2 size and elevation.

3 TRUSTEE POMBONYO: So, it won't be any
4 closer. And what about height, will the new
5 deck reduce the privacy in the neighbors yard?

6 MR. KEYLOUN: I feel it will not. It will
7 match the same elevation as the existing deck.
8 The upper and lower decks will be at the same
9 elevation.

10 TRUSTEE POMBONYO: So, the -- there should
11 be no new impact on the neighbors?

12 MR. KEYLOUN: No, there will not.

13 TRUSTEE POMBONYO: Okay. The sides then
14 will be the same?

15 MR. KEYLOUN: That's correct.

16 TRUSTEE POMBONYO: About how many people
17 does the deck hold?

18 MR. KEYLOUN: Considering occupancy on a
19 deck, I would estimate it can hold normal party
20 or picnic table, 8 to 12 People. Although the
21 bottom portion of the deck at 8 inches above
22 the grass is 24 feet wide. It is a substantial
23 size.

24 TRUSTEE POMBONYO: So, this new deck will
25 not have a greater capacity for people either;

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1 is that correct?

2 MR. KEYLOUN: That's correct.

3 TRUSTEE POMBONYO: About the same number
4 they have now?

5 MR. KEYLOUN: Same area as what is
6 existing.

7 TRUSTEE POMBONYO: I'm asking about impact
8 on the neighbors and will there any changes
9 that you foresee as a result of the new
10 construction, new deck?

11 MR. KEYLOUN: I do not see any changes.

12 TRUSTEE POMBONYO: Okay.

13 MAYOR LONGOBARDI: Thank you. Mr. Cheng?

14 TRUSTEE CHENG: So, first of all, I
15 believe your north arrow is incorrect on your
16 paperwork. I think this is the southwest
17 corner of Hawthorne and Bryant. You're showing
18 it as southeast. I'm not saying I'm correct.

19 MR. KEYLOUN: Noted. I will submit it to
20 the Building Department.

21 TRUSTEE CHENG: The neighbor to the west
22 now, you're saying when you stand on the back
23 porch looking toward the west, as correct west,
24 should be as opposed to what you're drawing is
25 showing you're showing it as southerly. Bryant

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1 runs east, west?

2 MR. KEYLOUN: Got it.

3 TRUSTEE CHENG: Hawthorne runs north,
4 south.

5 MR. KEYLOUN: Understood.

6 TRUSTEE CHENG: Okay. Right now the deck,
7 as it exists is how many feet off the rear
8 line?

9 MR. KEYLOUN: The deck, the 8 foot high
10 deck is 4 feet off of the rear property line.

11 TRUSTEE CHENG: The neighbor to the west,
12 how deep is their property? Do we have any,
13 excuse me, any idea? Is it a 100 or 80?

14 MR. KEYLOUN: I believe it is 80.

15 TRUSTEE CHENG: Do you know how many feet
16 from the rear of their property?

17 MR. KEYLOUN: From the rear of the
18 neighbor's property?

19 TRUSTEE CHENG: Sorry, the rear of the
20 building? Their residence to their property
21 line, how far is that?

22 MR. KEYLOUN: To the west, is that what
23 you are asking, Mr. Cheng?

24 TRUSTEE CHENG: Is that the neighbor that
25 is to the actual west, not south as you have it

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1 on your drawings? So, their easterly portion
2 of their building, how far do you know how far
3 it is?

4 MR. KEYLOUN: I don't know what the offset
5 of the neighbor's property is. The building is
6 off their property line.

7 TRUSTEE CHENG: Thank you.

8 MAYOR LONGOBARDI: Mr. Chiara?

9 TRUSTEE CHIARA: No.

10 MAYOR LONGOBARDI: With that, I will ask
11 you to please take a seat and open it up to the
12 public.

13 MR. KEYLOUN: Thank you.

14 MAYOR LONGOBARDI: At this time, I ask if
15 there's anybody in our audience who wishes to
16 comment on this application? Okay. With none
17 being heard, is there anything else the
18 applicant would like to add?

19 MR. KEYLOUN: No. I think that covers the
20 application. Thank you.

21 MAYOR LONGOBARDI: Any other final
22 question from the Board?

23 TRUSTEE FITZGERALD: No.

24 MAYOR LONGOBARDI: With that, I will ask
25 at this time for a motion to close the public

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1 hearing and reserve decision.

2 TRUSTEE FITZGERALD: So moved.

3 TRUSTEE POMBONYO: Second.

4 MAYOR LONGOBARDI: Would you please poll
5 the Board.

6 MS. WALSH: Trustee Fitzgerald?

7 TRUSTEE FITZGERALD: Aye.

8 MS. WALSH: Trustee Cheng?

9 TRUSTEE CHENG: Aye.

10 MS. WALSH: Trustee Chiara?

11 TRUSTEE CHIARA: Aye.

12 MS. WALSH: Trustee Pombonyo?

13 TRUSTEE POMBONYO: Aye.

14 MS. WALSH: And Mayor Longobardi?

15 MAYOR LONGOBARDI: Aye. Thank you very
16 much. We appreciate it. Thank you for
17 submitting the application. We will get back
18 to you.

19 MR. KEYLOUN: Thank you.

20 MAYOR LONGOBARDI: Thank you.

21

22 Certified to be a true and
23 accurate transcript of the proceedings.

24

25

CATHERINE P. MURPHY
Court Reporter