

June 18, 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 and Building Department Stephen Siwinski, Deputy Superintendent of Public Works Kevin Ginnane, Police Commissioner Stephen McAllister and Village Attorney John E. Ryan

The application of Silvia D. Garcia, owner, 50 Hemlock Street, Floral Park, NY 11001, for a Special Use Permit under Chapter 99, Article I, Section 99-6 schedule of regulations which requires a maximum lot coverage of 30% and Chapter 99 Article V Section 99-24A which permits a lot coverage of up to 30% of the rear yard area, of which applicant exceeds.

Trustee Fitzgerald offered Resolution No. 2019-149 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 8:18 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

June 18, 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
- SUSAN E. WALSH, Village Clerk
- STEPHEN SIWINSKI, Supt. Public Works & Bldgs.
- STEPHEN MCALLISTER, Police Commissioner

Catherine P. Murphy  
Court Reporter

1           MAYOR LONGOBARDI: Good evening. Welcome.  
 2           Tonight, we have our Village Board Meeting.  
 3           Prior to that, we will have two public  
 4           hearings. The first one will be the address of  
 5           50 Hemlock Street and the second one will be a  
 6           public hearing regarding 230 Jericho Turnpike  
 7           which hopefully is a new restaurant community.  
 8           With that, we will do the 50 Hemlock one first.  
 9           After that, we will have our regular board  
 10          meeting, board reports and open floor to our  
 11          residents. Thank you again for being here.

12          Miss Walsh, will you please.

13          MS. WALSH: Thank you, Mayor Longobardi.  
 14          Legal Notice Incorporated Village of Floral  
 15          Park, New York. Notice is Hereby Given that  
 16          the Board of Trustees of the Incorporated  
 17          Village of Floral Park, New York on Tuesday,  
 18          June 18, 2019 at 8:00 p.m. in relation to the  
 19          following application:

20                 The application of Silvia D. Garcia,  
 21          owner, 50 Hemlock Street, Floral Park, New York  
 22          11001 for a Special Use Permit under Chapter  
 23          99, Article I, Section 99-6 schedule of  
 24          regulations which requires a maximum lot  
 25          coverage of 30% and Chapter 99, Article V,

1 Section 99-24A which permits a lot coverage of  
 2 up to 30% of the rear yard area of which  
 3 applicant exceeds.

4 This application is made in accordance  
 5 with Chapter 99, Article V, Section 99-46 of  
 6 the Zoning Ordinance of the Incorporated  
 7 Village of Floral Park, New York, which  
 8 requires that any enlargement or extension of a  
 9 non-conforming use may only be authorized as a  
 10 special use after a public hearing.

11 The structure for which said Special  
 12 Permit is applied is situated on the west side  
 13 of Hemlock Street, 220 feet north of Miller  
 14 Avenue and is known as 50 Hemlock Street,  
 15 Section 32, Block 211, Lot 14-16 on the Nassau  
 16 County Tax Map.

17 A copy of the application is on file in  
 18 the Office of the Village Clerk, One Floral  
 19 Boulevard and may be examined by any persons  
 20 interested therein during business hours Monday  
 21 through Friday inclusive, except legal holidays  
 22 from 8:30 a.m. 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 time

1 and place. By Order of the Board of Trustees,  
 2 Incorporated Village of Floral Park, New York,  
 3 Susan E. Walsh, Village Clerk, dated June 5,  
 4 2019.

5 This legal notice has been published in  
 6 the official paper of the Incorporated Village  
 7 of Floral Park, New York and posted according  
 8 to law and sent to the Nassau County Planning  
 9 Commission who recommended taking action as  
 10 deemed appropriate.

11 MAYOR LONGOBARDI: Thank you, Miss Walsh.  
 12 I would like to place that the applicant had  
 13 previously filed an affidavit of service  
 14 indicating that all neighbors within a 200 foot  
 15 radius of the dwelling had been served with  
 16 notice.

17 At this time, I would invite and obviously  
 18 Mr. Vergara is at the podium now, if you can be  
 19 sworn in first by our Stenographer.

20 (Whereupon, Mario Vergara was sworn in.)

21 MR. VERGARA: Mario Vergara,  
 22 V-E-R-G-A-R-A, 200 Jericho Turnpike, Floral  
 23 Park.

24 MAYOR LONGOBARDI: If you could, present  
 25 the application.

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MR. VERGARA: Good evening, Members of the Board. Mr. and Mrs. Garcia are in attendance tonight and are available to answer any questions if need be.

To start with, I would like to submit exhibits A, B and C, which will aid in my testimony.

MAYOR LONGOBARDI: Thank you, sir.

MR. VERGARA: Mr. And Mrs. Garcia are long time residents of Floral Park, are hoping for a favorable decision tonight by the Board to allow them to continue to do so.

The Garcias first moved to Floral Park in 1994, resided at 3 Chestnut Avenue. In 2005, they contacted me to look at 50 Hemlock, the subject of this application, with the intention to purchase and re-model the premises. For various reasons, I recommended they do not do so, as in my professional opinion, it wouldn't allow them sufficient opportunity to alter it to their liking.

Later that year, the Garcias purchased 24 Crocus. At that time, I designed and provided alterations converting the then 1400 square foot dwelling with a full basement to nearly

- 6/18/19 - BOARD OF TRUSTEES - 50 HEMLOCK -

1 2500 square feet with a separate exterior  
2 stairway to the basement.

3 Exhibit B shows the construction plans for  
4 the exterior stair. Having an exterior stair  
5 would be the necessity for the Garcias and at  
6 no time was the basement ever used as an  
7 apartment.

8 Several years later, the Garcias returned  
9 to purchase 50 Hemlock, a legal, two family, as  
10 an investment property. Around 2015,  
11 Mrs. Garcia's mother moved into the second  
12 floor apartment. She still resides there  
13 today. In 2017, the Garcias sold 24 Crocus  
14 with the intent of downsizing and moving out of  
15 state. After searching for a while, they  
16 decided to return to New York making a decision  
17 to, common life decision, to be with their  
18 family. They ultimately wish to return to 50  
19 Hemlock, which they still own, all be with some  
20 modification.

21 As you can see from exhibit C, only 280  
22 square feet has been added as part of the  
23 modification. Remaining increase in areas to  
24 the roof overhangs in the highlighted areas in  
25 yellow.

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One of the -- Mrs. Garcia's requirements is to have an exterior stair leading to the basement. Her reasoning for it was twofold. The basement would be both Mr. Garcia's domain, a man cave, if you will, and a place for visiting family to gather when inclement weather forces them from the rear yard.

In both cases, she prefer they not access the basement through the house. Since the purchase of the house in 2008, the basement has not or is not now, nor will it be a rented apartment.

I'll be happy to answer any questions you may have.

MAYOR LONGOBARDI: Thank you very much. I think you hit it on the head. Some of the issues with that exterior staircase is the basement being used as an apartment. I understand right now that they're maybe cabinetry, refrigerator, possibly down there?

MR. VERGARA: There is cabinetry. There's a sink, no refrigerator. There's a bathroom.

MAYOR LONGOBARDI: Okay. So, it is not being used as an apartment?

MR. VERGARA: Never been used as an



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1 apartment since they have owned it since 2008.

2 MAYOR LONGOBARDI: One of the problems we  
3 have, as you know, is I don't expect Mr. And  
4 Mr. Garcia to use it as an apartment. I know  
5 they probably won't. It is what happens down  
6 the road in the future. So, one of the things  
7 that I don't think anyone has an issue, and I  
8 will leave it up to my fellow Board Members to  
9 ask questions, in regards to any of the  
10 proposed expansion of the house.

11 The bigger problem here is what happens  
12 with the stairwell and what happens with the  
13 basement after the Garcias no longer own the  
14 house. I think if it is possible to make sure  
15 that that will the basement be finished  
16 obviously as you said. I'm assuming it will be  
17 finished because --

18 MR. VERGARA: It is currently finished  
19 with the exception, of course, of the new  
20 foundation, which is part of the addition.

21 MAYOR LONGOBARDI: Okay. Which means it  
22 will be a gathering area, as you said, for  
23 family. Can we -- is there any way they can  
24 stipulate taking the cabinets out and making  
25 sure that even if there's a sink down there,

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1       it's a sink that is used for the bathroom or  
2       for other purposes that could not may be in the  
3       future be a kitchen? That will be one  
4       stipulation that we will ask for.

5       MRS. GARCIA: Yeah.

6       MAYOR LONGOBARDI: Mrs. Garcia, what we  
7       are asking, you have cabinets and a sink that  
8       could be expanded into a kitchen then. We're  
9       asking if it is possible, could you take the  
10      cabinets down and keep it, even if it is a  
11      finished basement, a family room, so that it is  
12      not in any way, shape or form now or in the  
13      future could be used as a kitchen or a  
14      established as a kitchen so that in the future,  
15      there would be no issues regarding the  
16      possibility of it being a rental apartment for  
17      somebody? And again, we only anticipate you,  
18      but if you should sell the house in the future,  
19      we try to make sure that that doesn't happen,  
20      keep the Village in a quality of life that we  
21      have.

22      MRS. GARCIA: Yes. We are planning to  
23      remove all the cabinets as a matter of fact.

24      MAYOR LONGOBARDI: Okay. So, you will  
25      take them out. Once you take them out and

- 6/18/19 - BOARD OF TRUSTEES - 50 HEMLOCK -

1 finish all that, is it okay if the Building  
2 Department comes in, checks to see everything?

3 MRS. GARCIA: Yes. Yes, that's okay.

4 TRUSTEE FITZGERALD: Allows it to be  
5 continuous checked if on notice by the Building  
6 Department. The Building Department, two years  
7 down the road, will you be willing to let them  
8 in to check in and make sure that's it's not  
9 changed?

10 MRS. GARCIA: Yes, that's fine.

11 MAYOR LONGOBARDI: That's where some of  
12 the questions came in with this exterior.

13 With that, I will turn it over to my  
14 fellow Board Members and then we'll come back  
15 to any other questions we may have or the  
16 people have in the audience.

17 MRS. GARCIA: Thank you.

18 MAYOR LONGOBARDI: Deputy Mayor?

19 TRUSTEE FITZGERALD: No.

20 MAYOR LONGOBARDI: Dr. Lynn Pombonyo?

21 TRUSTEE POMBONYO: About how much is going  
22 to increase the current footprint of the house?

23 MR. VERGARA: As you can see from Exhibit  
24 C, the footprint increased total, a total  
25 including the first and second floor, as far as

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1 total square footage, increase of 14 percent.

2 TRUSTEE POMBONYO: That increase, I  
3 understand since this is Board of Zoning  
4 Appeals, would no longer require a variance?

5 MR. VERGARA: There's no variance  
6 required. We meet the requirements of the  
7 Zoning setback.

8 TRUSTEE POMBONYO: Within the code?

9 MR. VERGARA: Right.

10 TRUSTEE POMBONYO: This increase that we  
11 see in the size of the house, what do you  
12 foresee the impact on the neighbors will be?  
13 Will it be closer to the neighbors windows,  
14 closer to the neighbors house themselves?

15 MR. VERGARA: The addition, the main  
16 addition livable addition because square  
17 footage in Village of Floral Park includes roof  
18 overhang, which I identify here on my exhibit,  
19 but the actual addition itself is 16 by 17.  
20 We're not extending out passed the side of the  
21 house where it is now anymore than it currently  
22 is. The rear or perhaps extending another five  
23 feet into the rear yard.

24 So, there's no significant change to the  
25 footprint in that regard that will affect the

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1 neighbors.

2 TRUSTEE POMBONYO: Side to side is not  
3 encroaching anymore?

4 MR. VERGARA: No.

5 TRUSTEE POMBONYO: The numbers of cars, I  
6 know it is a two family house, it has the  
7 potential for two families. How many cars can  
8 we contain on the property overnight?

9 MR. VERGARA: There's currently a two car  
10 garage. Actually, it is a three car garage we  
11 have to decrease in size to a two car garage to  
12 abide by the zoning requirements for lot areas  
13 of the rear. And the driveway itself is some  
14 80 feet in length of between what would be the  
15 two car garage and 80 feet driveway easily  
16 holds six cars, seven cars.

17 TRUSTEE POMBONYO: So, it adequately  
18 covers two families?

19 MR. VERGARA: Yes.

20 TRUSTEE POMBONYO: In general now, how  
21 many cars are parked in the driveway?

22 MR. VERGARA: I can't answer that  
23 question.

24 MRS. GARCIA: Two.

25 MR. VERGARA: How many currently is at 50

- 6/18/19 - BOARD OF TRUSTEES - 50 HEMLOCK -

1 Hemlock are attached to --

2 MRS. GARCIA: Two cars.

3 MR. VERGARA: Two cars.

4 TRUSTEE POMBONYO: As far as the basement  
5 area goes, you said nobody has rented down  
6 there or lives down there. Is it used as a  
7 place to stay overnight or visit the basement?

8 MR. GARCIA: No. We use it for my gym.

9 TRUSTEE POMBONYO: Pardon me?

10 MR. GARCIA: Use it for a gym to exercise.

11 TRUSTEE POMBONYO: I understand you use it  
12 for exercise. Is it used for a place for  
13 guests to stay overnight? Do they stay  
14 overnight in the basement?

15 MR. GARCIA: Unless I have a lot of  
16 guests. I have room.

17 TRUSTEE POMBONYO: Guests could stay  
18 overnight there?

19 MR. GARCIA: Couches. I have extra room  
20 in the top. I have two bedrooms.

21 MS. POMBONYO: But guests will be staying  
22 in the basement sometime if you have a lot of  
23 guests?

24 MR. GARCIA: I guess so.

25 MR. VERGARA: For the record, the Village

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1 of Floral Park does not allow sleeping in the  
2 basement and I will -- that will be a statement  
3 on the construction that I submit to the Town  
4 which will need because he has to abide by the  
5 rules. Basements in Floral Park is used for  
6 recreation use only. That does not include  
7 sleeping over.

8 TRUSTEE POMBONYO: Exactly.

9 MR. VERGARA: I'm not putting Mr. Garcia  
10 in a bad place. I don't think he quite  
11 understands what he is asking. He doesn't live  
12 there now. So, it's not a question of what  
13 they have been doing in the past. I don't.  
14 I'm stating for the record he can't do it.

15 TRUSTEE POMBONYO: Thank you for  
16 clarifying that.

17 MR. GARCIA: The other house, I never have  
18 nobody sleep in the basement.

19 MAYOR LONGOBARDI: Again, the laws here  
20 say you can't do that.

21 MR. GARCIA: Yes, I know that.

22 TRUSTEE POMBONYO: Thank you.

23 MAYOR LONGOBARDI: Okay. All right.

24 Right now, we have -- if the Board doesn't have  
25 any more questions, if it is okay, I will open

1 it up to anybody in the audience who would like  
 2 to have any comments regarding this  
 3 application? Okay. I don't have any further  
 4 questions. Anybody else have any questions?  
 5 Okay.

6 With that, I'm going to -- Mr. Vergara,  
 7 anything else you would like to add?

8 MR. VERGARA: I said my peace.

9 MAYOR LONGOBARDI: Thank you very much.  
 10 So, what we are going to do is ask for a motion  
 11 to close the public hearing and reserve  
 12 decision.

13 Mr. And Mrs. Garcia, thank you. Thank you  
 14 for coming out tonight and for this. We will  
 15 review the application and transcript from the  
 16 public hearing and then let you know, okay?

17 With that, can I get a motion to close the  
 18 public hearing and reserve decision?

19 TRUSTEE FITZGERALD: I make a motion.

20 MAYOR LONGOBARDI: Can I get a second?

21 TRUSTEE POMBONYO: Second.

22 MS. WALSH: Trustee Cheng?

23 TRUSTEE CHENG: Aye.

24 MS. WALSH: Trustee Fitzgerald?

25 TRUSTEE FITZGERALD: Aye.



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1 MS. WALSH: Trustee Pombonyo?

2 TRUSTEE POMBONYO: Aye.

3 MS. WALSH: Trustee Chiara?

4 TRUSTEE CHIARA: Aye.

5 MS. WALSH: And Mayor Longobardi?

6 MAYOR LONGOBARDI: Aye. Thank you all

7 very much for coming tonight.

8 MR. VERGARA: Good evening.

9 MRS. GARCIA: Thank you.

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Certified to be a true and

13

accurate transcript of the proceedings.

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CATHERINE P. MURPHY  
Court Reporter

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INC. VILLAGE OF  
FLORAL PARK, NY  
NOTICE IS HEREBY  
GIVEN, that the Board of  
Trustees of the Incorporated  
Village of Floral Park, NY will  
hold a Public Hearing at the  
Village Hall, One Floral  
Boulevard, Floral Park, NY on  
Tuesday, June 18, 2019 at  
8:00 pm in relation to the fol-  
lowing application:

The application of Silvia  
D. Garcia, owner, 50 Hem-  
lock Street, Floral Park, NY  
11001, for a Special Use Per-  
mit under Chapter 99, Article  
I, Section 99-6 schedule of  
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A copy of the application  
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INCORPORATED VILLAGE