

INCORPORATED VILLAGE OF FLORAL PARK

BOARD OF TRUSTEES

June 21, 2016

P R E S E N T

MAYOR THOMAS J. TWEEDY

TRUSTEE KEVIN M. FITZGERALD

TRUSTEE DOMINICK A. LONGOBARDI

TRUSTEE LYNN POMBONYO

TRUSTEE ARCHIE T. CHENG

GERARD M. BAMBRICK, ESQ.

JOHN RYAN, ESQ., VILLAGE ATTORNEY

STEPHEN SIWINSKI, BUILDING SUPERINTENDENT

SUSAN E. WALSH, VILLAGE CLERK

Application of: Wendy's Restaurant

ALSO PRESENT:

Thomas Pantelis, Esq.

Dale Koch, P.E.

Ken Shaw,

Rick Ramenthol

Reported By: MARY ANNE COPPINS, Court Reporter

1 MAYOR TWEEDY: Now we have a second
2 Public Hearing, which is a Public
3 Hearing regarding a franchise here in
4 Floral Park on Jericho Turnpike, the
5 Wendy's restaurant, and I would ask --

6 MR. PROSCIA: May I ask something.
7 My name is Frank Proscia.

8 MAYOR TWEEDY: Is it regarding this
9 application?

10 MR. PROSCIA: Yes.

11 MAYOR TWEEDY: We are going to hear
12 the application, then get to the
13 questions.

14 MR. PROSCIA: The letter that was
15 sent to us said the meeting was at the
16 pool building. That's what the letter
17 said.

18 MAYOR TWEEDY: Do you have your
19 letter, sir?

20 MR. PROSCIA: People are coming
21 now, because I told them there is a
22 meeting going on here instead.

23 MAYOR TWEEDY: Thank you, we'll
24 check that right now. We are going to
25 have a little change in the schedule.

1 In light of the fact that there may have
2 been some confusion, I am going to ask
3 that we have our police officer go down
4 there and make sure everyone is aware
5 that they may have gotten this
6 incorrect, that they have an opportunity
7 to get back here.

8 We will go through our agenda.

9 At this time, we would ask for your
10 patience, give us 10 minutes, 15
11 minutes, so if anyone who may have
12 gotten the information wrong, that will
13 give them a chance to get back here.

14 So we will suspend our Public
15 Hearing and we will move forward with
16 our agenda.

17 MR. RYAN: For the record, the
18 notices were appropriately sent
19 identifying this as the location.
20 I think the confusion was generally by
21 the fact that the ARB meets at the pool.

22 MAYOR TWEEDY: We will adjourn for
23 10 minutes, at 8:40 we will reconvene.

24 (Pause in the proceedings.)

25 MAYOR TWEEDY: Ladies and

1 gentlemen, we are ready to convene. All
2 right ladies and gentlemen, if I could
3 ask you all again to take your seats and
4 we will reconvene the Public Hearing as
5 it relates to the Wendy's property.

6 If I may, I have a sample of the
7 letter which was sent out by
8 Mr. Pantelis advising all about where to
9 attend for this hearing. It says, quite
10 clearly in the first paragraph, that the
11 Public Hearing will be held at Village
12 Hall, one Floral Boulevard.

13 The confusion may have come because
14 the ARB, Architectural Review Board, met
15 down at the pool building.

16 AUDIENCE MEMBER: We appreciate you
17 waiting, I guess those people are not
18 coming, thank you.

19 MAYOR TWEEDY: We waited now a
20 better part of 20 minutes. I want to
21 thank you very much for your
22 consideration, thank you very much,
23 Mr. Pantelis.

24 At this time, I am going to ask our
25 Village Clerk, Susan Walsh, to place it

1 in the record. And I would ask our
2 Village Clerk, Susan Walsh, to kindly
3 read the legal notice.

4 MS. WALSH: Thank you, Mayor
5 Tweedy.

6 Notice of Public Hearing,
7 Incorporated Village of Floral Park, New
8 York.

9 Notice is hereby given that the
10 Board of Trustees of the Incorporated
11 Village of Floral Park, New York will
12 hold a Public Hearing at Village Hall,
13 One Floral Boulevard, Floral Park, New
14 York on Tuesday, June 21, 2016 at 8:00
15 p.m. in relation to the following
16 application. The application of Wendy's
17 Restaurant, lessee, 181-191 Jericho
18 Turnpike, Floral Park, New York 11001,
19 is made in accordance with Chapter 99,
20 Article III, Section 99-11B of the
21 zoning ordinance of the incorporated
22 Village of Floral Park, New York, which
23 states that a building in a B-2 District
24 may be erected, altered or used for any
25 purpose only when authorized by the

1 Board of Trustees as a special use after
2 a Public Hearing conducted by the Board.

3 The structure for which said
4 Special Permit is applied is situated on
5 the northwest corner of Vanderbilt
6 Avenue and Jericho Turnpike known as
7 181-191 Jericho Turnpike, Section 8,
8 Block 57, Lots 11-- excuse me, Lots 11
9 to 16, 50 to 52, 55 to 58, 61 to 62 on
10 the Nassau County Land and Tax Map.

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

18 Now take notice that all parties in
19 interest and citizens will be given the
20 opportunity to be heard at the aforesaid
21 time and place.

22 By Order of the Board of Trustees,
23 Incorporated Village of Floral Park,
24 New York. Susan E. Walsh, Village
25 Clerk. The Legal Notice is dated June

1 8, 2016.

2 This Legal Notice has been
3 published in the official paper of the
4 Incorporated Village of Floral Park, New
5 York and posted according to law and
6 sent to the Nassau County Planning
7 Commission.

8 MAYOR TWEEDY: Thank you very much,
9 Ms. Walsh. I would like to place on the
10 record that the applicant has filed an
11 affidavit of service indicating to all
12 neighbors within a 200-foot radius of
13 the dwelling and have been served with a
14 notice.

15 At this time, I would ask the
16 applicant, if you would please, stand
17 and would you please be sworn.

18 THE REPORTER: Please raise your
19 right hand.

20 (Complies.)

21 Do you swear that the following
22 testimony you are about to give is the
23 truth?

24 MR. PANTELIS: I do.

25 THE REPORTER: Please be seated.

1 Please state your name and
2 affiliation for the record.

3 MR. PANTELIS: Thomas Pantelis. I
4 am an attorney with offices at 170 Old
5 Country Road, Mineola, New York,
6 appearing on behalf of Wendy's
7 Corporation, the applicant.

8 Good evening, Mayor, members of the
9 Board.

10 There were some comments about the
11 location of the meeting. My heart rate
12 and blood pressure went up, drastically.
13 The last thing we would want to have
14 happen is defective notice, so I am glad
15 that matter has been resolved. I think
16 that was a very logical conclusion since
17 we had met there with the ARB.

18 I just want to pass up, for the
19 Board's examination, what essentially
20 are a reduced size set of plans that you
21 have, also, a three-page insert which
22 contains minor modifications. When Mr.
23 Koch testifies later, he will discuss
24 those with the Board.

25 As indicated, this is an

1 application for a Special Use Permit
2 pursuant to Section 99-11, which
3 requires that restaurants, including
4 drive-thru restaurants, obtain a Special
5 Use Permit from this Board, the Board of
6 Trustees. And Special Use Permits fall
7 under the provisions of Section 550-55
8 of the Village Code.

9 The subject property is located at
10 191 Jericho Turnpike. It is on the
11 north side of Jericho Turnpike between
12 Whitney Avenue on the west, and
13 Vanderbilt Avenue on the east; actually
14 at the intersection of Vanderbilt and
15 Jericho, that is the Wendy's portion.

16 The property is identified as
17 Section 8, Lot 57; Lots 11 through 16;
18 50 through 56; 61 and 62 on the Nassau
19 County Land and Tax Map. The subject
20 property has an area of 31,728 square
21 feet. It is presently improved with two
22 buildings, two structures. One is an
23 AT&T retail service store. That
24 building has an area of 3,460 square
25 feet. That building, although because

1 it is part of the subject property, is
2 obviously part of the application, but
3 nothing is being done with respect to
4 that, and it will, as we know, presently
5 continue to be a tenant.

6 The existing Wendy's building is
7 3,519 square feet, an area that has 70
8 seats. The zoning for this property is
9 a split-zoned property, as are some of
10 the larger properties in the Village.
11 There is a B-2 business district in the
12 front portion and an R-2 residential in
13 the rear of the property. That has been
14 the zoning of the property.

15 When the present structures were
16 first constructed in 1975, that was the
17 zoning. And a portion of the property,
18 obviously, a portion of the property has
19 been used for parking, in conjunction
20 with the commercial use, that was pretty
21 much the paved portion of it. A portion
22 of the existing building and the trash
23 enclosures were also located on the
24 residential zoning.

25 Wendy's is proposing to demolish

1 the existing building to construct a new
2 Wendy's Restaurant with an area of 2,650
3 square feet and 47 seats, along with a
4 drive-thru lane, a drive-thru feature.
5 The parking with the 31 spaces are
6 provided, 30 are required. So, in
7 comparison, the old building versus the
8 new building were approximately 800
9 square feet, almost a thousand square
10 feet smaller, and we have 47 seats
11 versus the 70 seats.

12 We will have more about the reasons
13 for the layout and the actual site
14 improvements shortly.

15 Applications for building permits
16 were initially submitted in March of
17 2015. Based on a review by the Building
18 Department, it was indicated that
19 variances were required from the Board
20 of Appeals and that a site plan and
21 architectural approval, an architectural
22 review, had to be conducted by the
23 Architectural Review Board and a Special
24 Use Permit obtained from this Board.

25 The Board of Appeals held a hearing

1 in September of 2015. After that Public
2 Hearing, they granted permission for the
3 drive-thru, which is partially located
4 in a residential zone, a trash
5 enclosure, which is partially located in
6 a residential zone. The Board issued
7 its decision in January of 2016.

8 We have applied for certain signage
9 variances and other minor variances
10 after interaction with the Board. Those
11 requests for variances were withdrawn.
12 So, ultimately, it's still to be
13 approved by the Architectural Review
14 Board. So, at this point, we are not
15 asking for any variances.

16 We think the main considerations
17 and the arguments that we presented to
18 the Board of Appeals is that this has
19 been a long-standing use of this entire
20 property for commercial use, especially
21 in this particular case for restaurant
22 use, modern, contemporary, drive-thru --
23 I'm sorry, contemporary, fast food or
24 fast-service restaurants, for the most
25 part, have drive-thru's and they play a

1 very significant part in their operation
2 and they're considered essential, both
3 to the economics and also for customer
4 service.

5 After receipt of the BZA decision,
6 applications were submitted to this
7 Board for a Special Use Permit and it
8 was indicated that it was the Board's
9 desire that this be reviewed for site
10 purposes and for architectural purposes
11 by the Architectural Review Board. We
12 submitted those applications.

13 We had approximately three meetings
14 with the ARB and there were some, I
15 would say, significant changes in the
16 appearance of the building, the
17 orientation of the building, the way it
18 presented itself to the community, the
19 landscaping and other things. Those
20 revisions were made. Last month the ARB
21 voted to approve the site plan and the
22 architecturals.

23 I'm going to submit, for the
24 record, a copy of the Board of Appeals
25 decision which was filed in the Village

1 Clerk's office on January 22, 2016 and a
2 copy of the Architectural Review Board
3 approval which was filed with the
4 Village Clerk on May 26, 2016. I would
5 just like to make these part of the
6 record.

7 Just by way of history for the
8 property, research in the Village files,
9 records indicate that in 1975 the Board
10 of Trustees, at that time, issued a
11 Special Use Permit for parking spaces in
12 an R-2 District contiguous to what was
13 then the C-1 District for the purposes
14 of a proposed office building for a bank
15 in a C-1 District, and a Roy Rogers
16 family-type restaurant in a C-1 and R-2
17 District, so that the building itself,
18 at that time, had been approved in the
19 residents' district. That is a 1975
20 resolution of the Board granting that
21 site plan approval.

22 There are several documents that
23 are related to that which I will submit.

24 The Board of Trustees also issued a
25 special, separate, special permit to the

1 Roy Rogers for that particular use. So
2 I will submit copies of that, and also,
3 a copy of a 1995 decision from the Board
4 granting Wendy's site plan approval and
5 relief from what had been a temporary
6 moratorium from the Village at that
7 point.

8 So Roy Rogers occupied the building
9 between approximately 1975-1976. In
10 1995, Wendy's then purchased the
11 property. I think the corporation,
12 Wendy's, had taken over a lot of the Roy
13 Rogers Restaurants, so that what we have
14 is a site that has been used since 1975,
15 1976 for restaurant purposes. I will
16 submit copies of those as well.

17 What I would like to do is I have
18 several witnesses this evening. I am
19 going to ask the representative of
20 Wendy's to just briefly introduce
21 himself to the Board and indicate why we
22 need or want to replace the restaurant
23 that is at the site.

24 And if the Board has any immediate
25 questions, Mr. Koch will be following,

1 and he will very thoroughly address the
2 site plan, the layout, the landscaping,
3 the lighting and so on.

4 We do have a representative of
5 Atlantic Traffic here, although we are
6 not going to give a full traffic report
7 tonight. That was analyzed pretty
8 thoroughly at the Board of Appeal level,
9 and certainly answer any questions. In
10 fact, Mr. Koch may be able to do that.

11 If I may call Mr. Ramentol.

12 THE REPORTER: Please raise your
13 right hand.

14 (Complies.)

15 Do you swear that the following
16 testimony you are about to give is the
17 truth?

18 MR. RAMENTHOL: I do.

19 THE REPORTER: Please be seated.

20 State your name and affiliation for
21 the record.

22 MR. RAMENTOL: It's Rick Ramentol,
23 R-A-M-E-N-T-O-L. I am Director of
24 Development of the Wendy's companies for
25 the New York region.

1 MR. PANTELIS: You heard my
2 introduction. I think, basically, the
3 Board might appreciate hearing why the
4 company is interested in redeveloping
5 this site.

6 MR. RAMENTOL: If you've just been
7 out to Long Island recently you see some
8 of the rehabs and we've remodeled some
9 of the sites here, Williston Park,
10 Garden City, similar situation here in
11 Floral Park. They are both old
12 restaurants without the drive-thru
13 lanes.

14 In this case, I think this
15 restaurant is 41 years old and it's a
16 pretty tired building. Williston Park
17 is thrilled with what we did there. We
18 scraped and rebuilt the site. It turned
19 out very well. The same with Garden
20 City on Old Country Road.

21 This is a similar situation. The
22 rest of Long Island, you will see,
23 slowly but surely, we're going to
24 remodel the stores to come into the 21st
25 Century to compete with the Panera

1 Breads of the world.

2 We have a softer touch in our
3 restaurants, fireplaces. We have
4 flat-screen TV sets to make it a more
5 encompassing environment for a
6 quick-service restaurant, I think
7 putting us a notch above some of our
8 competitors in a way to present our
9 product.

10 Like I said, if you have not had a
11 chance to see the Williston Park store,
12 it came out very nicely on a small piece
13 of property and we hope to do the same
14 thing here.

15 MAYOR TWEEDY: Thank you very much.

16 Are there any questions of
17 Mr. Ramenthol?

18 (No response.)

19 Thank you very much. If there is
20 anything further, we will call you.

21 MR. RAMENTOL: Thank you.

22 MR. PANTELIS: I would like to call
23 Mr. Koch.

24 THE REPORTER: Please raise your
25 right hand.

1 (Complies.)

2 Do you swear that the following
3 testimony you are about to give is the
4 truth?

5 MR. KOCH: I do.

6 THE REPORTER: Please state your
7 name and affiliation for the record.

8 MR. KOCH: Good evening, Mr. Mayor,
9 Members of the Board, my name is Dale
10 Koch, K-O-C-H, I am a licensed
11 professional engineer within the State
12 of New York. I am with the firm of
13 Bohler Engineering, 2929 Expressway
14 Drive North, Hauppauge, New York.

15 MR. PANTELIS: Your firm prepared
16 the plans which have been submitted to
17 the Board with respect to redevelopment
18 of the site.

19 MR. KOCH: We did, we prepared the
20 aerial rendering of the site plan.

21 MR. PANTELIS: What I would like
22 you to do, which you do very well, is
23 take the Board through the plan, what we
24 are proposing to do and please cover all
25 -- address all aspects, including

1 landscaping, drainage and the building
2 itself.

3 MR. KOCH: Absolutely.

4 TRUSTEE POMBONYO: If I could
5 interrupt, would it be possible, since
6 the Board has a drawing of your plans,
7 to face that a little bit towards the
8 audience so they can see it?

9 MAYOR TWEEDY: Thank you.

10 MR. KOCH: Is that okay with you?

11 MAYOR TWEEDY: Absolutely okay. We
12 are seeing the same things you have,
13 that's fine.

14 MR. KOCH: I'll just start by
15 giving a brief overview of the subject
16 site. Everyone knows the location, 191
17 Jericho Turnpike. We have frontage
18 along Jericho Turnpike, Vanderbilt
19 Avenue and Whitney Avenue. Vanderbilt
20 Avenue and Jericho Turnpike actually
21 have a signalized intersection, which is
22 important for our use and our access.

23 Currently, the site utilizes access
24 points on Whitney, Jericho and
25 Vanderbilt. There are actually two curb

1 cuts on Whitney, one on Jericho, then
2 two more on Vanderbilt. There is two --
3 one full access on Vanderbilt and then
4 one -- I'm sorry, one entrance only and
5 one exit only on Vanderbilt, they're
6 actually separate. So the northern
7 driveway there goes to an exit only and
8 then there is an entrance only down here
9 on Vanderbilt, right up against the back
10 side of the building.

11 Uses up and down Jericho Turnpike,
12 as everyone knows, is typically
13 commercial with residential directly
14 adjacent to them just beyond those
15 commercial uses.

16 The existing site currently
17 consists of two buildings, it's a
18 Wendy's building with no driveway and
19 the AT&T building. The AT&T building is
20 3400 square foot. That is going to
21 remain, left to remain, we're just going
22 to do some minor site improvements
23 around that building to make it a little
24 safer for customers who wish to use the
25 AT&T building. Then there is an

1 existing total of 39 parking stalls for
2 both uses.

3 As I mentioned, overall the site is
4 pretty tired. We actually visited the
5 site one more time today. There is
6 pavement that is starting to be in need
7 of repair. We've heard of some drainage
8 issues that have come up in the past
9 when there is a heavy rain storm.
10 Parking, the circulation, in my opinion
11 is not great.

12 I was actually driving on the site
13 today, heading north from Jericho
14 Turnpike, and realized there is a pretty
15 significant visual block from the
16 existing trash enclosure, and cars
17 coming in off Vanderbilt down that drive
18 by. So, hopefully, we're going to be
19 able to mitigate that. I'll go through
20 and explain why we are able to have such
21 a much more improved site plan.

22 Just so everyone knows, I am
23 referring to the site rendering at this
24 point. It should be the second page in
25 your packet that everyone has -- sorry,

1 the third page. The proposed site,
2 we're building a new Wendy's restaurant
3 with a drive-thru.

4 Now, our office, along with Mr.
5 Pantelis and Wendy's, met with the
6 Architectural Review Board multiple
7 times to address the concerns, not only
8 the members of that Board, but also
9 residents that came out to those
10 meetings. We feel this plan is a pretty
11 good compromise for what Wendy's is
12 looking to do, while still keeping with
13 the nature of the neighborhood, the
14 surrounding uses of the neighborhood,
15 not having an adverse effect on the
16 neighbors directly to the north.

17 One of biggest changes in access to
18 the proposed site is eliminating one of
19 the curb cuts on Whitney, so there's
20 just going to be an access-only curb
21 cut, or a full-movement curb cut off
22 Whitney. We have a right-in, right-out
23 curb cut on Jericho Turnpike. That is
24 actually required because there a median
25 down the center of the roadway so you

1 only have your right-in and right-out
2 access.

3 This is up to New York State DOT
4 standards. In fact, we actually have
5 their approval for site access and they
6 are ready to issue us a permit once we
7 are able to obtain -- hope to be able to
8 obtain your approval tonight.

9 The most, I will say the biggest
10 change that was made since we've met
11 with the Zoning Board was the curb cut
12 on Vanderbilt -- after hearing concerns
13 of residents -- they did not like the
14 idea of cars coming off Jericho Turnpike
15 traveling north up Vanderbilt, then
16 making a left into our site. We
17 actually eliminated any ingress
18 movements into that driveway. So in the
19 end, its actually going to be egress
20 only and we're channelizing it so cars
21 go right.

22 So if I was parked in the back
23 here, I would exit. And if I want to go
24 onto Vanderbilt, it's still very
25 important for cars to make it to that

1 signal intersection, to safely travel
2 eastbound onto Jericho Turnpike. We
3 still want them to be able to exit, so
4 we wanted to channelize it, also putting
5 do not enter signs to force cars to only
6 exit and go southbound on Vanderbilt
7 Avenue.

8 After meeting with the
9 Architectural Review Board, one of the
10 things I will show you in few minutes,
11 and they are in your packets, the
12 architecture of the building was changed
13 to be a little bit more of a colonial
14 look. The building, which was
15 originally shifted, rotated
16 horizontally, was rotated back
17 vertically, the way I have it shown in
18 this plan now, so that the front of the
19 building has a nice presentation to the
20 corner of Vanderbilt Avenue and Jericho
21 Turnpike.

22 MAYOR TWEEDY: When I look at the
23 large scale -- I'm sorry, the
24 large-scale drawing that you have here,
25 it shows the drive-in component, as well

1 the side, both on page 3 I am looking
2 at. Then if you look at the following
3 page of your elevation prospectus, which
4 corner am I looking at there?

5 MR. KOCH: The first one actually
6 is -- this is the southwest corner, it's
7 actually looking -- almost as if you
8 were looking from the entrance of the
9 site. You can almost see a little --
10 there is like a feature of the curb that
11 almost creates like a pizza-pie shape on
12 the rendering. That is the drive-thru
13 site, as you come in.

14 Then the fourth page, the fifth
15 page of the packet, is actually from the
16 corner of Vanderbilt and Jericho
17 Turnpike. As you can see, it's really a
18 nice flat element. This concrete
19 board-on-board, clapboard, some brick
20 and then some gooseneck lighting.

21 I will tell you, just so you know,
22 these signs do look a little large on
23 this rendering. That was a question of
24 the Architectural Review Board, but our
25 signs are to Code.

1 MAYOR TWEEDY: Code compliant.

2 MR. KOCH: Correct.

3 MAYOR TWEEDY: The entrance that is
4 on the southwest corner of the entrance,
5 if you were to enter the restaurant for
6 seating, you are entering at the
7 southwest corner or southeast corner,
8 where am I entering the building?

9 MR. KOCH: There are two entrances.
10 There's an entrance, one on the west and
11 east side of the building. So there
12 were some discussions based on some
13 concerns about crossing the drive-thru.
14 My argument was actually you have a much
15 safer situation crossing a drive-thru
16 than an open driveway. People are
17 moving much slower, waiting in line, and
18 you can make visual contact as you come
19 off the parking lot there, and you can
20 actually walk both sides. So we put the
21 crosswalks in a very, very strategic
22 location to make sure you have an
23 opportunity for cars to essentially stop
24 and you can make eye contact with the
25 person driving the car and cross the

1 drive-thru.

2 Throughout the site we're proposing
3 all new landscaping. I will tell the
4 Board, we are finalizing the landscaping
5 with the Architectural Review Board.
6 Ultimately, they have to write off on
7 all the plans and the different features
8 we are putting in. But our idea is, and
9 we are working with them, is to put some
10 5 to 6-foot high evergreen shrubs,
11 whether they be arborvitaes or some type
12 of buffer along the residential -- there
13 are three residential lot-lines there in
14 the back. We'll put some decorative
15 nice plants along the front outlining
16 the drive-thru, and ultimately, just
17 make the best presentation we can for
18 the corner of the site, then provide as
19 much of a buffer as we can along those
20 residential property lines.

21 Lighting is all going to be
22 upgraded using LED technology. LED
23 technology had kind of opened up a whole
24 new door for us. We do a lot of sites
25 with it. It's actually incredibly

1 efficient and very easy to use. You can
2 point it in a certain direction, you can
3 shield it. It's actually incredibly
4 accurate when you want to shine a light
5 onto a parking lot, when you don't want
6 to shine it behind you and don't want to
7 illuminate someone's house. They work
8 really well.

9 We've done post-construction
10 studies where we found that the lights
11 perform exactly how our computer
12 programs set them up to be. So the
13 lights for this site have been analyzed
14 and set up so there are no lights
15 spilling on the residential uses behind
16 us.

17 Finally, we are upgrading the
18 entire storm-water management system so
19 there are all new drainage structures,
20 which will meet Village Code, and also
21 be able to handle a rainstorm to a point
22 where there is no more site flooding and
23 puddles after a large rain fall.

24 The one last thing I want to go
25 through is the way we designed the

1 drive-thru. We work very closely with
2 Wendy's. In fact, I was just in
3 Columbus a couple of weeks ago to do a
4 presentation and to learn with Wendy's
5 and go through some of their design
6 elements. We work -- my company works
7 very close with them and we go through a
8 lot of different training and working
9 with each other to come up with these
10 designs that tend to work really well.

11 Williston Park is a great example.
12 You take a really small site and create
13 a drive-thru that operates very safely.

14 I actually think this drive-thru
15 will work much more effectively than
16 Williston Park. We have a bit more room
17 here, but cars can very easily circulate
18 off Jericho Turnpike into the
19 drive-thru, down around the south side
20 of the building, through, and then up
21 and around the side of Vanderbilt.

22 The menu Board and order point is
23 actually right on the east side of the
24 building there. You can actually see it
25 in your plan, it's a little blue line

1 and then almost like a clear box with
2 dash-hatches around it. That's the
3 order station and the menu board.

4 One of the things we worked with
5 the Architectural Review Board on, and
6 one of the solutions we came up with of
7 their concern, was that the speaker
8 volume would disrupt some of the
9 neighbors directly to the north. This
10 kind of now creates a barrier, the
11 building creates a natural barrier.
12 Sound is going to be projecting out onto
13 Vanderbilt Avenue. And on top of that,
14 the new technology with these menu board
15 order points, they actually have
16 self-volume controls. They analyze the
17 ambient noises surrounding the building.
18 So if it's 1:00 in the afternoon and
19 there is a large majority of traffic
20 going up and down Vanderbilt and
21 activity on the site, that will be a
22 little louder. But at night, when it's
23 7:00 at night and it's quieter or there
24 is not as much traffic, the volume
25 automatically lowers, so, ultimately,

1 you will not hear it.

2 It's very impressive, another one
3 of those new technologies, not that old
4 PA system you hear a mile away, it works
5 really well.

6 Finally, you'll circulate up around
7 the building, you'll pay, pick up your
8 food, then you can easily circulate out,
9 leaving the drive-thru to get back where
10 you came from. We do have some
11 protection in between the two lanes.
12 There is a curb and a couple of Bollards
13 to keep those two movements separate.
14 Then you can ultimately travel
15 southbound to Jericho Turnpike and go
16 westbound. You can go up to Whitney and
17 make the right and go westbound, or you
18 can go up to Vanderbilt and you can go
19 southbound to the signal and safely exit
20 the site.

21 Then only two, or really the last
22 couple of things I want to point out,
23 there are two trash enclosures. They
24 are block walls 1 along the north side
25 of the property line. That is going to

1 be for the AT&T store. The site today,
2 the garbage dumpsters are just sitting
3 right in the middle of the site. We
4 wanted to put that in more of a
5 controlled area so that it would be kept
6 clean, and AT&T can use that. Then our
7 trash enclosure for the Wendy's is right
8 adjacent to the drive-thru there.

9 There's also going to be a block
10 wall that matches the building. The
11 block wall is nice. If you actually go
12 to the site today, there is a fence
13 that's gotten beaten up over the years.
14 The block wall matches the building.
15 They're durable. They're just going to
16 be two opaque gates that you will not be
17 able to see through, but you can open up
18 and go pick up the trash.

19 Then, just as I mentioned, around
20 the AT&T building, we're proposing along
21 the sidewalk, a handicap ramp and to
22 just clean up that area so that people
23 who park for AT&T can safely go into
24 that and use that building as well.

25 Essentially, that concludes my

1 presentation. If you have any
2 questions, I'll be happy to answer them.

3 MAYOR TWEEDY: Can I ask you if you
4 would just walk through the floor plan
5 with us as well, if you would.

6 MR. KOCH: Absolutely, I do
7 apologize.

8 MAYOR TWEEDY: We received these
9 from Mr. Pantelis earlier.

10 MR. KOCH: Yes. I get very focused
11 on the site plan.

12 There was a mistake. The plan that
13 was recently submitted to you showed the
14 freezer-cooler box, which is ultimately
15 a modular unit, rotated parallel to the
16 building. We had to rotate it
17 perpendicular to the long side of the
18 building, as shown in that new 11 by 17
19 plan you have. So we had enough room to
20 get around the building for the
21 drive-thru and have the adequate turning
22 radius we need, along with providing a
23 proper dimension in the back of the
24 parking lot.

25 The original submission, the

1 freezer-cooler box was rotated
2 horizontally. There was a long -- there
3 was one way along the southern property
4 line there.

5 But just to kind of walk you
6 through, as Mr. Ramenthol was saying,
7 there is a very, very nice new dining
8 area in the front. In the middle, there
9 is a dark box there about 10 feet off
10 the front of the building. That is the
11 blade element you see in the elevation
12 that sticks up. There is a fireplace,
13 a TV is there as well. There is some
14 booth seating in the middle. Then,
15 similar to the typical Wendy's you have
16 now, you have your point of sales, your
17 soda down at the bottom, and then in the
18 back is their state of the art kitchen
19 with new fryers. I don't know all the
20 equipment, but it's all new. They have
21 a very efficient, very well-run kitchen,
22 very strategically set up and placed so
23 that the operations will work
24 effectively, and a great point of sales
25 for people using the dining room; then

1 the two drive-thru pick up windows, one
2 for sales and one for order point. Then
3 ultimately in the back, you have some
4 storage and, like I said, that
5 freezer-cooler box.

6 MAYOR TWEEDY: So if I may ask, Mr.
7 Koch, so I see clearly now, in the two
8 vestibules as you were saying, how they
9 work on the north and south.

10 When they come through that parking
11 lot in the rear we have a crosswalk that
12 comes as your heading northbound on
13 Vanderbilt, adjacent to Vanderbilt, and
14 then you go up that small ramp and then
15 there is that door at the end of that
16 sidewalk. I guess that's a level ramp,
17 or is that a ramp all the way.

18 MR. KOCH: No, no, just a ramp in
19 that first portion. Just for ADA
20 purposes and I want to be able to get
21 people up a little bit and the curb
22 protects people.

23 MAYOR TWEEDY: So the floor is 8
24 inches over the grade?

25 MR. KOCH: I would say about 6

1 inches. We are up -- it has to be 100
2 percent finalized -- I would say we are
3 up about 10 inches or a foot from
4 Jericho Turnpike.

5 MAYOR TWEEDY: All-access ramp,
6 not a step?

7 MR. KOCH: No steps, all ramps, 100
8 percent ADA compliant.

9 We have designed access from the
10 right-of-way. All that stuff will be
11 ADA ramps. No steps, no stairs,
12 anything like that. Then, also, all the
13 ramps have those protective warnings so
14 the people know they are going out to a
15 driving lane.

16 MAYOR TWEEDY: And just to be
17 clear, again, you were talking about
18 Bollard lighting along the driveway, is
19 that what you're saying, along the
20 driveway?

21 MR. KOCH: No, there's just a few
22 Bollards to protect. There's a few
23 Bollards in the middle there, between
24 the two, like two drive-thru lanes, to
25 kind of separate those movements. And

1 then along the building there is two
2 different places to protect the
3 pedestrians and the building, but
4 there's no lights.

5 MAYOR TWEEDY: Okay, thank you.

6 Are there any additional questions
7 for Mr. Koch at this time?

8 We have a bunch of questions at the
9 end. I don't know if, Mr. Pantelis, you
10 are finished.

11 MR. RYAN: Mayor, I don't know if
12 this was addressed, the hours of
13 operation.

14 MR. PANTELIS: I was going to do
15 so.

16 MR. RYAN: Thank you, sir.

17 I know we went through this kind of
18 when the application was before the
19 Zoning Board.

20 That turning radius off of Jericho
21 into the drive-thru, it seems kind of
22 sharp. You have to come in and almost
23 make a U-turn. Is that adequate?

24 MR. KOCH: Yes. Actually, the last
25 page of the packet that I handed out,

1 there is a car movement plan. And what
2 we did is we kind of illustrated how
3 easy this movement is for a vehicle.

4 How that is done is with a program
5 called Auto Turn. I have done these
6 where they don't work. Then they have
7 been built and I have been able to go
8 through them with my car, which is a
9 small SUV. They are very conservative.
10 There's cars actually pulling in off the
11 shoulder, which may or may not be
12 realistic. Then you may slow down and
13 come in off a driveway and then you may
14 pull into the shoulder. But either way,
15 it would have plenty of room to
16 circulate in through the entire
17 drive-thru and back around. That's what
18 that plan illustrates.

19 MR. RYAN: Thank you.

20 MR. KOCH: No problem.

21 I would also like to point out, I
22 didn't mention before, when we met the
23 Architectural Review Board we are
24 proposing for the entire length of the
25 property line, adjacent to residential,

1 a 6-foot high PVC fence. There were
2 talks, perhaps, of an 8-foot high fence,
3 but we went and spoke to the Village
4 Building Department and they said that a
5 6-foot high fence is to Code, 8-foot
6 height is not allowed. So I wanted to
7 point that out.

8 MAYOR TWEEDY: Well, at this point,
9 Mr. Pantelis, if you are finished with
10 your presentation --

11 MR. PANTELIS: Just a very brief.

12 MAYOR TWEEDY: -- we will have a
13 series of questions for you.

14 MR. PANTELIS: By way of operation,
15 we're proposing 10:30 a.m. to midnight.
16 Incidentally, the present hour of
17 closing is 1:00 a.m. So we are kind of
18 putting in, what we feel, is a range of
19 experience. We may even close earlier,
20 depending on the customer demand. Right
21 now 10:30 a.m. to midnight.

22 Employees at peak time,
23 approximately 10. That will include a
24 manager, seven or so -- six, seven
25 part-timers, and usually three full-time

1 employees.

2 Deliveries, generally two to three
3 times a week. A smaller tractor trailer
4 is used. Presently, that is a 40-foot
5 trailer. Deliveries are made between 7
6 a.m. and 10 a.m., before the hours,
7 really the hours of operation. They
8 certainly are not made in the middle of
9 the night, so that we --

10 TRUSTEE FITZGERALD: Seven days a
11 week?

12 MR. PANTELIS: No, no, two to three
13 times a week.

14 TRUSTEE FITZGERALD: What about on
15 Saturday and Sunday?

16 MR. PANTELIS: I don't think those
17 kinds of deliveries are made on Sunday.

18 I am just getting an indication
19 only in an unusual situation, an
20 emergency situation. It might be a
21 Saturday, though, because they get
22 scheduled. But we would certainly agree
23 not to have Sunday deliveries.

24 As far as trash, I think that has
25 been explained by Mr. Koch in terms of

1 the enclosure. We do use private
2 carting. It's picked up at least three
3 times a week. In this particular case,
4 we think there will be an very efficient
5 newer type of system, rather than the
6 fenced enclosure we have now, block
7 enclosure, plus the self-closing or the
8 enclosed, enclosing dumpsters.

9 That would basically handle
10 everything I wanted to cover, and if
11 there are any questions.

12 MAYOR TWEEDY: Mr. Pantelis, we'll
13 direct them at you and you can point the
14 question, if you can't answer it, to
15 whomever might be able to answer it.

16 The drive-thru, will that also be
17 12 a.m.?

18 MR. PANTELIS: Yes.

19 MAYOR TWEEDY: So all operations
20 are 10:30 a.m. to 12 a.m.?

21 MR. PANTELIS: Yes.

22 MAYOR TWEEDY: You discussed it as
23 it relates to deliveries and such.

24 In terms of parking for employees,
25 things of that nature, do you expect

1 there to be parking in those areas of
2 the AT&T store?

3 MR. PANTELIS: As with most fast
4 food companies and businesses, you find
5 that the great majority are very local
6 to the facility. Often, people do not
7 drive, they get dropped off. There is a
8 bus. You do have a couple of people who
9 may bring a car; but, certainly, it's
10 not like somebody who works at a big
11 department store and is traveling and
12 they have to bring their cars. Again,
13 we also employ a lot of younger people
14 who may not have cars. So it hasn't
15 been a problem at any of the locations.

16 MAYOR TWEEDY: If I may ask two
17 more questions related, then I will ask
18 the Board.

19 As it relates to the lighting, and
20 did I see a lighting drawing and the
21 candlelight going further and further
22 away, do you -- after the lighting is
23 placed, do you come back and check the
24 light meter that this is indeed, what we
25 would be reading, if you do the program?

1 MR. KOCH: We don't, on each site,
2 but we have been keeping track of these
3 new LED lights and having the
4 manufacturer go as well. We found they
5 are very accurate.

6 MAYOR TWEEDY: One of the problems
7 I think people are saying about LED
8 depends on the lens that is used and
9 there is a bit of a glare. In the light
10 that you use, have you seen this.

11 MR. KOCH: It's more of the light
12 themselves. It's more recessed up
13 inside the light fixture. You don't get
14 a glare.

15 MAYOR TWEEDY: Thank you.

16 Then, at this point, I'll ask the
17 other Members of the Board if they have
18 additional questions.

19 Trustee Fitzgerald?

20 TRUSTEE FITZGERALD: Just to follow
21 up on the lighting question.

22 On the light frame, there's a
23 footnote that talks about neighbor's
24 property, neighboring property, not more
25 than one candle may be projected more

1 than 10 feet on the adjacent residential
2 properties.

3 What, in layman's terms, does that
4 mean?

5 If I was standing there, would I be
6 able to read a document under those
7 lights or would I need my cell phone.

8 MR. KOCH: It becomes a little bit
9 of a tricky situation, but essentially,
10 that means our light can't project past
11 the property line. It would be a
12 one-foot candle out to the public
13 right-of-way.

14 TRUSTEE FITZGERALD: One foot
15 candle --

16 MR. KOCH: A one-foot candle -- let
17 me put it this way.

18 If you had a one-foot candle
19 perfectly even through your house, a
20 one-foot candle would be the equivalent
21 of being outside on a full moon, maybe a
22 little less than a one-foot candle. So
23 it's not super light. But the reason we
24 put that in there is we don't want the
25 responsibility for lighting the

1 right-of-way. The right-of-way has its
2 own lights. There's going to be its own
3 illumination, we keep our lighting on
4 site, light our site appropriately.

5 TRUSTEE FITZGERALD: But it won't
6 exceed on that residential property.

7 MR. KOCH: Right.

8 TRUSTEE FITZGERALD: With regards
9 to the circulation of the cars, the
10 concern I always have when you go to a
11 drive-thru as you go on Long Island or
12 somewhere else, is when you park your
13 car and go to walk in, I see there are
14 two crosswalks, it looks like.

15 Is there going to be signage around
16 that so cars understand there is a
17 crosswalk there?

18 MR. KOCH: We typically put the
19 small pedestrian crossing sign, the one
20 that has the couple of lines showing
21 crosswalk and pedestrians; basically, a
22 yield sign to pedestrians.

23 TRUSTEE FITZGERALD: What if
24 someone coming off of Jericho Turnpike
25 is walking, how would they enter the

1 building?

2 Just on the plan, I don't see any
3 entrance in there, other than walking
4 around through.

5 MR. KOCH: Right now, actually,
6 that is one last piece we have to work
7 out with the DOT. I am anticipating to
8 actually come up through the south side of
9 the building and enter the building
10 there.

11 TRUSTEE FITZGERALD: Walk --

12 MR. KOCH: There will be another
13 ramp there.

14 TRUSTEE FITZGERALD: With regards
15 to the deliveries, where would they be
16 coming from, physically?

17 Would they come just from Jericho
18 Turnpike or coming down Vanderbilt or
19 Whitney?

20 MR. KOCH: We do have that -- what
21 I call it a pork chop -- the Island in
22 the middle of the drive-thru there is
23 actually a mountable curb, so it's used
24 to channelize the cars, but trucks can
25 actually drive up over it very easily

1 and circulate it up off of Jericho.

2 TRUSTEE FITZGERALD: Not be coming
3 -- not be on Vanderbilt.

4 MR. KOCH: Not be able to turn on
5 Vanderbilt, no way they can get that
6 turn.

7 TRUSTEE FITZGERALD: In regards to
8 -- again, back to circulation, the two
9 ways, is there enough room there for
10 cars, or is there going to be a line
11 that says two-way traffic ahead, a
12 yellow line painted so that people know
13 that that was meant for two-way traffic?

14 MR. KOCH: Which?

15 TRUSTEE FITZGERALD: Right to the
16 north side of the trash receptacle.

17 MR. KOCH: Oh, yes, we are going to
18 stripe it so you will see the arrows the
19 way they're shown on the plan. We will
20 have a double yellow, essentially where
21 it's shown, to show two-way traffic.
22 It is also 24-feet wide, so it's more
23 than adequate for two-way traffic.

24 TRUSTEE FITZGERALD: With regard to
25 the hours, that's 365 days a year?

1 MR. RAMENTOL: I think we are
2 closed for -- Christmas day for sure.

3 TRUSTEE FITZGERALD: With regards
4 to the travel study, it talked about the
5 conclusion. It was all based upon
6 having the double drive-thru.

7 Did anything change to the traffic
8 study based on it being one drive-thru?

9 MR. KOCH: We haven't updated,
10 based on it being one drive-thru.
11 Essentially, we look at it based on it
12 being a service restaurant, quick-serve
13 restaurant. The line to the drive-thru,
14 people are not going to wait, come in
15 and wait.

16 MR. PANTELIS: What happened here
17 was a little unusual because we had
18 proposed the double drive-thru, which
19 frankly, was not well received, at least
20 from what people said was a common sense
21 thing, even though you will find many
22 more double drive-thru's around the
23 country.

24 So when we moved away from it, at
25 that point -- and the traffic study

1 hadn't changed with respect to that --
2 is when you look at fast food
3 restaurants, particularly Wendy's, and
4 has been studied by Atlantic, is that a
5 peak queue in the line would usually be
6 8 or 9 cars, that is a peak hour.

7 By virtue of this new plan where it
8 wraps around, we actually have a 16-car
9 capability, which really should exceed
10 almost any expected demand for the
11 drive-thru's, so it creates no
12 additional property problems. In fact,
13 it might even present a better
14 situation.

15 TRUSTEE FITZGERALD: So no
16 additional problems or additional
17 traffic.

18 MR. PANTELIS: No, no, because the
19 double was just really a matter of
20 taking what we have seen, which was a
21 small site, and putting a building in
22 such a way, which originally Wendy's and
23 the engineers thought worked well, and
24 it was an efficient use of the small
25 site. But because of the change to a

1 single, we actually changed the
2 orientation of the building and
3 everything sort of comes together as
4 well.

5 TRUSTEE FITZGERALD: And the last
6 question.

7 For someone who is traveling west
8 on Jericho Turnpike, they will see a
9 sign that says entrance past Vanderbilt,
10 so they don't accidentally go up
11 Vanderbilt? It's clearly marked, says
12 entrance, so they know -- see the
13 Wendy's, they're not going to make a
14 right to Wendy's.

15 MR. KOCH: We propose a small sign
16 that has a Wendy's logo with an arrow
17 pointing into the site, they'll see it.

18 TRUSTEE FITZGERALD: Thank you.

19 MAYOR TWEEDY: Trustee Pombonyo?

20 TRUSTEE POMBONYO: Thank you.

21 First of all, thank you for coming
22 in tonight and doing such a thorough
23 presentation. Thank you to the
24 residents for coming out to both the
25 Architectural Review Board meetings and

1 this evening's hearing to offer your
2 reaction to the input.

3 As the Building Commissioner, I did
4 attend all three Architectural Review
5 Board meetings at which the
6 presentations took place, and watched as
7 the site plans and this process evolved
8 into what we see tonight and you went
9 through the considerable work to do
10 that, we appreciate that. Also, the
11 input of our residents and reactions
12 that they stated as they became
13 incorporated in the plan, I appreciate
14 that too.

15 I have a few questions. I feel
16 like I have been watching the Wendy's
17 project for several months now.

18 Pending approval, what is the time
19 line for various construction phases?

20 MR. KOCH: Yes, as fast as
21 possible. Typically, we still have to
22 go to the Building Department and have
23 the construction documents for the
24 building reviewed. So that typically
25 takes probably a month or two months;

1 then construction, four months; take the
2 store down, put the building back up.
3 Believe it or not, Wendy's and their
4 construction crew puts buildings up
5 incredibly fast. It's the rest of --
6 I think that you have to deal with the
7 utility companies and water companies,
8 those types of things that actually can
9 slow us up a little bit. It takes time
10 to do disconnects and get everything
11 back connected as part of the process.
12 So about four months.

13 TRUSTEE POMBONYO: What do you see,
14 if any, of the construction impact on
15 the neighbors on Vanderbilt and Whitney.

16 MR. KOCH: I would say the biggest
17 impact is the parking lot gets ripped
18 up. But the contractors do a really
19 great job of keeping the site very
20 clean, and a majority of the work goes
21 on the building pad. We have a plan set
22 up to keep all of the debris and
23 everything on site, that's actually
24 given to the contractors as part of our
25 submission package.

1 I would say when the asphalt is
2 finally ripped up toward the end of the
3 project and the new pavement goes down,
4 that's probably the biggest impact, but
5 it's only a one week part of the
6 process.

7 TRUSTEE POMBONYO: Similar to a
8 road reconstruction.

9 MR. KOCH. Exactly, they would mill
10 the parking lot, drainage structures
11 would most likely already be in, mill
12 what is left, put the pavement down.

13 TRUSTEE POMBONYO: You describe the
14 fence along the northern perimeter of
15 the property.

16 Is there any other fence that
17 you're going to be doing and can you
18 describe it for us.

19 MR. KOCH: Yes, I did. I forgot to
20 mention that we are going to be
21 proposing a decorative fence along the
22 south and eastern property lines,
23 directly adjacent to the drive-thru, to
24 kind of break up the cars driving
25 through the drive-thru and pedestrians

1 potentially walking up and down Jericho
2 Turnpike.

3 On that third page, there is
4 actually going to be a 3-foot wide
5 landscape strip. Then, within that
6 landscape strip, both sides of which
7 will be curved, there will be a black
8 decorative fence, the same fence we have
9 out at Williston Park, to protect cars
10 from being able to drive over and out.
11 God forbid, they drove out and hopped
12 one curb. Now there's two curbs and a
13 fence to prevent any type of --
14 completely separate it.

15 TRUSTEE POMBONYO: I visited
16 Williston Park just to check out the
17 service and the flow of traffic. It
18 seemed to go pretty well there.

19 What results have you seen at
20 Williston Park, in terms of benefits?
21 Are there anticipated problems that have
22 arisen since the two facilities seem to
23 be very similar?

24 MR. SHAW: My name is Ken Shaw.

25 THE REPORTER: Please raise your

1 right hand.

2 (Complies.)

3 Do you swear that the following
4 testimony you are about to give is the
5 truth?

6 MR. SHAW: I do.

7 I am with Wendy's Corporation,
8 Director of Construction.

9 So, a lot of these questions that
10 are being asked about Williston Park,
11 it's a small lot, how it impacts on
12 residents, how it was working before and
13 after. We definitely presented in our
14 plan, everything was in our plan, and
15 hope that what we are testifying to
16 would come around in a reality.

17 We see nothing but a positive
18 impact on the dining room. Customers
19 that were there before are there after.
20 More frequent trips, our volume in the
21 dining room because of that.

22 The ambience of the TV has risen
23 dramatically. What we predicted to
24 happen with the drive-thru is happening.
25 We are doing fabulous throughout the

1 drive-thru. They're an impulse
2 business, so we don't worry about
3 stacking out on the road.

4 Customers make a decision to come
5 to Wendy's 45 seconds from when they're
6 at the restaurant, so they don't leave
7 home for a destination. So if the line
8 is long they are going somewhere else.
9 We don't see a lot of extra stacking.

10 Operations, we are very proud of
11 this particular operation the way we are
12 going to operate this one. They do a
13 fabulous job, they know how to get
14 people through.

15 Based on our increased sales and
16 volume, our customer feedback, the
17 relationship with the neighbors in back
18 of us, it's a home run for us. It's
19 kind of comfortable to speak like that
20 to you guys, based on facts.

21 TRUSTEE POMBONYO: While you are
22 there, I think you addressed this at the
23 Architectural Review Board.

24 Are we assured, especially to the
25 residents who had concerns at times

1 about customers littering the area, is
2 there anything that Wendy's can do to
3 help?

4 MR. SHAW: The folks who are in
5 charge of the restaurant don't just pop
6 in there. We have a full-time
7 management team who is responsible
8 totally for this restaurant. And then
9 there are people above them who handle
10 this particular part of Long Island, not
11 a corporation 100 miles away that
12 operates this.

13 So, obviously, especially with the
14 restaurant, they're in charge of
15 partnering -- especially with putting it
16 in a residential neighborhood -- to be
17 aware of the trash, the loitering,
18 things like that. So that has really
19 brought awareness.

20 Sometimes, to be honest with you,
21 older restaurants change crews and get
22 away there that. They are tired of it,
23 too. But when something comes in brand
24 new, it's a clean slate, it's brand new,
25 everyone is excited and treat it that

1 way, both the community and both the
2 residents.

3 But I always give my card during
4 construction. We've gone out -- and I
5 don't want to open this up, but we've
6 done repairs for people that have things
7 and made sure that when we left there,
8 everything was the way it was, if not
9 better, the same way we do with the
10 sidewalk. People call me afterwards if
11 something happens. I am only the
12 construction director, but I work
13 hand-in-hand with the operations folks,
14 so they will be out there immediately.

15 TRUSTEE POMBONYO: Are you willing
16 to give your card?

17 MR. SHAW: Absolutely, I'm not
18 going anywhere.

19 TRUSTEE POMBONYO: I am sure that
20 would be appreciated.

21 Just a quick question on parking,
22 again, because it's intricate and really
23 has evolved into something that met a
24 lot of needs.

25 Will you keep the arrows on the

1 ground, on the pavement?

2 MR. KOCH: Those arrows shown will
3 be stencilled and put on the pavement.
4 We place those for people circulating
5 the site so they understand the intent.

6 If I went to the site to visit and
7 they weren't there, I would call Ken and
8 ask them to put them in, because it
9 actually falls under our responsibility.

10 TRUSTEE POMBONYO: Thank you very
11 much.

12 MAYOR TWEEDY: Trustee Longobardi?

13 TRUSTEE LONGOBARDI: Thank you, Mr.
14 Mayor, thank you everyone for being
15 here.

16 Just on the arrows, you will
17 maintain those arrows in future years?

18 MR. KOCH: Yes.

19 TRUSTEE LONGOBARDI: As they fade.

20 I just want to talk about the
21 garbage a little bit if I could.

22 The trash receptacles that are
23 going to be there, they're going to be
24 closed, cement block enclosures?

25 I am assuming there is a program to

1 keep those clean, keep the inside of
2 those cement block enclosures clean, as
3 well as the trash containers from a
4 private carter.

5 Would you be willing to stipulate
6 to have them cleaned, the inside of
7 those containers as well?

8 Will that be put directly into
9 those containers? Are there any
10 provisions to store the garbage on the
11 property in any type refrigeration units
12 at the end of the night?

13 MR. KOCH: No idea. We are picking
14 it up. The trash is out there, at most,
15 two days before the trash is picked up.
16 It's inside plastic bags, so it's very
17 clean.

18 Obviously, and Ken spoke before,
19 the operation folks keep the site very
20 clean. One of their tasks is to make
21 sure that the trash enclosure is well
22 maintained.

23 TRUSTEE LONGOBARDI: Because if we
24 found it to be a problem, there will be
25 an increase in the number of --

1 MR. KOCH: I think Wendy's would
2 agree, that if you found any problems
3 with the garbage they would want the
4 same.

5 TRUSTEE LONGOBARDI: In regard to
6 those pickups. Carters operate 24 hours
7 a day. Would you stipulate to have them
8 pick up on some time after 7 a.m. and
9 before 10 a.m. in order not to have that
10 truck and noise at night time, 1:00,
11 2:00 in the morning.

12 MR. PANTELIS: That won't be a
13 problem. We think 7 to -- 7 a.m. or
14 after 7:00 a.m. is probably the best, or
15 the better way to word it.

16 TRUSTEE LONGOBARDI: I realized
17 that may not be a problem, but would you
18 stipulate to something that is going to
19 place that carter -- someone that has a
20 habit of doing what he wants.

21 MR. SHAW: Let me answer something
22 that really impacts our operations.

23 Presently, there is no drive-thru
24 at the restaurant today, we're not
25 making an excuse for a dirty corral.

1 Drive-thru customers are an
2 important part of our business. The
3 location of the trash corral is a
4 reflection on the drive-thru customer.
5 So if you're a drive-thru customer that
6 needs to take care of it and you're
7 driving through a dirty trash corral on
8 a 90-degree day and it smells, I don't
9 think you're going to be very attracted
10 to -- if there was a garbage pail in the
11 middle of your register inside the
12 restaurant. So the way we operate
13 drive-thru's, it's a fixture of going
14 through the drive-thru, so it really
15 does.

16 If you go to Williston Park, they
17 police that regularly. The gates don't
18 open, it's fully enclosed. They only
19 bring it out to the corral a certain
20 amount of times. The pick-ups are
21 obviously during the time we are talking
22 about. They do not want to impact the
23 drive-thru's either or people walking in
24 the restaurant. Everything you're
25 talking about is absolutely -- we would

1 comply with, as well as any kind of
2 other health violation. If there was
3 garbage in the middle of the dining
4 room, it's our job to keep that clean
5 and maintain it at all times.

6 TRUSTEE LONGOBARDI: I appreciate
7 that.

8 Just along those lines, will you
9 have someone from operations going out
10 for a couple hours to --

11 MR. SHAW: Absolutely.

12 TRUSTEE LONGOBARDI: -- police the
13 facility, the papers.

14 MR. SHAW: They have procedures.
15 They walk the lot, walk the neighboring
16 area and pick up things.

17 Look, you're going to have kids
18 throw stuff out, it's a reflection on
19 the business. It's a competitive
20 environment. If we lose customers,
21 somebody else is getting them. Our
22 operation is very conscious of that. We
23 need to implement it all over, but,
24 specifically, the new ones where you are
25 coming.

1 Like I said, it's a clean slate.
2 The drive-thru, the trash corral is
3 something we are very much aware of
4 because it's right there in our
5 drive-thru.

6 TRUSTEE LONGOBARDI: Thank you.

7 In all fairness, I have seen the
8 Garden City and the Williston Park
9 facilities and they are beautiful
10 facilities.

11 One other thing along those lines
12 is, again, odors that may be emanating
13 from -- what type of system do you have
14 to prevent odor from cooking and
15 different things like that.

16 MR. SHAW: We don't see that.

17 Again, probably what you're
18 experiencing is a lot of the older
19 technology. Our new fan systems are
20 like everything in the environment,
21 they're state of the art. You can't
22 defend a lot of the older restaurants.
23 A 15-year old hood needs replacing. Now
24 the hood systems and the filtration
25 systems and the EPA requirements they

1 have, we would do it anyway, but they're
2 sold that way. It's like anything else,
3 the filter systems that are in there are
4 high end.

5 I challenge you to go to any
6 restaurant that's probably been built,
7 McDonald's, Wendy's, in the last five
8 years, it's really the older ones that
9 give that fact that fast food gives off.

10 It's just something that the
11 industry hears all the time, and they
12 have to make them that way. I don't
13 think there is another choice.

14 Some municipalities or hospitals,
15 there's actually high, high end,
16 hospitals and things and colleges and
17 such, stuff like that have zero odors.
18 Here, I think the filtration, 85 percent
19 of the odors are captured at the hood
20 level, then 10 percent is actually
21 captured at the fan level. Then they
22 have built-in things like that and are
23 fool proof, they can't spill over grates
24 and things like that.

25 Obviously, we have our own

1 operation requirements. I know New
2 York, especially, we get a hood
3 inspection, black iron inspections with
4 the Fire Marshall. They are cleaned
5 like five times a year, which is
6 something that is obviously there for
7 protection of fires, but also handles
8 any grease build up.

9 TRUSTEE LONGOBARDI: Thank you,
10 that's all the questions I have.

11 MAYOR TWEEDY: Trustee Cheng?

12 TRUSTEE CHENG: Just a quick
13 question for you.

14 This property is leased to Wendy's?

15 MR. PANTELIS: Yes, it is.

16 TRUSTEE CHENG: Is there a separate
17 lease to the AT&T building?

18 MR. PANTELIS: Yes. In other
19 words, there is one owner of the
20 property. I forget, Gannon, I believe,
21 listed in the application. And AT&T
22 leases its pad, and Wendy's leases its
23 pad. We are coming here with the
24 owner's approval to go and to rehab the
25 whole site.

1 TRUSTEE CHENG: Are you paving the
2 parking area behind the AT&T?

3 MR. PANTELIS: Yes, the entire site
4 is being upgraded with respect to the
5 landscaping, the fencing, the drainage
6 and the paint.

7 TRUSTEE CHENG: AT&T, is the
8 drive-up window to be demolished or are
9 you taking that down?

10 MR. PANTELIS: That was a bank at
11 one point, not for purposes of this
12 AT&T. They don't need it.

13 MR. KOCH: They actually leave that
14 trash right in the middle of that driver
15 lane, so it doesn't function today.

16 TRUSTEE CHENG: Actually, two
17 questions, one you're going to laugh at.
18 How many handicap stalls are there
19 on this plan?

20 MR. KOCH: Two are there.

21 TRUSTEE CHENG: One attached to
22 Wendy's and one by AT&T.

23 MR. KOCH: Yes.

24 TRUSTEE CHENG: Obviously, they
25 must be in compliance.

1 MR. KOCH: 25 to 50 requires two
2 stalls.

3 TRUSTEE CHENG: Every other
4 question I think has been answered,
5 except what's the price of the next
6 hamburger.

7 MAYOR TWEEDY: I actually have one
8 additional question and that would be
9 your air conditioning equipment.

10 I assume it's going to be placed on
11 the roof and like everything else, it
12 will be coming in with condensers and
13 all the things.

14 Will there be additional fences or
15 any shielding that would hide the
16 equipment on the roof that has been
17 described?

18 MR. KOCH: If you look at those
19 plans, the gable aspects and everything,
20 it creates a parapet. Everything is
21 behind there so at ground level you will
22 not see anything. There is one piece
23 where there is a ladder. It's really
24 hard to see the thing, but from the
25 ground you are not going to see it.

1 MAYOR TWEEDY: The ladder is
2 interior or exterior?

3 MR. KOCH: There's a piece that
4 comes in off the roof. People come
5 service that equipment and bring their
6 own to connect to it.

7 MAYOR TWEEDY: Okay, thank you
8 very much.

9 TRUSTEE FITZGERALD: I just have
10 two quick questions.

11 Just for the record, there is no
12 basement, right?

13 MR. KOCH: No.

14 TRUSTEE FITZGERALD: And I know
15 we're in the middle of the summer, but
16 snow removal, to get it out.

17 MR. KOCH: Wendy's hires a private
18 contractor to do most restaurants on
19 Long Island.

20 TRUSTEE FITZGERALD: Do you pick it
21 up and take it away?

22 MR. SHAW: This particular site,
23 like Williston Park, becomes a little
24 challenging because you can't plow the
25 drive-thru, so they have to come in with

1 the backhoes and the Bobcats for that.
2 Obviously, we have to take that away.
3 We can't afford to lose any parking
4 stall, that is our business.

5 Of course, if the storm comes,
6 we've just got to get it cleared for the
7 safety and the rest of the parking lot.
8 So it mostly becomes a backhoe
9 situation, and how we kind of handle
10 some of the small sites.

11 TRUSTEE FITZGERALD: Thank you.

12 TRUSTEE LONGOBARDI: Also, the
13 landscaping.

14 MR. SHAW: We have a full-time
15 landscaper. Even if you go out today,
16 as old as the restaurant is, they still
17 do their best to maintain that. It's
18 all private. We pay people to do that.

19 TRUSTEE LONGOBARDI: Thank you.

20 MAYOR TWEEDY: Okay, at this time,
21 very patiently you have been waiting.

22 Thank you very much for your time.

23 I ask that when you come up, please
24 give your name and your address, and if
25 you would address any questions to the

1 Board. And if we can't answer them, we
2 will certainly address them to Mr.
3 Pantelis.

4 MS. PROSCIA: I am Linda Proscia,
5 21 Vanderbilt Avenue.

6 I want to say thank you very much
7 for the amount of work that you have
8 done, you have done incredible. From
9 the first plan that was presented, this
10 is totally usable.

11 But may I just bring up a couple of
12 things the Village may have to address?

13 MAYOR TWEEDY: Yes, please.

14 MS. PROSCIA: One is that I can't
15 express to you, as you had said, the
16 filth from Wendy's up and down our
17 blocks. I am very disappointed that our
18 neighbors are not here. I apologize
19 that nobody is here.

20 But the filth up and down our
21 block, it's all Wendy's. If you go in
22 front of Wendy's itself and in front of
23 Citibank, I would love you, on two
24 different days a week, go stroll and see
25 what our block looks like. We live in

1 filth. I don't understand, there is not
2 one garbage can. Still we said this so
3 many times in different meetings, there
4 is not one garbage can around. The
5 people come out and just throw
6 everything anywhere they want.

7 So I'm hoping that maybe the
8 Village could force that they have to
9 put Wendy's garbage cans there.

10 I do understand that people do what
11 they want with their household garbage,
12 but there has to be some way, someplace
13 to throw their garbage.

14 The second thing is if you can
15 clarify what they said about the trucks,
16 the delivery trucks, where they're
17 entering from.

18 Vanderbilt Avenue is supposed to be
19 no commercial traffic. They've ripped
20 down our lines so many times. I don't
21 know if you've gotten reports, but the
22 trucks from Wendy's still come down that
23 block and pull in. And they go down
24 there, they go on Hillside Avenue. And
25 it's really crazy, the traffic trucks.

1 MAYOR TWEEDY: We'll ask him
2 again.

3 MS. PROSCIA: The biggest thing, if
4 you are traveling east on Jericho
5 Turnpike, there is a break before the
6 traffic light in the median that people
7 U-turn there constantly. There is no
8 light in that break. People are
9 constantly U-turning. They U-Turn and
10 go into Wendy's, go into AT&T. But if
11 you go another few feet, the traffic
12 light has a wonderful left turn signal,
13 but nobody goes that far, they turn
14 here. There used to be a no U-turn sign
15 there. There are no U-turn signs as
16 you're coming west, but no longer are
17 there no U-turn signs there.

18 So now he is saying that they're
19 going to be traveling east, they're
20 going to cut in the middle of the
21 road -- no traffic light now -- and
22 going to cut across and go cut into
23 Wendy's, not go to Vanderbilt Avenue.
24 Of course they're going to go make a
25 U-turn at the first break.

1 How do they know when they're
2 making a left on Vanderbilt they can't
3 get into Vanderbilt because they're all
4 the way down to the second driveway
5 there?

6 That's my biggest concern, that
7 they're still going to enter there.

8 I think it's a safety thing on the
9 Village's half to cut -- close that
10 median, that brick, or put a no U-turn
11 sign in that break there or something,
12 because there's going to be a lot of
13 problems you don't see.

14 MAYOR TWEEDY: I know exactly what
15 you are saying.

16 MS. PROSCIA: I appreciate
17 everything the Board has done.

18 MAYOR TWEEDY: Consideration and
19 common sense, unfortunately, is in short
20 demand these days, but in great demand.

21 MS. PROSCIA: Remember, this is a
22 high-traffic area for children coming
23 and going at all different times of the
24 day, morning, after half days, and
25 people going and U-turning right there

1 with the kids crossing. I know it's not
2 a school zone, but we do have crossing
3 guards because of the amount of children
4 that cross there. It's a concern.

5 Thank you to all of you, your are
6 great.

7 TRUSTEE CHENG: Mayor?

8 MAYOR TWEEDY: Please.

9 TRUSTEE CHENG: Just so you
10 understand, we can, as a Village, ask
11 the State of New York, that's a state
12 road, we have no right to put up a sign
13 or fill in that curb cut.

14 MS. PROSCIA: I didn't know that.

15 TRUSTEE CHENG: It's completely
16 outside, but that is a state road.

17 MS. PROSCIA: What happens if they
18 queue up on Jericho Turnpike now, what's
19 going to happen.

20 If the window is half way on the
21 building there, but there's only room
22 for four cars in the drive-thru, what
23 happens if there are six cars?

24 MAYOR TWEEDY: Or seven cars.

25 MS. PROSCIA: Are those cars little

1 tiny cars, because that's a very small
2 area. It looks like it's going to start
3 queueing up on Jericho Turnpike, which,
4 again, is a state road.

5 Thank you very much, you do a good
6 job.

7 MAYOR TWEEDY: Thank you very much.

8 Is there anyone else who would like
9 to speak for or against this
10 application?

11 TRUSTEE CHENG: I'm sorry, the
12 State installed that no U-turn before.
13 They would have to do it again and do it
14 all, change over, on Jericho Turnpike.

15 MAYOR TWEEDY: Any other
16 questions?

17 I thank you again for coming in and
18 appreciate your patience.

19 Are there any additional comments
20 or questions by the Board?

21 MS. PROSCIA: Different trucks?

22 MAYOR TWEEDY: I'm going to ask.

23 TRUSTEE POMBONYO: And also to
24 follow up.

25 The signage pointing to the

1 entrance on Jericho so the drivers on
2 Jericho, especially going eastbound, can
3 see where they have to go on Jericho
4 Turnpike as opposed to Vanderbilt.

5 MR. KOCH: I'll actually address a
6 few of those things to pretty quickly
7 wrap it up.

8 As you mentioned, the break in that
9 median is for Flower Avenue so that is
10 why it is there.

11 The DOT, it is their jurisdiction,
12 they don't want us making any
13 modification to anything. We are going
14 to leave that as is.

15 The trucks, as I mentioned today,
16 they definitely do come in off
17 Vanderbilt. It's pretty easy for them
18 to go in. This new access plan, they
19 are not going to be able to get in off
20 of Vanderbilt. So even if the truck
21 comes out once and tries it, he is going
22 to have to learn he has to go back
23 around.

24 MAYOR TWEEDY: The construction
25 company, Wendy's, their trucks, you can

1 certainly instruct the drivers as to
2 where the entrances are.

3 MR. KOCH: Absolutely. The
4 intention is for them to use Jericho
5 Turnpike. Maybe the driver remembers
6 using Vanderbilt, they forget. The
7 point is after they make the mistake
8 once, they're going to want to get in
9 and out as fast as possible. The queue,
10 those cars were scaled. We do
11 anticipate the drive-thru adequately
12 servicing this site.

13 I think those were all the
14 questions.

15 MAYOR TWEEDY: The garbage cans,
16 the issue about the possibility of a --

17 MR. KOCH: Once the site is built,
18 Wendy's puts five garbage cans out for
19 the new store.

20 MAYOR TWEEDY: I understand now.
21 And I think when you see the new
22 building, as designed, I think we will
23 see that.

24 MR. SHAW: First of all, I walked
25 the neighborhood. It's absolutely a

1 beautiful neighborhood. It is well
2 maintained. I would be upset if garbage
3 was on my lawn, too. I would only
4 suggest, and go out on a limb, a lot of
5 it is communication. We can enforce it
6 to the people running the restaurant and
7 get management involved with it, because
8 we don't want to have unhappy neighbors,
9 customers, et cetera.

10 So, I'll leave my card with you.
11 I left it with two other people at the
12 last meeting. I work directly for the
13 corporation, I know can I speak on
14 behalf of the operations people in
15 charge of it all. The intent is not to
16 have problems. I want to make sure that
17 you know we are committed to that,
18 that's our job. We have 800 numbers for
19 when people get cold hamburgers. We
20 definitely don't want the neighbors
21 around us to be -- we want to be able to
22 be a neighbor, a good neighbor.

23 MAYOR TWEEDY: All right, thank you
24 very much.

25 MR. RAMENTOL: I'll leave my card

1 and you can also e-mail either one of
2 us. We can get to an operations person
3 in five minutes. Trust me, there will
4 be people going up and down the block
5 picking up trash if that's a problem.

6 MAYOR TWEEDY: Okay.

7 TRUSTEE FITZGERALD: One thing with
8 regards to the cars potentially queueing
9 up on Jericho Turnpike, traffic studies
10 say the max entering on a Saturday,
11 midday, with a drive-thru is like 80
12 cars in one hour.

13 In your experience, your opinion,
14 can 80 cars be serviced, people sitting,
15 without having cars on Jericho Turnpike.

16 MR. KOCH: Essentially, you have
17 your 31 parking stalls and AT&T. Then
18 you have the drive-thru. The average
19 drive-thru processing time is 90
20 seconds, so you can get that amount of
21 cars in and out of the drive-thru if you
22 had to.

23 MAYOR TWEEDY: Mr. Pantelis, do
24 have you any further comments?

25 MR. PANTELIS: No, thank you.

1 MAYOR TWEEDY: I would like to,
2 just as a closing statement, thank you
3 for your consideration earlier this
4 evening in allowing us to take the
5 opportunity to get back here.

6 Mr. Pantelis, I think you would
7 agree, starting in January and finishing
8 in June, to get to where we are today,
9 it's really, in the world of government,
10 really quite good.

11 I think in working with the
12 Architectural Review Board and coming
13 through and working as you had with Mr.
14 Koch and our collaboration, we've come
15 up with, what I think, is a very good
16 plan.

17 MR. PANTELIS: I think in this
18 particular case it worked very, very
19 well, because rather than standing here
20 in front of the Board of Trustees and
21 trying to redesign the restaurant over
22 and over, the Architectural Review Board
23 did that very well. We are happy with
24 the outcome also.

25 MAYOR TWEEDY: Certainly, we're

1 very happy. Wendy's is a great
2 corporate client that's been in Floral
3 Park for the 31 years, 41 years. And we
4 certainly appreciate your response,
5 you're a great corporate client.

6 However, we are a deliberate Board,
7 certainly, business is certainly the
8 backbone of every community. And the
9 improvements that are happening in
10 Jericho Turnpike, we certainly would
11 welcome the improvements that are done
12 in these drawings. They show, really,
13 quite a spectacular building showplace
14 of Wendy's Restaurants.

15 But, again, we are deliberative
16 Board. So we will reflect on what we
17 had and what we need to do.

18 So, at this time, I would ask for a
19 motion to reserve decision and close the
20 Public Hearing.

21 TRUSTEE POMBONYO: Motion.

22 TRUSTEE FITZGERALD: Second.

23 MAYOR TWEEDY: Ms. Walsh, would you
24 poll the Board.

25 MS. WALSH: Trustee Fitzgerald?

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TRUSTEE FITZGERALD: Aye.

MS. WALSH: Trustee Longobardi?

TRUSTEE LONGOBARDI: Aye.

MS. WALSH: Trustee Pombonyo?

TRUSTEE POMBONYO: Aye.

MS. WALSH: Trustee Cheng?

TRUSTEE CHENG: Aye.

MS. WALSH: Mayor Tweedy?

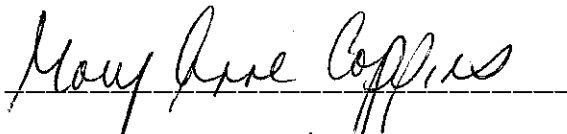
MAYOR TWEEDY: Votes aye.

Thank you all very much, and we'll
close the Board meeting as well.

* * * * *

C E R T I F I C A T I O N :

I, Mary Anne Coppins, Court
Reporter, hereby certify that the above
transcript is a true and accurate copy
of the minutes taken by myself
stenographically in the within matter.



Mary Anne Coppins

Court Reporter

**INCORPORATED VILLAGE OF FLORAL PARK
BOARD OF TRUSTEES**

-----X
In Re Application of

WENDY'S RESTAURANTS, as Lessee,

For a Special Use Permit to Allow the
Demolition, Erection and Use of a Building
for a Restaurant.
-----X

**DECISION
AND RESOLUTION**

This application is made under Article IX, Section 99.60 of the Code for a Special Use Permit to demolish and erect a building in a B-2 District. The Applicant has submitted an affidavit from the owner of the subject premises, Raymond Ganim, as Member of 171-191 Jericho Turnpike LLC, sworn to October 14, 2015, verifying the statements set forth in the application. The Applicant also submitted site and lighting plans prepared and sealed by Joseph A. Deal, Professional Engineer, as well as floor and exterior elevation plans prepared by The Chesapeake Design Group, Architects Incorporated. The Applicant also submitted a Traffic Impact Analysis, dated September 5, 2015, and sealed by John R. Harter and Paul B. Going, Professional Engineers. 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, erection, alteration or use of a building in a B-2 District 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 Article IX, Section 99-11.B of the Zoning Code. The property which is the subject of the application is situated on the northwest corner of Vanderbilt Avenue and Jericho Turnpike and is known as "181-191 Jericho Turnpike, Floral

Park, New York” and identified as Section 82, Block 57, Lots 11-16, 50-52, 55-58 and 61-62 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 on June 21, 2016;

WHEREAS, by Decision filed on January 22, 2016, the Village Zoning Board of Appeals granted certain variances, subject to conditions; and

WHEREAS, a public hearing was held on this application on June 21, 2016, at which time the Applicant made a sworn presentation to the Board of Trustees; and

WHEREAS, by letter, dated June 23, 2016, the Nassau County Planning Commission deferred the matter to the Board of Trustees to take action as it deemed appropriate, and

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 Board has unanimously found that the application is a Type II action pursuant to SEQRA and has adopted a negative declaration.
2. The Nassau County Planning Commission recommended that the Village take whatever action it deems appropriate.
3. After Board of Trustee’s jurisdiction of the case was confirmed, Applicant’s Counsel made a presentation to the Board. Counsel confirmed that Applicant has occupied the subject premises since 1995 and that a “Roy Rogers” restaurant had been at the site since 1975.

Adjacent to the restaurant is a building occupied by AT&T as a retail/service facility, all owned by 171-191 Jericho Turnpike LLC.

4. The subject property is "split zoned," to wit: \pm 65 feet is in the B-2 zone and the remainder in the R-2 zone.

5. Applicant's counsel summarized the hearing before the Zoning Board of Appeals, as well as the numerous and continuing meetings with the Architectural Review Board, all of which resulted in substantial modifications to the original application. Rich Ramenthol, Director of Development for the Applicant, confirmed Wendy's continuing interest in redeveloping the subject property in a manner consistent with the interest of the nearby residents.

6. Curb cuts are to be eliminated on Vanderbilt and Whitney. Moreover, vehicular access to and from the restaurant will be on Jericho Turnpike driving north on Vanderbilt, and vehicles will only be allowed to turn right traveling south on that street. No delivery vehicles are to use Vanderbilt Avenue.

7. Dale Koch, a licensed professional engineer from Bohler Engineering, also spoke on behalf of the Applicant. Mr. Koch confirmed that his firm prepared the drawings submitted to the Village on behalf of the Applicant. After reviewing aspects of the subject location and adjoining properties, various traffic related restrictions and introducing aerial photographs of the site, Mr. Koch testified that the proposed building, as reduced in size, together with the adjustments to the ingress/egress and other site improvements reflected on the filed plans, more than satisfy the requirements of the Village Code.

8. A twenty-four foot (24') wide driveway to the west of the Applicant's building will be installed, allowing vehicles to make right turns off Jericho Turnpike into the premises and right turns onto Jericho Turnpike as they exit the premises. Only vehicles traveling westbound on Jericho Turnpike could legally enter or exit the site at this driveway.

9. With respect to the dumpster presently used by AT&T, it will be enclosed with a masonry block wall and screened gates. There will be no pick-up of refuse by Applicant's private carter before 7:00 a.m. or after 9:00 p.m.

10. Subject to the conditions set forth below, this Special Use Permit is granted.

11. The proposed use will not create a hazard; nor is it conflicting or incongruous to the surroundings, neighborhood or Village.

12. The proposed use will not hinder or discourage the appropriate use and development of adjacent uses or impair their values.

13. The Board has considered the remaining standards set forth in Section 99-60. and finds that this application conforms with those standards.

14. 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 WENDY'S RESTAURANTS, as Lessee for a Special Use Permit to allow the demolition, erection and use of a building for a restaurant is granted, subject to the following conditions:

- I. the building shall only be used as a restaurant;
- II. employees shall not utilize any on-street parking;
- III. all refuse, both inside and outside the building, as well as along abutting residential streets, shall be contained and maintained in a manner acceptable to the Building Department;
- IV. any outdoor lighting, odors or noise generated at the premises shall conform to all applicable laws and codes and shall not interfere with adjoining residential property owners;
- V. all contractors employed by the Applicant for renovations of the premises shall comply with all applicable codes and not otherwise interfere with any adjoining residential property owner;

- VI. no delivery trucks shall enter or leave the premises onto Vanderbilt Avenue; and
- VII. all deliveries to the premises and any removal of refuse shall not occur before 7:00 a.m. nor 10:00 p.m.
- VIII. Hours of operation shall end at 12:00 a.m. all days of the week.

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:

Thomas J. Tweedy, Trustee	- Aye
Dominick A. Longobardi	- Aye
Kevin M. Fitzgerald	- Aye
Lynn Pombonyo	- Aye
Archie Cheng	- Aye

Dated: July 27, 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 July 27,
2016

Susan E. Walsh
Village Clerk