

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INCORPORATED VILLAGE OF FLORAL PARK

BOARD OF TRUSTEES

June 28, 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 M. DONNELLY, ESQ., VILLAGE ATTORNEY

STEPHEN SIWINSKI, BUILDING SUPERINTENDENT

SUSAN E. WALSH, VILLAGE CLERK

Application of: Questus S. Tyson, LLC

Reported By: Mary Anne Coppins, Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAYOR TWEEDY: We will reconvene our second Public Hearing.

I would ask at this time our Village Clerk, Susan Walsh, to read the Public Notice.

MS. WALSH: Thank you, Mayor Tweedy.

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

Notice is hereby given that the Board of Trustees of the Incorporated Village of Floral Park, Floral Park, New York, will hold a Public Hearing at Village Hall, One Floral Boulevard, Floral Park, New York on Tuesday, June 28, 2016, at 8 p.m. in relation to the following application.

The application of Questus S. Tyson, LLC, 7600 Jericho Turnpike, Suite 110, Westbury, New York 11590, is made in accordance with Article IV, not Article W as it states in the Legal Notice, there was a typo in the paper, Section 99-16B of the Zoning Ordinance

1 of the Incorporated Village of Floral
2 Park, New York, which requires a Special
3 Use Permit from the Board of Trustees
4 for a parking lot use.

5 The parking for which said Special
6 Permit is applied is located at the
7 northwest intersection of South Tyson
8 Avenue and Tyson Avenue and known as 86
9 South Tyson Avenue, Section 32, Block
10 55, Lot 16 on the Nassau Land and Tax
11 Map.

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

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

23 By Order of the Board of Trustees,
24 Incorporated Village of Floral Park,
25 Floral Park, New York, Susan E. Walsh,

1 Village Clerk.

2 The Legal Notice is dated June 15,
3 2016, and this Legal Notice has been
4 published in the official paper of the
5 Incorporated Village of Floral Park, New
6 York and posted according to law, and
7 sent to the Nassau County Planning
8 Commission.

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

11 I'd also like to place on the
12 record an Affidavit of Service
13 indicating that all neighbors within a
14 200-foot radius of this property's
15 application have been served with
16 notice.

17 Again, this falls within the
18 purview of the Village Board and we have
19 the authority to permit a Special Use
20 Permit for parking lot use.

21 At this time, I would ask, sir,
22 that, if you would, present the
23 applicant and if you could be sworn in
24 and make the application.

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. BONESSO: I do.

7 THE REPORTER: Please state your
8 name for the record.

9 MR. BONESSO: William Bonesso. I
10 am a partner with the firm of Forchelli,
11 Curto, Deegan, Schwartz, Mineo and
12 Terrana; 333 Earle Ovington Boulevard,
13 Uniondale. I am here on behalf of the
14 applicant Tyson -- excuse me, Questus S.
15 Tyson, LLC.

16 With me this evening are two
17 principals of Questus, Robert Dinoto and
18 Paul Posillico. Also present is Dwayne
19 Muller from RMS Engineering. He is a
20 transportation engineer and he was
21 present before the Board of Appeals on
22 this matter and provided expert
23 testimony in connection with the
24 parking, the variance that was required.
25 Also present is Mr. Martin Pasante, (ph)

1 the project architect.

2 This application as noted by the
3 Clerk involves the premises known as 77,
4 85 and 86 South Tyson Avenue. The 86
5 South Tyson Avenue property is the
6 Koenig's Restaurant catering facility,
7 and 77 and 85 are the parking lots that
8 were associated with that facility.

9 All the premises are situated
10 within the Village's B2 business
11 district. The total lot area of the
12 premise is 39,496 square feet, or .9
13 acres.

14 The premise has historically been
15 treated as one zoning lot, Koenig's
16 Restaurant, and the two parking lots.

17 Under the application that is
18 before the Board of Trustees this
19 evening as indicated by the Mayor, is an
20 application for a Special Use Permit to
21 establish a parking lot use of the
22 property that is known as 85 South Tyson
23 Avenue.

24 The applicant has proposed to
25 modify the Koenig's building. That

1 building will be modified by the
2 additional two stories on the --
3 presently, it's a two-story building.
4 The first floor will be either retail or
5 restaurant use, then the three stories
6 above will be apartments. Then it is
7 proposed that a new building will be
8 constructed on what is presently one of
9 the parking lot sites. That would be a
10 four-story building, but only three
11 levels of apartments because the first
12 level would be parking below.

13 The application went before the
14 Zoning Board of Appeals several months
15 ago. Variances were obtained to permit
16 a parking variance, as well as a setback
17 variance. The variance related to the
18 size of the units, so the Zoning Board
19 has already determined that the relief
20 required for the proposed redevelopment
21 of the property was appropriate and
22 granted the same.

23 The Village did express some
24 concerns regarding access to the
25 adjacent lot. There were some comments

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that -- as a result of the comments,
there were revisions made and my
partner, Mr. Muller and one of the
principles, Mr. Dinoto met with the
School Board members to discuss the
proposed plan and discuss safety
measures waking to school on Tyson
Avenue.

As a result, instead of the two-way
traffic in and out, the access point on
South Tyson Avenue, we're now proposing
ingress only off of Tyson and egress out
of the lot onto Mayflower Place. We
also moved the curb cut six feet for
better access to the lot.

That plan has been submitted, has
been reviewed by the Building
Department. Mr. Pasante had a meeting
with the Village Building Superintendent
on that. The modification results in
the reduction of one sparking space, but
allows for the ingress and egress that
was desired as a result of the comments
that we heard.

Now, to reiterate, instead of

1 egress and ingress from South Tyson, it
2 will be in only from South Tyson,
3 exiting only onto Mayflower Place.

4 We are before the Board this
5 evening simply for permission to allow
6 that parking lot, which has always been
7 used in conjunction with the Koenig
8 building, to continue to be used as a
9 parking lot for the two buildings that
10 would be present.

11 MAYOR TWEEDY: Okay, thank you.

12 You did, I think, say that there
13 has been a second, if you will -- there
14 has been a Zoning decision that has been
15 made. I think that Zoning decision was
16 in toto, that parking for both lots were
17 part of that decision.

18 MR. BONESSO: The overall parking
19 requirement was -- or the overall
20 parking variance was approved under the
21 proposed development of the two
22 properties, one with the new building
23 and one with modified building.

24 A total of 99 parking spaces is
25 required. The plan that was before the

1 Zoning Board provided 79 parking spaces,
2 so a 20-space variance was required.
3 That was granted, in addition to a
4 rear-yard setback of three-and-a-half
5 feet, instead of the required 10 feet
6 for the new building, and a variance to
7 permit several of the units to be --
8 dwelling units to be less than 1,000
9 square feet in size. Albeit, the
10 overall average size of the dwelling
11 units for all the units combined total
12 more than 1,000 square feet. That
13 relief was granted.

14 MAYOR TWEEDY: At this time, I
15 would ask are there any questions from
16 the Board at this time?

17 TRUSTEE CHENG: I thought we were
18 going to the public.

19 MAYOR TWEEDY: If I could, Mr.
20 Bonesso, if you would have a seat. At
21 this time, we will go in the inverse
22 direction.

23 If I could ask if anyone in the
24 public would like to speak either for or
25 against, I would ask you to give your

1 name and your address.

2 MS. ORTIZ: Nadia Ortiz, I'm
3 actually now speaking, addressing the
4 Board on behalf of the John Lewis Childs
5 PTA President, Ms. Cheryl Burns.

6 As PTA President, I am greatly
7 concerned about the Village issue being
8 presented here tonight. It is my
9 understanding that the BZA approved
10 three project variances on the property
11 formerly known as Koenig's. I am
12 relying on you, the Village Board, to
13 make a decision that puts our
14 community's needs ahead of the desire of
15 a developer. I don't need to remind you
16 that we face overcrowded street parking
17 at John Lewis Childs School due to the
18 low amount of existing space.

19 Mayor Tweedy, you participated in
20 many meetings with school officials
21 regarding the balance between resident
22 and staff parking needs. At this time
23 we face the same issue, but with
24 different players.

25 I am putting my faith in you, the

1 Village Board, to make the decision that
2 protects the residents of Floral Park.
3 Thank you.

4 Then on my own behalf, there are a
5 couple of things, and I am speaking
6 really just off the cuff.

7 Floral Park has also been an
8 attraction for people who want the best
9 of both worlds. They want the proximity
10 of Manhattan, the train; third track,
11 whatever. But the train access in and
12 out of Manhattan with ease, but with the
13 suburban feel of Long Island. But
14 slowly over time, we are becoming more
15 and more congested.

16 And this parking, I understand the
17 need for the residents that are coming
18 in, but then you are also limiting the
19 parking for those that are now coming to
20 the restaurant. If there is a
21 restaurant downstairs, a retail shop,
22 they used to park across the street at
23 Koenig's. So now you have back to go
24 back out on the street. There are
25 residents, there are children who will

1 be crossing. The playground is open up
2 until dusk. It opens first thing in the
3 morning, it's open on weekdays,
4 weekends, sporting events.

5 My concern, although the entrance
6 is in off Tyson, children run, they
7 don't pay attention. It's very, very
8 scary; but also just the congestion.

9 As much as we discussed home sales
10 are up in Floral Park, that's also
11 because people are moving out of Floral
12 Park who want to get away from the
13 congestion and the taxes and all of
14 that. So I just see Astoria coming.
15 It's getting more and more congested and
16 I can't fathom this happening.

17 Particularly with everything else,
18 allowing variances to occur, when we
19 have such an uncertain fate about the
20 third track, to me, I think there should
21 be a freeze on any new projects or
22 variances or anything like that until we
23 get a handle on what is going on with
24 the third track.

25 That's my humble opinion.

1 MAYOR TWEEDY: Thank you.

2 Would you submit Ms. Burns letter?

3 And thank you for sharing that with
4 us.

5 Is there anyone else?

6 MR. OPIEKUN: Good evening, I'm Jim
7 Opiekun, Superintendent of Schools for
8 Floral Park-Bellerose.

9 Just as a point of clarification,
10 Mr. Mayor, at this point now, you are
11 considering a piece of this project, the
12 entire protect or what is before you
13 right now is just a parking lot?

14 I'm not quite clear.

15 MAYOR TWEEDY: What is before us is
16 a parking lot. That is the Special Use
17 Permit that is presently before us.
18 There has been a variance which has
19 encompassed both properties, and both of
20 those properties were part of that
21 variance, that was that relief that was
22 provided to the Zoning Board of 20
23 spaces, 21 spaces.

24 MR. OPIEKUN: So then at this
25 point, the variances, because we were at

1 that hearing also, those variances then
2 are in place and the project will go
3 under those lack of constraints or
4 constraints, if I understand correctly.

5 MAYOR TWEEDY: There would be
6 another process that this would go
7 through and that would include our
8 Planning Board and our Site Planning
9 Board, which is called the Architectural
10 Review Board. That's a process of how
11 they will look at the building. But
12 they will also be able to take in
13 planning, which would take some of the
14 issues of ingress, egress that Mr.
15 Bonesso spoke to.

16 MR. OPIEKUN: Thank you for that
17 explanation.

18 So for tonight, on behalf of the
19 Board, I would like to transmit that
20 first of all, our appreciation to the
21 principles and to the developer because
22 they did sit down with us and try to
23 work out some of our concerns.

24 Our concerns, really to reiterate,
25 go along the idea of safety. There is a

1 concern about parking. And then also,
2 more abstract, which would be the area
3 of enrollment. The safety issues I
4 think are still paramount with the
5 appreciation to some of the site
6 considerations that are being discussed.
7 We still have several hundred walkers
8 going up and down South Tyson on both
9 sides of that school zone, so we're
10 still concerned about that.

11 The parking piece, those of us that
12 are still healing from the scars, know
13 we are at a very tenuous tipping point
14 in this area, and anything that can be
15 done to ameliorate the parking situation
16 would be most appreciated, as we have
17 staffing issues, as well as community
18 relation issues we are constantly trying
19 to balance.

20 And then, the last one with the
21 enrollment.

22 As you may be aware, there is an
23 initiative by the Board right now, we
24 are looking for the need for expansion
25 of the facilities, expansion of both of

1 our schools. And although I know
2 conceptually there is good intent, we do
3 have a concern that the units may not
4 all be used by people that don't have
5 children and that could contribute to
6 our need over at the John Lewis Childs
7 School, which would fall within that
8 school zone, as well as any development
9 going on in this area.

10 So, with particular specifics
11 towards tonight with parking, if there
12 is anything that could be done to
13 minimize the parking impact and also the
14 traffic impact in your decision-making
15 process, it will be most appreciated by
16 the Board.

17 MAYOR TWEEDY: Thank you.

18 And can I ask you, again, just for
19 clarification, as Superintendent, in
20 your meetings that you had with the
21 developer, as there has been no
22 testimony they are changing ingress and
23 egress, did you speak to issues relating
24 to other safety issues that could be put
25 at this location for children.

1 And, as I am sure you know, Mr.
2 Bonesso, all children are conveyed by
3 means of a crossing guard at a
4 crosswalk, and they're conveyed along
5 this side of the street to the grammar
6 school.

7 Did you go through ideas of
8 mirrors, flashers, anything that would
9 alert the driver of the pedestrian that
10 a car is coming or anything of that
11 nature, safety along these lines?

12 MR. OPIEKUN: Yes. They were
13 mentioned at the meeting, as well as
14 more study by their traffic experts.
15 And whatever could be done to try and
16 eliminate any blind spots to make sure
17 that we didn't have a situation where
18 there were cars pulling out with a
19 child, and the child didn't see the car
20 coming.

21 So I believe that there was
22 certainly a good intention in that
23 discussion. I think I am hearing that
24 some of that has been implemented, but,
25 of course, we have not seen the entire

1 plan yet; but, again, anything that
2 could be done to improve visibility of
3 the flow of traffic.

4 And what we did was ask is that if
5 any traffic study be done at peak times
6 which is our arrival and dismissal,
7 because we have -- as anybody that is
8 around there from 8:00 to 8:30 knows or
9 from 2:30 to 3:00 knows, that is really
10 our peak times. We have several hundred
11 parents picking up their children. We
12 have buses, and we also have walkers who
13 are exiting at the same time.

14 MAYOR TWEEDY: Just to clarify one
15 point that you did make.

16 The application and the variance
17 that was made was not before this Board
18 but before the Zoning Board. There
19 were, what you would call
20 transit-oriented apartments, which are
21 smaller than the requirements of our
22 zoning; however, there were other
23 apartments that exceeded that
24 requirement so that the combined average
25 was close to what our requirements were

1 for zoning.

2 Whether that affects the issue you
3 made, which is a very good one, I don't
4 know. I just wanted to make that as a
5 point of clarification.

6 MR. OPIEKUN: As I said at the
7 meeting, this is not my fight rodeo.
8 I've heard that promise before and time
9 will tell. But we have children that
10 are coming out of other apartment
11 complexes in Floral Park as well.

12 MAYOR TWEEDY: Thank you very much,
13 nice to see you.

14 MR. OPIEKUN: Thank you so much
15 tonight, thank you.

16 MAYOR TWEEDY: Is there anyone else
17 who would like to speak?

18 MS. LAMANNA: Hi, my name is
19 Elizabeth Lamanna, L-A-M-A-N-N-A, 552
20 Tulip Avenue.

21 I am very concerned and also coming
22 from the Board of Directors from
23 Flowerview Gardens about the congestion,
24 the parking. We have a 287 unit co-op.
25 We don't have enough parking on our

1 property. We utilize the Creedmore Spur
2 which is very helpful for our
3 shareholders. But they are finding that
4 spots are getting less and less.

5 We have a lot of people who are
6 coming in and buying property in Floral
7 Park and they are coming in with two
8 cars and they are having a lot of
9 difficulty being able to find someplace
10 to park. That concerns me, having this
11 property so close to our shareholders
12 who own in the town who might not be
13 able to park as conveniently as we were
14 able to.

15 Our guests of the shareholders are
16 having issues of parking. In fact, we
17 have some illegal parking in our own lot
18 that we are trying to deal with, people
19 coming in just trying to park in the so
20 few spaces we have.

21 So I just want to go on record that
22 Flowerview Gardens is very concerned
23 about congestion and parking.

24 MAYOR TWEEDY: Thank you very much.

25 MS. LAMANNA: Thank you.

1 MAYOR TWEEDY: Yes, ma'am.

2 MS. LEONE: My name is Donna Leone
3 and I live on Elizabeth Street.

4 I was here a few weeks ago for a
5 meeting on Centennial Hall and we spent
6 a lot of time talking about parking
7 issues on that corner. And now this
8 nice lady talked about the parking
9 issues even further down the block.

10 Now I live on Elizabeth Street and
11 as the Superintendent alluded to, we
12 have had many, many issues with parking.
13 So now to add an apartment building and
14 stores and more apartments on top of
15 those stores, I can't even imagine where
16 these people are going to park their
17 cars. They're saying there's going to
18 be spots. I just heard there is a
19 variance given on a number of spots.

20 Could you clarify that for a
21 moment?

22 MAYOR TWEEDY: There was an
23 application -- the applicant made an
24 application before the Zoning Board for
25 relief from the number of parking spaces

1 to be required.

2 MS. LEONE: Has that been --

3 MAYOR TWEEDY: The Zoning Board
4 gave its decision and gave relief to the
5 applicant for 10 more spaces.

6 MS. LEONE: I am very disappointed
7 to hear that the Village would do that.

8 MAYOR TWEEDY: The Zoning Board is
9 an independent Board that made a
10 decision based on traffic studies and --

11 MS. LEONE: Well, I am disappointed
12 in the Zoning Board that they did that.
13 Maybe they have not been to all the
14 other meetings that the community has
15 held regarding the parking issue we have
16 in and around the train station,
17 Elizabeth Street, Tulip. I can name
18 blocks for 10 minutes, so I am very
19 disappointed to hear that.

20 The Superintendent already spoke
21 about the concern of the children
22 walking. I no longer have a school-aged
23 child, but I watch the crossing guard.

24 Now, will another crossing guard be
25 required on Mayflower, if that's the

1 proper name, because there is one at the
2 intersection of -- underneath the train.
3 Will now another crossing guard be
4 required at that intersection?

5 MAYOR TWEEDY: Again, what is
6 before us is another matter. If we find
7 there becomes a need for that, by
8 function, the Village will respond to
9 it.

10 What is before us now is not
11 necessarily issues that relate to our --
12 those issues that come before the Board
13 in our Public Hearing monthly,
14 bi-monthly meeting. This is just an
15 application. I can't speak to whether
16 we would be putting a crossing guard
17 there.

18 Again, there is a site review,
19 there are several other issues that come
20 up. You bring up a very good point, one
21 that I will hope site review, or our
22 Planning Board, our ARB would do, take
23 that concern, which is a legitimate
24 concern -- and I thank you for bringing
25 it up, but incorporating it into their

1 plans with the developer.

2 MS. LEONE: There was another
3 comment made that there were discussions
4 about lighting, putting up signage or
5 something.

6 Has there been any traffic study
7 done on that intersection, because it's
8 a nightmare to cross the street already.

9 MAYOR TWEEDY: There was a traffic
10 study submitted to the ARB which is part
11 of the testimony. You're welcome to
12 read the testimony. Ms. Walsh will be
13 able to provide you with that if you
14 come to Village Hall.

15 A traffic study was provided as
16 evidence during the Zoning Board
17 application, the application before the
18 Zoning Board. And it did speak to
19 numbers and uses and how those cars will
20 be using that area in that complex.

21 MS. LEONE: So the purpose of
22 tonight's meeting is only to discuss
23 parking?

24 MAYOR TWEEDY: The purpose of
25 tonight's meeting is to issue a Special

1 Use Permit which is a -- the Village
2 Board has through this zoning -- I'm
3 sorry, through a Zoning Ordinance has
4 the authority. Special Use is a
5 presumptive right.

6 So, as Mr. Bonesso alluded to, this
7 has been a parking lot, it's to be a
8 parking lot. So what is before us is
9 can this continue as a parking lot.

10 There has been a change in its use,
11 there has been a modification to the
12 zoning use of what's been granted by the
13 Zoning Board. What is before us is the
14 application of a Special Use Permit to
15 this Board who has the authority to do
16 that.

17 MS. LEONE: My understanding, as a
18 resident, as a neighbor of this parking
19 lot, is that it was only used for the
20 restaurant. No one else had access to
21 it; therefore, it was only used during
22 business hours.

23 So now it will be a 24/7 parking
24 lot? Is that part of the variance being
25 requested?

1 MAYOR TWEEDY: Again, that variance
2 and that decision on that variance was
3 already adjudicated by the Zoning Board.
4 And, yes, the simple answer to your
5 first two questions are yes. This will
6 become a use for the development at
7 Koenig's and at the new property on
8 Mayflower and Tyson.

9 That parking, which continues as a
10 parking lot, now, in one case will be
11 improved also with an apartment
12 building, which is an as-of-right, which
13 is in the zoning and is allowed to be
14 done.

15 The application, as it relates to
16 Koenig's, again, went before the Zoning
17 Board for a variance on the use of the
18 size of some of the apartments. That
19 relief was also granted.

20 This application is basically a
21 Special Use Permit as it relates to a
22 parking lot, specifically, the parking
23 lot at the old Koenig's lot, the one you
24 speak of, the one at Mayflower, the long
25 rectangular.

1 MS. LEONE: On both sides of that
2 street? The one that butts up against
3 the other building also, is that
4 included?

5 MAYOR TWEEDY: They were co-joined,
6 put in as one application before the
7 Zoning Board. What we're being asked
8 tonight strictly is the open lot, if you
9 will, not the one on Mayflower.

10 MS. LEONE: Will the Village be
11 relaxing any of the parking regulations
12 in the area?

13 MAYOR TWEEDY: Again, I cannot
14 speak to that, at this point.

15 MS. LEONE: I would just like to
16 say I am very disappointed that this
17 Zoning Board has gone through with this
18 and that maybe one day there will be an
19 apartment there with all of this
20 traffic. I can't even imagine if it
21 does go through, when the construction
22 takes place, the nightmare that will be
23 on this intersection.

24 MAYOR TWEEDY: Thank you, very
25 much.

1 MR. KISS: Kevin Kiss.

2 I have been here over 31 years,
3 parking has always been a problem. To
4 consider this application, which just
5 absolutely already burdens the situation
6 with parking, I strongly recommend you
7 deny this motion, based on the proof of
8 the Zoning Board's approval for 99 units
9 with only 76 parking spaces. I don't
10 know how it happened, it shouldn't have
11 happened. But to allow this to go
12 through, would further -- we already
13 know the parking around the school,
14 around the community, it's a problem.
15 So I would strongly recommend that you
16 deny this application.

17 MAYOR TWEEDY: Again, to clarify,
18 99 spaces, not 99 units, 99 spaces.
19 There was a variance provided for 20
20 spaces.

21 MR. KISS: There should be a
22 parking space for every apartment,
23 that's common sense. Thank you.

24 MAYOR TWEEDY: Okay, thank you very
25 much.

1 Anyone else?

2 Thank you, sir.

3 TRUSTEE FITZGERALD: Can I clarify
4 something?

5 Mr. Kiss just said there should be
6 a parking spot for every unit. There
7 is, correct?

8 MR. BONESSO: In fact, far more
9 than one per unit. We complied with
10 many of the two-space per unit
11 requirements and are only deficient by
12 21 parking spaces total.

13 There are not 99 units, there were
14 99 parking spaces required; but, yes, we
15 do exceed one parking space per unit.

16 TRUSTEE FITZGERALD: Just for the
17 record, how many units are there?

18 MR. BONESSO: 36 units.

19 TRUSTEE FITZGERALD: 36 units for
20 78 spots or thereabouts?

21 MR. BONESSO: Correct.

22 TRUSTEE FITZGERALD: That also
23 includes for the restaurant there?

24 TRUSTEE CHENG: They're short on
25 that.

1 MR. BONESSO: The 78, the total
2 requirement for the restaurant and the
3 two apartment buildings was 99 spaces.
4 We are providing 78 spaces.

5 MR. CORBETT: My name is William
6 Corbett. I have been a resident of
7 Floral Park for over 70 years. I own a
8 building within 200 feet of the Koenig's
9 building. I've had three businesses
10 going on there, four other businesses on
11 the block.

12 I am here tonight to oppose the
13 reduction of any requirements that they
14 have anything less than the maximum
15 parking spots that the Code requires.

16 I have several reasons: Number 1,
17 this parking study they brought forth at
18 the last hearing that I attended was
19 preposterous. Anybody who know the
20 neighborhood knows that South Tyson
21 Avenue is totally blocked and completely
22 taken up by cars every single day. If
23 you get there after 8:00 in the morning,
24 there are no spots underneath the
25 tracks, and there are very few spots

1 left on South Tyson.

2 Not only do we have the merchants
3 and businesses on South Tyson, we also
4 have the overflow from the 91 Tulip
5 Avenue office building. At 9:00, when
6 that block fills up, they have 10, 20,
7 30 more cars that have to find spots,
8 all taking up the Tyson Avenue spots.

9 I have clients who come to my
10 office who are elderly. They have to
11 park as far away as Associated, behind
12 Associated and walk over to the office.
13 I think that anything that would cause
14 people from the restaurant to take those
15 spots would be absolutely atrocious.
16 The restaurant, if it was to serve
17 lunch, will provide additional
18 competition for those spots on the
19 street.

20 In addition to that, we will have
21 other times where they would not have
22 problems; in other words, on weekends,
23 Saturday, Sunday, there's plenty of
24 spots under the tracks. You would still
25 have those parking spots there. The

1 third track could possibly eliminate
2 those spots. That is another fact of
3 forcing 40 or 50 cars back onto the
4 street.

5 The theory -- and I'm quite shocked
6 that the Zoning Board made a wrong
7 decision by allowing a reduction in the
8 size of the apartments which would have
9 required I think more parking. The idea
10 that was proposed is that young people
11 now will bring more business to the
12 neighborhood. The restaurant is going
13 to be great. We already have eight
14 restaurants within one block of there,
15 that's number 1.

16 Number 2, at lunch time there will
17 be no parking except a few spots that
18 may have been set aside. But those few
19 spots are taken up by the cook, the
20 waiters, the managers, the waitresses
21 that work in that place. There is going
22 to be no other place for those people to
23 park, so the customer parking will
24 probably be non-existent.

25 I always thought there would be an

1 arrangement with the Village that they
2 would meet with the developer, perhaps
3 have a one below-ground level, one
4 ground level, perhaps have metered
5 parking on one, in cooperation with the
6 Village because parking in there is
7 absolutely critical and hurting people
8 who are in business. We just can't
9 expand our businesses and it's tough to
10 maintain them the way it is.

11 The other big important thing now,
12 as I mentioned, the third track, the
13 only vacant piece of land around.
14 I think if the third track does come to
15 fruition, which I hope it does not, the
16 railroad would probably want to use the
17 Koenig's parking lot as a staging area.
18 The right-of-way backs right up to that
19 lot.

20 I've seen workers and surveyors in
21 that lot, around the lot, above it, next
22 to it, and recently surveying the
23 property, so I hope you would put off
24 any decision until after we know,
25 further in August or September, what the

1 Long Island Railroad plans to do with
2 that property.

3 One other point. Perhaps with
4 regard to the railroad, I will let that
5 part go. I think the idea of having
6 egress for the parking lot on Mayflower
7 Place is a good idea. It seems a lot
8 more safe that way.

9 As far as what the railroad is
10 planning to do, we don't know, perhaps
11 the developer knows since he's on the
12 task force that Governor Cuomo has
13 appointed to promote the third track.

14 I thank you.

15 MAYOR TWEEDY: Thank you very much.
16 Thank you for coming down this evening.

17 Is there anyone else who would like
18 to speak? Please.

19 MR. LAMANNA: James Lamanna,
20 L-A-M-A-N-N-A, 99 Tulip Avenue,
21 apartment AB-2, president of the
22 Flowerview Gardens Board. I apologize
23 for my dress, I was running before the
24 meeting.

25 To address the parking, again, the

1 study that was mentioned, I'm not sure
2 if the Board is aware of this, it was a
3 two-day study in 365 days. So less than
4 one percent of the year they did the
5 wonderful parking study.

6 Monday morning I happen to be
7 walking out of the back area up South
8 Tyson, and I have pictures, there was
9 not one parking spot from South Tyson
10 down to Garfield available. So I don't
11 know who wants to park in these
12 apartments and walk past Garfield to the
13 back of the -- to where the post office
14 is. Who wants to park all the way there
15 and walk all the way back to their
16 apartment just for parking.

17 Even patrons, possibly retail or a
18 restaurant, if that lot is full and you
19 have to get into the Spur, it can be a
20 long walk some days. It's really hit or
21 miss.

22 And like my sister said, we have
23 people coming in who have two cars. In
24 fact, one of our Board members has two
25 cars. He's got a garage and the other

1 car is out in the lot. So it's more
2 than just people coming, it's people
3 with cars. We do expect it to be
4 brought up at the next Board meeting on
5 July 14th to hear about the parking
6 situation.

7 MAYOR TWEEDY: Mr. Lamanna, thank
8 you very much for coming out this
9 evening.

10 Jen?

11 MS. STEWART: Jennifer Stewart, 260
12 Whittier Avenue.

13 I have a question, I don't know if
14 anyone asked this question.

15 The parking lot, the one closest to
16 the traffic one we're talking about?

17 MAYOR TWEEDY: Yes.

18 MS. STEWART: At some point it was
19 being used. Was there a big gate
20 installed or a lock? I'm curious if we
21 knew or who we could ask who was the
22 lessee or who was using the lot at that
23 time. There was a big warning sign do
24 not enter, so I am curious; do you know?

25 MAYOR TWEEDY: There was a use

1 which was not a use that was allowed.
2 We let the developer, the owner know
3 what was going on. He quickly -- and we
4 were satisfied with the action he took
5 to evacuate the lot, what was in
6 place -- put up fencing to prevent that
7 from happening.

8 MS. STEWART: So to the Board's
9 experience, the owner of the property
10 was responsive to the Board's request or
11 ordinance that was in place at the time?

12 MAYOR TWEEDY: In that matter, I
13 would say yes.

14 MS. STEWART: I live north of
15 Jericho Turnpike and in order to pretty
16 much do anything in town I have to go up
17 that way. Traffic is an issue, parking
18 is an issue. We live right on the
19 Queens border. I've lived here my whole
20 life.

21 I also have concerns about the
22 vacant building and what a vacant lot
23 brings to our community. I just wanted
24 to put that out there. An empty lot is
25 a nuisance. I just wanted to say that.

1 Thank you.

2 MR. CORBETT: Mayor?

3 MAYOR TWEEDY: Please.

4 MR. CORBETT: If any of you wanted
5 to drive by a few times during the week
6 you would notice the parking lot next to
7 the flavors company, next to that nice
8 building there, all the employees now
9 are parking in that lot, just as the
10 taxis are. So if they're allowed to
11 build this building for parking for
12 their tenants underneath it, where are
13 the employees of that building next door
14 going to park. Just another factor as
15 to how just congested that area is.

16 MAYOR TWEEDY: Thank you.

17 Mr. Bonesso, would you like to come
18 forward.

19 MR. BONESSO: Thank you, Mr. Mayor.

20 MAYOR TWEEDY: To answer some of
21 the concerns.

22 MR. BONESSO: Yes.

23 First, I'd like to point out the
24 point that you particularly make.

25 This is not a request for a

1 variance. This is -- we heard a lot
2 about parking congestion and parking
3 concerns. This is not an application
4 for a parking variance. That has
5 already been reviewed and approved by
6 the Board of Appeals.

7 This is a Special Use Permit which
8 is a conditionally permitted use,
9 pursuant to the State Law and the
10 Village Code, simply to continue to use
11 that site as a parking lot as it has
12 been used for many, many years.

13 It's important to note, in light of
14 the concerns about parking congestion,
15 when the Zoning Board granted the
16 variances that were sought, they took
17 into consideration not just an
18 application within a vacuum, they also
19 had to look at how the property was
20 previously being used.

21 The Koenig's restaurant served
22 lunch, dinner and had a catering
23 facility. Much of the time they were in
24 simultaneous use. The traffic, the
25 parking impact of the simultaneous use

1 was far greater than the uses that are
2 proposed here with the apartments, and
3 either a restaurant or retail on the
4 first floor will likely be.

5 Now, it's also important, the last
6 note I make, right now we have applied
7 for parking, or we indicated in our
8 parking calculation a restaurant use.
9 There is no certainty that a restaurant
10 will go in there. It may be a retail
11 use. The applicant will be putting out
12 the property to the public to see what
13 kind of use goes in there. The parking
14 requirement for retail use is less than
15 parking use. But in order to be
16 conservative, we calculated, based on a
17 potential for a restaurant. That led to
18 the 99 parking space requirement.

19 But that all being said, the Zoning
20 Board did look at the impacts of the
21 proposed use, versus the use that was
22 already there and already permitted, and
23 consequently, based upon a traffic study
24 and traffic testimony from Mr. Muller,
25 who is here tonight and can answer any

1 questions the Board may have, found that
2 there is sufficient parking proposed not
3 only on that site, but, remember, the
4 other site, the site of the new
5 apartment building also provides 18
6 parking spaces. So, consequently, they
7 determined there was sufficient parking.

8 Now, with regards to some of the
9 comments, again, Mr. Muller is here. I
10 would like to have him come up and speak
11 to some of the site-safety issues. And
12 I want to reiterate something else that
13 the Mayor said, that this is not the end
14 of the process. We will have to go to
15 the Planning Board and deal with site
16 plan approval process. Certainly,
17 during that process, the nitty-gritty
18 details as to site safety, crossing,
19 signage, lighting, things like that all
20 will come up and will be addressed.

21 You have our commitment to continue
22 to work with the Village through that
23 process to make sure all site-safety
24 issues are properly addressed.

25 With regard to the concern about

1 the impact of having apartments
2 potentially generating school-aged
3 children, it's important to note these
4 are one and two bedroom units.
5 Typically, you do not have many children
6 being generated as a result of one and
7 two-bedroom units. Even if there are
8 some children, that result that
9 enrollment in the local schools, as a
10 result of that, the tax benefit to the
11 School District and the Village will be
12 significantly higher than the impact of
13 the few students that will be there.

14 It's projected that there will be a
15 250 to \$280,000 tax generation as a
16 result of the proposed uses.

17 I'll call Mr. Muller in just a
18 moment, but I wanted to point out one
19 last thing that you indicated,
20 Mr. Mayor.

21 These premises are located in the
22 Village downtown area in close proximity
23 to the Long Island Railroad and the
24 municipal lots. The proposed mixed use
25 of housing and retail near public

1 transportation in a downtown area is
2 commonly referred to as transit-oriented
3 development. This type of development
4 aims to revitalize downtown areas by
5 creating housing and walkable
6 neighborhoods.

7 There is a high demand on Long
8 Island for this type of development
9 because it provides much needed housing
10 for young professionals who want easy
11 access to the train stations and to the
12 local downtown area.

13 That's not just me saying that,
14 that's also the Board of Appeals which
15 found that at one of its findings that
16 the project will result in no adverse
17 physical or environmental impasse.
18 Similarly, no evidence was presented
19 that the project will be detrimental to
20 nearby property owners. To the
21 contrary, the revitalization of the
22 vacant Koenig's building and its
23 adjacent parking lots will have a
24 positive impact on nearby properties.

25 Lastly, the comment about the

1 train, the Long Island Railroad using my
2 client's property as a staging area,
3 it's private property. The Long Island
4 Railroad just can't come in and say we
5 are using this, you can't develop it.
6 So, with all due respect, the assertion
7 that that would be something that would
8 be easily accomplished is just not the
9 case.

10 If I may, I will call up Mr. Muller
11 to address some of the site-safety
12 issues that were discussed with the
13 school.

14 THE REPORTER: Please raise your
15 right hand.

16 (Complies.)

17 Do you swear that the following
18 testimony you are about to give is the
19 truth?

20 MR. MULLER: I do.

21 THE REPORTER: Please state your
22 name for the record.

23 MR. MULLER: My name is Wayne
24 Muller. I am with RMS Engineering. My
25 office is at 355 New York Avenue,

1 Huntington, New York.

2 We prepared the parking analysis
3 and I provided testimony at the Board of
4 Appeals Hearing at which point the Board
5 of Appeals weighed all the information
6 that was presented and approved the
7 application that was before them that we
8 presented.

9 Mr. Bonesso was correct, we did
10 meet, the School Board, myself
11 Mr. Dinoto, and Mr. Bonesso's partner,
12 the School Board and the Superintendent
13 of Schools. They did bring up valid
14 concerns regarding the safety of
15 children that walk currently and pass by
16 the site.

17 I think the Village is very
18 proactive in requiring that the access
19 to the parking area be modified to the
20 way that currently is before the Board
21 tonight. By changing the configuration
22 of the driveways from a two-way driveway
23 to a one-way entering driveway, then
24 requiring the vehicles to circulate
25 through the parking lot in a

1 counter-clockwise fashion, come up on
2 Mayflower, I think that is a much better
3 arrangement than was originally
4 presented.

5 As Mr. Bonesso indicated, and I
6 believe, the development of the site
7 plans as we would say for the properties
8 is going to go into an on-going effort
9 between the developer, ourselves and the
10 Village to come up with a plan that will
11 ultimately improve overall safety in
12 this area for pedestrians and vehicular
13 traffic.

14 One thing came to mind this evening
15 when I was out doing another site
16 inspection. We would install stop signs
17 at crosswalks to cross Mayflower,
18 enhance some of the signage, probably
19 improve the pavement markings. There
20 are definitely things the developer
21 would be willing to do in order to
22 improve the overall pedestrian vehicular
23 safety at the area surrounding the
24 subject properties.

25 The Board is correct, and the

1 Zoning Board of Appeals is correct, that
2 this is a transit-oriented development.

3 Studies performed by the United
4 States Department of Transportation in
5 major cities in the United States have
6 indicated that both traffic and parking
7 activity associated with
8 transit-oriented developments is
9 significantly less than it would be had
10 this property been located two miles to
11 the north, not directly adjacent to the
12 railroad and within like a 9 iron of the
13 train station.

14 People who want to live in this
15 development are primarily going to do so
16 because of the fact that it's located in
17 such close proximity to the railroad
18 station and to the downtown area which
19 was, again, maybe a 5 iron. Walk to go
20 to shops, to the market. Some people
21 don't want to have cars, they want to
22 limit the amount of vehicles they have.
23 Younger people are trending to have less
24 vehicles. Again, you live two miles
25 away. It's very, very walkable. It

1 tends to reduce the overall impacts of
2 traffic that would be generated by this
3 property, also, for the level of parking
4 activity.

5 As it would relate to the previous
6 use of the property, as I testified to
7 at the Zoning Board Hearing, Koenig's --
8 we used to have our Institute of
9 Transportation Engineers -- the Board
10 probably heard that group mentioned
11 throughout many presentations by traffic
12 engineers such as myself. We used to
13 have our district meeting there, our
14 regional metropolitan friends. So the
15 level of activity at Koenig's at certain
16 times during the day and night was
17 pretty significant.

18 Again, this development, the small
19 retail space or a small restaurant
20 space, the apartments would generate a
21 significantly less quantity of activity
22 of what was there previously due to the
23 nature of the change in use.

24 As Mr. Bonesso indicated, this
25 property has been a parking lot for a

1 very, very long time, and really all we
2 are trying to do is maintain it as a
3 parking lot; however, by performing
4 certain modifications like the change to
5 the access, which was precipitated by
6 the building official, I think that was
7 a very good -- supplemented the change
8 to the pattern in terms of making it
9 safer. I think if this process were to
10 proceed, I believe the Village will be
11 proactive in requiring the applicant to
12 provide safety enhancements to that
13 whole area to make sure the whole area
14 is safer than it will be tonight. Thank
15 you.

16 MAYOR TWEEDY: I would agree. It
17 always has been a parking lot and you
18 are asking to continue as a parking lot.
19 Because the use, if you will, while,
20 yes, cars are parked there, the reason
21 there is different transit movement of a
22 restaurant, what other safety
23 enhancements can you speak to? What
24 sort of things might work, in terms of
25 blinking lights, warnings to both

1 pedestrians and vehicles.

2 MR. MULLER: We didn't get into
3 that level of detail yet. I think at
4 first blush, providing enhanced
5 crosswalks, I know the Village has
6 recently installed some fluorescent
7 "children walking" signs, with larger
8 signs recently installed, those types of
9 improvements. A flashing beacon or if
10 some type of light was determined to be
11 relevant, then I guess the applicant
12 would have to look at that, we have not
13 gotten to that level of detail.

14 MAYOR TWEEDY: What recommendation
15 would you make as a professional
16 engineer to the safety of children
17 passing that street.

18 MR. MULLER: Well, in my opinion, I
19 believe that enhancing the handicapped
20 ramps, providing crosswalks where they
21 would be needed, obviously, placing a
22 sidewalk along the frontage of both
23 properties. Some of the panels are
24 broken. I think that those elements of
25 improvements, I would anticipate to be

1 constructive as part of this
2 development.

3 MAYOR TWEEDY: And I think it's
4 only fair, and I appreciate your
5 answering, and I think it's fair to put
6 as part of the testimony on the record,
7 that you are indeed moving the
8 Mayflower, you're moving it inside.
9 You're moving the curb line, creating a
10 curb on both sides, moving the curb line
11 into -- actually, I think it's almost
12 into your property line -- so allowing
13 that turn to go onto Mayflower.

14 So what you are saying is efforts
15 are being put forth by your client and
16 by the Village. Clearly, we have been
17 working together and I do appreciate
18 that accomodation being made as well.

19 Again, much like I said during the
20 hearing before this, the safety of those
21 who walk on that street are our future,
22 the children of Floral Park. We are
23 very concerned.

24 MR. MULLER: I think we would be
25 remiss if we were not to take those

1 facts into consideration. I don't
2 believe that -- in my opinion -- I don't
3 believe the Village would allow that to
4 happen in any way, shape or form because
5 of the proximity of the school which is
6 only a few hundred feet away from the
7 location of this property, and the fact
8 that there are children and parents that
9 walk up and down along the site. That
10 would not happen, in my opinion.

11 MAYOR TWEEDY: One other question
12 that came up and that was regarding the
13 time that it had been taken, the time in
14 which -- the time of day that your study
15 was done and the length of the study.

16 Do you feel that was sufficient,
17 given the concerns raised this evening?

18 MR. MULLER: The original study
19 that we presented at the March Board of
20 Appeals now, two days, a limited
21 quantity of pertinent data is always
22 what is used in these types of studies.
23 Obviously, we are not going to go out
24 there for a year. The county doesn't do
25 that. The State DOT doesn't do that.

1 We followed recognized standards and
2 procedures in order to prepare the
3 parking analysis that we prepared.

4 We look at the time frames that
5 would essentially be the peak of the
6 area, and that was in the later morning
7 into the evening when the apartment
8 units would be occupied. The premise
9 being that the cars, those people who
10 live in the apartments who work in the
11 city, they are going to walk to the
12 train station, so there is no vehicular
13 activity associated with those people.
14 The ones that do go to work, they're
15 going to drive out, go up to Jericho
16 Turnpike, probably. But we went out and
17 made supplemental observations in June
18 regarding the activity associated with
19 the school, and we did observe the
20 conditions that the people from the
21 School Board, Superintendent of Schools
22 brought up. Yes, there is a significant
23 quantity of both students and parents
24 that walk along the site frontage to go
25 to and from the school.

1 is that going to happen? Is that going
2 to be taken off site? Is it going to
3 result in the loss of space during a
4 snow storm.

5 MR. MULLER: I didn't testify at
6 Wendy's.

7 TRUSTEE FITZGERALD: I'm sorry.

8 MR. BONESSO: To the extent we have
9 a large snow fall where it would have
10 the potential of blocking parking
11 spaces, obviously, there would have to
12 be removal so as to not completely
13 hinder the ability of the cars to park.
14 So in situations where there are large
15 snow falls, yes, there would be snow
16 removal. Other times, I am sure they
17 would plow it to portions of the site
18 that would not block.

19 TRUSTEE FITZGERALD: Or remove a
20 spot.

21 MR. BONESSO: Or remove a spot,
22 correct.

23 TRUSTEE LONGOBARDI: Real quick,
24 the other paved yard just at the end of
25 Mayflower used by Public Works and used

1 with other types of vehicles. A snow
2 storm, again, that uses a lot of that
3 yard.

4 What are the plans for -- I know
5 the trucks will be in and out, but what
6 type of safety plans do you have as our
7 trucks go in and out of there, a lot go
8 up and down Mayflower Avenue.

9 MR. MULLER: I guess, at this point
10 in time, any of those components would
11 be further developed as the site plans
12 were developed for that property.

13 We just recently revised a plan in
14 order to provide the driveway. I don't
15 think there is any site distance
16 impediments east towards the yard, so I
17 believe anyone coming out of the site
18 would have unimpeded view. Obviously,
19 we would have to landscape, allow it not
20 to grow to be six feet tall, not block
21 anyone's view. I believe those elements
22 would be the developed as the plans
23 proceed through the Village Boards.

24 TRUSTEE LONGOBARDI: The vehicles
25 that come into the lot, you will now

1 have a structure to the right of them
2 that will block views from those trucks.
3 Is there any type of devices or things
4 where Tyson intersects to give them
5 access, to the right, to the left, to
6 protect students, any children, people
7 walking up and down?

8 MR. BONESSO: In terms of site
9 views and site access, as noted by the
10 Mayor, the relocation of the curbs six
11 feet in so that there is a wider access
12 way for trucks to maneuver through
13 there, that would certainly give more
14 clearance and more visibility for
15 anything coming up and down.

16 With regard to safety for the
17 children crossing on South Tyson, that
18 is something that we will continue to
19 work with the Planning Board on, with
20 the Village departments, to make sure
21 that all site-safety issues are
22 addressed. If it requires signage, if
23 it requires flashing lights, those are
24 the kinds of things that will be looked
25 at and will have to be determined.

1 TRUSTEE LONGOBARDI: Thank you very
2 much.

3 MAYOR TWEEDY: Trustee Pombonyo?

4 TRUSTEE POMBONYO: Thank you.

5 I have a few comments and questions
6 to follow.

7 First of all, I want to mention
8 that Mr. Dinoto, I believe you were here
9 at a Village meeting several months ago.

10 MR. DINOTO: Yes.

11 TRUSTEE POMBONYO: And you spoke
12 briefly to talk about correcting the
13 situation as we mentioned it, and you
14 did it very quickly, we're appreciative
15 of that. Also, you spoke about
16 investing in our community and becoming
17 a part of the community to wanting to
18 make improvements to our community.
19 That statement was very much
20 appreciated, I wanted to follow up on
21 that.

22 Also appreciated were the visits
23 you made during the month of June to
24 observe what the School Board and
25 Superintendent were talking about in

1 terms of parking, traffic and the
2 hundreds of children, literally, who
3 leave John Lewis Child and travel south
4 on South Tyson passing by 77 and the
5 parking lot. That is very important to
6 us.

7 So following along with that, I
8 wanted to throw out a suggestion, which
9 may or may not be a good idea, but it
10 will seem to possibly lead to greater
11 safety for those walkers on this block.
12 And that is since you changed the
13 traffic pattern on the parking lot,
14 eliminating egress onto South Tyson from
15 the parking lot, which I think is a
16 significant improvement because it's one
17 less place our children have to watch as
18 they are crossing if traffic is coming
19 out, to do the same thing, if it's
20 possible, at 77 and have the egress from
21 the garage onto Mayflower as well, so
22 they are not -- that traffic is not
23 moving blindly out of that garage across
24 the sidewalk.

25 I'm not a traffic expert. I do

1 want to run it past a few people,
2 including our Superintendent and our
3 Police Commissioner and it might be
4 worth investigating. That's all I am
5 putting out there, concentrating that
6 all the traffic flow coming out of
7 Mayflower.

8 To the question before about
9 crossing guards, traffic devices that
10 can be concentrated there. Again, one
11 less place our children have to be
12 concerned about cars coming.

13 MR. DINOTO: That could be a very
14 good idea.

15 TRUSTEE POMBONYO: We appreciate
16 that.

17 Also, just as you mentally plan
18 ahead, in the event that you find, as
19 our School District and Village has
20 found on South Tyson and Orchard where
21 people addressed concerns tonight, what
22 will be the developer's traffic experts'
23 solution if you start to find that
24 restaurant patrons or your tenants are
25 saying there is no place for parking or

1 insufficient parking?

2 I know you've given a lot of
3 reasons, the rationale that there will
4 be hope for the best of all worlds, but
5 in that contingency, because we
6 addressed it before with our apartment
7 co-op residents, as well as the School
8 District.

9 And just, finally, do you intend to
10 do a construction at 77 and 86 at the
11 same time?

12 MAYOR TWEEDY: Once, again, I would
13 ask if you would be kind enough to be
14 sworn in.

15 THE REPORTER: Please raise your
16 right hand.

17 (Complies.)

18 Do you swear that the following
19 testimony you are about to give is the
20 truth?

21 MR. DINOTO: I do.

22 THE REPORTER: Please state your
23 name for the record.

24 MR. DINOTO: Robert Dinoto, 7600
25 Jericho Turnpike, Woodbury, 11797,

1 D-I-N-O-T-O.

2 I'm sorry, so the question was?

3 TRUSTEE POMBONYO: The question was
4 would your plans be to do the
5 construction on the building at 77,
6 while construction on the building at
7 86, the current Koenig's and new
8 building, at the same time.

9 MR. DINOTO: We haven't pinned down
10 our timetable yet. We're actually
11 waiting for the next meeting with the
12 Architectural Review Board to discuss
13 those options with them.

14 Right now, I would say that we
15 would start one and then move to the
16 other from there, not complete it,
17 necessarily, but at least frame it out
18 and get everything done.

19 TRUSTEE POMBONYO: One observation
20 we would want to make in that case.

21 As we go forward with any
22 developments in our Village and our
23 School District where the third track is
24 now mentioned, we are realizing that
25 planning is -- very intensive detail

1 planning is different for both the
2 construction phase and for the
3 forever-after phase.

4 We would request, assuming this
5 project may go forward and you have the
6 Zoning Board approval, that really
7 extensive planning be conducted with the
8 Village and the School District on what
9 that might look like.

10 With massive construction equipment
11 moving in and out, you have an entirely
12 different safety picture and safety
13 issue that would be presented with
14 different solutions than would come up
15 with once the buildings are built and
16 how you would deal with the children's
17 safety.

18 MR. DINOTO: Like the Mayor said
19 earlier, we have been working very well
20 together, meaning the Village and our
21 various departments, attorneys, and we
22 would certainly intend on keeping the
23 open line of communication to make sure
24 that everyone is as comfortable as
25 possible with the development and things

1 are done appropriately.

2 So we will do everything we
3 possibly can to accommodate and continue
4 working with the Village.

5 TRUSTEE POMBONYO: Just the
6 importance of the construction planning.

7 Actually, as several of our
8 residents have mentioned, the
9 possibility that the track construction
10 could be going on simultaneously in
11 Floral Park and that due to that taking
12 place right at that intersection where
13 the main line branch is, the Hempstead
14 branch, which is also on South Tyson.

15 MR. DINOTO: Understood.

16 TRUSTEE POMBONYO: Thank you.

17 MAYOR TWEEDY: Trustee Cheng, also
18 Commissioner of Public Works.

19 TRUSTEE CHENG: I guess I would
20 kind of echo what I heard some of our
21 residents say. Some are disappointed on
22 the part of the Zoning Board's decision.
23 We have a great deal of concern, but we
24 are not addressing that tonight.

25 I know for some reason you think

1 this third track is not going to be an
2 impact. I don't think anybody can just
3 grab your property.

4 The government did say the only
5 property it is going to take, not just
6 on a permanent basis but on the work
7 easement basis, is commercial property.
8 And we are concerned.

9 I don't know if you're aware of
10 that the whole parking area of the
11 Creedmore Spur is owned by the MTA.
12 They can reclaim all of that parking for
13 whatever use they want if and when they
14 do the construction on the third track.
15 So, that's why we are all concerned
16 about what is going on.

17 It seems like the most logical
18 place to start the beginning of this
19 project is right under South Tyson
20 Avenue, except the Mayor has already
21 taught me you have to go back and forth
22 and then just --

23 MAYOR TWEEDY: Start east.

24 TRUSTEE CHENG: You have to go back
25 a little further. But it is the perfect

1 place for the MTA, Long Island Railroad,
2 to stage their equipment and bring their
3 employees and park themselves and do all
4 the constructions, so we are concerned
5 about that.

6 Other than that, continue to work
7 with the Village and there's not much we
8 can do about that.

9 MR. DINOTO: I thank you very much.

10 MAYOR TWEEDY: Just two quick
11 final points and then I'll give you an
12 opportunity to sum up.

13 As related to the third track, it
14 really is quite serious.

15 The reason I made this point about
16 working east to west is the railroad is
17 doing that already with the Ronkonkoma
18 branch, taking away from east to west.

19 Some of the most complicated things
20 we deal with in this country are bridges
21 and what they would have to do to go
22 from the mainline. They've already said
23 they're going to take what is now the
24 westbound Hempstead branch, go across
25 that open parking space, across from

1 Mr. Corbett's office and build another
2 bridge. That new bridge would have to
3 land on a new retaining wall right
4 adjacent to your property on south
5 Tyson. In the last plan, 10 years ago,
6 they were close to South Tyson to make
7 that happen.

8 As Trustee Pombonyo said, while we
9 think we stand alone with the
10 integration of all of the projects as
11 one, it is going to be very, very
12 difficult; then, additionally, working
13 elevation is probably the most
14 complicated way you can.

15 So our concerns about the safety of
16 not just all those residents, but your
17 people as well, your construction as
18 well, and your purse is an important
19 part of our concern as well, which is
20 why we are here.

21 I do appreciate Mr. Muller
22 submitting those documents and whatever
23 we have to do, that would be very
24 helpful. I appreciate, Mr. Dinoto, you
25 continuing to work with us.

1 But many people have echoed
2 concerns they have about what is going
3 on here. Floral Park, we've found many,
4 many times, our biggest challenges come
5 because Floral Park is a successful
6 community. We certainly appreciate the
7 idea you brought, the development idea
8 you bring to this community. Again,
9 things must be examined, so we thank you
10 for the time you put forward with this.

11 I would ask just two things.
12 I would ask that you would submit what
13 the new parking plan is, or for this
14 ADA, if you would submit those for the
15 record, if you would, the new
16 configuration of the parking lot.

17 MR. BONESSO: Yes, that has been
18 submitted.

19 MR. RYAN: Analysis, because there
20 was additional research.

21 MR. MULLER: June observation.

22 MAYOR TWEEDY: That will be
23 submitted at that time?

24 MR. MULLER: Yes.

25 MAYOR TWEEDY: I would also just

1 like to share with you, again, not in an
2 effort to slow this down, and not in an
3 effort to kick this down the road to
4 somebody else.

5 I will point out this 7-eleven that
6 happened up on Jericho Turnpike. I
7 would ask you -- it's difficult to find
8 another 7-eleven that looks as nice as
9 that one does. But that was a collegial
10 effort that we worked with the developer
11 in coming up with what made a better
12 product.

13 It wasn't -- it was an open lot
14 which was a problem and we developed
15 what is now a very successful property
16 on this site.

17 The way that we do that is we
18 worked with our Site Planning
19 Commissioner, our Site Planning Board.
20 And as this a Special Use, and a
21 presumptive right, I think rather than
22 slow down the process, if you would you
23 please submit that as soon as you can to
24 this Board.

25 I would ask at this time -- I'm

1 going to ask for us to move right away
2 to the site planning and ARB.

3 I'm going to ask that the record be
4 kept open on this application, and that
5 we reserve decision at this time. I
6 would ask that we move very quickly to
7 ARB, to the issues related.

8 I think some of the issues we
9 discussed here will be adjudicated
10 through our ARB. We have Trustee
11 Pombonyo who sits as a liaison to that,
12 certainly Steve Siwinski, our Building
13 Superintendent, himself, an architect in
14 the State of New York, that we would be
15 able to move quickly to address and
16 assess some of these concerns.

17 I echo some of Trustee Cheng's
18 concerns as they relate to the Board of
19 Appeals. It's an independent board, but
20 the relief certainly was yours and that
21 came through deliberation, obviously,
22 and through testimony.

23 So we'll move this along. We will
24 move forward with your architects and
25 with your developer. I would ask you as

1 quickly as you can to meet with Mr.
2 Siwinski. But, again, I am going to
3 request that the record remain open and
4 that we reserve decision.

5 TRUSTEE FITZGERALD: So moved.

6 TRUSTEE LONGOBARDI: Second.

7 MAYOR TWEEDY: Would you please
8 poll the Board, Ms. Walsh?

9 MS. WALSH: Trustee Fitzgerald?

10 TRUSTEE FITZGERALD: Aye.

11 MS. WALSH: Trustee Longobardi?

12 TRUSTEE LONGOBARDI: Aye.

13 MS. WALSH: Trustee Pombonyo?

14 TRUSTEE POMBONYO: Aye.

15 MS. WALSH: Trustee Cheng?

16 TRUSTEE CHENG: Aye.

17 MS. WALSH: Mayor Tweedy?

18 MAYOR TWEEDY: Votes aye.

19 MR. BONESSO: Thank you very much
20 for your time.

21 MAYOR TWEEDY: The record is open,
22 so please come forward. We have one
23 more question.

24 MS. LEONE: I just had a couple of
25 questions about the parking lot.

1 Are there any restrictions as to
2 the heights?

3 I can go into a parking lot and if
4 you have a big SUV or a van, you cannot
5 get into the parking lot.

6 Are there any restrictions in this
7 lot as to the type of cars? Are there
8 going to be any spots that are reserved
9 for compact sized? Are there any spots
10 that are going to be reserved only for
11 handicapped spots?

12 Also, for the record, people in the
13 apartment buildings at the beginning and
14 at the end of the month, they're moving
15 in and out which means you have moving
16 trucks coming and going.

17 Will there be sufficient space in
18 front of the building to accommodate a
19 tractor-trailer for moving a whole
20 apartment contents?

21 There is going to be delivery
22 trucks, appliances, furniture, FedEx,
23 UPS trucks, things like that.

24 Will be there sufficient spots for
25 delivery service people? Will there be

1 sufficient spots the a lot anywhere for
2 a visitor to come to the apartment, any
3 visitor spots?

4 And just for the record, the
5 gentleman made a comment about how --
6 because this is a one-bedroom apartment
7 or a two-bedroom apartment there may not
8 be that many who have children, and that
9 the majority of the people, young
10 people, want to commute to the city are
11 not going to maybe have no cars, maybe
12 only one.

13 That's contrary to what the lady
14 from Flowerview said. They already have
15 one and two-bedroom apartments. There
16 are children living there. There are
17 people that have more than one car.
18 They are suffering from the consequences
19 of that.

20 So I don't see how the statements
21 that are made here tonight, that that is
22 not an issue and can be taken very
23 seriously.

24 MAYOR TWEEDY: Thank you very
25 much.

INCORPORATED VILLAGE OF FLORAL PARK
BOARD OF TRUSTEES

-----X
In Re Application of

Questos S. Tyson, LLC,

**DECISION
AND RESOLUTION**

For a Special Use Permit to Allow
A Parking Lot Use.
-----X

This application is made under Section 99-16.B. of the Code for a Special Use Permit to allow a parking lot use. The Applicants have submitted an affidavit from the owner of the subject premises verifying the statements set forth in the application. The Applicant also submitted plans for the proposed parking lot, which are on file with the Village. Applicant also delivered to the Board the mailing receipts and return cards of the notice sent to all owners of real property within a two hundred (200') foot radius of the subject premises.

The Zoning Code, requires a Special Permit for a parking lot use. This application for a Special Permit is made under Article IX, Section 99-16.B. The property which is the subject of the application is located on the Northwest intersection of South Tyson Avenue and Tyson Avenue, Floral Park, New York and identified as Section 32, Block 55, Lots 16 on the Land and Tax Map of Nassau County.

Trustee Cheng offered the following resolution and moved its adoption:

WHEREAS, a public hearing was held on this application on June 28, 2016.

WHEREAS, by letter dated, June 28, 2016, the Nassau County Planning Commission deferred the matter to the Board of Trustees to take action as it deemed appropriate. The Commission has no objections or modifications to the application; and

WHEREAS, a public hearing was held on this application on June 28, 2016, at which time the Applicant made a sworn presentation to the Board of Trustees; 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 subject property is in a B-2 District.
2. This Board has unanimously found that the application is a Type II action pursuant to SEQRA and has adopted a negative declaration.
3. The Nassau County Planning Commission recommended that the Village take whatever action it deems appropriate.
4. The subject property has been a parking lot for many decades, providing parking for the former Koenig's Restaurant.
5. The applicant will be constructing a new four-story building on the parking lot adjacent to the subject property. Three floors of the building will be used as apartments with the first level dedicated to parking below. Vehicles will only enter the parking lot from South Tyson Avenue and exit from Mayflower Place. The proposed parking lot would be available to those residing in the apartments in the new building, as well as tenants and patrons of the Koenig's building.
6. By Decision filed May 12, 2016, the Zoning Board of Appeals approved a variance for the proposed parking. The Applicant subsequently amended its proposal so as to eliminate the addition of two stories on the Koenig's building, thereby obviating the need for this parking variance. The Applicant also has received approval from the Village's Architectural and Site Plan Review Board.
7. Subject to the condition set forth below, this Special Use Permit is

granted.

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

9. The Board has considered the remaining standards set forth in Sections 99.16.B. and 99-60 and finds that this application conforms with those standards.

10. 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 Questos S. Tyson, LLC for a Special Use Permit to allow a parking lot use is granted, following:

A. The Applicant shall re-grade and repave Mayflower Place in accordance with the Village Code and in a manner acceptable to the Building Department.

B. No vehicles shall be parked on Mayflower Place.

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

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

Dated: December 20, 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 December 23, 2016

Susan E. Walsh
Village Clerk