

August 14, 2018

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

Present were Mayor Dominick A. Longobardi, Trustees Kevin M. Fitzgerald, Lynn Pombonyo, Archie T. Cheng and Frank J. Chiara, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works and Building Department Stephen Siwinski, Deputy Superintendent of Public Works Kevin Ginnane, Police Commissioner Stephen McAllister, 2nd Assistant Fire Chief Patrick McAllister and Village Attorney John E. Ryan

The application of Keith Rang, c/o Total Permits, representing Rajan Patiwana, owner of 90 Jericho Turnpike, Floral Park, NY 11001, is made in accordance with Chapter 99, Article III, Section 99-11 B (1), of the Zoning Ordinance of the Incorporated Village of Floral Park, NY, which states that a building in a B-2 District may be erected, altered or used for any purpose, such as a drive-thru restaurant, only when authorized by the Board of Trustees as a special use after a public hearing.

Trustee Fitzgerald offered Resolution No. 2018-133 to reserve decision and close the public hearing.

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

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

The hearing was closed at 9:10 pm.

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

Susan E. Walsh
Village Clerk

1 INCORPORATED VILLAGE OF FLORAL PARK

2 BOARD OF TRUSTEES

3 August 14, 2018

4
5 P R E S E N T

6 MAYOR DOMINICK A. LONGOBARDI

7 DEPUTY MAYOR KEVIN M. FITZGERALD

8 TRUSTEE LYNN POMBONYO

9 TRUSTEE ARCHIE T. CHENG

10 TRUSTEE FRANK J. CHIARA

11 GERARD M. BAMBRICK, ESQ.

12 JOHN RYAN, ESQ., VILLAGE ATTORNEY

13 STEPHEN SIWINSKI, BUILDING SUPERINTENDENT

14 STEPHEN G. McALLISTER, POLICE COMMISSIONER

15 SUSAN E. WALSH, VILLAGE CLERK

16
17 APPLICATION OF: Keith Rang, c/o Total Permits18
19 Also present:

20 DAVID LENO, ESQ. Attorney for the Applicant

21 DANIEL PEDERSEN, PE

22 FRANK A. FILICIOTTO, PE

23 RAJAN PADIWANA, Applicant

24
25 REPORTED BY: MARY ANNE COPPINS, COURT REPORTER

1 MAYOR LONGOBARDI: Good evening,
2 everyone, welcome. Tonight we will have
3 our regular Board meeting. The first
4 thing we will be doing is having a
5 Public Hearing regarding an application
6 for a Taco Bell on Jericho Turnpike, so
7 that will happen now, and right after
8 that, we will have our regular
9 administrative calendar, and following
10 that, of course, we will have an open
11 comment session for anybody who has any
12 issues they wish to bring before the
13 Board.

14 With that, I will ask for the
15 gentlemen from Taco Bell.

16 MR. LENO: Good evening, Mr. Mayor.

17 MAYOR LONGOBARDI: I'm sorry, I'll
18 ask that our Village Clerk please read
19 the Legal Notice.

20 MS. WALSH: Thank you, Mayor
21 Longobardi.

22 Notice is hereby given that the
23 Board of Trustees of the Incorporated
24 Village of Floral Park, New York will
25 hold a Public Hearing at Village Hall,

1 One Floral Boulevard, Floral Park, New
2 York on Tuesday, August 14, 2018, at
3 8:00 p.m. in relation to the following
4 application:

5 The application of Keith Rang, care
6 of Total Permits, representing Rajan
7 Padiwana, owner of 90 Jericho Turnpike,
8 Floral Park, New York 11001, is made in
9 accordance with Chapter 99, Article III,
10 Section 99-11 B(1) of the Zoning
11 Ordinance of the Incorporated Village of
12 Floral Park, New York, which states that
13 a building in a B-2 District may be
14 erected, altered or used for any purpose
15 such as a drive-thru restaurant only
16 when authorized by the Board of Trustees
17 as a special use after a Public Hearing
18 conducted by the Board of Trustees.

19 The structure for which said
20 special permit is applied is on the
21 south side of Jericho Turnpike situated
22 162.36 feet west of the intersection of
23 Garfield Avenue and Jericho Turnpike and
24 known as 90 Jericho Turnpike, Section
25 32, Block 55, Lot 108 on the Nassau

1 County Land and Tax Map.

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

10 Now take notice that all parties in
11 interest and citizens will be given the
12 opportunity to be heard at the aforesaid
13 time and place.

14 By Order of the Board of Trustees,
15 Incorporated Village of Floral Park, New
16 York. Susan E. Walsh, Village Clerk.

17 And the Legal Notice was dated
18 August 1st, 2018.

19 This Legal Notice also has been
20 published in the official paper of the
21 Incorporated Village of Floral Park, New
22 York, and posted according to law and
23 sent to the Nassau County Planning
24 Commission.

25 MAYOR LONGOBARDI: Thank you, Ms.

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Walsh.

I would like to place on the record that the applicant had previously filed an affidavit of service indicating that all neighbors within a 200-foot radius of the dwelling have been served with notice.

Okay, with that, like I said we will have this Public Hearing and there will be an opportunity for the public to ask questions during this time, okay.

So with that, I would ask and invite -- thank you, sir. I would ask you to be sworn in by our court stenographer.

THE REPORTER: Please raise your right hand.

(Complies.)

D A V I D L E N O, called as a witness, after having been first duly sworn was examined and testified as follows:

THE REPORTER: Please state your name for the record, and your affiliation to the applicant.

1 MR. LENO: Yes. David Leno from
2 the law firm of Rivkin Radler, 926 RXR
3 Plaza, Uniondale, New York. I am
4 counsel for the applicant.

5 Good evening, Mr. Mayor, Trustees.
6 I am here tonight on behalf of Rajan
7 Padiwana in connection with the premises
8 located at 90 Jericho Turnpike, Floral
9 Park. We are here, as stated, seeking a
10 special use permit in accordance with
11 the Village of Floral Park Zoning
12 Ordinance Chapter 99, Article III,
13 Section 99-11B to permit the
14 construction of a drive-thru restaurant
15 at the premise's location. As you
16 correctly pointed out, Mr. Mayor, the
17 application is based on our client's
18 desire to open a Taco Bell franchise at
19 the location.

20 With me tonight on behalf of the
21 application I have Dan Pedersen from the
22 Lauro Group who is our engineer on the
23 project. I also have Frank Filiciotto
24 from the Stonefield Engineering and
25 Design Group, who is our traffic expert.

1 Mr. Pedersen and Mr. Filiciotto
2 have testified before numerous towns and
3 villages throughout Long Island. They
4 were both accepted as expert witnesses
5 at the Village of Floral Park Zoning
6 Board of Appeals Hearing that took
7 place, and I have curriculum vitae for
8 both of them as they will be presented
9 here tonight; also, as expert witnesses
10 specifically Mr. Pederson with regard to
11 engineering and site layout expertise,
12 and Mr. Filiciotto, for his traffic
13 engineering expertise.

14 Also, just for a bit of
15 housekeeping with regard to the notice,
16 the affidavit of notice that was already
17 submitted service; obviously, there were
18 two letters that were returned, not
19 accepted, so I will submit them.

20 MS. WALSH: Thank you.

21 MR. LENO: As stated, this
22 application, the building permit
23 application first went before the Board,
24 Zoning Board of Appeals in connection
25 with a use variance for the drive-thru

1 element of the site. This is intended
2 to be a drive-thru restaurant as many
3 other fast food locations are.

4 The Zoning Board, at the time of
5 the hearing, had numerous questions
6 about the parking and traffic concerns,
7 related to the drive-thru. Our traffic
8 expert and our engineer did answer all
9 the questions of the Boards and it
10 should be stated that the Board of
11 Appeals did approve the use variance at
12 that time. There were some conditions
13 that were placed in connection with that
14 approval, and our client will gladly
15 address them and make sure that they are
16 followed through on in connection with
17 the application, should this Board
18 decide in the positive with regard to
19 the special use permit.

20 It should also be noted for the
21 record that there was no opposition from
22 the public with regard to the
23 application before the Board of Appeals.

24 The proposed application is going
25 to take a dilapidated former auto repair

1 location and turn it into a fast food
2 drive-thru through restaurant. That
3 will be a marked improvement of what is
4 there now. It will take a site that is
5 really falling into disrepair and take a
6 location that is at the gateway of your
7 Village and make it more productive, is
8 the best way to put it, and it will
9 definitely beautify the location.

10 I will point out that as the Board
11 well knows, that this Board recently
12 granted a similar special use permit in
13 connection with a Wendy's restaurant
14 located at 191 Jericho Turnpike. I
15 believe that our fact pattern is very
16 similar to the one that was presented by
17 Wendy's in connection with their need
18 for a drive-thru component and this
19 special use permit application that is
20 before you.

21 The one stark difference between
22 our application and the Wendy's
23 restaurant is that we do not have
24 adjoining residential properties to the
25 location. It is largely -- the property

1 is bordered by the Spur parking area for
2 the Long Island Railroad for the
3 Village, as well as a -- to the east of
4 the location, a beauty supply warehouse
5 and an auto repair use. So there is no
6 directly adjoining residential to this.
7 It is in a more, as this Board very well
8 knows, it is in a more commercial
9 industrialized area of Jericho Turnpike,
10 so you don't have single-family
11 residences within a close proximity to
12 the location.

13 We also, in preparation for
14 tonight's application, as well as the
15 application before the Board of Appeals,
16 we did a traffic study, and Mr.
17 Filiciotto will go over that more, but
18 that traffic study confirmed what we
19 believed, going into this process, that
20 the addition of the restaurant there
21 will not cause a material impact on the
22 traffic patterns that are there now
23 because of the fact that it's a
24 controlled access road that people have
25 to make a right in and right out of the

1 location. It's actually well designed
2 already based on that mitigation to
3 allow this type of use at the location.

4 The traffic study will go on to
5 confirm that the subject parcel will not
6 cause any material adverse impact with
7 regard to the environment, traffic or
8 existing parking at the location.

9 It's our contention that it will
10 not -- the granting of a special use
11 permit will not change the essential
12 nature of the neighborhood, and that the
13 alleged hardship in this matter is not
14 self-creating.

15 At this time, I'm going to ask Dan
16 Pederson, who is our engineer on the
17 project, to take you through the site,
18 and just address any questions you might
19 have with regard to the site design.

20 THE REPORTER: Please raise your
21 right hand.

22 (Complies.)

23 DANIEL PEDERSEN,
24 called as a witness after having been
25 first duly sworn was examined and

1 testified as follows:

2 THE REPORTER: Please state your
3 name.

4 MR. PEDERSEN: Daniel Pedersen.

5 So the site is located at 90
6 Jericho Turnpike, just east of Tulip
7 Avenue. As you can see, it's a
8 triangular shaped lot just shy of a
9 third of an acre.

10 Currently, as Mr. Leno noted, the
11 site is currently improved with a vacant
12 1800 square foot building that was
13 formerly used for auto repair and a
14 leasing facility.

15 The site is currently 100 percent
16 impervious, it's all pavement, all
17 building. There are three right-in,
18 right-out curb cuts on Jericho Turnpike.

19 Our clients propose to demolish
20 that building for a new 2,209 square
21 foot Taco Bell with drive-thru. The
22 drive-thru lane has a 12-car queue.
23 There will be 40 indoor seats, no
24 outdoor seating will be provided at this
25 location.

1 We are providing three curb cuts on
2 Jericho Turnpike, which will effectively
3 act at two curb cuts. The first curb
4 cut, as you approach from the west, is
5 specifically for the drive-thru
6 entrance. The next curb cut in the
7 center of the site is the main curb cut,
8 the main driveway for the parking and
9 then the last curb cut furthest to the
10 east is the drive-thru egress.

11 In accordance with the Village
12 Code, the site can accommodate and
13 provides 14 parking spaces. Three of
14 those parking spaces are employee only
15 and are located in front of the trash
16 enclosure.

17 As previously mentioned, the
18 existing site is 100 percent impervious.
19 The proposed site will be approximately
20 15 percent landscape, so there is a
21 significant increase in landscaping and
22 a sizable portion of that landscaping
23 will be at the prominent corner as you
24 approach from the west.

25 With respect to drainage, the site

1. will meet all the Village requirements
2. for drainage design and will be
3. providing adequate utilities and
4. sanitary system.

5. As far as lighting goes, we are
6. providing all new LED lighting fixtures
7. on the site, as well, which are very
8. energy efficient.

9. If you have any questions about the
10. site, I would be happy to answer them or
11. I can turn it over to Frank to discuss
12. traffic.

13. DEP. MAYOR FITZGERALD: I have a
14. couple, or just keep going with the
15. presentation.

16. MAYOR LONGOBARDI: If that's okay,
17. all right.

18. THE REPORTER: Raise your right
19. hand.

20. (Complies.)

21. F R A N K A. F I L I C I O T T O,
22. called as a witness after having been
23. first duly sworn was examined and
24. testified as follows:

25. THE REPORTER: Please state your

1 name for the record.

2 MR. FILICIOTTO: Frank A.

3 Filiciotto, F as in Frank,

4 I-L-I-C-I-O-T-T-O, with the firm

5 Stonefield Engineering & Design, with

6 offices at 27-02 41st Avenue in Long

7 Island City.

8 Thank you for the opportunity to
9 speak.

10 Just for the record, I am a
11 licensed professional engineer in the
12 State of New York. I have 15 years of
13 experience in the field of traffic and
14 transportation engineering, and I have
15 been part of this application for the
16 last several months.

17 I had an opportunity to appear in
18 front of the Zoning Board as part of the
19 use variance, as Mr. Leno said, and
20 we've also worked closely with the New
21 York State Department of Transportation
22 as part of this project.

23 So I can give the Board a rundown
24 of our involvement and some important
25 conclusions that we've made regarding

1 this site.

2 As Mr. Pedersen pointed out, we're
3 located on the south side of Jericho
4 Turnpike, just east of the intersection
5 of Tulip Avenue and Little Neck Parkway
6 east of the Creedmore Spur parking lot.
7 South side of the road, at this point,
8 Jericho Turnpike is a divided highway,
9 so as Mr. Leno pointed out, there are no
10 left turns into or out of this site
11 today; nor, will there be in the future.

12 As one of the key points to know is
13 that all of the traffic coming and going
14 to the site will be making right turns,
15 which is a safer way to handle traffic
16 coming into and out of the site,
17 especially when you're located on a
18 roadway like Jericho Turnpike.

19 Generally speaking, it's two lanes
20 in each direction along Jericho
21 Turnpike. There are shoulders that
22 provide parking regulations. Basically,
23 you have some meters along the south
24 side within the Village of Floral Park.
25 On the north side, that is New York

1 City, different setup there with
2 parking, but generally, two lanes in
3 each direction, parking on either side.
4 As mentioned, we're just east of the
5 municipal lot which is southwest of the
6 site. As you can see, we have a
7 triangular shaped lot so it's a
8 challenging site from a layout
9 standpoint. What we think we've done is
10 achieved a good balance between parking
11 for people who want to come and eat
12 inside and those who choose to use the
13 drive-thru.

14 Really, the market standards right
15 now for drive-thru or quick serve
16 restaurants is about 60 percent of the
17 business is achieved through the
18 drive-thru lanes. It's a very important
19 part of any drive-thru facility is the
20 drive-thru lanes. It's important to
21 accommodate that lane on site.

22 And what we have done here is we
23 have placed it on the perimeter of the
24 site so it will abut the south westerly
25 property line, if you will, and wrap

1 around the building and it will exit
2 directly onto Jericho Turnpike. So we
3 have sort of divorced the two operations
4 from happening. You have your parking
5 lot for people who want to walk in and
6 your drive-thru lane around it. There
7 is no need for a pedestrian to have to
8 walk through a drive-thru lane or mingle
9 with that traffic. So we think that
10 that design, for that reason, is a key
11 selling point to this project.

12 We are Code compliant with 14
13 parking spaces. We have 10 spaces in
14 the main lot. We have three dedicated
15 parking spaces for employees, as well as
16 one parking space after the drive-thru
17 lane which we think is an interesting
18 and beneficial accommodation.

19 Sometimes, when people get their food
20 after going through the drive-thru, they
21 will check to make sure the order is
22 correct or they want to hand it to their
23 kids in the back of the car. This
24 provides someone with the ability to
25 pull over without having to exit on to

1 Jericho Turnpike, yet, do that 30 second
2 or 60 second process without blocking
3 the rest of the people in the
4 drive-thru.

5 In terms of the drive-thru, we have
6 12 double-queuing spaces. We have six
7 spaces between the window, the pickup
8 window, you pay and pick up your food,
9 and an ordering board, as well as six
10 spaces from the ordering board to the
11 roadway.

12 This is a very industry standard
13 layout. Restaurants in this type of
14 arena have really perfected the
15 drive-thru layout with respect to how
16 many queuing spaces exist between the
17 ordering board and the window, with the
18 idea being to achieve the ordering
19 process and the food making and
20 transaction process simultaneously so
21 you're not holding back traffic
22 unnecessarily at the site.

23 As Mr. Pedersen mentioned, we are
24 proposing three driveways on Jericho
25 Turnpike, but they will be limited in

1 terms of the turning maneuvers that you
2 can make. As I mentioned, no left turns
3 at all, but starting at the westerly
4 edge of the property will be an in-only
5 drive-thru for right turns leading to
6 the drive-thru lane. So that's your
7 opportunity, that's your first
8 opportunity to get into the site would
9 be that right turn. If you happen to
10 miss that driveway, you will have an
11 opportunity to make it at the central
12 driveway and then find parking in the
13 main lot. You'll also be able to leave
14 here via a right turn. Then an easterly
15 driveway is a right-turn egress only.
16 So even though there are three
17 driveways, you can only make a total of
18 four maneuvers at them.

19 We attended a meeting, because
20 Jericho Turnpike is a State roadway, we
21 attended a meeting with the DOT which
22 has jurisdiction over the roadway, back
23 in April, in fact, April 19th, and
24 provided some preliminary feedback to
25 the DOT regarding this plan. They came

1 back with some comments. We resubmitted
2 our plan on April 30th which allowed
3 them to review and provide conceptual
4 approval of this access plan. So this
5 access plan, as you see it today, the
6 three driveways, the turning movements I
7 described, have been conceptually
8 approved by the Department of
9 Transportation.

10 I have the e-mail, which I'll
11 submit for the record, dated May 8,
12 2018, from Ying Ying Miao, it's Y-I-N-G,
13 Y-I-N-G, last name M-I-A-O. She is a
14 traffic permit engineer from the
15 Department of Transportation. I have
16 three copies of that.

17 MS. WALSH: Thank you.

18 Exhibit D.

19 MR. PEDERSEN: In addition, as I
20 mentioned, we did prepare a
21 comprehensive traffic impact study as
22 part of the application. I submitted 12
23 copies for the record prior to my
24 testimony this evening. It's dated May
25 8, 2018.

1 Essentially, what we did with the
2 traffic impact study is we looked at
3 intersections both east and west of the
4 subject location. We looked at the
5 intersection of Jericho Turnpike and
6 Garfield, which is immediately to our
7 east and, of course, the major
8 intersection of Tulip and Little Neck to
9 our west. We counted, on two different
10 dates, April 14th and April 17th, to
11 capture both weekday traffic and traffic
12 on Saturdays, and what we did was we
13 distilled the volumes that we counted
14 down into peak hours. It's very
15 important in traffic engineering to look
16 at the peak hours to understand what is
17 really critical to the roadway. And,
18 obviously, I'm sure you're very familiar
19 with Jericho Turnpike, it sees about
20 30,000 vehicles per day. It's a busy
21 road. We wanted to make sure we
22 analyzed it during its busiest time.

23 So we looked at traffic during the
24 weekday, morning peak hour, which is
25 your commuting peak hour, your weekday

1 evening peak hour, which is your trip
2 home, then Saturday during the midday
3 periods which is when people are likely
4 shopping and doing things like that on
5 the weekend.

6 The reason why we look at those
7 periods is because Taco Bell is expected
8 to offer breakfast. You expect to see
9 some draw in the morning. It's expected
10 to offer lunch and dinner, then lunch on
11 Saturdays, so we really hit all of the
12 peak hours in our analysis.

13 One of the key things to note about
14 a restaurant like this is that it
15 generates about half of its traffic from
16 cars that are already on the roads
17 today. It's well documented by the
18 Institute of Transportation Engineers.
19 It's a community body, professional body
20 that we look to for guidance on land use
21 applications such as this. That traffic
22 generated by uses such as a fast food
23 restaurant is largely already on the
24 road today.

25 So, for example, you are passing

1 this site by let's say 5:00 in the
2 evening coming home from work, you're
3 not even thinking about if it's not
4 active. Once the site is approved with
5 this restaurant, you might be inclined
6 to go into it on your way home. You
7 make a right turn in, you make a right
8 turn out, you're still the same car that
9 is passing that site today and not going
10 in. It's called a pass-by trip. We do
11 it all the time when we go to a
12 convenience store, when we go to buy
13 gas. It doesn't really create new
14 traffic, it essentially borrows that
15 trip from the roadway for 20 minutes or
16 10 minutes and then pushes it back onto
17 the roadway in the same direction.

18 Now, there will be new traffic, of
19 course. Taco Bell hopes that there's
20 new traffic generated by it. But when
21 you analyze the combination of pass-by
22 traffic, which is already on the road
23 today, with the new traffic that is
24 expected, it's a fraction of what is on
25 the roadway today.

1 We did an analysis and confirmed
2 that the levels of service would largely
3 be maintained at the intersections that
4 we studied as a result of this
5 development. The increase in traffic
6 would not exceed two percent of the
7 roadway volumes that are out there
8 today, so a very, very di minimus level
9 of traffic.

10 I mentioned that we are Code
11 compliant in terms of parking with 14
12 and the queuing that we are providing is
13 12 spaces. Typically, you would see
14 eight queued vehicles during the worst
15 case period of a fast food restaurant.
16 We provide 12.

17 There was some correspondence that
18 the Board might have seen from the
19 Nassau County Planning Commission that
20 requested a study because there was
21 some, I guess, concern over the fact
22 that we are only providing six queuing
23 spaces. Let me just clarify that.

24 So the six queuing spaces that they
25 are referring to are from the order

1 board back to the road. So if you're
2 going to count the number of vehicles,
3 six vehicles between the order board and
4 the road. That doesn't include the six
5 between the order board and the window.

6 The fact is that in order for a
7 queue to develop from the order board
8 back to the road, you have to have six
9 cars arrive almost in succession. It
10 really doesn't happen.

11 What's more common is a general
12 flow of traffic where you come up to the
13 order board, make the order, which is a
14 matter of 30 to 40 seconds, and then
15 proceed up to the pickup window. Very
16 rarely do you see a queue developing
17 here that can't be accommodated between
18 the order board and the window. We
19 intend to apply to the Nassau County
20 Planning Commission with additional
21 studies that support that.

22 Just to give the Board some
23 information that might help you in your
24 decision tonight. We looked at the six
25 closest Taco Bells to this site in

1 Nassau County ranging anywhere from a
2 mile and-a-half away, which is the site
3 in New Hyde Park at 1650 Jericho
4 Turnpike, to a site in Westbury at 511
5 Old Country Road. Basically, they
6 provide anywhere between three and seven
7 vehicles between the order board and the
8 roadway or the nearest point of
9 conflict. We're providing six. We are
10 very much in keeping with what Taco Bell
11 does throughout Nassau County. This is
12 not out of the ordinary. They have this
13 down to a science with respect to how to
14 accommodate their traffic.

15 I just want to point out that what
16 you see here is very typical, if not
17 conservative, for the amount of traffic
18 that this site would handle.

19 DEP. MAYOR FITZGERALD: I'm sorry,
20 three to seven you mentioned is from the
21 queuing board, right?

22 MR. PEDERSEN: From the order
23 board, doesn't include the additional
24 queuing that's provided from the order
25 board to the window. So I think 12 is

1 more than adequate.

2 If you choose to, let's say you're
3 in the queue and you don't want to wait,
4 there is a bail-out lane which allows
5 you to get back into the lot. So if you
6 decide that, hey, I don't want to wait
7 this amount of time, I'll just go in and
8 pick up my food, you will be able to
9 make a left turn out of the queue, find
10 parking, walk in and then leave.

11 MAYOR LONGOBARDI: From the
12 queueing lane?

13 MR. FILICIOTTO: It will not be
14 permitted, no. We will have signage and
15 we will discourage that movement because
16 doing so could cut off people who have
17 queued.

18 DEP. MAYOR FITZGERALD: It's only
19 signage, there's no bollards there to
20 prevent them from moving into the queue?

21 MR. FILICIOTTO: There's signage
22 and markings we looked at. We looked at
23 providing something a little bit more of
24 an impediment, but we wanted to steer
25 clear of that because it would harm the

1 turning movements that would need to
2 occur for the left turn. And we can
3 work with the Board if there's something
4 specific that you would like to see, but
5 we think that will be enough.

6 MAYOR LONGOBARDI: Okay.

7 MR. FILICIOTTO: Other than that, I
8 don't have any other comments.

9 Basically, the conclusion here is
10 that this site, being on the south side
11 of Jericho, with right in and right out
12 maneuvers does work well with respect to
13 the turning movements in and out. We
14 divorced the parking from the drive-thru
15 lane. We don't expect any significant
16 adverse impact as a result of this.

17 MAYOR LONGOBARDI: What I think we
18 will do now is open it up for questions.

19 Thank you very much.

20 MR. FILICIOTTO: Thank you.

21 MAYOR LONGOBARDI: Thank you very
22 much. Let's open it up to the Board for
23 their questions. I have some and I will
24 hold mine until after.

25 With that, Deputy Mayor Kevin

1 Fitzgerald.

2 DEP. MAYOR FITZGERALD: Gentlemen,
3 thanks for your interest in Floral Park.
4 I have a couple of questions.

5 Is Mr. Padiwana here this evening?
6 Okay, what are the hours going to be,
7 the proposed hours?

8 I guess whoever wants to answer.

9 MR. RYAN: I think, Mr. Leno, the
10 witness should be sworn.

11 THE REPORTER: Please raise your
12 right hand.

13 (Complies.)

14 R A J A N P A D I W A N A, called
15 as a witness after having been first
16 duly sworn, was examined and testified
17 as follows:

18 THE REPORTER: Please state your
19 name for the record.

20 MR. PADIWANA: My name is Rajan
21 R-A-J-A-N, last name is Padiwana,
22 P-A-D-I-W-A-N-A.

23 DEP. MAYOR FITZGERALD: Thank you.

24 What are the proposed hours for
25 this facility?

1 MR. PADIWANA: The standard hours
2 of operation, most of the places that
3 are restaurant open at 10:00 and the
4 people who managers and morning people
5 come around 8:00 to prepare the parking
6 lot and make sure everything is okay,
7 then we close at 2:00.

8 DEP. MAYOR FITZGERALD: I'm sorry?

9 MR. PADIWANA: Close at 2:00 on the
10 weekend, and the weekdays we normally
11 close at 1:00, that's what we have now.

12 DEP. MAYOR FITZGERALD: Is that
13 just the drive-thru or the whole
14 restaurant is open?

15 MR. PADIWANA: The whole
16 restaurant, for the sitting inside close
17 at 12:00, and drive-thru closes at 2:00.

18 DEP. MAYOR FITZGERALD: Where would
19 the garbage be stored? I know on the
20 drawing it looks like it's on the
21 western corner and I know the ARB has
22 concerns about where it would stored and
23 potentially moved.

24 MR. LENO: We can have Dan Pedersen
25 come up and discuss that, because what

1 had happened is this project did go
2 before the ARB. Initially, there was a
3 great deal of feedback and there were
4 modifications made to the site, based on
5 that. So let me have Dan take you
6 through that you.

7 MR. PEDERSEN: The plan that is
8 presented tonight has a trash enclosure.
9 Right now it's outside the drive-thru
10 lane along Jericho Turnpike.

11 At the meeting with the ARB, they
12 requested that it be moved away from
13 Jericho Turnpike. We have a plan that
14 we submitted to the ARB just last week.
15 We've shifted it about 15 to 20 feet
16 further away from Jericho Turnpike to
17 accommodate their concerns. We will be
18 -- there will a masonry enclosure brick
19 facade to match the building and we will
20 be landscaping, putting landscaping
21 screening around the entire enclosure.

22 MAYOR LONGOBARDI: Access to that
23 will be from the -- I'm sorry -- from
24 the drive-thru?

25 MR. PEDERSEN: Access will be from

1 the drive-thru lanes, and the curb cuts
2 have been wide enough to accommodate a
3 vehicle refuse truck to enter and leave.
4 And we have, through the drive-thru lane
5 and through this, this bail-out lane to
6 the parking lot.

7 DEP. MAYOR FITZGERALD:

8 Approximately what time and what days
9 will that pick up be?

10 MR. PADIWANA: They normally pick
11 up like four days a week, but it's
12 choice for us. If it requires to pick
13 up every day, they can come six days,
14 maximum is six days, then two, three,
15 four, five, it's our choice.

16 DEP. MAYOR FITZGERALD: What time,
17 approximately?

18 MR. PADIWANA: Normally, they come
19 in the night time, maybe after 11:00,
20 11:30, that is normally when they come
21 in and pick up.

22 DEP. MAYOR FITZGERALD: While the
23 store is still open they pick up or
24 after it closes?

25 MR. PADIWANA: Restaurant, no,

1 before they close, picked up.

2 DEP. MAYOR FITZGERALD: Will there
3 be garbage cans placed on the site and
4 on the Jericho Turnpike sidewalk?

5 MR. PADIWANA: We normally have the
6 two dumpsters on site, probably two
7 yards, three yards, depends on the
8 business. One is for recycling material
9 and one is for the regular garbage. The
10 truck comes and they pick up and puts it
11 in, then puts it back then they leave.

12 DEP. MAYOR FITZGERALD: There will
13 be garbage cans on Jericho Turnpike?

14 MR. PADIWANA: Yes, of course.

15 DEP. MAYOR FITZGERALD: Will the
16 store manager keep an eye on those to
17 make sure they stay tidy throughout the
18 day?

19 MR. PADIWANA: Yes.

20 DEP. MAYOR FITZGERALD: I didn't
21 see on the plan, is there a basement in
22 the building?

23 MR. PEDERSEN: No basement.

24 DEP. MAYOR FITZGERALD: No
25 basement, it will be on a slab.

1 What about the construction
2 timeframe, like when is that going to
3 occur, and how long will it take to
4 potentially build the building?

5 MR. PADIWANA: Construction, in
6 previous experience, takes approximately
7 four months to do it. Once you take the
8 building out, demolish the building,
9 then put the new building.

10 DEP. MAYOR FITZGERALD: Mr. Mayor,
11 that's all I have.

12 MAYOR LONGOBARDI: Thank you.

13 Dr. Lynn?

14 TRUSTEE POMBONYO: Thank you for
15 very thorough, comprehensive
16 presentation. Most of my questions
17 relate to maintaining the condition of
18 the site, and how it appears as people
19 enter our community because that is the
20 western entrance to our community,
21 Jericho Turnpike.

22 Does Taco Bell have industry
23 standards for how a parking lot is to be
24 maintained, how a restaurant is to be
25 maintained, in terms of mostly cleaning

1 trash, not the collection of trash, but
2 trash that happens during the day as
3 customers, especially, are using the
4 drive-thru maybe kind of eating at the
5 same time in the parking lot.

6 MR. LENO: Well, I'll ask Mr.
7 Padiwana to come up and confirm, but
8 based on our conversations prior to
9 tonight, Taco Bell does have best
10 practices, as far as what should be done
11 throughout the operation of the
12 restaurant during the day.

13 So obviously, a facility that is
14 not well kept, that is dirty, is
15 obviously not going to be positive for
16 the image of Taco Bell and the
17 restaurant itself. So best practices,
18 there is regular routine maintenance
19 during the day of removing garbage that
20 might be in the parking lot. And I
21 think they do, in addition to Mr.
22 Fitzgerald's question, yes, there is
23 regularly, they will empty the garbage
24 receptacles that are outside so they're
25 not overflowing, because, obviously,

1 there is -- when you have an entity such
2 as Taco Bell, they don't want their
3 image to be tarnished, and obviously, we
4 don't want that to be -- our client does
5 not want that to happen as far as his
6 relationship with the Village to have a
7 property that is not well kept.

8 TRUSTEE POMBONYO: We're very
9 concerned about overflowing garbage and
10 patrons who might be dumping in the
11 parking lot, leaving their drinks. We
12 see that sometimes with other
13 restaurants that have drive-thru's as
14 well as here in community. In that
15 regard, does Taco Bell, as a company,
16 enforce their best practices?

17 MR. LENO: What they do, is they
18 are subject, the restaurant itself,
19 because it is a franchise location, is
20 subject to regular inspection. There
21 are reports that have to be generated.
22 These are the types of things they use
23 to try to safeguard the location because
24 they're trying to protect the brand.
25 So, those are considerations that are

1 made that are put into practice with
2 regard to the location, whether it be
3 the manager or whoever, the manager, the
4 assistant manager that's on duty at that
5 particular time.

6 TRUSTEE POMBONYO: That is inside
7 and outside as well?

8 MR. LENO: Correct.

9 TRUSTEE POMBONYO: Could you tell
10 me, or maybe the owner can tell,
11 anything about employment at Taco Bell.
12 Is there a recruitment process that is
13 in place that allows the restaurant
14 drive-thru to have sufficient personnel
15 to serve the food, as well as take care
16 of the condition of the property,
17 because that seems to be where some
18 stores falter.

19 MR. LENO: If I can paraphrase.

20 The question is whether you will
21 have sufficient staff that will be able
22 to take care of the managerial duties,
23 as well as the maintenance duties,
24 including the cleaning of the parking
25 lot, the emptying of the garbage and

1 what have you. How does Taco Bell
2 insure that you will live up to those
3 employment obligations so that you have
4 enough people on staff to take care of
5 it.

6 MR. PADIWANA: Normally, this type
7 of restaurant, we have like 28, 25 to 28
8 people we hire for the place. In the
9 morning, we get three to four people who
10 comes with the manager and they make
11 sure the parking lot, goes out and
12 sweeps, whatever has to be done. And
13 then they go inside and prep the food.
14 And then every one hour, one and-a-half
15 hour there is a normal procedure. They
16 make a round and they make sure that
17 everything is okay. Sometimes they
18 throw the bottle, the garbage or papers,
19 they try to pick up and keep. That is
20 the requirement. And we have to meet
21 the compliance. We have answering book
22 in the computer, and also answering book
23 with the system that the manager and
24 everybody has to follow. And we have
25 learning zone, which is required, it's a

1 must; otherwise, we can't proceed to the
2 next week; and everybody has to educate
3 with what the procedure of corporate is,
4 if there -- every time becomes a new one
5 or one is existing. And it's very
6 important to keep the place, maintaining
7 the place.

8 TRUSTEE POMBONYO: What many of us
9 have observed in other towns is what
10 seems to be shortages of staff and when
11 that happens, the first thing to
12 deteriorate is the collection of garbage
13 and cleanliness and we don't want to see
14 that in Floral Park.

15 MR. PADIWANA: We will make sure
16 of that. What is required, we learn and
17 educate from the town, we maintain that
18 also. As long as we maintain the work,
19 corporate wants to follow up on
20 everything.

21 TRUSTEE POMBONYO: The other
22 question, also I have as it relates to
23 maintenance and certainly that you want
24 to put in landscaping.

25 Who maintains that once it's put

1 in? How is that serviced so it always
2 looks neat and clean, it is not weeded,
3 full of weeds and doesn't fall into
4 disrepair?

5 MR. LENO: The question is
6 landscaping, as part of the package.

7 MR. PADIWANA: Yes.

8 MR. LENO: Lawns that have to be
9 cut, shrubs that have to be replaced.

10 MR. PADIWANA: That is required
11 that we will have the gardener. We
12 hire, like any other Taco Bell, so you
13 hire the people, professional who does
14 the service. And when the summertime
15 comes or regular time after the spring,
16 they come. Whatever has to be done to
17 maintain and watering, and whatever has
18 to be done to maintain the landscaping
19 is very, very important for the company
20 and for us also.

21 TRUSTEE POMBONYO: For us, too.

22 MR. LENO: So it's safe to say that
23 you are responsible for --

24 MR. PADIWANA: Yes, yes --

25 TRUSTEE POMBONYO: You will do it

1 through a professional service.

2 MR. PADIWANA: Yes.

3 TRUSTEE POMBONYO: Thank you.

4 MAYOR LONGOBARDI: Trustee Cheng?

5 TRUSTEE CHENG: Counselor, who is
6 the tenant, Taco Bell or your client?

7 Who is the lessee of this property?

8 MR. LENO: It is going to be our
9 client.

10 MR. CHENG: Not Taco Bell.

11 MR. LENO: Correct.

12 TRUSTEE CHENG: Thank you, thank
13 you Mr. Mayor.

14 MAYOR LONGOBARDI: Trustee Chiara?

15 TRUSTEE CHIARA: Is there going to
16 be any security attached to the business
17 itself on site?

18 MR. LENO: There is no present plan
19 for any additional security at this
20 time.

21 MR. PADIWANA: It has the camera
22 systems installed, you know, security.

23 TRUSTEE CHIARA: And where are
24 those cameras?

25 MR. PADIWANA: Camera go in the

1 parking lot, goes inside the building
2 inside.

3 TRUSTEE CHIARA: And who is going
4 to be monitoring them?

5 MR. PADIWANA: A service corporate
6 uses and we pay the monthly fees. They
7 are the one who monitors and we have
8 monitors inside of the office to make
9 sure everything is all right.

10 TRUSTEE CHIARA: Do you have any
11 contracts with any towing companies if
12 some cars get stuck in that area?

13 Where the food pickup is, do you
14 have any contract with a towing company
15 to move those vehicles; because,
16 otherwise, it's going to back up
17 everybody on to Jericho Turnpike.

18 If, for some reason, a car gets
19 stuck while they're picking up their
20 food, how do you handle that situation?

21 MR. PADIWANA: Obviously, normally
22 what we do is we have a towing company
23 like a neighborhood company all
24 surrounded by wherever they are, we put
25 in into -- they also put the sign, you

1 know, they come and they put the sign
2 parking is only for Taco Bell. And if
3 anybody is, they tow the car, you know,
4 we have to have a company who works with
5 us, with a towing company, yes.

6 TRUSTEE CHIARA: Do you know how
7 quick the response would be for that
8 company? You haven't contracted the
9 company yet.

10 MR. PADIWANA: No, the company is
11 going to come fast. We are the one who
12 pays for the company, the towing
13 company. If anything, call or any
14 issues comes, we call them, they come.

15 TRUSTEE CHIARA: I guess my
16 question is, do you have a company in
17 mind that you can contract with a
18 company to do that yet?

19 MR. PADIWANA: No, I don't have
20 now, at this point, no.

21 TRUSTEE CHIARA: Could you tell us
22 how far the two driveways are between
23 each other, the driveway coming in and
24 the driveway into the parking area where
25 the people go into the restaurant.

1 MR. LENO: I am going to have Mr.
2 Filiciotto come back.

3 MR. FILICIOTTO: Sir, are you
4 referring to the space in between the
5 three driveways?

6 TRUSTEE CHIARA: Yes.

7 MR. FILICIOTTO: So the spacing
8 between east -- the westerly driveway
9 and the central driveway is
10 approximately 50 feet.

11 TRUSTEE CHIARA: 50 feet?

12 MR. FILICIOTTO: 50 feet. And then
13 it's greater between the central
14 driveway and the easterly driveway about
15 65 feet.

16 TRUSTEE CHIARA: What kind of
17 signage are you going to put up there to
18 make sure people understand that one is
19 a drive-thru and one is not?

20 MR. FILICIOTTO: Correct. So this
21 will have one-way signage pointing in.
22 The central driveway will have a stop
23 sign for people going out, and then the
24 easterly driveway will have one-way
25 signs and do not enter signs to,

1 essentially, tell drivers they can't
2 make a right turn in that location.

3 TRUSTEE CHIARA: And you said there
4 is an egress, people that are in the
5 drive-thru lane can go out if they
6 decide they don't want to go through the
7 drive-thru, they can go into the regular
8 parking lot.

9 MR. FILICIOTTO: Correct.

10 TRUSTEE CHIARA: Is there a wall or
11 a barrier there that is going to stop
12 people from going into that.

13 MR. FILICIOTTO: There is a striped
14 area. We will have a sign there, as
15 well as markings for do not enter.
16 There is not a barrier there.

17 TRUSTEE CHIARA: Curbing or
18 anything?

19 MR. FILICIOTTO: No.

20 TRUSTEE CHIARA: So a car can
21 basically go into that area, the
22 drive-thru.

23 MR. FILICIOTTO: Physically, yes.
24 There will be enough clues along the way
25 that they shouldn't do that, as well as

1 they would have to pass up this driveway
2 first which will have signs to make
3 clear that it's the drive-thru entrance.
4 If that happens, once in a million, that
5 would probably be the rate, but the idea
6 is to get them in here, make it obvious
7 that this is the location and provide
8 the signage and guidance that they are
9 deterred from doing so.

10 TRUSTEE CHIARA: Okay, thank you.

11 MR. FILICIOTTO: Yes.

12 MAYOR LONGOBARDI: I just have a
13 couple of quick questions before I turn
14 it over the public.

15 One of the concerns I have is we
16 have that big parking lot behind. We
17 also have people walking up, you will
18 have younger people walking up to Taco
19 Bell the same way they walk up to
20 Wendy's, things like that.

21 So is there any way -- and I know
22 that fencing belongs to the parking lot.
23 There are no plans to cut that, I'm
24 assuming there are no plans in any way
25 to potentially cut that to open that to

1 the main parking lot, to the Spur
2 parking lot for access.

3 MR. FILICIOTTO: There are no plans
4 to do that, and the reason why we would
5 advise against doing that is because
6 then you wouldn't be introducing that
7 maneuver.

8 MAYOR LONGOBARDI: I'm not --

9 MR. FILICIOTTO: And we do have a
10 sidewalk along in front so we would
11 encourage people to use the public
12 sidewalk, then walk in the front door.

13 MAYOR LONGOBARDI: So then the
14 landscaping plan on the triangle, is
15 there any way to -- with that
16 landscaping plan insure that that's --

17 MR. FILICIOTTO: Not inviting.

18 MAYOR LONGOBARDI: Not inviting, so
19 that people can walk through there,
20 okay.

21 MR. FILICIOTTO: We would be happy
22 to accommodate that.

23 MAYOR LONGOBARDI: Again, it's a
24 main entrance to our Village. So as
25 nice as you can make that, that's very

1 important to us. Okay, landscaping all
2 the way across the front is very
3 important to us.

4 The design of the building, I know
5 you are dealing with the ARB, so I will
6 leave that, those questions.

7 I don't have any other questions
8 right now. And I do have some comments
9 afterwards, but I would like to open it
10 to the floor.

11 TRUSTEE POMBONYO: I have one more
12 question.

13 MAYOR LONGOBARDI: I'm sorry.

14 TRUSTEE POMBONYO: What hours do
15 you plan to have a designated manager on
16 the site?

17 MR. FILICIOTTO: I'll defer to the
18 applicant.

19 MR. PADIWANA: The manager's normal
20 hours range -- she opens at 8:00 and
21 leaves at 6:00. One day she works
22 mid-shift, comes at 12:00 and leaves at
23 10:00. One shift she works night. She
24 comes at like 4:00, 5:00 and closes and
25 leaves at 2:00. She, the manager, does

1 all the shifts, what's going on, what to
2 do.

3 TRUSTEE POMBONYO: So it's a single
4 manager who switches shifts, so you
5 wouldn't have a manager, for instance,
6 all day.

7 MR. PADIWANA: Yes.

8 TRUSTEE POMBONYO: Certain days of
9 the week.

10 MR. PADIWANA: It's required by the
11 company you will have -- they call MIC,
12 manager in charge. That is required
13 that this particular store will have at
14 least six or seven MICs, based on the
15 people working in the stores.

16 TRUSTEE POMBONYO: So managers will
17 be covering the store seven days a week?

18 MR. PADIWANA: Always, yes.

19 TRUSTEE POMBONYO: Thank you.

20 DEP. MAYOR FITZGERALD: Mr. Mayor?

21 MAYOR LONGOBARDI: Yes.

22 DEP. MAYOR FITZGERALD: Mr.

23 Padiwana, while you're standing, how
24 many other stores like this do you own?

25 MR. PADIWANA: I own one Taco Bell

1 I have, and five Dunkin Donuts, I own.

2 DEP. MAYOR FITZGERALD: Then my
3 last question is, I know you mentioned
4 there being 25 employees.

5 How many employees will be on each
6 shift and where do you plan on allowing
7 them to park?

8 MR. PADIWANA: The parking is -- we
9 normally give the three spots we have
10 and we are going to work with the town.
11 They have, in the side if they have a
12 pass system or they have some kind of a
13 system we can require on a yearly basis
14 or something for parking for the
15 employees so we can have a couple of
16 people can park there.

17 DEP. MAYOR FITZGERALD: But you
18 will have three spots for the employees.

19 MR. PADIWANA: Correct, yes.

20 DEP. MAYOR FITZGERALD: Thank you.

21 MAYOR LONGOBARDI: Thank you, Mr.
22 Padiwana.

23 I am going to ask now, Mr. Leno, if
24 you could have the drawing turned
25 around, if that would be okay, so that

1 we can open it up to the public and the
2 public can see these.

3 (Complies.)

4 With that, we'll open it to the
5 public for questions.

6 I'm going to ask that you direct
7 the questions to us and then we will
8 direct them, again, to the applicant.

9 So, if anybody would like to --
10 yes, sir.

11 We would ask that everybody please
12 state your name and address for the
13 record.

14 MR. CARMODY: My name is Patrick
15 Carmody, C-A-R-M-O-D-Y.

16 Good evening, Mr. Mayor.

17 MAYOR LONGOBARDI: Good evening.

18 MR. CARMODY: You may remember me
19 from the several meetings we had from
20 Centennial Hall. I live in the Adelaide
21 Street section of Flower View Garden
22 apartments. Many of our residents there
23 park their cars in the Centennial Hall
24 lot.

25 I'm sure at most meetings you

1 heard, as well as I did, not just from
2 myself but many of the residents about
3 the difficulty in traffic and parking
4 situations in that area of the Village.
5 Subsequently, the Centennial Hall lot
6 -- Centennial Hall's property has been
7 sold. There is going to be high-end
8 apartments there, which means more
9 traffic. We are going to be displaced,
10 we'll have to find other places to park.

11 The Mayor mentioned building a
12 walkway over the sump into the Spur.
13 Guess where that's going to lead to,
14 it's going to lead to the entrance of
15 the Spur where this new Taco Bell is
16 going to be built.

17 Parking is already difficult in the
18 Village. There are 260 Flower View
19 Apartments on the Tulip Avenue side.
20 Many of those residents now park in the
21 Spur, if it's available. Many of us at
22 the Centennial Hall parking lot will
23 have to park our cars in the Spur.

24 I know there's going to be a lot of
25 people that come to that Taco Bell that

1 are going to park in the Spur, which
2 means traffic going in and out. They're
3 open until 12:00 at night, that's just
4 about all hours of the day. The last
5 thing we need is a fast-food store in
6 that location, that's the last thing we
7 need.

8 It's already a difficult situation
9 with the parking and traffic there now.
10 This is only going to make it worse, so
11 I just wanted to state my case.

12 When we opened it up, you had hired
13 a company to come in and look at all
14 different options available to
15 Centennial Hall. There wasn't one
16 option they had to look at. They looked
17 at many, many different options. I'd
18 say for this location, let's look at
19 many, many different options. I think
20 putting a fast-food location there is a
21 really, really bad idea.

22 So, thank you.

23 MAYOR LONGOBARDI: Thank you.

24 Thank you for your comments.

25 Is there anybody else who wishes to

1 be heard?

2 Tom -- Tom, one second.

3 MS. ORTIZ: Nadia Ortiz, I live at
4 64 Orchid Street.

5 I was trying to get a better view
6 on the west -- but I can see it now, I
7 think.

8 The westbound traffic, going
9 westbound traffic, is there is a median
10 established there, because I'm wondering
11 if cars are not going to try to make a
12 left turn, seeing Taco Bell on the left,
13 say, oh, let me get in. We were talking
14 about getting traffic to come in.

15 So is there a median there, and if
16 not, that means that's another spot that
17 needs to be monitored by the Village
18 police.

19 MAYOR LONGOBARDI: There is a
20 median, to a certain extent, then --

21 MS. ORTIZ: Then the left-turn
22 lane.

23 MAYOR LONGOBARDI: Then the
24 left-turn lane, then the left-turn lane,
25 that is a concern.

1 MS. ORTIZ: Okay.

2 MAYOR LONGOBARDI: It is on the
3 radar.

4 MS. ORTIZ: Very good, that's all I
5 needed to know.

6 MAYOR LONGOBARDI: I'm sorry, Tom?

7 MR. HOLZ: Tom Holz, 267 Whittier
8 Avenue.

9 My question is: Between the
10 driveways, is there going to be cars
11 parked on the street between the
12 driveways?

13 In other words, is there enough
14 room to put cars parked on the street of
15 Jericho Turnpike, so when you come out
16 of the drive-thru to block your view on
17 to Jericho.

18 MAYOR LONGOBARDI: Tom, there are
19 parking spaces there now, so we are
20 looking at what will happen with that
21 parking.

22 MR. HOLZ: It will be hard to get
23 out of, okay.

24 MAYOR LONGOBARDI: Thank you.

25 MS. RISSETTO: Debra Risetto, 249.

1 Lowell Avenue.

2 Do you remember the old Schenck
3 property and how we could not put a food
4 place there because of the soil, and the
5 gasoline. Was that a concern since this
6 was a place where they repaired cars?

7 MAYOR LONGOBARDI: I yield to our
8 experts.

9 Mr. Pedersen, maybe you want
10 address that.

11 MR. LENO: Our client did a phase 1
12 and phase 2 that didn't require any
13 further action to be taken on the site
14 with regard to the environmental.

15 That, coupled with the fact that
16 this is going to be a building on a
17 slab, it's going to eliminate any of the
18 potential issues that would -- you know,
19 there's no excavation that's necessary
20 in connection with the construction.

21 MR. CHENG: Is there a basement in
22 the building that is being demolished?

23 MR. LENO: No.

24 MS. RISSETTO: But if you're going
25 to remove the cement to put up

1 landscaping, wouldn't that be turning
2 the soil?

3 MR. LENO: As our client stated,
4 there was a phase 1 and phase 2 that
5 said no further action was required in
6 connection with this construction that
7 was going to take place.

8 MS. RISSETTO: Okay, the stoplight
9 after the Taco Bell, is there a no
10 U-turn sign there? I can't remember.

11 And then at Tulip Avenue and Little
12 Neck Parkway is there a no U-turn sign
13 there? I can't remember, just double
14 checking.

15 MAYOR LONGOBARDI: We will have to
16 check those, but, again, it's a state
17 road so we would have to petition them
18 to do it, but we will check on it.

19 MS. RISSETTO: They did a really
20 nice job in the crosswalk in front of
21 Wendy's.

22 Is there any type of crosswalk that
23 is going to take the north side so
24 people can cross Jericho Turnpike to
25 Taco Bell?

1 MAYOR LONGOBARDI: I believe there
2 is a crosswalk at Garfield.

3 MS. RISSETTO: At the light.

4 MAYOR LONGOBARDI: At the light.
5 I'm pretty sure there is one there.
6 Again --

7 MS. RISSETTO: Okay, thank you.

8 MAYOR LONGOBARDI: Thank you.

9 MS. CONNOLLY: Marie Connolly, 22
10 Pine Avenue.

11 I guess the people of Floral Park
12 have to decide whether they want to live
13 in Coney Island or Mayberry RFD, because
14 right now it's starting to look like
15 Coney Island.

16 We got rid of the ice cream place
17 the kids went to, the bowling alley and
18 the movie theatre. What do we get:
19 Wendy's, 7-Eleven and Taco Bell. I just
20 think it's a disgrace, I'm sorry. It's
21 changing, it's changing and not in a
22 good way.

23 MAYOR LONGOBARDI: Marie, just for
24 the record, when you referenced,
25 unfortunately, the ice cream place and

1 all were not in Floral Park, but we will
2 take your comments.

3 Thank you.

4 AUDIENCE MEMBER: She knows that,
5 please.

6 MR. CAMP: Peter Camp, C-A-M-P, 54
7 Vanderbilt Avenue.

8 I came here for other things but
9 this is quite an enlightening thing, so
10 I want to keep it as quick as possible,
11 because I know people have other things
12 to do.

13 But I have three questions now
14 because of what has come up.

15 How much has the Village looked
16 into a local business impact that this
17 is going to have on the local delis, the
18 other restaurateurs that are in town,
19 since we already have fast food, two
20 fast food places in town, so does it
21 make sense to have a third one.

22 Have we done our due diligence?
23 Have we looked into anything like that?
24 I'm just posting that to you guys.

25 MAYOR LONGOBARDI: At this point,

1 no, but --

2 MR. CAMP: Because it sounded like
3 they are looking for a vote tonight, so
4 that scares the hell out of me.

5 TRUSTEE CHENG: That's the point of
6 the hearing, we haven't decided
7 anything.

8 MR. CAMP: Just taking it from what
9 they said.

10 MAYOR LONGOBARDI: Peter, part of
11 this process is to listen to everybody,
12 listen to the comments that are made,
13 such as the comment you just did, and
14 Mr. Carmody and people. So that is part
15 of what this is.

16 DEP. MAYOR FITZGERALD: Mr. Mayor,
17 if I may, and I'll defer to Village
18 Attorney Ryan.

19 We don't have the ability to
20 regulate commerce, correct, and what can
21 and can't go in a certain spot against
22 other businesses, correct.

23 MR. RYAN: We can't guarantee
24 commerce.

25 MR. CAMP: We can't guarantee -- we

1 don't have to guarantee.

2 MR. RYAN: I am saying that they're
3 here --

4 MR. CAMP: I am asking you to look
5 into how it may affect other business
6 owners that are here much longer than
7 them.

8 MR. RYAN: That's a fair comment.
9 But we can't deny them their right to
10 open up a business that might adversely
11 affect another business.

12 MR. CAMP: But does that make sense
13 in today's world where we are literally
14 losing businesses left and right in
15 town. I am not saying to deny the
16 permit, but you should do --

17 MR. RYAN: I'm not here to pass on
18 policy decisions, I'm just telling you
19 what the law requires.

20 MR. CAMP: Okay, fair enough.

21 And are there any tax or financial
22 benefits to Floral Park in having a
23 business like this come into town?

24 MAYOR LONGOBARDI: There's always
25 benefits to the Village. Right now the

1 property is taxed as a business
2 property. It will be reassessed when
3 this is -- whether that has a
4 substantial change or not, is up to how
5 it is assessed.

6 MR. CAMP: Okay. I am just curious
7 about that.

8 And I just wanted to make a very
9 quick observation as to the traffic
10 study, because I am sure somebody is
11 going to come west or east on Jericho
12 Turnpike, and have seen the New Hyde
13 Park location, which is on a much larger
14 plot that this one is going to be and
15 the lines on Thursday, Friday and
16 Saturday night are out the door, meaning
17 the drive-thru traffic, and we're on a
18 smaller spot right on Jericho Turnpike,
19 I expect that the Commissioner is going
20 to be having his boys go down there a
21 lot. There is that intersection just
22 past that which is a nightmare because
23 I've seen a couple of accidents in the
24 last couple of weeks there, plus the
25 people coming just off of Little Neck

1 Parkway.

2 So I hope you can take things like
3 that into account; obviously, they've
4 done their due diligence in the traffic
5 study in the middle of the day, but when
6 they actually use New Hyde Park as an
7 example, realistically, if anyone has
8 really been by there -- I saw you
9 shaking your head, Frank, the traffic
10 itself is going to be, especially at
11 that location, I hope you take it into
12 account because it is not going to be
13 exactly what you pulled up.

14 That's just a personal observation.

15 MAYOR LONGOBARDI: Thank you, Mr.
16 Camp.

17 Is there anybody else who wishes to
18 be heard?

19 (No response.)

20 With that, is there anything the
21 applicant wishes -- before I do that,
22 are there any other questions from the
23 Board?

24 Okay, Mr. Leno, is there anything
25 else you wish to add?

1 MR. LENO: Yes.

2 Mr. Mayor, what I will do is I'm
3 going to have Mr. Filiciotto come up and
4 address some of the concerns that were
5 raised.

6 I will tell you that in
7 consideration for tonight's application,
8 obviously, there was a lot of time that
9 was spent, whether it was a traffic
10 report that was done in several
11 engineering meetings, obviously.

12 This is a challenging site;
13 however, we think that we have been able
14 to put together a plan that works for
15 the site and will not cause a material,
16 negative impact on the surrounding
17 community.

18 It should be noted that the
19 application only required one variance,
20 that was not a parking variance, that
21 had nothing to do with traffic, parking.
22 It was simply for the use for the
23 drive-thru and that was approved.

24 The site is parking compliant. The
25 matter that is before you tonight -- and

1 counsel will correct me if I'm wrong --
2 is a special use permit for the
3 restaurant use that is going in there.
4 The granting of the special use permit
5 does have a lower threshold than that of
6 a variance, provided that we demonstrate
7 to you with proof, credible evidence,
8 that we satisfied the conditions that
9 are necessary for the granting of the
10 special use permit.

11 We are hopeful that we have done
12 that, and as evidenced by our client, we
13 are willing to do what is necessary to
14 be a good neighbor, to be flexible to
15 work with the Village in order to make
16 sure that this site works.

17 I know there was a question about
18 what this site is going to become, but I
19 think you also have to look at what the
20 site is now. It is not doing a service
21 to this Village, to allow a dilapidated
22 old automobile repair location to be
23 surrounded by chained fences at the
24 gateway to your Village.

25 As evidenced by that, even the

1 design plan, to create that triangle in
2 the front, rather than just have the
3 drive-thru lane continue along the
4 property line. That was a modification
5 that was suggested in meetings with the
6 Building Department, so that we do have
7 more of a space on the site, which is a
8 little irregular in shape, but enough of
9 a platform so that we can do something
10 that will be more inviting and more in
11 keeping with the spirit of the
12 community.

13 So with that being said, I'm going
14 to have Mr. Filiciotto come and address
15 some of the concerns with regard to
16 traffic.

17 MR. FILICIOTTO: Thank you.

18 Mr. Mayor, I took some notes since
19 I was hearing some of the commentary. I
20 will go through the order I have, but if
21 I missed anything, by all means,
22 certainly interrupt.

23 There was a question about the
24 parking on Jericho Turnpike, the south
25 side of the road. There are four meters

1 along our frontage today, four parking
2 meters. It's a little bit confusing
3 because I was out there today and I was
4 out there a couple of months back.
5 There is actually a No Standing Anytime
6 sign that would invalidate parking at
7 those three meters. So I'm not sure
8 what really is going on there. It seems
9 like people are parking there.

10 The goal of this application is to
11 retain as much on-street parking as we
12 possibly can. We are adjusting one of
13 the curb cuts slightly, so we will need
14 to move that meter. But the idea is
15 that we are going to try to maintain as
16 much parking on the street as we can.

17 The one X Factor here is New York
18 State Department of Transportation.
19 They have jurisdiction over the roadway
20 and it is their decision whether or not
21 to allow parking along this frontage.
22 They have, in the past, required
23 applicants to restrict the parking along
24 the frontage when you go before them for
25 a permit. So that might be a condition

1 of the permit issue that the State
2 provides. That will all be vetted out
3 once we get back in front of them as
4 part of the highway road permit process.
5 So I can't give you a definitive answer
6 now but it would be our client's
7 preference to maintain as much parking
8 along the Jericho Turnpike shoulder as
9 possible.

10 With respect to the question about
11 left turns into the site, whether or not
12 there is a median. I will just refer to
13 the aerial exhibit.

14 The site is completely enveloped by
15 a median on Jericho Turnpike. That
16 median spans the entire length of the
17 subject site. So there are no left
18 turns into and out of this site.

19 That kind of dovetails into the
20 conversation --

21 MAYOR LONGOBARDI: With all due
22 respect, we can't legislate how people
23 drive. And, unfortunately, people -- it
24 is a concern people will make a
25 left-hand turn and a U-turn into that

1 lot. It's got nothing to do with all
2 the planning that you can possibly do to
3 prevent it.

4 MR. FILICIOTTO: Understood.

5 That dovetails into the next
6 comment which was about U-turns.

7 There are no U-turn restrictions at
8 Garfield in the eastbound direction, so
9 that's the movement going east, then
10 turning west. There are no signs, to my
11 knowledge, posted at that intersection
12 that would prohibit that maneuver.
13 Similarly, there are no U-turn signs
14 posted at Tulip and Little Neck that
15 prohibit the west to eastbound U-turn
16 maneuver, as well. So they are
17 permissible if they are not there.

18 In terms of parking in general,
19 again, we are Code compliant at 14. I
20 just want to explain to the Board we
21 expect, in the peak hour, about 60
22 people to come on to this property.
23 When you do a little math here, this is
24 some of math that I did when I was
25 looking at this property, about 60

1 percent of that traffic will use the
2 drive-thru. So that's traffic that does
3 not need to park at all. So 40 percent
4 of that traffic, roughly, 24, 25 people
5 will need to park in a given hour on
6 this property.

7 What that means is that the 10
8 spaces that we have, they turn over once
9 every 20 minutes, you would be able to
10 accommodate that amount of traffic.

11 When you think about it, going to a
12 Taco Bell to have lunch or dinner, you
13 are not going to be staying there for
14 longer than 15 or 20 minutes. You're
15 in, you get your food, you sit down and
16 you eat it. There is no real attraction
17 at this particular facility that would
18 keep you there for any longer. This is
19 not a waiter service. This isn't a
20 quality sit-down restaurant where you
21 are there for hours on end. So I do
22 believe the parking is adequate for the
23 use, based on the fact that we have the
24 drive-thru and we do meet the Village
25 Code requirement.

1 In terms of crosswalks, Mr. Mayor,
2 you were correct, there is a crosswalk
3 at Garfield as shown in this aerial
4 exhibit. There is also crosswalks at
5 Tulip and Little Neck Parkway, as well.
6 So there are ways to cross the street.
7 The DOT would never approve a crosswalk
8 mid-block along Jericho, it's just not
9 safe.

10 Then, finally, New Hyde Park, there
11 was a comment about how busy that site
12 is. Just for the record, that site does
13 have two fewer queuing spaces than the
14 one we're proposing. There's about 10
15 there before the conflict occurs. There
16 are 12 on this site. Just for the
17 record, I wanted to clarify that.

18 MAYOR LONGOBARDI: Thank you.

19 I think Mr. Camp was referring to,
20 and I have been to the New Hyde Park
21 site, where it has been crowded due to
22 its success, and we don't want to see --
23 if a business is going to open, we want
24 it successful. So, again, it comes with
25 issues and that's just the concerns, so

1 I think that's what he was referring to.

2 MR. FILICIOTTO: Understood, thank
3 you.

4 MAYOR LONGOBARDI: Thank you, very
5 much. With that, I want to thank Mr.
6 Padiwana for considering Floral Park for
7 your business, okay. I want to thank
8 you for working with us. I know you met
9 with our ARB. I know you are working
10 with them and would ask that you
11 continue to work with them, should this
12 move forward, okay.

13 Tonight we are a deliberative body.
14 We will be reviewing all the information
15 we have. With that, I also want to
16 thank Mr. Leno and all of his -- Mr.
17 Pedersen, Mr. Filiciotto for everything
18 that you've given us tonight to work
19 with and thank you for all of your work.

20 And there being no other questions
21 from the Board, I'm going to ask, at
22 this time, for a motion to close the
23 public hearing and reserve decision.

24 DEP. MAYOR FITZGERALD: So moved.

25 TRUSTEE POMBONYO: Second.

1 MAYOR LONGOBARDI: Ms. Walsh, would
2 you please poll the Board?

3 MS. WALSH: Trustee Fitzgerald?

4 DEP. MAYOR FITZGERALD: Aye.

5 MS. WALSH: Trustee Pombonyo?

6 TRUSTEE POMBONYO: Aye.

7 MS. WALSH: Trustee Cheng?

8 TRUSTEE CHENG: Aye.

9 MS. WALSH: Trustee Chiara?

10 TRUSTEE CHIARA: Aye.

11 MS. WALSH: And Mayor Longobardi?

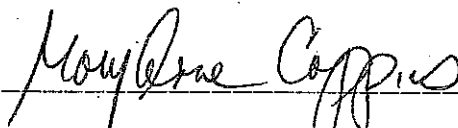
12 MAYOR LONGOBARDI: Aye.

13 Thank you all very much.

14 * * * * *

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

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

21
22 

23 Mary Anne Coppins

24 Court Reporter

25

**LEGAL NOTICE
NOTICE OF PUBLIC
HEARING
INC. VILLAGE OF
FLORAL PARK, NY**

NOTICE IS HEREBY GIVEN, that the Board of Trustees of the Incorporated Village of Floral Park, NY will hold a Public Hearing at Village Hall, One Floral Boulevard, Floral Park, NY on Tuesday, August 14, 2018 at 8:00 pm in relation to the following application:

The application of Keith Rang, c/o Total Permits, representing Rajan Patiwana, owner of 90 Jericho Turnpike, Floral Park, NY 11001, is made in accordance with Chapter 99, Article III, Section 99-11 B (1), of the Zoning Ordinance of the Incorporated Village of Floral Park, NY, which states that a building in a B-2 District may be erected, altered or used for any purpose, such as a drive-thru restaurant, only when authorized by the Board of Trustees as a special use after a public hearing conducted by the Board of Trustees.

The structure for which said Special Permit is applied is on the south side of Jericho Turnpike situated 162.36 feet west of the intersection of Garfield Avenue and Jericho Turnpike and known as 90 Jericho Turnpike, Section 32, Block 55, Lot(s) 108 on the Nassau County Land and Tax Map.

A copy of the application is on file in the Office of the Village Clerk, One Floral Boulevard, Floral Park, NY and may be examined by