

March 20, 2019

A Public Hearing for the Board of Trustees was held on the above date at 8:20 pm.

Present were Mayor Dominick A. Longobardi, Trustees Kevin M. Fitzgerald, Lynn Pombonyo, Archie T. Cheng and Frank J. Chiara, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works Stephen Siwinski, Deputy Superintendent of Public Works Kevin Ginnane, Police Commissioner Stephen McAllister, 1st Assistant Fire Chief Sal Arrigo and Village Attorney John E. Ryan

The application of Naomi Kirschner, owner, 139 Jericho Turnpike, Floral Park, NY 11001, is made in accordance with Chapter 99, Article IV, Section 99-17 C of the Zoning Ordinance of the Incorporated Village of Floral Park, NY, which provides a new gasoline/diesel service station may only be permitted in a B-2 District when approved as a special use by the Board of Trustees after a public hearing.

Trustee Cheng offered Resolution No. 2019-56 to reserve decision and close the public hearing.

The Resolution was seconded by Trustee Fitzgerald 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 9:05 pm.

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

Susan E. Walsh
Village Clerk

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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING

INCORPORATED VILLAGE OF FLORAL PARK

March 20, 2019

8:00 p.m.

P R E S E N T:

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

ALSO PRESENT:

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

Catherine P. Murphy
Court Reporter

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1 MAYOR LONGOBARDI: Good evening, everyone.
2 Thank you all for being here. I ask you to
3 please rise for the Pledge of Allegiance.

4 (Pledge of Allegiance said.)

5 MAYOR LONGOBARDI: Again, good evening.
6 Welcome to Village Hall. Tonight, we have our
7 regular meeting that we will have canvass of
8 votes for yesterday's elections. Following
9 that, we will have our public meeting. I
10 believe it is 139 Jericho Turnpike and after
11 that, we will have our regular Village Board
12 meeting and then of course, we will have board
13 reports. Followed by that, we will close the
14 meeting and open it for any comments or issues
15 anyone may have. Again, I welcome all.
16 Miss Walsh.

17 MS. WALSH: Thank you Mayor Longobardi. I
18 ask the Court to certify the canvass votes for
19 the Village election held on March 19, 2019 as
20 follows: That 1576 votes were cast for
21 Dominick Longobardi for the Office of Mayor.
22 That 1401 votes were cast for Lynn Pombonyo for
23 the Office of Trustee. That 1231 votes were
24 case for Frank Chiara for the Office of
25 Trustee. That 1570 votes were cast for Douglas

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1 J. Hayden for the Office of Village Justice.
2 That 834 votes were cast for Nadia Holubnyczyj
3 for the Office of Trustee and that 78 write-in
4 votes were cast as attached hereto. Mayor
5 Longobardi?

6 MAYOR LONGOBARDI: Aye.

7 MS. WALSH: Trustee Fitzgerald?

8 TRUSTEE FITZGERALD: Aye.

9 MS. WALSH: Trustee Pombonyo?

10 TRUSTEE POMBONYO: Aye.

11 MS. WALSH: Trustee Cheng?

12 TRUSTEE CHENG: Aye.

13 MS. WALSH: Trustee Chiara?

14 TRUSTEE CHIARA: Aye.

15 MS. WALSH: Thank you.

16 MAYOR LONGOBARDI: Thank you, Miss Walsh.

17 On behalf of the entire team, I'd like to thank
18 all our residents for taking part, not only in
19 the election process here in the Village, but
20 for returning the officers who are sitting up
21 here with us and on behalf of myself, thank you
22 so much for your confidence in all of this.

23 With that, I will go to the public hearing
24 for tonight, 139 Jericho Turnpike. Miss Walsh,
25 when you are ready.

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1 MS. WALSH: Thank you, Mayor Longobardi.
2 Legal Notice of Public Hearing.

3 MAYOR LONGOBARDI: Hang on. Why don't we
4 do this, move the agenda of our regular portion
5 of the meeting. Hopefully, he will be here
6 within that time.

7 (PAUSE IN PROCEEDINGS.)

8 MAYOR LONGOBARDI: With that, we will go
9 back to our public hearing. I believe our
10 attorney has arrived.

11 MR. O'BRIEN: Yes, Mr. Mayor, my
12 apologies. Kevin O'Brien from the firm of
13 Murphy, Bartol and O'Brien, LLP, 22 Jericho
14 Turnpike, Suite 103, Mineola, New York. My
15 apologies to the Mayor and the Board.

16 MAYOR LONGOBARDI: We're going to read in
17 the Legal Notice, Notice of Public Hearing.

18 MR. O'BRIEN: Absolutely.

19 MS. WALSH: Thank you, Mayor Longobardi.
20 Notice of Public Hearing. Notice is hereby
21 given that the Board of Trustees of the
22 Incorporated Village of Floral Park, New York
23 will hold a Public Hearing at Village Hall, One
24 Floral Boulevard, Floral Park, New York on
25 Wednesday, March 20, 2019 at 8:00 p.m. in

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1 relation to the following application:

2 The application made by Naomi Kirschner,
3 owner, 139 Jericho Turnpike, Floral Park, New
4 York 11001 is made in accordance with Chapter
5 99, Article IV, Section 99-17 C of the Zoning
6 Ordinance of the Incorporated Village of Floral
7 Park, New York, which provides a new
8 gasoline/diesel service station may only be
9 permitted in a B-2 District when approved as a
10 special use by the Board of Trustees after a
11 public hearing.

12 The structure for which said Special
13 Permit is applied is situated on the northwest
14 corner of Jericho Turnpike at Belmont Avenue
15 and known as 139 Jericho Turnpike, Section 8,
16 Block 54, Lot 244 and 245 on the Nassau County
17 Land and Tax Map.

18 A copy of the application is on file in
19 the Office of the Village Clerk, One Floral
20 Boulevard, Floral Park, New York and may be
21 examined by any persons interested therein
22 during business hours Monday through Friday
23 inclusive, except legal holidays from 8:30 a.m.
24 to 4:30 p.m.

25 Now Take Notice that all parties in

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1 interest and citizens will be given the
2 opportunity to be heard at the aforesaid time
3 and place.

4 By Order of the Board of Trustees
5 Incorporated Village of Floral Park, New York,
6 Susan E. Walsh, Village Clerk, dated March 6,
7 2019.

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

14 MAYOR LONGOBARDI: Thank you, Miss Walsh.
15 At this time, I would like to place on the
16 record that the applicant had previously filed
17 an affidavit of service indicating that all
18 neighbors with a 200 foot radius of the
19 dwelling had been served with notice.

20 With that, I would ask the applicant and
21 Mr. O'Brien if you can, please. Anybody who
22 wishes to be heard on this hearing, to please,
23 before you are heard, to be sworn in by our
24 Stenographer and please give your name and
25 address.

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1 MR. O'BRIEN: Good evening. Kevin O'Brien
2 from the Firm of Murphy, Bartol and O'Brien, 22
3 Jericho Turnpike, Mineola, New York, here
4 representing the applicants. And if I may,
5 perhaps it might make it a little easier for
6 the Board, I have the same plans that are
7 before the Board but on an 11 and a half by 18
8 and just as opposed to, they're kind of
9 cumbersome sometimes, I will make it a little
10 bit easier for you to follow along. There
11 should be one for everyone. If you're shot I
12 have an extra one.

13 MR. RYAN: Mr. O'Brien, do you have an
14 extra copy?

15 MR. O'BRIEN: Sure.

16 MAYOR LONGOBARDI: Can you turn the easel
17 facing me so the residents can see it. Thank
18 you. Thank you, sir.

19 MR. O'BRIEN: Also here with me this
20 evening in connection with this application is
21 Mr. Jim Galella, he's a Licensed Professional
22 Engineer with Catapano Engineering. They're
23 the design professionals who prepared the plans
24 and the application before the Board. And I
25 also have Mr. Singh, who is the principal of

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1 the operating corporation which will be
2 operating this particular location. So, if
3 there's technical questions, I can defer to my
4 engineer and operational questions. I will try
5 to answer any of the other questions you may
6 have.

7 MAYOR LONGOBARDI: Thank you, sir.

8 MR. O'BRIEN: As so noted by Madam Clerk,
9 this is an application for special use permit
10 involving the existing gasoline service station
11 located at 139 Jericho Turnpike, which will be
12 the northwest corner of Belmont and Jericho
13 Turnpike. That area of Jericho Turnpike is a
14 divided highway. So meaning, you have the
15 median in the middle so you can't make a
16 left-hand turn principally designed towards
17 traffic that will be heading in a westbound
18 direction.

19 The site is the site of the existing gas
20 station, service station. The service station
21 operated as a service station probably for over
22 50 years. Presently is operating as a gas
23 station, service station operating 24 hours.
24 It has a repair base and small snack shop. It
25 is a single story, masonry building which

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1 serves base and stuff like that and a retail
2 area. It is improved with one long pump island
3 with three multi-product dispensers which also
4 has one of the choices as diesel as an option.
5 There are three existing single wall,
6 underground gasoline storage walls, fiberglass.
7 There are two, 8000 tanks and one, 6000 gallon
8 tank.

9 And on Jericho Turnpike, if I may, if I
10 can just walk over a little bit and sort of
11 point to a certain extent. So, the -- to the
12 left on the plans that you have, this is the
13 existing service station with the building
14 noted in blue and you can see on Belmont
15 Avenue, there are two curb cuts, one further in
16 the roadway. I should say further north and
17 the other one closer to the intersection. And
18 also on Jericho Turnpike, there are two curb
19 cuts, one closer to the intersection and one
20 further to the west. You'll see the pump
21 island that I referred to, dispensers noted in
22 blue and the dotted lines are the presently
23 existing underground gasoline storage tanks and
24 as indicated, it has the style of say 19, sort
25 of 50's type of service station where most of

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1 them at that time were designed as three base
2 service stations, generally 28 feet by 58 feet,
3 roughly 1800 feet and this is 1845 square feet.

4 We understand that we're seeking a special
5 permit involving the existing gas and service
6 station and there are certain criteria within
7 the special permit that, quite frankly, it is
8 an existing site and there are a number of
9 things frankly the site itself lacks, such as
10 like the area that you would have for the site
11 where 15,000 square feet might be required but
12 we have less than that in this existing
13 configuration.

14 So noting some of those existing
15 deficiencies, if we call it that, what we try
16 to do, if you look at the service station, it
17 is a tired service station. It was designed a
18 long time ago and in need of upgrades and what
19 the applicant is seeking to do, with the
20 Board's permission, would be a substantial
21 upgrade to the site, actually completely
22 raising and rebuilding it where sometimes we
23 say we raise and rebuilt it from the ground up.
24 In this particular instance, we're raising and
25 rebuilding it from the underground up.

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1 What we're seeking to do, the first prong
2 of it is to remove the underground gas line
3 storage tanks and replace them with what used
4 to be Nassau County Fire Marshal, they used to
5 have the jurisdiction over this, now it is
6 switched over to the health department. So, in
7 accordance with the state regulations, federal
8 regulations and now the Nassau County Health
9 Department regulations, we will be seeking to
10 remove and replace those single tanks with
11 double wall underground fiberglass storage
12 tanks that meet or exceed any local, state or
13 federal regulations with all the alarm systems
14 and all the stuff that all the various
15 governmental agencies that have jurisdiction
16 over the tanks as well as the piping, all will
17 be double wall and meeting or exceeding that
18 criteria that is required by some of these
19 other agencies.

20 MR. RYAN: Do you know how old the
21 existing tanks are?

22 MR. O'BRIEN: Roughly 30 years old. And
23 an excellent question inasmuch as with gasoline
24 service stations are multiple jurisdictions
25 that regulate them. One of the, I would say,

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1 relatively newer laws, but time is a blur and
2 it seems like it was yesterday, a couple of
3 years ago, where Nassau County adopted
4 regulations where the tanks hit a certain age,
5 the gasoline service stations have gone through
6 a metamorphosis. It used to have steel tanks
7 and regulations changed from single wall
8 fiberglass tanks to double wall fiberglass
9 tanks and unlike Suffolk County where they had
10 a specific date that everything had to be
11 changed by, this is closely monitored by the
12 Nassau County Department of Health and it's 30
13 years is sort of what they look at and they
14 monitor them with testing of the tanks and the
15 like, and then eventually they have to come
16 out. We're at the end of our useful life and
17 seeking to be in compliance with the Nassau
18 County Health Department regulations and these
19 certainly will do that.

20 So, as I said, starting from really the
21 underground up, that will be sort of the first
22 prong with the double wall piping to
23 reconfiguring the pump islands so you would see
24 where you have the pump island with three
25 dispensers all bunched. Today, we have a

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1 spread out a little more to make it easier
2 maneuverability-wise so this way you have a
3 motor vehicle easily fueling at each position
4 and like essentially all modern service
5 stations these days, whichever side and
6 whichever dispenser you pull up to, you can get
7 whatever grade of motor fuel you're looking to
8 get. We're kind of gone from the days of the
9 one dispenser with premium and the other
10 dispenser will have regular or something along
11 the lines, whatever grade of fuel someone likes
12 to get at whatever side. The new dispense pump
13 islands will be over that, will be a proposed
14 canopy that will over the fueling positions and
15 the dispensing equipment itself.

16 The building itself, as I mentioned
17 before, existing masonry building approximately
18 28 by 58, 1845 square feet mindful that the
19 site is relatively small comparatively. So,
20 the applicant seeks to remove that existing
21 building, put in 800 square foot, less than
22 half the size of that building in its place,
23 but actually closer to the auto body shop
24 that's located contiguous and to the west of
25 the property. While there's presently -- and

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1 that building will be utilized as a retail
2 store for retail sale and convenient type
3 products. So there will be the elimination, it
4 will be no longer be utilized as a repair
5 facility. So all the lifts will be removed.
6 There will be no repair of automobiles and
7 similarly, you will not have storage of motor
8 vehicles on the premises, storage of trucks on
9 the premises, storage of any other type of
10 equipment on the premises because that whole
11 use and operation would be eliminated.

12 So, it be simply utilized for the sale,
13 retail sale of products, convenience products,
14 anything ranking from what you would expect to
15 see from auto related type products. So if
16 someone is looking for windshield wipers,
17 windshield washer, brake fluid, that sort of
18 emergency things that my cars generally have a
19 tendency to need. So, it would have that
20 stuff. And you have the other stuff you expect
21 to see at a convenience store whether it be
22 snack items, lottery tickets, beer, soda,
23 coffee and the like. But obviously, on a much
24 limited scale because just by the sheer limited
25 size of the building, some these things

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1 sometimes you will see seasonal options.
2 occasionally you will see bunches of firewood
3 or something like that. I don't know how much
4 seasonality will see it by -- something like
5 this mindful that the store itself is somewhat
6 limited and, you know, we're mindful of the
7 Village's regulations so we seek to be in
8 compliance with the sale or the not sale of any
9 products that might be prohibited by the
10 Village.

11 Also, we're -- previously we didn't have
12 any landscaping on the site whatsoever. We are
13 trying as best we can to landscape the northern
14 and north-eastern portion of the site so to put
15 in some landscaping and also in those
16 landscaped areas and some landscaped area by
17 the corner as well, but the bulk of it
18 contiguous and to the north of the property and
19 of course, in order for any landscaping to
20 survive, you need to have an automatic
21 irrigation system, so there will be an
22 automatic irrigation system.

23 The applicant would agree to any sort of
24 condition and can be imposed but it is good
25 business that in the event there's any diseased

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1 or deceased landscaping, that it be replaced.
2 forthwith so this way occasionally you -- the
3 situation, it looks great in the beginning.
4 What happens two, three or five years down the
5 road and like I said, I see lots of projects
6 that don't have an irrigation system and it is
7 gone in six months. So, the applicant is
8 certainly mindful in that would install the
9 automatic irrigation systems and agree to make
10 sure that -- that any diseased or deceased
11 landscaping is replaced.

12 The curb cuts that are being proposed for
13 this new plan and typically the -- is the
14 state -- it is a state roadway inasmuch likes
15 to eliminate as many curb cuts as they possibly
16 can. So, what our design professionals have
17 done is and also typically if you can, you want
18 to make sure you can get your vehicles in and
19 out safely, so they want to make sure you have
20 a safe ingress and egress but they have been
21 able to eliminate, as I might have mentioned
22 earlier, two of the curb cuts. Where you
23 presently have two on Jericho and two on
24 Belmont, they've basically centralized the one
25 on Belmont, put it more in the middle and the

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1 curb cut on Jericho has the one closer to the
2 intersection has been eliminated and there's
3 one on the western portion of the site and
4 it's, you know, our engineers have gone over it
5 and it's sufficient to get the vehicles safely
6 in and out of the site, as well as the delivery
7 vehicles in and out of the site.

8 So, that's the nature of the existing
9 improvements, the proposed improvements. We
10 believe and we try to be mindful of the size of
11 the location and take that into account. But
12 we believe it's a substantial upgrade to the
13 site, that it would not have any negative
14 impact on the surrounding property. Traffic,
15 as a matter of fact, by eliminating the repair,
16 we generally find this type of operation to be
17 cleaner, neater, easier to operate and maintain
18 environmentally friendly. You're not dealing
19 with some of the solvents and the like that you
20 might be dealing with other operations.

21 So, we believe that it's -- it will be
22 good for the community, good for ourselves and
23 good for the Village. If you have any
24 questions of myself or any experts, I would
25 like to be able to respond to interest,

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1 observants that might have questions and
2 comments.

3 MAYOR LONGOBARDI: I think you will have
4 comments, but thank you for the presentation.
5 At this point, I wanted to ask a quick question
6 with regards to the drawings here. The space
7 between the building and the pump or pump apron
8 and space between the apron and sidewalk, you
9 can get cars around in both of those because
10 you have three pumps here and getting in and
11 out of the middle pump, cars pulling out of
12 those right of ways.

13 MR. O'BRIEN: So, if you have -- right
14 here, so this space will be able to go around
15 this, around the vehicle. Jim, I don't know if
16 you would like to -- I believe that we get
17 sufficient pass-through for the vehicle.

18 MAYOR LONGOBARDI: I couldn't read the
19 width of those lines.

20 MR. GALELLA: It's 9 feet. Typically 12
21 in one way traffic due to the limited size. 9
22 feet is the width of a parking space.

23 MAYOR LONGOBARDI: It is. I want to make
24 sure they're not pulling out on the sidewalk.
25 Again, also the existing facility has a vacuum

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1 pump. Will there be vacuum pumps for people to
2 use or like a car wash or an air filler, tire
3 filler, located anywhere on the outside of the
4 building?

5 MR. GALELLA: Car wash system will be, no,
6 we do not show an air dispenser or vacuum.
7 They're a combined air vacuum system which is
8 one unit. We can locate that next to parking
9 space number three in the landscaping area over
10 there, if it is okay with the Board.

11 TRUSTEE FITZGERALD: Can you we get your
12 name?

13 MR. GALELLA: James Galella, Catapano
14 Engineering and Architecture, 585 Broadhollow
15 Road, Melville, New York.

16 (Whereupon, James Galella was sworn in.)

17 MR. O'BRIEN: What you said before was the
18 truth?

19 MR. GALELLA: No. Yes.

20 MAYOR LONGOBARDI: Thank you. At this
21 point, I will turn it over to Kevin Fitzgerald
22 with questions.

23 TRUSTEE FITZGERALD: Thank you. You said
24 that, I believe, 24 hours. Is it going to
25 remain open 24 hours?

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1 MR. O'BRIEN: Yes. We were looking to do
2 that.

3 TRUSTEE FITZGERALD: 365 days a year?

4 MR. O'BRIEN: I will think so.

5 TRUSTEE FITZGERALD: Any cooking on site?

6 MR. O'BRIEN: Just pre-packaged. The only
7 thing that will be warm, hopefully, will be the
8 coffee. So other than that, no, just
9 pre-packaged goods.

10 TRUSTEE FITZGERALD: Will there be
11 microwaving?

12 MR. O'BRIEN: I wasn't anticipating that.
13 You have a microwave. Yes, there will be a
14 microwave.

15 TRUSTEE FITZGERALD: Can you explain the
16 ownership structure? The application was by
17 Naomi Kirschner.

18 MR. O'BRIEN: Yes, she is the owner of the
19 property. We lease the property from her. I
20 believe the -- it is the name of the entity
21 that we are JTP Gas, lessee of the premises and
22 we are the operator of the premises.

23 TRUSTEE FITZGERALD: If we have an issue
24 during construction or during operation, we
25 would contact JTP?

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1 MR. O'BRIEN: Yes, we contact JTP,
2 engineers or myself. I will give you my card.
3 So, if there's anything that needs to be done.
4 But, yes, she is just the owner. Essentially,
5 we take full responsibility.

6 TRUSTEE FITZGERALD: Okay. You talked
7 about the landscaping, is there going to be a
8 new fence on the back of the property? I don't
9 think there's a fence now, at least on the
10 western corner.

11 MR. O'BRIEN: We didn't show one, but we
12 can install one if that's a desire.

13 TRUSTEE FITZGERALD: What about lighting,
14 is there any new lighting there?

15 MR. O'BRIEN: Well, there will be lighting
16 itself underneath the canopy. So, the canopy
17 and it will have recessed lighting within the
18 canopy. It is the type of lighting. We do a
19 good job and I don't say that facetiously.
20 Sometimes you will see what they used to call
21 bulbs hanging down from the canopy and you say
22 it sprang out beyond where you want to
23 necessary spray it out.

24 The canopy lighting will be within the
25 flush to the underside of the canopy itself and

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1 then adequate lighting, but I will let Jim
2 explain. So you'll be able to safely get in
3 and out of your curb cuts. You want lighting
4 around there as well around the dispensers
5 themselves. The canopy lighting underneath the
6 canopy will adequately illuminate that on the
7 same side of it though by having this type of
8 design lighting, it is designed so as to go
9 underneath the canopy but not out into the
10 roadway or its surrounding property. Jim, if
11 you want to.

12 MR. GALELLA: Sure. We haven't run the
13 lighting program yet. However, typically what
14 they do with the station somewhat like this is
15 they do have the recessed LED lights underneath
16 the canopy that will be enough light to light
17 up both curb cuts. Basically the only thing
18 that will not be illuminated will be the
19 parking area. I do show one light in that
20 parking area. I don't know if you can see it.
21 It is right over the handicap stall. What they
22 do is fall cutoff LED light. Much more
23 attractive than it used to be. You don't want
24 it to spill on to the neighbors property. Now,
25 everything contained on the site will not be

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1 spill-over the property line.

2 TRUSTEE FITZGERALD: How many employees
3 will be working there at any one time and where
4 are they going to park?

5 MR. O'BRIEN: Excellent question. The
6 employees are two and I am advised they live
7 locally. They can walk, ride a bicycle, but
8 they're in such close proximity they won't be
9 taking any parking stalls.

10 TRUSTEE FITZGERALD: The curb cut on
11 Jericho Turnpike looks like it will also allow
12 cars to go into the site from there too?

13 MR. O'BRIEN: I think it will be
14 difficult. I'm sorry.

15 TRUSTEE FITZGERALD: Going westbound on
16 Jericho, it looks like you make a sharp turn
17 and get in there?

18 MR. O'BRIEN: You're correct. I was
19 mistakenly thinking of a car that will be
20 heading east on Jericho Turnpike being able to
21 cross over. They wouldn't be able to do that,
22 but they couldn't do that. The curb cut here
23 does show the ability for one to make a right
24 hand turn and kind of move back.

25 TRUSTEE FITZGERALD: Enough distance to

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1 make the swing in?

2 MR. O'BRIEN: Jim, is that sufficient?

3 MR. GALELLA: It will be enough room for a
4 car to make that right into the site.

5 TRUSTEE FITZGERALD: Is there any study
6 done on anything that will increase traffic to
7 the site as opposed to what exists there now?
8 It is a little change of use.

9 MR. O'BRIEN: It is funny in that since I
10 always say that we all drive, so we're all
11 traffic experts and I've been around this
12 enough to hear, and I'm not pretending to be a
13 traffic engineer or traffic expert, but I
14 listened to enough of them testify and they
15 will tell you about the ITE, international
16 engineer manual and what they talk about is the
17 size of the building and number of pumps and
18 stuff. We're not changing the pump, reducing
19 the size of the building. I can see it will be
20 the same or less, but what these manuals don't
21 say is what the engineers don't say, but like I
22 said, we're all traffic experts because we all
23 drive cars and we are all consumers and we're
24 all shoppers.

25 One of the things we don't take into

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1 account is the number of service stations in
2 the area. I find it interesting no other thing
3 they don't take into account is price. I
4 believe that quite frankly, we're not going to
5 see much of a change but if somebody had a
6 dramatic change in price you will certainly see
7 and up take when somebody has that or no other
8 service station in the area then you see, you
9 know, tremendous, more traffic. You get some
10 of your places upstate. They don't have a
11 whole heck of a lot and someone puts in a gas
12 station where none existed. You probably see
13 quite a difference. But like I said, price is
14 something they don't take into account. So if
15 people are -- if you see a 10 cent or 15 cent
16 difference in price, you would see particularly
17 when prices go up, you see a lot of increase
18 volume. But if the prices remain stable,
19 you're not going to see that much of a change.

20 I'm sorry. That might not have answered
21 the question, but that's the honest answer
22 quite frankly.

23 MAYOR LONGOBARDI: Thank you. Doctor Lynn
24 Pombonyo?

25 TRUSTEE POMBONYO: Thank you. Thank you

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1 for your presentation. Looking at the diagram,
2 how many parking spaces do you have?

3 MR. O'BRIEN: There are three parking
4 spaces.

5 TRUSTEE POMBONYO: Is that adequate for --

6 MR. O'BRIEN: It's -- on the one hand,
7 it's a little tight. There's no doubt about
8 it. We didn't want to invade more of the
9 landscaping then we had to. So we figured we
10 will try to keep the landscaping versus the
11 parking. I guess the one thing, if I can, the
12 beauty, if you find beauty in service stations,
13 you know, I'm around enough of them so I have a
14 tendency to, but the beauty on the one hand,
15 we're going from a repair oriented service
16 station. One repair oriented service station
17 might have had a couple more parking, not a
18 lot. Someone comes in and drops the car, gets
19 repaired. If you're really running
20 efficiently, try to call the person up, get it
21 out of there and go back and forth like that.
22 It doesn't work that way as best you can.
23 Occasionally, you don't have this particular
24 part. You have more of a tendency of cars
25 sitting on the site. You have more vehicles

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1 there. Part of this is the fact it is supposed
2 to be convenient.

3 I get gas probably twice a week, sometimes
4 three times, more than I should, but I do. I
5 gas up my kids car and my wife's car and
6 everybodys car. A, if it's busy, people
7 typically are not going in unless it is a
8 really low price. B, cars are going to sit
9 there because you're not waiting for an oil
10 change or something along those lines. And the
11 concept is to be quick, to get in and get out.

12 And the thing which we don't technically
13 receive credit for on technical -- but we or a
14 lot of people will occasionally leave their car
15 at the dispenser, gas up and then run inside,
16 grab something very quick and then run back
17 out. So, if we counted those and technically
18 on a building aspect of thing, we generally
19 don't, but if we did, those will be six spaces
20 right there in addition to the other spaces
21 that we have.

22 Functionally and operationally, I think it
23 will actually work well and probably work
24 better than what we had. Is it perfect? It is
25 not perfect. But I'd say it is probably a lot

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1 better than what we had before.

2 TRUSTEE POMBONYO: Is additional parking,
3 should you have customers that go in the six
4 potential spots on the property, is there
5 additional parking for anybody who would like
6 to come in gas areas is --

7 MR. O'BRIEN: If you had every dispenser
8 full, which will be six vehicles, you have one
9 on each side, so you have six vehicles over
10 there and then if you had that, you have your
11 three parking spaces. So if they were all
12 full, what you have the other parking for
13 somebody going in just for a bag of chips or
14 something or whatever it is that they're going
15 in for, then you have the parking spaces that
16 are over here. And once again, since we're so
17 limited in size, we're 800 square feet, which
18 is the perimeter of the building. So our
19 actual floor area or retail area is probably
20 less than 500 square feet of actual retailer.
21 So, we just anticipate that someone is in here
22 for, you know, a very short period of time.

23 TRUSTEE POMBONYO: So, there will be no
24 reason for them to stay there, no place to sit
25 down or have something to eat there?

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1 MR. O'BRIEN: Oh, no. Absolutely not.
2 Typically you don't see much of that, quite
3 frankly, on Long Island. Occasionally you see
4 somebody. But occasionally you see some of the
5 big ones. There's one or two Quicks Checks
6 that came on there. Those are about five to
7 six thousand square feet. We are 800 gross,
8 probably let's than 500 if you look at it in
9 comparison. There's just not enough room.

10 TRUSTEE POMBONYO: What is the nature of
11 any of the lottery tickets or vending machines
12 or games that you will have there?

13 MR. O'BRIEN: No arcade games no nothing
14 of that, no.

15 MR. RYAN: Keno?

16 MR. O'BRIEN: No Keno. No adult magazines
17 or anything along those lines. Just what you
18 would typically expect to find in a small place
19 like this which will be your snacks maybe
20 newspaper. Lottery tickets certainly.
21 Cigarettes, coffee, tea and that sort of stuff.
22 Nothing no vending machines outside. No
23 vending machines on the inside either. Lotto
24 will be the only thing, but no Keno or anything
25 like that.

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1 TRUSTEE POMBONYO: Thank you.

2 MR. O'BRIEN: Sure.

3 MAYOR LONGOBARDI: Trustee Cheng?

4 TRUSTEE CHENG: There will be beer or
5 anything else sold there?

6 MR. O'BRIEN: Yes.

7 TRUSTEE CHENG: Does he have experience in
8 sale of beer?

9 MR. O'BRIEN: Yes, he does. His personnel
10 are trained. How many locations do you
11 operate? He has 40 other locations, so,
12 well-versed in making sure that they all have
13 the proper training. And we find also that
14 your license is just too important to lose. I
15 can't say everybody prescribes to the same
16 thing, but you lose your license, that's -- the
17 margin on gas is not what everybody thinks they
18 are. You need the secondary form of income.

19 What we try to, I always say, make believe
20 you're at Yankee stadium. I get proofed at
21 Yankee stadium because their license --

22 TRUSTEE CHENG: I don't any more.

23 MR. O'BRIEN: Oh. And look at me and they
24 proof. It makes my wife thrilled, but myself,
25 I'm like, are you kidding me? No, everybody

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1 gets proofed because the license is too
2 important.

3 TRUSTEE CHENG: Employee structure is two
4 or three employees at a time?

5 MR. O'BRIEN: Two.

6 TRUSTEE CHENG: Is there a manager at each
7 location?

8 MR. O'BRIEN: Occasionally what you have,
9 because he has a bunch of locations, someone
10 that drives in and floats by and checks on
11 things.

12 TRUSTEE CHIARA: Are there any restrooms
13 on the location for the patrons?

14 MR. O'BRIEN: Yes, there is.

15 MR. GALELLA: It is one handicapped
16 bathroom.

17 MR. O'BRIEN: For employees and patrons
18 patrol.

19 TRUSTEE CHIARA: What about security?

20 MR. O'BRIEN: Cameras. We have security
21 cameras both on the inside and exterior of the
22 premises. We make that available if sometimes,
23 if occasionally because occasionally you see
24 things happen in the street. So, if the police
25 need, you know, access, freely give access to

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1 our cameras.

2 TRUSTEE CHIARA: Will the convenience
3 store be closed at any time after midnight and
4 given another fashion to a cut out or
5 something?

6 MR. O'BRIEN: We weren't contemplating
7 that. Sometimes what we do is see how a place
8 functions, how it operates. We haven't passed
9 a situation where if it is deemed warranted, a
10 cash draw where they operate in that sort of
11 manner. But I don't think we believe it's
12 warranted, but we certainly look at that.

13 TRUSTEE CHIARA: One way in and one way
14 out?

15 MR. O'BRIEN: Correct.

16 TRUSTEE CHIARA: Thank you.

17 MAYOR LONGOBARDI: Just a few more
18 questions, if I could.

19 MR. O'BRIEN: Sure.

20 MAYOR LONGOBARDI: You already said beer
21 will be sold and that's all taken care of.
22 Trash, storage, will this be picked up by the
23 Village?

24 MR. O'BRIEN: Because it is so small, we
25 don't anticipate generating as much as we would

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1 with the repair facility. You know, we recycle
2 all the cardboard and stuff like that. We
3 thought by, Jim, correct me if I am wrong here,
4 that we'd have some sort of enclosure right in
5 the front about -- I don't think that we're
6 going to necessarily need a full dumpster
7 because we just don't warrant that level of --
8 and I said, we're not cooking anything. We
9 don't really have fresh products like that will
10 warrant that.

11 MAYOR LONGOBARDI: So, it is anticipated
12 the Village will be collecting garbage then?

13 MR. O'BRIEN: Yeah. Probably yeah.

14 MAYOR LONGOBARDI: Okay. My only other
15 question was one other question I had on the
16 egress from onto Belmont. Would you stipulate
17 there will be no left turn sign there?

18 MR. O'BRIEN: We certainly can if that's
19 the pleasure of the Board. Absolutely.
20 Sometimes we find it goes both ways because
21 sometimes people like that and they don't want
22 to see that and on the other hand, if you get
23 someone on the block, I live here. I can't
24 make a left hand turn on my own block. We're
25 amenable to either way because quite frankly,

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1 we don't think you will see a whole type of
2 lot. It is Jericho Turnpike is where the bulk
3 of this is going to be. We're amenable to
4 that. Absolutely.

5 MAYOR LONGOBARDI: With that, I have no
6 more questions right now. What I will ask --

7 TRUSTEE FITZGERALD: Two more. What about
8 deliveries, when will they occur, both gasoline
9 and the snacks, beer, whatever else?

10 MR. O'BRIEN: Typically what we look to
11 do, we can have some control over that and what
12 we like to do is have it on off-peak time.
13 What I mean by off-peak time is not between 7
14 and 9 in the morning or between 4 and 7 in the
15 afternoon when the roadway will be typically
16 busy and have it then. On the other hand, we
17 don't have to want -- have it at 2 in the
18 morning either. What we like to do is have it
19 on off-peak time, but not after, you know,
20 certain hours, whatever hour that might be.
21 Maybe not after 10:00 or 11:00. Not after that
22 or not prior to 5 in the morning. But on the
23 other hand, we try to adjust ourselves because
24 it is good business and a good way to operate.
25 We try to avoid the peak hours and put it in

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1 such a time it is easier to get the vehicles in
2 and out, but also not to be disturbing.

3 TRUSTEE FITZGERALD: This is for both
4 gasoline and snacks?

5 MR. O'BRIEN: Correct.

6 TRUSTEE FITZGERALD: In the diagram where
7 the refrigerator is, there's a walk-in cooler.
8 What does that mean, patron walk in or for
9 storage?

10 MR. O'BRIEN: If you envision any cooler
11 where you kind of reach in and get whatever,
12 Gatorade or whatever it is you're getting. But
13 on the other hand, we have to restock it. So
14 it's for the employees not for the patrons.

15 TRUSTEE FITZGERALD: Lastly, on
16 construction. How long do you think it will
17 take to tear down the existing building and put
18 the new one up and what will the hours of work
19 you are anticipating and days?

20 MR. O'BRIEN: Now I'm thinking of my
21 contractors. And the fastest that I have seen
22 one of these things go up is about 60 days.
23 That's really -- that's hammers to -- so,
24 realistically, we're probably like a four month
25 type of range, you know, to do something like

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1 that. And whatever the Village Code
2 requirements are relative to, can't start
3 before a certain time, have to stop by a
4 certain time, can't work on Sundays, that sort
5 of thing, fully compliant with whatever the
6 Village requirements are.

7 TRUSTEE FITZGERALD: Thank you. That's
8 all.

9 MAYOR LONGOBARDI: Okay. With that, we
10 don't have any more questions. Right now, what
11 I will ask you to do is if you can take a seat
12 and ask if anybody in the public has any
13 questions they would like to ask or any issues
14 they would like to raise with this application?
15 Anybody who would like to be heard on this?

16 MR. WRIGHT: I have one. Anthony Wright,
17 6 Pansy Avenue. He has 40 other
18 establishments. I think the Board should ask
19 for those addresses so they can see how his
20 operation is in those towns and we can find out
21 what we are getting. A lot of these guys come
22 into town. They have other businesses and will
23 comply with the Village and what not. But they
24 don't. You look at the auto parts on Jericho,
25 horrendous. 4 Tulip Avenue, disgusting. It is

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1 our Village. You guys are in control. That's
2 what we should do. Thank you.

3 MAYOR LONGOBARDI: Thank you. Anybody
4 else who wishes to be heard? Okay. With that,
5 Mr. O'Brien, anything you wish to add to this?

6 MR. O'BRIEN: Sure. We will gladly let
7 you know of our other locations. Absolutely.
8 In conclusion, I believe that what we are
9 proposing is far superior than what exists.
10 The latest equipment above ground, underground
11 from environmental standpoint from basically
12 operational standpoint, from every standpoint,
13 we take it far superior than what is there. As
14 I indicated also, we will be eliminating those
15 other types of uses. No storage of the cars,
16 trucks or any types of vehicles and we thank
17 you for hearing us.

18 TRUSTEE FITZGERALD: Full service or self
19 service?

20 MR. O'BRIEN: Self service.

21 TRUSTEE CHENG: Could you provide a couple
22 of locations near us?

23 MR. O'BRIEN: Sure. I'll provide the
24 Clerk.

25 TRUSTEE CHENG: That's fine.

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1 MR. O'BRIEN: I should mention, generally
2 most people do this as well, is that the
3 dispensers have a button so that if an elderly
4 person or handicap person needs assistance to
5 that, we do have personnel that you push the
6 button, they come out and assist.

7 TRUSTEE FITZGERALD: To our
8 Superintendent, what is the code for full
9 service?

10 MR. SIWINSKI: Stations in the Village, no
11 self service is allowed.

12 MR. O'BRIEN: Then I guess we have to be
13 full service. Okay.

14 MAYOR LONGOBARDI: Any other questions?
15 With that, Mr. O'Brien, thank you very much for
16 the presentation.

17 MR. O'BRIEN: Thank you.

18 MAYOR LONGOBARDI: And with your interest
19 in Floral Park. I ask now for a motion to
20 close the public hearing and reserve decision.

21 TRUSTEE CHENG: So moved.

22 TRUSTEE FITZGERALD: I second.

23 MAYOR LONGOBARDI: Miss Walsh, will you
24 please poll the Board?

25 MS. WALSH: Trustee Fitzgerald?

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1 TRUSTEE FITZGERALD: Aye.

2 MS. WALSH: Trustee Pombonyo?

3 TRUSTEE POMBONYO: Aye.

4 MS. WALSH: Trustee Cheng?

5 TRUSTEE CHENG: Aye.

6 MS. WALSH: Trustee Chiara?

7 TRUSTEE CHIARA: Aye.

8 MS. WALSH: And Mayor Longobardi?

9 MAYOR LONGOBARDI: Aye. Thank you very
10 much.

11 MR. O'BRIEN: Thank you. Have a good
12 night.

13 MAYOR LONGOBARDI: Thank you so much.

14

15 Certified to be a true and
16 accurate transcript of the proceedings.

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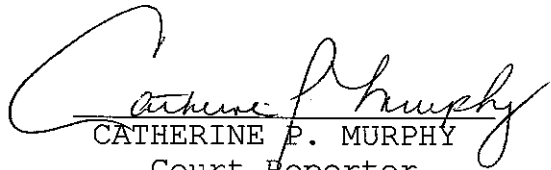
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CATHERINE P. MURPHY
Court Reporter