

**Public Hearing Minutes**  
**Special Use Permit Application for 75 Covert Avenue, Floral Park, NY 11001**  
**Tuesday, June 15, 2021 8:00 pm**  
**In-Person Attendance Is Permitted; Village Hall Courtroom**  
**LIMITED SEATING AVAILABLE; FACE MASKS REQUIRED WHEN ENTERING THE BUILDING**

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

Mayor Fitzgerald announced that the hearing is available by video and tele-conference as follows:  
**ZOOM:** <https://us02web.zoom.us/j/88269567756?pwd=NHJUVU9wcjJGSEExblhSdlM1cm1oUT09>  
Meeting ID: 882 6956 7756; Passcode: 627265; DIAL-IN: +16465588656; Meeting ID: 882 6956 7756;  
Passcode: 627265.

Present were Mayor Kevin M. Fitzgerald, Trustees Lynn Pombonyo, Archie T. Cheng, Frank J. Chiara, and Jennifer Stewart, Village Administrator Gerard M. Bambrick, Deputy Village Clerk Rosaleen Shea, Superintendent of Public Works Kevin Ginnane, Superintendent of Buildings Renee Marcus, Police Commissioner Stephen McAllister, Village Attorney John E. Ryan, Court Reporter Catherine Murphy, and Applicant James Im. Village Clerk Susan Walsh was excused.

The application of James Im, lessee, of property 75 Covert Avenue, Floral Park, NY, is made in accordance with Article III, Section 99-10 (B) (2) of the Zoning Ordinance of the Incorporated Village of Floral, NY, which requires that when a building changes its existing retail use to a deli in a B-1 District which prepares, stores or sells food, the use may only be authorized as a special use after a public hearing.

The structure for which said Special Permit is applied is situated on the west side of Covert Avenue, 20.15 feet north of Cunningham Avenue and known as Section 32 Block 271 and Lot 153 on the Nassau County Land and Tax Map.

Trustee Pombonyo offered Resolution No. 2021-126 to reserve decision and close the public hearing.

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

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

The hearing was closed at 9:21 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.

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Rosaleen Shea  
Deputy Village Clerk

**LEGAL NOTICE**

**NOTICE OF SPECIAL USE 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 the Village Hall, One Floral Boulevard, Floral Park, NY and on Tuesday, June 15, 2021 at 8:00 pm in relation to the following application:

The application of James Im, lessee, of property 75 Covert Avenue, Floral Park, NY, is made in accordance with Article III, Section 99-10 (B) (2) of the Zoning Ordinance of the Incorporated Village of Floral, NY, which requires that when a building changes its existing retail use to a deli in a B-1 District which prepares, stores or sells food, the use may only be authorized as a special use after a public hearing.

The structure for which said Special Permit is applied is situated on the west side of Covert Avenue, 20.15 feet north of Cunningham Avenue and known as Section 32 Block 271 and Lot 153 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 any persons interested therein during business hours Monday through Friday inclusive, except legal holidays, from 8:30 am to 4:30 pm.

**NOW TAKE NOTICE** that all parties in interest and citizens will be given the opportunity to be heard at the aforesaid time and place.

**BY ORDER OF THE BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF FLORAL PARK, NY**

**Susan E. Walsh  
Village Clerk  
Dated: June 4, 2021**

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M I N U T E S  
OF THE MEETING  
OF THE  
PUBLIC HEARING  
INCORPORATED VILLAGE OF FLORAL PARK  
June 15, 2021  
8:00 p.m.

P R E S E N T:

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

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
- GERARD M. BAMBRICK, Village Administrator
- ROSALEEN SHEA, Deputy Village Clerk
- RENEE MARCUS, Superintendent of Buildings
- STEPHEN MCALLISTER, Police Commissioner
- KEVIN GINNANE, Superintendent Public Works

Catherine P. Murphy  
Court Reporter

- 6/15/21 - JAMES IM, LESSEE - 75 COVERT AVENUE -

1           MAYOR FITZGERALD: We'll read the public  
2 hearing notice.

3           MS. SHEA: Thank you, Mr. Mayor. Public  
4 Notice. Notice of Special Use Public Hearing,  
5 Incorporated Village of Floral Park.

6           Notice is Hereby Given that the Board of  
7 Trustees of the Incorporated Village of Floral  
8 Park, New York, will hold a Public Hearing at  
9 the Village Hall, One Floral Boulevard, Floral  
10 Park, New York on Tuesday, June 15, 2021 at  
11 8:00 p.m. in relation to the following  
12 application:

13           The application of James Im, lessee of  
14 property 75 Covert Avenue, Floral Park, New  
15 York, is made in accordance with Article III,  
16 Section 99-10 (B (2) of the Zoning Ordinance of  
17 the Incorporated Village of Floral Park, New  
18 York which requires that when a building  
19 changes its existing retail use to a deli in a  
20 B-1 District which prepares, stores or sells  
21 food, the use may only be authorized as a  
22 special use after a public hearing.

23           The structure for which said Special  
24 Permit is applied is situated on the west side  
25 of Covert Avenue, 20.15 feet north of

- 6/15/21 - JAMES IM, LESSEE - 75 COVERT AVENUE -

1 Cunningham Avenue and known as Section 32,  
2 Block 271 and Lot 153 on the Nassau County Land  
3 and Tax Map.

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

11 Now Take Notice that all parties in  
12 interest and citizens will be given the  
13 opportunity to be heard at the aforesaid time  
14 and place.

15 By Order of the Board of Trustees,  
16 Incorporated Village of Floral Park, New York,  
17 Susan E. Walsh, Village Clerk, dated June 4,  
18 2021.

19 This legal notice has been published in  
20 the official paper of the Incorporated Village  
21 of Floral Park, New York and posted according  
22 to law and was sent to the Nassau County  
23 Planning Commission and pursuant to Section  
24 239-L&M of the General Municipal Law determined  
25 to defer to the Village to take action as

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1 deemed appropriate.

2 MAYOR FITZGERALD: Thank you, Miss Shea.

3 I'd like to place on the record the applicant  
4 previously filed an affidavit of service  
5 indicating that all neighbors within a 200 foot  
6 radius of the dwelling have been served with  
7 such notice.

8 Also, I would like to announce that the  
9 Board had previously adopted a resolution  
10 determining that the application does not have  
11 a significant impact on the environment as  
12 defined by SEQRA.

13 I'd like to ask the applicant, Mr. Im, if  
14 he's here, to come up and be sworn in by the  
15 Stenographer.

16 (Whereupon, James Im was sworn in.)

17 JAMES IM: 189-45 45 Drive, second floor,  
18 Flushing, New York 11358.

19 MAYOR FITZGERALD: Good evening. Thank  
20 you for coming in and making the application  
21 and welcome to our Village.

22 Can you give us an overview of what your  
23 business is going to be, what you are looking  
24 to do? First.

25 JAMES IM: I'm Korean American. I look to

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1 bring the Manhattan style elite, so Korean  
2 American products to bring the Korean style  
3 deli from Manhattan into Floral Park into Long  
4 Island.

5 MAYOR FITZGERALD: Can you describe what I  
6 think you said was a Korean deli? Can you tell  
7 us what that entails?

8 JAMES IM: It's, in the 90's, Korean  
9 immigrants were famous for having salad bar,  
10 deli, grocery, sandwich bar in Manhattan, along  
11 with fast service, good food. They were a  
12 staple in the grocery industry.

13 MAYOR FITZGERALD: Okay. I guess I have a  
14 couple of questions for you, myself and the  
15 Board.

16 What are the hours, proposed hours of  
17 operation going to be?

18 JAMES IM: I look to open the doors at  
19 7:00 a.m. and have them closed at 8:00 p.m.

20 MAYOR FITZGERALD: That's seven days a  
21 week for different hours on different days?

22 JAMES IM: Looking to varied hours on  
23 Sunday, have a little earlier closing.

24 MAYOR FITZGERALD: Like approximately  
25 seven days?

- 6/15/21 - JAMES IM, LESSEE - 75 COVERT AVENUE -

1 JAMES IM: Seven days, yes. Seven days.

2 MAYOR FITZGERALD: Seven days. How many  
3 employees will you have?

4 JAMES IM: Approximately five employees,  
5 including myself.

6 MAYOR FITZGERALD: Those five employees  
7 will be working? You always have five  
8 employees on-site at all times? How many  
9 employees will be on-site at any given time?

10 JAMES IM: Any given time, I estimate  
11 about three employees.

12 MAYOR FITZGERALD: Will you be cooking  
13 food at the establishment? Yes.

14 JAMES IM: We will be having a, like a  
15 traditional breakfast platter, breakfast  
16 sandwich, bacon and egg and cheese. Only  
17 little different is that we will be looking for  
18 a more green option, organic option, using less  
19 power, maybe not a gas option, but electric  
20 option.

21 MAYOR FITZGERALD: Unless I missed it on  
22 the diagram you submitted, I do not see  
23 anyplace where there will be cooking listed on  
24 the diagram.

25 JAMES IM: Like I said, looking into a



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1 small induction plate.

2 MAYOR FITZGERALD: There will be no gas  
3 cooking?

4 JAMES IM: Yes, no gas cooking.

5 MAYOR FITZGERALD: Will there be an  
6 electric stove?

7 JAMES IM: Basically just like the same  
8 thing you see like a grill but electric use.

9 MAYOR FITZGERALD: Do you know where in  
10 the store that will be located? It is not on  
11 the diagram.

12 JAMES IM: It's in the back part of behind  
13 the deli part.

14 MAYOR FITZGERALD: What about deliveries,  
15 how many times a week and when would the  
16 deliveries be made?

17 JAMES IM: Right now, we're looking into  
18 bringing out a couple of companies to run the  
19 deliveries for us. There will be one employee  
20 dedicated to the delivery just for the local,  
21 any walk-in customers, any phone customers,  
22 even working on Internet site.

23 MAYOR FITZGERALD: I mean incoming goods  
24 that you ultimately turn around and selling.  
25 That's fine.

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1 JAMES IM: I'm sorry?

2 MAYOR FITZGERALD: That's fine.

3 JAMES IM: We have -- I have 30 years in  
4 the grocery business. The deliveries that will  
5 be coming will be -- they won't be big trailer  
6 trucks, mostly box trucks, vans, some personal  
7 vehicles. I will be buying stuff at like Jetro  
8 and I do have one big grocer wholesaler on my  
9 list, but we will only be bringing in 50 cases  
10 of delivery at maximum.

11 MAYOR FITZGERALD: What time and days do  
12 you expect the deliveries to occur?

13 JAMES IM: I expect them to be early  
14 morning hours to the afternoon, midday.

15 MAYOR FITZGERALD: Early morning being  
16 before you open at 7:00 a.m.?

17 JAMES IM: No, I would say starting around  
18 8:00, after we open, after we open the doors  
19 and get everything set up for the breakfast and  
20 deliveries will start coming in.

21 MAYOR FITZGERALD: Okay. I may have a  
22 couple of other questions as we move on.  
23 Deputy Mayor Pombonyo?

24 TRUSTEE POMBONYO: Thank you. Thank you  
25 for coming in.

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1 JAMES IM: Thank you.

2 TRUSTEE POMBONYO: Are you adding tables  
3 and chairs inside your store so that people can  
4 eat there as well?

5 JAMES IM: The current plans are no, not  
6 to have any indoor dining, but I do plan to  
7 have a permit for the four foot use outside and  
8 I may have a chair and seating for maybe one or  
9 two.

10 TRUSTEE POMBONYO: Have you filed any  
11 additional permits with us already?

12 JAMES IM: No, I haven't.

13 TRUSTEE POMBONYO: When you talk about  
14 having deliveries and everything like that and  
15 people coming in and out, have you looked at  
16 all, have you looked at Covert Avenue? Have  
17 you looked at the traffic situation around  
18 businesses where you want to establish how your  
19 deliveries will work out?

20 JAMES IM: Yes.

21 TRUSTEE POMBONYO: Where people might  
22 park? What do you think about where the  
23 employees or patrons might park?

24 JAMES IM: That's a good question. Yes, I  
25 have spent time on Covert Avenue knowing my

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1 business is right next door to a Raindeu, which  
2 they do receive a trailer truck there. I don't  
3 believe that my business will interfere anymore  
4 than they do, being that it's a couple of box  
5 truck quick deliveries. Maybe, you know, a few  
6 hands trucks. Maybe guy come with to and from  
7 the door maybe two times, trips and he's in and  
8 out.

9 TRUSTEE POMBONYO: Do you plan to sell any  
10 other kinds of products besides the food  
11 products you described in your store, like  
12 cigarettes or beer or anything like that?

13 JAMES IM: Current plans are no, but I am  
14 thinking of other items to include to sell at  
15 the store, other than cigarettes and other  
16 tobacco and beer and alcohol. It is more the  
17 market.

18 Reason for the market is because it is my  
19 dream. I have worked in groceries since I was  
20 nine years old. I'm looking for something to  
21 better the people, help the people get  
22 something local. Something that they can  
23 better their lives.

24 I was thinking about mask and sanitary  
25 items. That looks like that business went out

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1 the door a little bit, but I am open to other  
2 items being a little bit like a multi mini  
3 market kind of.

4 TRUSTEE POMBONYO: Are you planning on  
5 beer and alcohol then at this point?

6 JAMES IM: Right now, no.

7 TRUSTEE POMBONYO: Are you aware, too,  
8 that E-cigarettes and other paraphernalia like  
9 that are not permitted in that area of the  
10 Village at this time?

11 JAMES IM: Yes, I am aware.

12 TRUSTEE POMBONYO: Thank you.

13 JAMES IM: Thank you.

14 MAYOR FITZGERALD: Thank you. Trustee  
15 Cheng?

16 TRUSTEE CHENG: Do you have plans where  
17 you store your garbage?

18 JAMES IM: Yes. There's a small parking  
19 area in the back of the business. We have a  
20 little, small set up. The dry cleaner next  
21 door, he use a small dump. I am planning to  
22 bring in a small dumpster I have carted. I'm  
23 not sure. I have been told that the Village  
24 also carts the garbage away. I'm not sure  
25 exactly.

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1 TRUSTEE CHENG: It's true, yes.

2 MAYOR FITZGERALD: Yes, we do.

3 TRUSTEE CHENG: Is that part of your  
4 lease, the premises outside the back of the  
5 store?

6 JAMES IM: Yes. Yes.

7 TRUSTEE CHENG: That section is yours?

8 JAMES IM: Yes.

9 TRUSTEE CHENG: Are there parking spots  
10 allocated to you in the lease?

11 JAMES IM: Yes.

12 TRUSTEE CHENG: How many?

13 JAMES IM: There's two spots.

14 TRUSTEE CHENG: You have two and the dry  
15 cleaners has two?

16 JAMES IM: Yes.

17 TRUSTEE CHENG: Are you the landlord?

18 JAMES IM: No.

19 MAYOR FITZGERALD: Just to follow up on  
20 that, you plan on storing garbage outside in  
21 the dumpster; is that correct?

22 JAMES IM: Yes.

23 MAYOR FITZGERALD: How many days a week  
24 would you be having that picked up?

25 JAMES IM: I would say three, three or

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1 four.

2 MAYOR FITZGERALD: Superintendent Ginnane,  
3 what are the pickup schedules on Covert Avenue?

4 MR. GINNANE: Tuesdays and Fridays.

5 MAYOR FITZGERALD: Thank you.

6 TRUSTEE CHENG: Do you have any plans for  
7 the basement?

8 JAMES IM: Right now, the basement is  
9 going to be used as storage, dry goods. I may  
10 put a permit for a small walk-in box if the  
11 business grows.

12 TRUSTEE CHENG: Is there a vault outside  
13 to gain access to the front?

14 JAMES IM: Yes.

15 TRUSTEE CHENG: That's operational, I  
16 assume?

17 JAMES IM: At this time, no.

18 TRUSTEE CHENG: It is not?

19 JAMES IM: It needs a stairway.

20 TRUSTEE CHENG: It needs stairs. That's a  
21 good idea.

22 MAYOR FITZGERALD: Go back to the outside  
23 dumpster. Did you give any consideration, a  
24 lot of businesses in the Village actually  
25 refrigerate the garbage so it is in a place

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1           that it doesn't attract rodents, you know,  
2           refrigerate the garbage so when the time comes  
3           for it to be picked up, put it out the night  
4           before. Have you given any consideration to  
5           refrigerating the garbage in the interim time  
6           it cannot be picked up, or private carting?

7           JAMES IM: Yes, whatever methods that  
8           seems logical, smart. I think I misinterpret.  
9           I misunderstood your question about the  
10          garbage. We plan to keep it inside and then  
11          move it out when the dates come, of course, not  
12          just keep it outside everyday.

13          MAYOR FITZGERALD: Thank you. Trustee  
14          Chiara?

15          TRUSTEE CHIARA: Yes. Good evening. Are  
16          you going to be selling lottery tickets in the  
17          business?

18          JAMES IM: No, not at this time.

19          TRUSTEE CHIARA: And do you plan on having  
20          take out order and/or delivery service?

21          JAMES IM: Yes.

22          TRUSTEE CHIARA: How would the delivery  
23          service operate?

24          JAMES IM: I do plan to sign on a third  
25          party which will operate as like a Uber Eats



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1 and/or one of the social ones. Also, like I  
2 said before, we will have a dedicated employee  
3 just for local delivery within, I would say a  
4 mile radius from the store.

5 TRUSTEE CHIARA: You said you have two  
6 parking spaces in the back.

7 JAMES IM: Yes.

8 TRUSTEE CHIARA: Would either one of the  
9 parking spaces be dedicated for the delivery?

10 JAMES IM: Yes.

11 TRUSTEE CHIARA: The rest of the  
12 employees, do you have any parking in the area?  
13 Did you consider anything for that?

14 JAMES IM: I haven't considered it yet  
15 since we have not hired everybody yet. So, we  
16 don't know everybody's situation.

17 TRUSTEE CHIARA: You said you're thinking  
18 about adding table and chairs outside?

19 JAMES IM: Yes, possibly a bench or just a  
20 table with a couple of chairs.

21 TRUSTEE CHIARA: You realize you need a  
22 permit for that also?

23 JAMES IM: Yes. Yes.

24 MAYOR FITZGERALD: Thank you. Trustee  
25 Stewart?

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1 TRUSTEE STEWART: Thank you for coming in.  
2 This business, is this your first deli  
3 business?

4 JAMES IM: It is my first as owner. Like  
5 I said, I have been in the business since I was  
6 nine. I've do everything from cashier, stock  
7 boy, in every field from produce, grocery,  
8 dairy, meat. I open up quite a few markets by  
9 myself as opening manager. I may open a  
10 farmers market in Oakland, New Jersey. I spent  
11 the last five years as supermarket general  
12 manager at Key Food. I have left the business  
13 just to pursue this dream of mine. And the  
14 store's name is actually will be Keri's Market.  
15 That's my daughter name, K-E-R-I.

16 TRUSTEE STEWART: So, you plan on being  
17 on-site pretty much seven days a week?

18 JAMES IM: Yes. I am going to be the  
19 owner and operator and manager.

20 TRUSTEE STEWART: Very good. Thank you  
21 very much.

22 JAMES IM: Thank you.

23 MAYOR FITZGERALD: Thank you. If you  
24 wouldn't mind taking a seat unless there's  
25 anything you want to add.

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1           JAMES IM: No, just thank you very much.  
2           I would like to have my -- I brought my  
3           architect with me. I'm not sure if he can  
4           further answer some questions or anything else.

5           MAYOR FITZGERALD: Unless there's  
6           something he wants to add. Just you can be  
7           sworn in by the Stenographer.

8           (Whereupon, Joseph Gabriel was sworn.)

9           JOSEPH GABRIEL: Joseph Gabriel, 4250 Vets  
10          Highway, Holbrook, New York. I've known James  
11          only through this project and he seems very  
12          serious about it. He has kind of directed  
13          everything we did. I think architecturally, it  
14          is a very simple design, not creating any  
15          special looks, anything that is flashy. It is  
16          a very plain, vanilla store. We wish him luck  
17          with his first business.

18          MAYOR FITZGERALD: Thank you for coming.  
19          Is there anyone here in the Village Hall that  
20          would like to comment on this application?  
21          Good evening. If you wouldn't mind.

22          (Whereupon, Anthony DiFransesco as sworn.)

23          ANTHONY DIFRANSESCO: Anthony DiFransesco,  
24          14 Marshall Avenue. I forgot my glasses. I  
25          pass the store at least twice a day, everyday.

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1           The applicant moved in equipment before knowing  
2           if they could or should. They didn't even  
3           bother to find out if food would be allowed  
4           there. I really don't think they cared because  
5           all of sudden, they must have been caught doing  
6           something in the store because it was cease and  
7           desist order on the store. This cease and  
8           desist order was ripped down twice. I don't  
9           think anyone in Floral Park would do that. The  
10          Floral Park taxes were not paid on time.

11                 There is -- I walk in the morning. I have  
12          time. There was a lot of water envelopes and  
13          cease and desist. They're going to shut the  
14          water off. No one paid the water bill. The  
15          mail was picked up sporadically. I know  
16          something is going on in there. Every once in  
17          a while I would look and it seemed like  
18          something was moved around, ladders and all the  
19          stuff because at first, they have stuffed  
20          piles. If you look at the stuff on the right  
21          side and all of a sudden, there was a bunch of  
22          cabinets, refrigerator units, all that sort of  
23          stuff.

24                 As for the garbage, the dumpsters are a  
25          great idea except on a hot summer day. The

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1           stench is unbearable. I can attest to that  
2           because of the food stored across the street  
3           from my house. Where there is food, there's  
4           pests, rats. I have personally seen rats,  
5           crows, seagulls, ripping black bags of garbage  
6           open.

7           MAYOR FITZGERALD: Can you do me a quick  
8           favor, people on Zoom are having trouble  
9           hearing.

10          ANTHONY DIFRANSESCO: Should I start over?

11          MAYOR FITZGERALD: No. The people on Zoom  
12          couldn't hear you.

13          ANTHONY DIFRANSESCO: Also, I spoke at a  
14          meeting a while ago. I think it was they  
15          wanted to put the cell tours on the beauty  
16          salon. That is on Facebook. Is this going to  
17          be on Facebook?

18          MAYOR FITZGERALD: What's going to be on  
19          Facebook?

20          ANTHONY DIFRANSESCO: What I am saying  
21          tonight, is going to be on the internet?

22          MAYOR FITZGERALD: It is a public meeting.

23          ANTHONY DIFRANSESCO: Okay. I'm sure the  
24          residents in the immediate area are concerned  
25          about the same thing. I don't see many of them

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1 here. I know they will be concerned.

2 So that, okay, we have an Italian deli, an  
3 and Italian bake shop, a German delicatessen, a  
4 bagel shop, Carvel and 7-Eleven. I really  
5 don't think we need another food store. I  
6 think I said enough.

7 MAYOR FITZGERALD: Okay. I got some  
8 re-questions. When everyone is finished  
9 speaking, I will ask the applicant to come up  
10 and ask him a few questions. Any one of the  
11 three of you want to come up next?

12 (Whereupon, Thomas Hollz was sworn in.)

13 THOMAS HOLLZ: Thomas Hollz, H-O-L-L-Z,  
14 267 Whittier Avenue.

15 MAYOR FITZGERALD: Good to see you in  
16 person tonight, Tom.

17 THOMAS HOLLZ: Only because Frank is here.  
18 I have a question, okay. He keeps mentioning  
19 markets and vegetable and stuff. There's no  
20 way we will have open windows with bins of food  
21 and vegetables out on, facing the street? It  
22 is going to be all enclosed in the store?

23 MAYOR FITZGERALD: I'll ask him.

24 THOMAS HOLLZ: As far as garbage goes, we  
25 have two days of pickup in the Village. I

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1 think they should be responsible for four days  
2 of getting rid of their own garbage too. This  
3 way it is not laying around, okay.

4 MAYOR FITZGERALD: Thank you.

5 (Whereupon, Dr. Jay Piskin was sworn in.)

6 DR. JAY PISKIN: Dr. Jay Piskin, 83 Covert  
7 Avenue, corner of Cunningham.

8 MAYOR FITZGERALD: Good evening, Doctor.

9 DR. JAY PISKIN: Good evening, ladies and  
10 gentlemen. I am curious, was there a specific  
11 reason you chose this spot as the spot that you  
12 want to open up?

13 MAYOR FITZGERALD: Doctor, you have to  
14 address the Board. I have questions when he  
15 gets back up.

16 DR. JAY PISKIN: I was curious why this  
17 spot of all spots. It seems like there's a  
18 little bit of controversy as to a lot of things  
19 with traffic and garbage and where it is  
20 located, why that spot was chosen.

21 MAYOR FITZGERALD: Okay.

22 DR. JAY PISKIN: I have been a commercial  
23 resident for 36 years on the corner. I look  
24 out my window every day as I work. I can see  
25 the traffic has increased tremendously on the

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1 corner.

2 I worry about a few things, the trucks for  
3 delivery would be blocking the corner of  
4 Cunningham and Covert for those residents that  
5 need to enter and exit. It is a blind spot. I  
6 worry about the parking in the back. I don't  
7 think there are four spots as mentioned. I see  
8 two and if the dry cleaners is going to be  
9 occupying some of those, I don't know whether  
10 the other spots will be available. I worry  
11 about the garbage being picked up in the back.  
12 If he will have a dumpster. Besides the smell  
13 to the local residents, I worry about how the  
14 truck is going to get in and out. The garbage  
15 trucks maneuver to pickup the garbage three or  
16 four days a week.

17 MAYOR FITZGERALD: I think I clarified  
18 there will not be a dumpster in the back. He  
19 will keep it in the building until the time of  
20 pickup, but I will clarify again.

21 DR. JAY PISKIN: So, with food, if it is  
22 going to be on the front stoop sidewalk, as  
23 many as you know, that by the fish store, they  
24 created a big smell on the sidewalk every day.  
25 And that sidewalk is much wider then the



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1 sidewalk on Covert Avenue. So, if they put out  
2 garbage everyday, three or four days a week and  
3 wait for pickup, it will be sitting there and  
4 leaving stains and odors and I am concerned  
5 with that.

6 I am a big believer in free enterprise.  
7 As far as businesses coming and going, I have  
8 seen them come and go on Covert and Stewart  
9 Manor over the last 36 years, but I feel in my  
10 opinion that a deli would not be in the best  
11 interest of the residents, especially since a  
12 lot will be delivered. I can only imagine the  
13 Ubers and the delivery services coming and  
14 going, double parking, running into pickup and  
15 delivery services. I see that as a real  
16 hazard. I worry about that as well.

17 The parking is another story. I know we  
18 always struggle with where everybody will park.  
19 But three or four more employees during the day  
20 is going to be a struggle on Cunningham. We  
21 work very closely with the residents for my  
22 staff to be able to park on the side street and  
23 that's always a struggle. Adding a few more  
24 that will come in early in the morning if he's  
25 the opening at 7, that will occupy a lot more

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1 of the spots that the residents are using, as  
2 well, for their cars.

3 I'm not really sure about the ideas that  
4 were answered, a lot of them ambiguity about  
5 the cooking stove, electric stove, the types of  
6 products that will be cooked there. There was  
7 a lot of we might not now, maybe in the future.  
8 I think there's a lot of uncertainty to what is  
9 going to happen in that store and as the  
10 gentleman before me, he talked about they open  
11 up the deli without even understanding the  
12 rules of Floral Park as to what is allowed and  
13 not allowed and have to have a cease and desist  
14 and shut down.

15 I think there has to be, if this will move  
16 forward, there has to be a very ironclad as to  
17 what will happen from day one to day ten to  
18 year ten because maybe things will change and  
19 maybe he thinks he will get permits for certain  
20 things, but I think there should be some  
21 clarity about what really the town will be in  
22 favor of because I can see that things will  
23 probably change overtime and I worry about  
24 that.

25 MAYOR FITZGERALD: Thank you.

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1 DR. JAY PISKIN: Thank you.

2 (Whereupon, John Melkhiorre was sworn.)

3 JOHN MELKHIORRE: John Melkhiorre, 15  
4 Cunningham Avenue. M-E-L-K-H-I-O-R-R-E.

5 MAYOR FITZGERALD: Good evening.

6 JOHN MELKHIORRE: Thank you for hearing us  
7 out today. I wanted to start off by saying  
8 that I'm speaking for me and my. Wife we're  
9 completely against having a deli there as well  
10 as any type of food service. I will go over  
11 our four main concerns and get into detail.  
12 Some of them have been addressed. We're the  
13 neighboring property. We're actually, will be  
14 living there. I want to make sure that is  
15 clear.

16 First is the illegal parking and parking  
17 on the commercial property. Second is safety  
18 concerns with increased, the drastic increase  
19 to the amount of traffic. Third is the garbage  
20 and refuse containers and refuse disposal. And  
21 fourth is actually the current condition of the  
22 property and the way it has been for over a  
23 year now. A lot of stuff we're talking about.  
24 It is not only because it is deemed for food  
25 use, but overview of everything that has to be

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1 considered when allowing this type of  
2 establishment moving in that property.

3 Over recently, through the guidance of  
4 Deputy Mayor Pombonyo and I, that we've been  
5 notifying Floral Park Police Department every  
6 time there was illegal parking. Literally, we  
7 can call there at least 15, 20 times a day.  
8 Recently, I tell you this, we set up cameras.  
9 We call a couple of times. We stress it is not  
10 an emergency if you have someone around. It is  
11 literally at least 15 to 20 calls about the  
12 illegally cars parked there every single day.

13 MAYOR FITZGERALD: When you say illegally  
14 parked --Yes.

15 JOHN MELKHIORRE: Illegally parked. That  
16 whole side of the block is no standing. So  
17 from the corner back to my house is a fire  
18 hydrant and they park in front of my house all  
19 the time. I want to highlight two events that  
20 happened in the last three weeks that hit home  
21 and I hope everyone here can understand how  
22 this hard it is for me and my wife that moved  
23 here.

24 I came home about three weeks ago and  
25 pulled up to my neighbor's actually having a

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1 verbal altercation. Nothing serious. But as I  
2 pulled in, it ended. The person he was talking  
3 to sped down the dead end block, had to go  
4 30 miles an hour and turned around and  
5 completely sped back up. When I asked my  
6 neighbor, I said what is going on, the neighbor  
7 said, go look at the front of your house. The  
8 person that parked there literally threw all  
9 the garbage from inside of the car on to my  
10 property.

11 The second one, which was the most  
12 unfortunate actually, just happened yesterday  
13 and this was the straw the broke the camels  
14 back with the increased traffic there. It is  
15 important why there is increased traffic there.  
16 My six year old son and went and told my wife  
17 hey, listen, go look outside the front of the  
18 house. There was a family there with their  
19 child urinating on my property. We called the  
20 police department right away. I took a picture  
21 of the car, took a picture of the license  
22 plate. My wife went and said something to the  
23 person. Now, my son had to go and literally  
24 witness his mother have a verbal altercation  
25 with someone completely that's absolutely

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1 disgusting.

2 So, the reason why there's so much  
3 increased traffic is with the expansion of Uber  
4 Eats and Door Dash, both the bagel store and  
5 Carvel opted into the program. What happened,  
6 they come down the block, pull over. There's  
7 no parking on Covert. Pull over to the side.  
8 They leave it in front of my house, in front of  
9 my driveway or at the fire hydrant, run across  
10 the street. They go and get their stuff, hop  
11 back in the car and they leave. With that  
12 being said, that pretty much sums it up as far  
13 as the illegal parking on the block itself. As  
14 far as no standing and Commissioner McAllister  
15 spoke to me earlier and I appreciate the help  
16 the Village is giving us.

17 The second thing I want to talk about is  
18 the area behind a commercial property. To me,  
19 that's a backyard. I think that has to be  
20 clearly defined. It is not a parking lot. On  
21 your website, it is clearly not a parking lot,  
22 doesn't have any characteristics that a parking  
23 lot would be. It is not a driveway. It is a  
24 backyard. If you look at every other  
25 commercial property, those are backyards. They

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1 shouldn't be parking there to begin with.

2 When we first moved in there, we knew  
3 there was parking there. It was never an  
4 issue. The dry cleaner and nail salon, they're  
5 very courteous with parking, never parked up  
6 against our driveway. Very courteous. But  
7 over the past two or three years, we had more  
8 and more residents or patrons, whatever,  
9 stores, that were there continually parking,  
10 pulling in and they don't even have the  
11 courtesy to pull all the way into the lot  
12 because there's not enough room. You're not  
13 fitting four cars there. It is not happening.  
14 They go there and park so close to my side I  
15 have had dents, scratches and two broken  
16 taillights there and I notified the Floral Park  
17 Police Department. There's nothing they can  
18 do. Because we have it on video, the video  
19 doesn't show a license plate. They drive off.  
20 That's the end of it. We have to go and pay  
21 out of the pocket to get the stuff fixed. It  
22 is absolute shame.

23 To go a step further, when they don't go  
24 and pull completely on the property or on the  
25 side, our side or whatever, they leave their

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1 cars on the sidewalk. When they leave the cars  
2 on the sidewalk, both myself, sister-in-law and  
3 multiple people on the block have young people  
4 with strollers. We have to go and walk into  
5 the street with the stroller and come back  
6 around because of the patrons that are parking  
7 there. Once we notify, if we notify someone,  
8 by the time we notify something, they're gone.

9 MAYOR FITZGERALD: It is not the same car  
10 over and over?

11 JOHN MELKHIORRE: It is not the same car.  
12 It is random cars. There's no rhyme or reason  
13 to this. Some days they block it like a  
14 parking lot and other days it is only 10 cars.  
15 From there, I want to address that was the  
16 whole parking aspect of it.

17 You know, Dr. Piskin, thank you for  
18 bringing it up and you know establishments on  
19 Covert right now are very courteous for parking  
20 and they leave residents and we have a great  
21 community and great thing going. To add a  
22 store, any type of store that will get the  
23 quick in and out business with no  
24 infrastructure, there's a problem with the  
25 parking now. The business plan is get a quick



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1 breakfast sandwich and leave. To let a store  
2 like this open up is very disheartening and  
3 very disconcerting.

4 Traffic and safety. I have two young  
5 boys, six and three years old. So, we go and  
6 like the families here in Floral Park, we have  
7 the kids crossing, little signs out there. We  
8 are conscious of putting it out there. There's  
9 children on the block, not only my children.  
10 If we see, you know, it has been run over. We  
11 had to get a new one. When we're considering  
12 increasing more traffic on the dead end where  
13 they speed down the block at speeds with no  
14 regard for anybody. It is really an issue.

15 Additionally, these people go and the  
16 patrons there when they pull into the driveways  
17 there, when they back out and cut the wheel to  
18 the left, it is easier for them to see, they go  
19 across my driveway and go down the curb cut on  
20 my driveway. We had patrons go and literally  
21 park their cars in my driveway and then a  
22 couple of times, normally, we say something,  
23 okay and they move. We've had people say I  
24 will be a minute and leave the car in my  
25 driveway. This is the type of stuff, without

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1 any sort of plan, going and opening up a deli,  
2 a quick type of business that it will go in  
3 further, you know, bring stress into our lives  
4 that we don't want. We don't wish it on  
5 anybody in the Village.

6 When this was a nail salon, there was  
7 never really an issue as to the quick parking  
8 in and out. No one is going and leaving their  
9 car illegally parked for an hour to get their  
10 nails done or whatever they were getting there.  
11 That type of business we should be looking for  
12 there. They have to find legal parking. They  
13 have to go to a meter and not just leave it  
14 out.

15 So, the next thing I want to bring up is  
16 the garbage and recycling. I'm sure -- I'm not  
17 sure if it is going to be refrigerated or a  
18 dumpster in the back. Me and my wife heard he  
19 was going to --

20 MAYOR FITZGERALD: I am going to clarify.

21 JOHN MELKHIORRE: Just before we go in to  
22 that, I need to chew your ear off for a little  
23 bit. I'm superintendent for the department of  
24 sanitation. There's no one in the place that  
25 knows anything about garbage or refuse

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1 containers then what I do in my position.

2 MAYOR FITZGERALD: Maybe Kevin Ginnane.

3 JOHN MELKHIORRE: I spoke with Kevin  
4 today. We had a half hour conversation about  
5 garbage. It is great. I'm so glad. We're  
6 talking about street sweepers, testing the  
7 equipment.

8 So, all I am saying, any sort of dumpster  
9 you put in there will not combat a rodent  
10 problem. The things they have there now is not  
11 a garbage dumpster. It is for lawn furniture.  
12 It is broken now. We had a huge issue when the  
13 nail salon was there. We notified the Village.  
14 We'd spoken to the nail salon. They were  
15 leaving food, garbage, back there. There was a  
16 rodent problem. We had to take care of it on  
17 our own.

18 So, that whole thing, second thing, is  
19 there should be no garbage coming out of the  
20 back of the business. There should be nothing.  
21 Garbage should be in the basement and going out  
22 the front door if it gets passed. Any sort of  
23 garbage that goes out the back, whether in the  
24 dumpster or not, the second it gets rusted,  
25 there will be rodents in there. There will be

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1 feral cats tearing stuff up if the lid is left  
2 open and there will be a rodent problem.

3 One question I have that I know you guys  
4 don't have the answer to, I will ask as far as  
5 the stove in the back of the store.

6 MAYOR FITZGERALD: The stove?

7 JOHN MELKHIORRE: The stove they will cook  
8 on having a stove in the back of the store. If  
9 that door is open and it is located in the back  
10 of the store, all of the smell of the cooking,  
11 whether it is good or bad, will be blowing  
12 directly into my dining room window. That's  
13 where my dining room window is.

14 Last thing I want to speak about is the  
15 condition of the property. Listen, I know a  
16 couple of Board Members had gone there today  
17 and saw the condition of the property. If any  
18 residents in Floral Park had the condition of  
19 their property like that, they would be getting  
20 letters beyond belief. There's broken --  
21 there's broken asphalt. When it rain, it  
22 creates standing water. There's overgrown  
23 weeds in the back. All of this promotes  
24 mosquitoes. My son is very allergic to  
25 mosquitoes. Who has to go and take care of

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1 everything? Myself and my wife, my great  
2 neighbors, they take care of it all the time.  
3 The border between our two driveways, that  
4 small curb, it's usually infested with weeds we  
5 have to take care of.

6 There's a lot of stuff, really. It is  
7 very, very concerning and I apologize if we're  
8 going across everything, but it is a lot of  
9 stuff that you have to understand that we're  
10 looking at this out the side window.

11 The last thing I want to bring up is about  
12 deliveries. As far as deliveries are  
13 concerned, when you go down the block, there's  
14 no place to put a delivery truck. It will not  
15 be able to go into the back. It is -- will be  
16 packed on the side over there. You cannot make  
17 the left or right turn if anything is standing  
18 on the corner. All of that has to be taken  
19 into consideration. God forbid, but it will  
20 take a tragedy. We bring this to you, all our  
21 safety concerns, if this is something allowed  
22 to happen and something happens, we know this  
23 is a problem. I know everyone knows it is a  
24 problem. Let's nip it in the bud now and  
25 figure out a solution to it. That's all I

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1 have. Thank you so much. I appreciate your  
2 time.

3 (Whereupon, Kevin Donnelly was sworn in.)

4 KEVIN DONNELLY: Kevin Donnelly, 23  
5 Marshall Avenue. I came talking about another  
6 retail establishment there. Tony, my neighbor  
7 that lives cross the street from me, we talked  
8 about this particular establishment, anything  
9 being there and parking as my previous member  
10 also mentioned, obviously that being one of the  
11 bigger issues. One of the first things, I was  
12 retail and development in Pathmark for several  
13 years. There wasn't competition around. We  
14 have Key Food, Pellegrini's, Carvel, the bagel  
15 store north of that. How many different places  
16 do we need to sell the same item, even though  
17 it is specific, Korean in nature. We have too  
18 much ambiguity.

19 We have to define the blueprints and plan.  
20 What I have heard, we had it down to the last  
21 apple in the store, exactly how we lays it down  
22 before the building was built. We knew what  
23 was going on. This is not a permanent place.  
24 This is Jesse James shooting from the hip. I  
25 think we can do this. We're here for a defined

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1 plan. We want to do things the right way. We  
2 have a plan when we come into Floral Park. We  
3 come in with permits and right ways. That's  
4 the way Floral Park has been and will continue  
5 to do so.

6 MAYOR FITZGERALD: That's the reason for  
7 the hearing, if it is approved, what the  
8 conditions are.

9 KEVIN DONNELLY: That's all I have. Thank  
10 you.

11 MAYOR FITZGERALD: Thank you.

12 (Whereupon, Anne Marie DiFransesco was  
13 sworn in.)

14 ANNE MARIE DIFRANSESCO: Anne Marie  
15 DiFransesco, 14 Marshall. Just a quick thing  
16 to take in it consideration. I know there's a  
17 bus stop on the corner there, it is  
18 certainly -- we know there's multiple schools  
19 in the area. My concern is with additional  
20 Uber Eats and deliveries, with kids coming and  
21 going, we increase the risk of traffic on  
22 Covert and that surrounding area is already  
23 very high and difficult to cross the street as  
24 it is. With additional food store, that will  
25 send out more food deliveries. I think that is

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1 something that should be taken into  
2 consideration, safety of the children walking  
3 to and from the various stores during the day.  
4 Kids wait there for the school bus. It is hard  
5 to see when you try to park or pull around the  
6 truck pulling in. That's something to take  
7 into consideration. For me, it is really about  
8 the safety of the children that are in the  
9 neighborhood.

10 MAYOR FITZGERALD: The school bus stop  
11 you're talking about is on the corner of Covert  
12 and Cunningham?

13 ANNE MARIE DIFRANSESCO: I believe so,  
14 yes.

15 MAYOR FITZGERALD: Do you know  
16 approximately what time it comes?

17 ANNE MARIE DIFRANSESCO: 8 in the morning  
18 and about 3, 4:00 in the evenings. Around  
19 there.

20 MAYOR FITZGERALD: Anyone else in Village  
21 Hall that would like to speak?

22 (Whereupon, Brian O'Sullivan was sworn  
23 in.)

24 BRIAN O'SULLIVAN: Brian O'Sullivan, 47  
25 Cunningham Avenue. Just about the parking.



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1           There's a lot of debate. How many cars can fit  
2           or not fit? Is it a backyard or parking lot?

3           MAYOR FITZGERALD: Superintendent Marcus,  
4           what is the official --

5           MS. MARCUS: Predates our zoning and  
6           permit, so the property subdivided in the  
7           1960's. There's no sues SPET fed for the area.  
8           There's a curb cut.

9           MAYOR FITZGERALD: Does that mean they  
10          can't park?

11          MS. MARCUS: Yes. Right now, yes, there's  
12          nothing written on the amount of spaces.

13          BRIAN O'SULLIVAN: So, it is a parking  
14          lot?

15          MS. MARCUS: Can be used for parking.

16          BRIAN O'SULLIVAN: Thank you.

17          (Whereupon, John Mulcurry was sworn in.)

18          JOHN MULCURRY: John Mulcurry. I wish I  
19          would have brought it with me. On the website  
20          with the codes and laws, there's a bunch of  
21          rules that has to be, if it is a parking lot.  
22          There's rules about how many cars can fit  
23          in-between with property line drawn and in  
24          there. There's something about water that has  
25          to have proper drainage. There's no drain on

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1 the property and no line drawn. So, it is a  
2 free-for-all. That's the code of the parking  
3 lot I read on your website. If it is a parking  
4 lot, they ain't following the right stuff.

5 MS. MARCUS: The parking lot predates our  
6 code. It predates the code. It was there  
7 before the code was established.

8 JOHN MULCURRY: Understood. If anything  
9 predated your code, that means that they don't  
10 have to follow the guideline?

11 MS. MARCUS: Property maintenance  
12 guidelines they have to, standing water, et  
13 cetera, things like that. But size of the  
14 parking spaces and all that they do not.

15 JOHN MULCURRY: Okay. All right.

16 MAYOR FITZGERALD: Anyone else in Village  
17 Hall like to speak?

18 ANTHONY DIFRANSESCO: Anthony DiFransesco.  
19 He says all the equipment is electric. Does he  
20 know if the service will take it? Anyone ever  
21 check? Because he has a lot of equipment there  
22 and using an electric grill to cook, someone  
23 ought to check and see if the service will take  
24 it. Thank you.

25 MAYOR FITZGERALD: Thank you. Anyone else

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1 in Village Hall? Darlene, anyone on zoom would  
2 like to comment?

3 MS. LANZA: There was somebody that did  
4 inquire. I believe it was Wendy Fernandez.

5 MAYOR FITZGERALD: Wendy, did you want to  
6 speak? Do you have audio? You can shake your  
7 head yes or no. Yes, you want to speak.

8 MS. LANZA: I asked her.

9 MAYOR FITZGERALD: You're unmuted. If you  
10 can be sworn in by the Court Stenographer.

11 (Whereupon, Wendy Fernandez was sworn in.)

12 WENDY FERNANDEZ: Wendy Fernandez. I  
13 reside at 39 Cunningham Avenue, Floral Park.

14 MAYOR FITZGERALD: Go ahead.

15 WENDY FERNANDEZ: I would like to  
16 corroborate basically what Dr. Piskin and the  
17 neighbors said regarding having quick stop or  
18 stop and go type business on that corner. We  
19 had a dry cleaner there that run their business  
20 for many years. It is one pretty much dead end  
21 street, one way in and out and frequently  
22 double parking entrance is frequently blocked  
23 by, you know, delivery trucks for RaindeW.  
24 Occasionally, we also have delivery truck at  
25 the same time for the business across the

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1 street.

2 As you're all aware, traffic in the area  
3 has reached its capacity tremendously. It is  
4 very significant to traffic accidents that  
5 happened on the corner. I believe added  
6 unfortunately, is pedestrians that cross away  
7 from the crosswalk, all of that. So, ten years  
8 of standing at the school bus, I can attest  
9 that people don't stop for the school bus in  
10 the morning or afternoon either.

11 I can also attest to the -- having a good  
12 relationship with your neighbors when you are  
13 relying on side streets for parking for your  
14 employees. We have the four hour minimum in  
15 the Village. In any my experience, 23 years on  
16 the street, enforcement can be non-existent.  
17 People can park for 10 or 12 hours at a time.  
18 We have rules for a reason.

19 Garbage. I agree with, completely with  
20 the people that the property abuts the property  
21 in question. It is outdoor storage garbage,  
22 which will be a negative on the neighborhood.  
23 What happened with fish market down the street?  
24 They put the garbage out early.

25 So you know, I honestly feel like the type

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1 of thing they're going to sell, you know how  
2 and when they're going to execute the  
3 preparation of the food, which is lacking in  
4 detail. Not a good solid plan for, you know,  
5 how they're planning to expand the items and  
6 what they are offering at this location.

7 So, as the people have said and other  
8 residents are really saying is that the area is  
9 really not well suited without some kind of  
10 enforcement from the police department,  
11 enforcing the traffic rules, as far as people  
12 saying, I will be here a minute and I have to  
13 run in and get something. There's double  
14 parking on the Stewart Manor side. Holiday  
15 time is an absolute free-for-all with people  
16 running in and out because we have been blessed  
17 with a tremendous variety of business in the  
18 area. It comes with a little bit of  
19 obligation. That's it.

20 MAYOR FITZGERALD: Thank you, Wendy. Is  
21 there anyone else on Zoom?

22 MS. LANZA: I don't see anybody.

23 MAYOR FITZGERALD: Seeing none, Mr. Im,  
24 would you mind coming back up. We have a  
25 number of questions and clarifications.

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1 JAMES IM: James Im.

2 MAYOR FITZGERALD: I guess the first  
3 thing, one item that was brought up, there was  
4 a cease and desist order placed on the business  
5 a couple of months ago. Miss Marcus, was it  
6 taken down by us?

7 MS. MARCUS: It was not taken down by us.

8 MAYOR FITZGERALD: Thank you. Could I ask  
9 why, if we did not take it down, why the cease  
10 and desist order was taken down?

11 JAMES IM: I can't answer that question.  
12 I don't know myself. I do actually -- have  
13 been involved in letting the town know,  
14 actually spoke to Kevin Bove at the building  
15 department and asked him what happened. I  
16 leased the building last August, you know. It  
17 hasn't been in operation. I'm not there  
18 everyday. So, I really don't know what  
19 happened to that cease and desist. I really  
20 don't think that the cease and desist was a big  
21 thing in the first place because there was a  
22 misunderstanding between me and Mr. Bove. I  
23 had understood if I had leased the building, I  
24 can move in equipment, as long as it didn't --  
25 wasn't operated or wasn't any construction.

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1           I moved in a couple of displays, things  
2           like that. I didn't expect this will take so  
3           long. I have been paying rent, current on my  
4           water bills. I am new to Floral Park. Like I  
5           said, I just leased the place in August and I  
6           lived in Queens most of my life. So, this is  
7           fairly new. I do know how to open and operate  
8           in other counties and other areas. Floral  
9           Park, I am new to it, but I look forward to  
10          learning, you know, the new rules and  
11          regulations and following them to a "t" because  
12          I like to run a tight ship.

13           MAYOR FITZGERALD: With regards to  
14          garbage, there's a number of questions and  
15          concerns. Can you clarify what your plan is  
16          with garbage?

17           JAMES IM: Yes. I'm sorry for the  
18          misunderstanding. I didn't really know what  
19          the question was saying, if I had to contract  
20          another outside private. You contract another  
21          private company sanitation, they drop dumpster  
22          there. I really didn't know because having  
23          this hearing and knowing the outcome of the  
24          hearing with the -- sets me in motion to start  
25          looking at permits and what I need to do and

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1           like I said, I have been doing this for quite  
2           sometime. I'm clear on my plans.

3           MAYOR FITZGERALD: What is your plan for  
4           garbage? I'm not clear on what you are  
5           planning to do with it.

6           JAMES IM: We have to refrigerate, like  
7           you said, and take it out on those two days a  
8           week. But if you know there's no objection, I  
9           would like to have more pickup because I do  
10          know and I know the concerns around me and I'm  
11          sorry for, you know, whatever happened in the  
12          past, but I leased the place in August.

13          MAYOR FITZGERALD: You will be amenable to  
14          having refrigerated garbage and storing it in  
15          your building.

16          JAMES IM: Yes. I'm very earth friendly,  
17          to be progressive and anything that helps the  
18          planet for the people. I'm all for it.

19          MAYOR FITZGERALD: There was another  
20          question about whether the front of the store  
21          would be open with open windows and selling  
22          fruits and vegetables basically on the street?

23          JAMES IM: No. I would like, I mentioned  
24          before, I do have plan to apply for a four foot  
25          outdoor permit, curb permit, just to put out a,



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1           maybe a table, a bench. But fruits and  
2           vegetables will have to be inside just because  
3           of the perishable nature. I'm not looking to  
4           sell a farmers market. I'm looking to sell  
5           organic section. I know a lot of people  
6           mentioned Key Food, small delis. We will be  
7           different. We will have different items.

8                   I'm not sure if everyone is aware, there's  
9           so many categories now in the health and  
10          wellness categories. I look to bring in some  
11          of that trend, some of that to the  
12          neighborhood.

13                   MAYOR FITZGERALD: So, there was a couple  
14          of questions with regards to deliveries to  
15          separate the two categories. There's delivery  
16          truck that brings goods to your store and the  
17          concern with regards to where they will be  
18          parking when they will make deliveries.

19                   JAMES IM: I do realize that the business  
20          is situated in a high traffic area. I'm a  
21          seasoned veteran in the grocery industry where  
22          I believe I can command a little bit of favor  
23          when I request delivery. I can have it  
24          rearranged. I can have it come a little later.  
25          Have them where I want them to be parked. I

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1 will be sensitive, listen to everyone's  
2 concerns in the immediate area. I don't  
3 anticipate anyone going down Cunningham, other  
4 then myself really.

5 Some people have concerns about the  
6 parking. As far as what has been before, I  
7 don't know. I do know that the dry cleaner,  
8 because it is a leased building and I haven't  
9 been there, but they have been using it,  
10 customers have been using it. Those are  
11 residents, I believe. I had problems with me  
12 parking there. So you know, I do understand  
13 the concerns.

14 MAYOR FITZGERALD: The Uber Eats and Door  
15 Dash of the world, what is your plan on having,  
16 if you are to use them, my question is where  
17 would they be parking when they're coming into  
18 your store to pickup whatever they pickup?

19 JAMES IM: When I had said Uber Eats and  
20 other social platforms, that's secondary  
21 delivery option, first of all. First one will  
22 be in-house working, working on the bike for  
23 very immediate, close by, maybe five or ten  
24 block radius. I have a car available for use.  
25 So, the Uber Eats and everything else I'm

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1 looking not to have car pickup. I'm looking  
2 for -- they have people on electric scooters,  
3 on electric bikes. So, I don't believe there  
4 will be extra traffic brought to by the store.

5 I do understand the concerns of stop and  
6 go. You know quick bites. I am looking to be  
7 more of a place that you go for grocery  
8 shopping for a little bit, a snack on the way  
9 home. Someone tired coming from the city and,  
10 you know, someone who is going to walk to my  
11 store, someone who is not necessary -- I don't  
12 anticipate a lot of people driving to my store  
13 from outside. Most of them will be for local  
14 area, I believe, will be walking to the store.

15 MAYOR FITZGERALD: There was a couple of  
16 questions with regards to the cooking. There's  
17 some ambiguity about the product. Do you know  
18 if the current electrical service will support  
19 it?

20 JAMES IM: Yes.

21 MAYOR FITZGERALD: Again, when I mentioned  
22 to you about where it will be located not on  
23 the drawing, there was concern raised about  
24 would it exhaust out the back door and into the  
25 residents.

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1           JOSEPH GABRIEL: I can answer the  
2 question, if I might. There's certainly enough  
3 energy available for electric griddle cooking.  
4 That is not a problem in the store. He's using  
5 the basement for storage. That power is  
6 available. That's not an issue. It will be  
7 utilizing what is there in the building, not  
8 increasing it. As far as the exhaust, it is by  
9 code to go out the roof and extend 40 inches  
10 above the roof.

11           MAYOR FITZGERALD: Where would the -- I  
12 don't think we have a roof plan.

13           JOSEPH GABRIEL: There's not a roof plan  
14 there because the location of the griddle has  
15 not been finalized.

16           MAYOR FITZGERALD: We need it finalized.

17           JOSEPH GABRIEL: Oh, absolutely.

18           MAYOR FITZGERALD: I think you said, Mr.  
19 Im, it's going to be located mid store; is that  
20 what I heard?

21           JAMES IM: Approximately mid store, more  
22 towards the front. I heard the concern before  
23 if the back door was open. It is no where near  
24 the back door. I'm planning to have the back  
25 area closed off. It wouldn't be no

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1 interaction. There will be no foot traffic  
2 coming in through the back. It is just for  
3 private use mainly by me and myself.

4 MAYOR FITZGERALD: What about the current  
5 property condition. There was concern raised  
6 about that drainage. Is there any improvement  
7 to the existing property, especially the  
8 backyard where the parking is?

9 JAMES IM: At this time, no, I don't -- do  
10 not see any changes. I do know the property  
11 owner had ran some asphalt on top of it. But  
12 you know, I don't know if it is my  
13 responsibility to repair. I will be open to  
14 doing it just to make the peace.

15 MAYOR FITZGERALD: There was a question  
16 raised, I guess, to maybe what the business  
17 plan was and why this spot was chosen.

18 JAMES IM: Well, I have a close  
19 relationship with the owner. We had actually  
20 talked about this for sometime and during the  
21 Covid crisis, I was working in Key Food and --

22 MAYOR FITZGERALD: Key Food on Covert  
23 Avenue?

24 JAMES IM: No, that's a different Key  
25 Food. I was working on Springfield Boulevard

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1 in Bayside, Queens. We had, you know, said  
2 that he had problems with the previous tenant.  
3 I believe it was a nail salon. And you know, I  
4 just fell in love when I saw the place. I felt  
5 I'm from a small town also and I was born in  
6 Georgia. I felt welcome. So, that feeling had  
7 a lot to do with my decision.

8 MAYOR FITZGERALD: Have you done a traffic  
9 study?

10 JAMES IM: No.

11 MAYOR FITZGERALD: When do you feel would  
12 be the peak time where you would be having  
13 customers visit your store and peak time you  
14 may have deliveries, outgoing deliveries,  
15 whether it is your own delivery person or Uber  
16 Eats?

17 JAMES IM: I anticipate customers early  
18 morning, breakfast, lunch and after work.  
19 Delivery time in-between those times. What was  
20 the other question?

21 MAYOR FITZGERALD: Delivery, outgoing  
22 delivery time, is that all day long?

23 JAMES IM: Yes. That will be until the  
24 store closes, yes.

25 MAYOR FITZGERALD: Obviously there was a

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1 question about the school bus stop. I hope you  
2 will be willing to insure that your delivery  
3 trucks or deliveries are not made at the time  
4 the school bus picks up or drops off?

5 JAMES IM: Yes. As I mentioned, I'm also  
6 a father to a four year old. I'm very aware of  
7 the traffic problem out there. I talked to a  
8 couple of local residents. Yes. I definitely  
9 will be for the safety, definitely.

10 MAYOR FITZGERALD: Okay. Thank you. Is  
11 there any Member of the Board that has any  
12 additional comments or questions?

13 TRUSTEE POMBONYO: I would just like to  
14 say thank you to all our residents of the area,  
15 the neighbors, for coming in tonight and being  
16 so specific and detailed in your concerns and  
17 comments that you expressed to us. It is very  
18 helpful that we hear all of that.

19 MAYOR FITZGERALD: Thank you. We will  
20 deliberate. There's a lot to think about here.  
21 With anything that does get approved, if  
22 approved, there's certainly conditions and we  
23 take any of these permits seriously and if  
24 approved, the conditions will, you know, will  
25 be enforced.

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1           With that, I would like to ask the Board  
2           for motion to reserve decision and close the  
3           hearing.

4           TRUSTEE POMBONYO:   So moved.

5           TRUSTEE CHENG:   Second.

6           MAYOR FITZGERALD:   Miss Shea, would you  
7           please poll the Board.

8           MS. SHEA:   Trustee Pombonyo?

9           TRUSTEE POMBONYO:   Aye.

10          MS. SHEA:   Trustee Cheng?

11          TRUSTEE CHENG:   Aye.

12          MS. SHEA:   Trustee Chiara?

13          TRUSTEE CHIARA:   Aye.

14          MS. SHEA:   Trustee Stewart?

15          TRUSTEE SHEA:   Aye.

16          MS. SHEA:   Mayor Fitzgerald?

17          MAYOR FITZGERALD:   Aye. Thank you. Thank  
18          everyone for sticking with us for this portion  
19          of the hearing.

20

21                       Certified to be a true and  
22                       accurate transcript of the proceedings.

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CATHERINE P. MURPHY  
Court Reporter

25