

September 7, 2021

A Special Use Permit Public Hearing for property 139 Jericho Turnpike, Floral Park, NY 1001 was held by the Board of Trustees on September 7, 2021 at 8:05 pm.

The hearing was held by way of video/teleconference as follows:

<https://us02web.zoom.us/j/89988788342?pwd=LzY4ZlAyen11UHFxcnRIYUdHYXFVUT09>

Meeting ID: 899 8878 8342; Passcode: 957812; Dial-in: +1 646 558 8656 US (New York);

Meeting ID: 899 8878 8342; Passcode: 957812.

Present were Mayor Kevin M. Fitzgerald, Trustees Lynn Pombonyo, Archie T. Cheng, and Jennifer Stewart, Village Administrator Gerard M. Bambrick, Village Clerk Susan E. Walsh, Superintendent of Public Works Kevin Ginnane, Superintendent of Buildings Renee Marcus, Police Commissioner Stephen McAllister, Deputy Village Clerk Rosaleen Shea, Village Attorney John E. Ryan, Court Reporter Catherine Murphy, Kevin O'Brien, Attorney, representing applicant Catapano Engineering, for JTB Gas Inc. located at 139 Jericho Turnpike, NY 11001. Trustee Frank Chiara was excused with notice.

Purpose: The application made by Catapano Engineering & Architecture, PC on behalf of JTP Gas Inc., 585 Broadhollow Road, Melville, NY 11747 is made pursuant to Section 99-17(C) and Section 99-11(B) (2) and (14) to modify the Amended Decision and Resolution, dated November 6, 2019 and filed November 8, 2019, which allowed the demolition of an existing gasoline facility and to replace it with a new gasoline facility and convenience store located at 139 Jericho Turnpike, NY. In accordance with Chapter 99, Article IV, Section 99-17C and Section 99-11(B)(2) and (14), modification of this special exception may only be approved by the Board of Trustees after a public hearing.

Mayor Fitzgerald opened for public comment.

Trustee Pombonyo offered Resolution No. 2021-167 to reserve decision and close the public hearing.

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

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

The hearing ended at 9:03 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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Susan E. Walsh  
Village Clerk

Att.

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M I N U T E S  
OF THE MEETING  
OF THE  
PUBLIC HEARING  
INCORPORATED VILLAGE OF FLORAL PARK  
September 7, 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 (Absent w/Notice)
- JENNIFER STEWART, TRUSTEE

ALSO PRESENT:

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

Catherine P. Murphy  
Court Reporter

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1           MAYOR FITZGERALD: Now, we'll have the  
2 public hearing for 139 Jericho Turnpike. I  
3 want to mention that Trustee Chiara is absent  
4 with prior notice.

5           Miss Walsh, would you read the notice,  
6 please.

7           MS. WALSH: Thank you, Mayor Fitzgerald.  
8 Legal Notice. Notice of Public Hearing.  
9 Notice is Hereby Given that the Board of  
10 Trustees of the Incorporated Village of Floral  
11 Park, New York will hold a public hearing at  
12 Village Hall, One Floral Boulevard, Floral  
13 Park, New York on Tuesday, September 7, 2021 at  
14 8:00 p.m. in relation to the following  
15 application:

16           The application made by Catapano  
17 Engineering and Architecture, PC on behalf of  
18 JTP Gas, Inc, 585 Broadhollow Road, Melville,  
19 New York 11757 is made pursuant to Section  
20 99-17(C) and Section 99-11(B (2) and (14) to  
21 modify the Amended Decision and Resolution  
22 dated November 6, 2019 and filed November 8,  
23 2019 which allowed the demolition of an  
24 existing gasoline facility and to replace it  
25 with a new gasoline facility and convenience

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1 store. In accordance with Chapter 99, Article  
2 IV, Section 99-17C and Section 99-11(B (2) and  
3 (14) modification of this special exception may  
4 only be approved by the Board of Trustees after  
5 a public hearing.

6 The structure for which said Special  
7 Permit is applied is situated on the northwest  
8 corner of Jericho Turnpike and Belmont Avenue  
9 and known as 139 Jericho Turnpike, Section 8,  
10 Block 54, Lots 244 and 245 on the Nassau county  
11 Land and Tax Map.

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

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

23 By Order of the Board of Trustees  
24 Incorporated Village of Floral Park, New York  
25 Susan E. Walsh, Village Clerk, dated August 20,

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1 2021.

2 This Legal Notice has been published in  
3 the official paper of the Incorporated Village  
4 of Floral Park, New York and posted according  
5 to law and was sent to the Nassau County  
6 Planning Commission and pursuant to Section  
7 239-L&M of the General Municipal Law determined  
8 to defer to the Village to take action as  
9 deemed appropriate.

10 MAYOR FITZGERALD: Thank you, Miss Walsh.  
11 I would like to place on the record the  
12 applicant previously filed an affidavit of  
13 service indicating that all neighbors within a  
14 200 foot radius of the dwelling have been  
15 served with notice.

16 Also, I would like to announce that the  
17 Board had previously adopted a resolution  
18 determining that the application does not have  
19 a significant impact on the environment as  
20 defined by SEQRA.

21 I see the applicant is already standing  
22 before us. You can be sworn in by the Court  
23 Stenographer and then present the application.

24 (Whereupon, Kevin O'Brien was sworn in.)

25 MR. O'BRIEN: Kevin O'Brien, O'Brien Law,

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1 PC. 462 Sagamore Avenue, East Williston, New  
2 York, here on behalf of the application.

3 MAYOR FITZGERALD: Thank you.

4 MR. O'BRIEN: Good evening, Mr. Mayor,  
5 honorable members of the Board, Kevin O'Brien  
6 as noted. As a side, I did take a police exam  
7 a number of years ago. I'm a little jealous of  
8 the individual over there. Obviously I didn't  
9 wind up being a police officer. So here I am  
10 before you in a different capacity, but I did  
11 try. I have all the respect in the world. I  
12 wound up becoming a volunteer firefighter  
13 instead.

14 But I'm not here to talk about me, but  
15 this application. I also am here with Mr. Jim  
16 Galella. Mr. Jim Galella is a licensed,  
17 professional engineer with Catapano Engineers,  
18 licensed professional engineers, design  
19 professionals, who prepared the plans which are  
20 before the Board.

21 Perhaps maybe to make it a little easier,  
22 it may -- I have with me some 11 and a half by  
23 17's, probably the same plans you have before  
24 you. Sometimes it is easier to look at this as  
25 opposed to pulling up the file. It is the same

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1 material. It is not different, just I think  
2 more manageable. I hope I have enough.

3 MAYOR FITZGERALD: I think the residents,  
4 they might be interested in this, if you have  
5 extra.

6 MR. O'BRIEN: We've spoken with Helen and  
7 Tom trying to incorporate some of their  
8 comments in the presentation as well.

9 So, this is an application with the  
10 special permit from the Village in connection  
11 with the existing gas service station, noted by  
12 the Village Clerk, at the northwest corner of  
13 Belmont and Jericho Turnpike. It's a gas  
14 station for probably over 60 years and I think  
15 as it was, it is existing. It is operating.  
16 It is about 1745 square feet. It has three  
17 pumps and it has a two service base and sort of  
18 a snack and convenient area right now.

19 We've been before the Board a couple of  
20 years ago quite frankly with essentially a very  
21 similar application which the Board graciously  
22 granted and that application involved a  
23 building that was a little bit smaller and it  
24 was granted in November, 2019, just before  
25 Covid hit. We were getting ready to build and

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1 the world kind of turned upside down a little  
2 bit. So, we received approval in November of  
3 2019. We were getting ready to build and Covid  
4 hit and you know, the world turned a little  
5 upside down. We noticed different changes in  
6 patterns and in sort of re-looking at the  
7 project, we still wanted to go forward with the  
8 project, which is a complete raise and rebuild.  
9 It is a ground up, but in this sort of world,  
10 it is underground up because currently, we have  
11 two, eight thousand gallon and one, six  
12 thousand gallon we plan on removing. We were  
13 going to put in two, 15's but in months, again,  
14 looking at things a little bit, we changed it  
15 to two, ten. So, we are reducing that capacity  
16 a little bit of the motor fuel there. But we  
17 are going from underground with all the  
18 underground piping and the like to raise and  
19 rebuild the building. So, we're still  
20 proposing a state of the art facility.

21 What changes have we made? Well, we  
22 changed the storage tanks from the 15 to the  
23 two, 10's. We would have one 10 thousand  
24 gallon tank which will be for regular and the  
25 other compartmentalized tank which is already

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1 approved by the Nassau County Department of  
2 Health which has jurisdiction over the  
3 underground tank that will become  
4 compartmentalized for five thousand gallons of  
5 premium and five thousand gallons of diesel.

6 Jim, if you can show the point it, towards  
7 the board a little bit. So what we have done  
8 is we moved the building basically to face it,  
9 will be immediately continuous to the west.

10 So, it will be right up against the commercial  
11 enterprise to the west which will be -- and in  
12 so doing, we've reduced the number of pump  
13 islands from three to two and dispenses from  
14 three to two. But where we previously had  
15 three parking spaces, this will now give us  
16 five parking spaces in the front and as far as  
17 circulation goes, we will have what is DOT  
18 lights. We are reducing the total number of  
19 curb cuts. Where you had two curb cuts on  
20 Jericho Turnpike, we're now reducing it to one,  
21 pushing it a little further away from the  
22 intersection once again the DOT typically likes  
23 and we have one curb cut located on Belmont.

24 We know previously when the Board had  
25 granted the application, they didn't want to

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1 see any traffic exiting on Belmont and going to  
2 the left. That was one of the conditions of  
3 the prior approval. We will be willing to have  
4 similar type of conditions certainly. We have  
5 moved the tank to a centrally location portion  
6 of the site.

7 We moved the vent stacks, which typically  
8 were actually on the northern property line,  
9 move them closer over to Jericho Turnpike. We  
10 have proposed a five foot vinyl fence along the  
11 rear property line with a buffer of  
12 arborvitaes.

13 I know in speaking to Helen and Joe,  
14 they're neighbors in the area, they said, could  
15 you put a six foot fence and we said we would  
16 put a six foot fence, but I think it might be  
17 Village's requirement. If the Village would  
18 like to waive the requirement, we are willing  
19 to put a six foot fence. I think we have  
20 certainly have better buffering then we have  
21 right now having the fence and arborvitaes, but  
22 you know, that's certainly something that we  
23 will be willing to do.

24 Like I said, I think the parking is better  
25 now. We reduced it quite frankly. I have to

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1 credit Jim to a certain extent. Occasionally,  
2 client's eyes are bigger than their stomach.  
3 And you know, they wanted to keep the three  
4 pump island, but we said there's no way  
5 reasonably to do it. So, we reduced the pump  
6 island to two and I think it works a lot better  
7 having a two and having parking and the concept  
8 was something like this. I know it is but to  
9 my attention that occasionally there are cars  
10 from some of the neighboring businesses that  
11 park on the sidewalk and the like and the  
12 beauty of what we had proposed before was  
13 approved and what we're proposing again is  
14 we're not going to do repairs. So as such,  
15 there's no reason for cars to stay there.  
16 There's no waiting for parts, waiting for  
17 anything along those line. The concept is to  
18 get in quickly and get out quickly and if you  
19 don't, people are going to go to places down  
20 the street.

21 So, those are substantially the changes or  
22 alterations that we made. We think it still  
23 fits within the criteria set forth in the code.  
24 I think it might be 69-60, special use criteria  
25 impact on the surrounding property and the

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1           like. So, I think at the end of the day, our  
2           overall application is a good one. I think  
3           this is better.

4           I look for the Board's discretion and I'm  
5           free to answer any questions the Board might  
6           have of myself or Mr. Galella.

7           MAYOR FITZGERALD: Thank you for coming  
8           in. I have a couple of questions. I'm sure  
9           the rest of the Board does too.

10          MR. O'BRIEN: Certainly.

11          MAYOR FITZGERALD: With regards to the  
12          traffic flow, do you anticipate the cars will  
13          be entering on Jericho, exiting on Belmont or  
14          coming into Belmont and exiting on Jericho, or  
15          am I mixing that up?

16          MR. O'BRIEN: Belmont going up and around  
17          Jericho. I guess they can come in either way.

18          MR. GALELLA: James Galella, Catapano  
19          Engineering, 585 Broadhollow Road, Melville,  
20          New York.

21          I anticipate entering and exiting Jericho  
22          Turnpike. Obviously exiting will be a right  
23          turn out from Jericho Turnpike. Belmont  
24          Avenue, like Mr. O'Brien said, will be a left  
25          turn in and only a right turn out to prevent

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1 cars from going into the residents behind it.

2 MAYOR FITZGERALD: Do you have a sense of  
3 what will be the more frequent use, Belmont or  
4 Jericho, for people entering?

5 MR. GALELLA: I don't. Exiting on to  
6 Jericho seems the more prominent move. I  
7 picture on entering and Jericho both the same.

8 MAYOR FITZGERALD: With regards to the  
9 curb cut on Belmont, the curb cut on the north  
10 side, I can't tell by the drawing, will it be  
11 designed to make people flow to the right and  
12 go to Jericho, as opposed to going both ways if  
13 you direct the traffic to not to even able to  
14 make a left-hand turn?

15 MR. GALELLA: My anticipation was put a no  
16 left turn sign there. These are typically the  
17 kinds of aprons where it is not the directional  
18 curb cuts that you typically have where the  
19 curb goes around and to the site. These are  
20 more concrete aprons. It is set up to  
21 basically allow you to go both west. We will  
22 be putting a no left turn.

23 MAYOR FITZGERALD: If you consider that,  
24 if you look at Wendy's and CVS on Jericho and  
25 Sycamore, it helps for people to make the left

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1 turn.

2 MR. GALELLA: Sure.

3 MR. O'BRIEN: Yes, I think we can do that.

4 MAYOR FITZGERALD: Okay. With regards to  
5 the actual store, is there going to be any  
6 change on what the services will be in the  
7 store as opposed to being cooking going on?

8 MR. O'BRIEN: No. It was previously  
9 indicated to the Board that there was going to  
10 be no cooking in the store and there's no  
11 proposed cooking now.

12 MAYOR FITZGERALD: The hours are the same?

13 MR. O'BRIEN: Yes, that's correct.

14 MAYOR FITZGERALD: Do you anticipate any  
15 additional deliveries, not gas delivery?

16 MR. O'BRIEN: Certainly not in the gas.  
17 As far as other products are concerned,  
18 perhaps, you know, hopefully, quite frankly, a  
19 little bit more, but we don't anticipate much  
20 of a change because the product selection is  
21 going to remain the same and we find the ones  
22 that are successful and the ones that are, if  
23 you visit, you know, these places, used to be  
24 you have a tiny place packed with tons of  
25 stuff. You couldn't walk through it without

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1 knocking stuff over. With giving more  
2 breathing room, makes it easier for experience,  
3 go in there and maybe have hopefully a little  
4 more property. It will allow for storage  
5 on-site and room to move around, so we don't  
6 anticipate a tremendous amount of difference,  
7 but hopefully enough to make it work for a  
8 while.

9 MAYOR FITZGERALD: Thank you. I may have  
10 a couple other questions later. I will ask if  
11 Deputy Mayor Pombonyo does.

12 TRUSTEE POMBONYO: Hello. Thanks for  
13 coming in.

14 MR. O'BRIEN: Thank you for having us.

15 TRUSTEE POMBONYO: The convenient store  
16 and customers and employees and other people  
17 stopping, do you think you will have an  
18 adequate number of parking spaces?

19 MR. O'BRIEN: I think we do because two  
20 things. Quite frankly, I do this throughout  
21 the area, throughout the metropolitan area, in  
22 villages and in towns and we have similar  
23 concerns, you know, in lots of places. One of  
24 the things in other municipalities give us  
25 credit for, is by the pump island themselves.

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1 By the bump island themselves, someone grabs  
2 gas and goes, might grab gas jump in the side,  
3 grab a lottery ticket quickly and go. Those  
4 are not counted spaces. So quite frankly, you  
5 know, previously, we had three. We have five  
6 now which we certainly think is what we had  
7 better then what we had before. If you counted  
8 these spaces by the pump island themselves and  
9 give you another four, which will give you  
10 nine, so I think there's a practical matter the  
11 way people operate, the way people actually use  
12 these types of facilities. It works and it  
13 works well. If it doesn't, people are going to  
14 go to the next place. So, I think in that  
15 sense, I think it's just a much better, cleaner  
16 operation then the repair type of facility and  
17 I think when you take into account the pump  
18 island and the shortness of time of who is  
19 actually there.

20 Like the Mayor brought up before, will we  
21 be having cooking or things along those lines,  
22 I have seen that, do have that, and if you go  
23 into something like that, have to cook your egg  
24 sandwich or something, well now, four minutes,  
25 five minutes can turn into 12 minutes, 14

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1 minute transaction. That can be more of a  
2 problem. Here in this particular instance, I  
3 think we are good.

4 TRUSTEE POMBONYO: How many employees do  
5 you envision on the site at the same time?

6 MR. O'BRIEN: Two.

7 TRUSTEE POMBONYO: The gasoline, is it all  
8 self-serve the or full serve?

9 MR. O'BRIEN: I think we will have full  
10 serve available, yes.

11 TRUSTEE POMBONYO: That's all I have for  
12 now.

13 MAYOR FITZGERALD: I believe it has to be  
14 full service.

15 MR. O'BRIEN: I think so, too. The way I  
16 read the ordinance, yes, that's correct.

17 TRUSTEE POMBONYO: Thank you.

18 MAYOR FITZGERALD: Trustee Cheng?

19 TRUSTEE CHENG: I have no questions.

20 MAYOR FITZGERALD: Trustee Stewart?

21 TRUSTEE STEWART: I have a few. I was not  
22 on the Board when you applied the last time.  
23 You said there will be no prepared foods  
24 forthcoming?

25 MR. O'BRIEN: No preparation. For

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1 instance, I would not call like a cup of coffee  
2 a prepared food. So, I will anticipate we will  
3 have coffee or tea, something along those  
4 lines, cold drinks and the like.

5 TRUSTEE STEWART: What's your plan?

6 MR. O'BRIEN: Ours is essentially  
7 prepackaged, you know, goods and the like.

8 TRUSTEE STEWART: Prepackaged sandwiches  
9 or salad, things of that nature?

10 MR. O'BRIEN: I have seen that where you  
11 can have someone bring in a prepackaged,  
12 something along those lines. So, I would  
13 anticipate that.

14 TRUSTEE STEWART: I'm trying to get what  
15 is going to be sold inside the store because I  
16 am trying to get an idea of what kind of -- are  
17 we looking at daily deliveries, fresh  
18 sandwiches and weekly deliveries of things  
19 which have a longer shelf life like a  
20 Lunchable? what kind of frequency of  
21 convenience is a place as this?

22 MR. O'BRIEN: Typically two or three  
23 deliveries a week and then you have your gas  
24 deliveries, you know, different times as well.  
25 For the products in the store, that's what you

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1 are typically looking. One of the  
2 advantageous -- having something a little  
3 larger is to have some sort of storage and the  
4 storage is on the inside of the store, as  
5 opposed on the outside of the store.

6 TRUSTEE STEWART: Could you repeat that?

7 MR. O'BRIEN: You want to have the storage  
8 on the inside of the store instead of the  
9 outside of the store. I have represented  
10 companies that will have all the soda and water  
11 out at the pump island. It makes it difficult  
12 to maneuver because you have these cases, cases  
13 of water and soda and the like.

14 TRUSTEE STEWART: To keep things neater.  
15 Would you imagine your client will accept to  
16 keeping cases of water and beer on the inside  
17 as opposed to on the outside?

18 MR. O'BRIEN: Absolutely.

19 TRUSTEE STEWART: It looks a little nicer.  
20 My concern is for the residents and delivery,  
21 Pepsi products, Coke products, beer trucks and  
22 the food trucks. So that's a lot of -- those  
23 are a lot of different vendors rumbling through  
24 the neighborhood.

25 MR. O'BRIEN: We have some of that right

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1 now, quite frankly. We do, and I don't think  
2 it is really been a problem or an issue. And  
3 now we are switching over -- we're switching.  
4 The store actually will be, the building size  
5 will be the existing. We had repairs in two of  
6 the base in the past. We will continue that.  
7 I understand your concern. I appreciate it.  
8 And I think that we will be able to quickly  
9 address it.

10 Certainly, I think as we have in the past,  
11 deliveries will not be the type that will be  
12 disturbing to any of the surrounding property  
13 owners as well.

14 TRUSTEE STEWART: We expect it is on a  
15 corner of a residential street and Jericho  
16 Turnpike. The trucks will stay on Jericho,  
17 come from the east and face west. However,  
18 they come and not turn down our residential  
19 street?

20 MR. O'BRIEN: Yes.

21 TRUSTEE STEWART: What about garbage?

22 MR. O'BRIEN: We're going to have  
23 containers. Is it private.

24 MR. GALELLA: Yes. It's three trash cans  
25 in an enclosed area.

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1 MR. O'BRIEN: Towards the north side.

2 TRUSTEE STEWART: Where cars are parked in  
3 front of the red car are three storage. Those  
4 are three garbage containers. They're lidded,  
5 they have lids?

6 MR. O'BRIEN: Yes.

7 TRUSTEE STEWART: A private company will  
8 come and dispose of the garbage?

9 MR. O'BRIEN: Yes.

10 TRUSTEE STEWART: That will be another  
11 concern for the residents, you know, the time  
12 of garbage pickup.

13 MR. O'BRIEN: Earlier. Whatever the  
14 Village permits or regulates or when they come.

15 TRUSTEE STEWART: Excellent. So, you're  
16 not expecting your client will bring in the  
17 vendors we listed earlier?

18 MR. O'BRIEN: No. If that's a reasonable  
19 condition that you would like to oppose, we  
20 will accept that.

21 TRUSTEE STEWART: Is your client aware  
22 this is a business district that doesn't allow  
23 the sale of vape or any vape-like products?

24 MR. O'BRIEN: Yes.

25 TRUSTEE STEWART: So, there will be no

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1 paraphernalia allowed in the district.

2 MR. O'BRIEN: Whatever the regulations  
3 are, we intend to comply with it.

4 TRUSTEE STEWART: As long as the client is  
5 aware of that.

6 MR. O'BRIEN: I want to get my son to stop  
7 somehow.

8 TRUSTEE STEWART: This particular store,  
9 is the name of the convenient store going to be  
10 Grab and Go?

11 MR. O'BRIEN: I believe it is.

12 TRUSTEE STEWART: Your client, is this  
13 their first such endeavor with a convenience  
14 store and gas station?

15 MR. O'BRIEN: No. He has a lot. It's  
16 hard for me to venture the exact amount. I  
17 know we recently -- I know if you want to take  
18 a look at them, we just built one in Bellport  
19 and just finished one up in Freeport. So,  
20 we're on top of some of the type of facilities  
21 larger than this. That one is a four pump  
22 island. This one is two, depending on the site  
23 size and the like, depends on what you might be  
24 able to do. So that one we just finished,  
25 that's weeks ago.

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1 TRUSTEE STEWART: Are you aware of any  
2 complaints from the local residents in any of  
3 the communities?

4 MR. O'BRIEN: I am not.

5 TRUSTEE STEWART: I think I am done.  
6 Thank you.

7 MR. O'BRIEN: If I may?

8 MAYOR FITZGERALD: We'll ask them to come  
9 up.

10 MR. O'BRIEN: I want to make sure I  
11 covered the things I said I would.

12 MAYOR FITZGERALD: We'll give them the  
13 opportunity to speak. Can we go back to the  
14 three garbage cans. They're stored, all the  
15 garbage produced on-site for some one to pick  
16 up?

17 MR. O'BRIEN: Yes.

18 MAYOR FITZGERALD: How big are they?

19 MR. GALELLA: I forget. 40 gallon trash  
20 cans?

21 MR. O'BRIEN: I'm not 100 percent sure.

22 TRUSTEE CHENG: How often do you plan for  
23 garbage pickup?

24 MR. O'BRIEN: That will be, I know  
25 frequently, about three times a week, yeah.

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1 TRUSTEE CHENG: 48 hours, 60 hours of open  
2 store garbage collection enforced by someone  
3 that picks it up three times a week?

4 MR. O'BRIEN: If it needs to be more, we  
5 can certainly -- willing to check and see what  
6 the situation is. As a practical matter, most  
7 of the stuff, like I said, it pre-packaged, so  
8 you're not really -- it's not like a deli. You  
9 know where you have stuff that is typically  
10 wrappers and the like.

11 TRUSTEE CHENG: As you know, Jericho  
12 Turnpike is one of the major arteries. It does  
13 reflect on our Village what that looks like.  
14 Now, it is not pristine right now, but we are  
15 trying to improve the look of that location and  
16 that is the entry way from the west.

17 MR. O'BRIEN: 100 percent. I feel, as I  
18 was telling Helen and Joe, I don't live in the  
19 Village of Floral Park. I live in Huntington.  
20 I feel -- I am Long Islander and take pride in  
21 the companies that I do business with and  
22 represent. I try to put a little bit of  
23 fingerprint, if I can, on the some of the  
24 projects. It is cookie cutter that we use good  
25 architectural design with buildings and that

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1 it, you know, the esthetics, landscaping, the  
2 flowers and the like.

3 I recently had a client in The Town of  
4 Babylon where I suggested this. I said, gas  
5 station people are pretty competitive. Why  
6 don't we have a competition as to who has the  
7 best design gas station in the town. I had a  
8 couple of clients that were in that town and  
9 they were competing against one another. One  
10 of my clients won that competition and flowers  
11 and everything. It is beautiful. They do so  
12 we hope here similarly that, you know, our  
13 architectural design, our landscaping and  
14 maintenance because we have a good looking  
15 building. You have junk all over the place.  
16 It doesn't go very well either. So, we are  
17 intent and if there's an issue, I will give you  
18 my card.

19 MAYOR FITZGERALD: Would the applicants be  
20 willing to agree to terms of the condition of  
21 the permit to insure that there's no garbage  
22 outside, the garbage cans?

23 MR. O'BRIEN: Sure.

24 MAYOR FITZGERALD: So big bags don't sit  
25 there for days.

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1 MR. O'BRIEN: Yes. Yes. We have seen  
2 certain things. Some municipalities want  
3 connect top dispensers if someone gets out.  
4 And there are other municipalities that don't  
5 want cans next to the dispensers.

6 MAYOR FITZGERALD: What is a little  
7 different here, most of the businesses in town  
8 keep it indoors until the night before  
9 collection.

10 MR. O'BRIEN: I understand what you are  
11 saying. I'm sorry. I might have  
12 misunderstood.

13 MAYOR FITZGERALD: That's a little  
14 different.

15 MR. O'BRIEN: Thank you.

16 TRUSTEE STEWART: On the garbage because  
17 it is gross. Are the garbage cans, is that  
18 explicitly for putting bags of garbage from  
19 inside for people to throw the wrappers? I  
20 think we need a little bit of both.

21 MR. O'BRIEN: It will be a little bit of  
22 both.

23 TRUSTEE STEWART: I'm finally done.

24 MAYOR FITZGERALD: That's fine. Obviously  
25 this will be a complete reconstruction of the

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1 site?

2 MR. O'BRIEN: Correct.

3 MAYOR FITZGERALD: With regards to how  
4 long it will take to start, from demolition to  
5 completion and the time you think deliveries of  
6 the apparatus or construction crews will be  
7 occurring?

8 MR. O'BRIEN: Well, the actual start to  
9 finish, Jim might have a little, correct me if  
10 I am wrong, these things are done within three,  
11 four months typically. My concern, quite  
12 frankly, is to find out when we will be able to  
13 get the underground gas station storage tanks.  
14 So, if we assume for discussion purposes, we  
15 had approval and then we had the actual  
16 building permit, actual construction. What we  
17 have to coordinate is getting the actual  
18 underground tanks that start, quite frankly,  
19 and the demo. Put the tanks in and that has  
20 been -- there's only two manufacturers and they  
21 have been backed up incredibly where  
22 previously, we can get them in maybe 60 days.  
23 I heard some of the backup team right now can  
24 be as much as 40 weeks.

25 So, this the start of the project. I

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1 think a lot of it will depend on when we can  
2 get the material. Hopefully, I don't know if  
3 it is Covid related or not, but the suppliers,  
4 that's what they are telling me. So, I don't  
5 want to mislead anybody. Yes, we will be able  
6 to put shovel in the ground tomorrow. I don't  
7 know when I will be able to get my material.  
8 That's kind of a lead time they're telling me.

9 MAYOR FITZGERALD: Once you start, three  
10 to four months?

11 MR. O'BRIEN: Yes, once we start.

12 MR. RYAN: Mayor, if I could. I know  
13 Mr. O'Brien, we might have gone over this the  
14 last time, there's existing underground tanks?

15 MR. O'BRIEN: Yes.

16 MR. RYAN: The plan is what?

17 MR. O'BRIEN: Remove them.

18 MR. RYAN: Complete removal?

19 MR. O'BRIEN: Yes, completely remove the  
20 tanks and piping and replace it with new tanks  
21 and new piping.

22 MR. RYAN: That's all going to be under  
23 the auspices of the Nassau County Health  
24 Department, Nassau County Fire Marshal and all  
25 of that?

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1 MR. O'BRIEN: Yes. Fire Marshal. County  
2 delegated it over to the Department of Health.  
3 They switched it over. We already have our  
4 Department of Health approval. We're going to  
5 have to renew it quite frankly, probably, I  
6 would think, you know.

7 MR. RYAN: There's smaller tanks put  
8 into --

9 MR. O'BRIEN: Yes. What happens is they  
10 have us do a site assessment. Before we do  
11 anything, we have to get an environmental  
12 company to come in and do a site assessment.  
13 What they're going to do. When we start, we  
14 have to call the county and the county comes  
15 out. I don't know if EAC comes out, but the  
16 county comes out. So yes, that's all under the  
17 auspices of the Nassau County Health  
18 Department.

19 MR. RYAN: Thank you.

20 MAYOR FITZGERALD: I have one last  
21 question. I believe I saw a there will be no  
22 lighting on residents on any of the surrounding  
23 properties, for the record?

24 MR. O'BRIEN: Yes. We design such a way  
25 that you don't want to shine on Jericho

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1 Turnpike either or on the -- it is all shielded  
2 down lighting. It will not go beyond the  
3 boundaries of the property.

4 MAYOR FITZGERALD: Anyone on the Board  
5 have any further questions? You don't mind if  
6 you can take a seat.

7 MR. O'BRIEN: Oh, sure. Absolutely.

8 MAYOR FITZGERALD: Are there any residents  
9 that would like to ask any questions? Sure.  
10 Come up and we'll have you sworn in.

11 (Whereupon, Vanessa Spinner was sworn in.)

12 VANESSA SPINNER: Vanessa Spinner, 30  
13 Belmont Avenue. I guess my first question is  
14 to you guys. How far do you have to live? How  
15 close do you have to live to an establishment  
16 before you receive a notice? We didn't receive  
17 a notice. I found out from a neighbor who  
18 asked if I was going to the meeting and I had  
19 no idea what she was talking about.

20 MAYOR FITZGERALD: So, it's a 200 foot  
21 radius and all these hearings are published in  
22 the local paper and on our website. That's how  
23 the notice gets out.

24 VANESSA SPINNER: Okay. We're at the one  
25 house in from the corner.

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1 MAYOR FITZGERALD: On Belmont?

2 VANESSA SPINNER: On Belmont from Lowell.

3 MAYOR FITZGERALD: From the north side.

4 VANESSA SPINNER: So, I think our greatest  
5 concern right now is we have a problem with  
6 parking on that block. When the bank is in  
7 full swing, if the school is in full swing,  
8 then we have, as the commissioner can attest  
9 to, I had to call them because I literally,  
10 they half blocked the driveway to the point  
11 where they made it into a parking spot.

12 MAYOR FITZGERALD: Who?

13 VANESSA SPINNER: Anybody. We had people  
14 from the bank, people from where we didn't know  
15 where they were. Our concern in our house is  
16 that we have a lot of issues with people  
17 parking and disappearing. We have a lot of  
18 people walk up the street to go to the stores.  
19 As they leave the store and go back passed our  
20 house, we have a trail of garbage and literally  
21 before I was getting in the car, we turned  
22 around and somebody had walked by. We now had  
23 one of the big beer cans and brown garbage bags  
24 on our lawn.

25 So, our concern is with the trucks

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1 constantly coming because that street, there's  
2 always parking issues like I said. So even  
3 though they said they're going to park on  
4 Jericho, all of the trucks cannot park on  
5 Jericho. Does that mean they're going to now  
6 come on to Belmont? Because you have the bank,  
7 so you have the exit there, you got the school  
8 there, plus, you got the residents on the  
9 block. It's a straight street out of Queens.  
10 So, people come from Queens to get to Jericho.  
11 So now, we have all of that traffic on the  
12 street.

13 So what is going to happen when all of  
14 those trucks are trying to make a delivery and  
15 Mayor, I'm glad you asked the question because  
16 if they're coming out of the bank and they can  
17 go left or right, if there's a sign that says  
18 no left turn, if you go to Wendy's and sit and  
19 look, it doesn't work. We will have people  
20 coming out of the station and they're going to  
21 make the left because they want to go back to  
22 Queens. They're not going to go out onto  
23 Jericho, go to the next block and just make a  
24 turn, make a right turn and go back into  
25 Queens. They're going to come out of the

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1 station and make the left to get back. So  
2 unless they got the egress that says you can  
3 only go right, they're going to go left.

4 MAYOR FITZGERALD: I think they agreed to  
5 that curb cut and make the curb cut.

6 VANESSA SPINNER: For us, it is just an  
7 issue because there's already a lot of traffic  
8 on the street. So to add to it, it's only  
9 going to be an issue with all of the trucks and  
10 well, the garbage. I'm worried about the  
11 garbage and things wandering down my block. So  
12 that's from --

13 MAYOR FITZGERALD: After we address the  
14 rest of the comments, I will ask him to address  
15 yours.

16 VANESSA SPINNER: Okay.

17 HELEN TABONE: My name is Helen Tabone,  
18 T-A-B-O-N-E.

19 MAYOR FITZGERALD: How are you?

20 HELEN TABONE: Okay. I live at 7 Brokaw.  
21 I'm right around the corner from the two  
22 collision places. About 45 minutes ago, my  
23 father was having trouble with Advanced Nassau  
24 Collision. What he did was, he came to the  
25 Board and he made it that they're not allowed

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1 to park on the street at all. When you go into  
2 Queens now, all the people that are coming to  
3 either the Long Island Railroad, whatever, they  
4 have to do their parking on the Nassau side  
5 also. So, they park overnight and they don't  
6 get the ticket. Nothing is done. I'm afraid  
7 that if a truck has to come from Jericho  
8 Turnpike and go on to Brokaw, people don't read  
9 the signs. They really don't read them and I'm  
10 afraid that we're going to have problems there  
11 again.

12 Right now, Advanced Collision parks at the  
13 front and I'm afraid someone is going to get  
14 hit. I'm really, really concerned about that.  
15 I just don't want trucks to have come down and  
16 have the truck parking. There's a lot of  
17 problems over there already. I can foresee it  
18 happen. There's also a hairdresser in there.  
19 So when they come out, half the people don't  
20 even look. Someone is going to get killed  
21 there. That's all I have to say.

22 MAYOR FITZGERALD: Thank you.

23 HELEN TABONE: Thank you.

24 MAYOR FITZGERALD: Anyone else in Village  
25 Hall would like to comment on this application?

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1           Anyone on Zoom? Okay. If I can summarize the  
2           questions for you.

3                   MR. O'BRIEN: Absolutely, Mayor.

4                   MAYOR FITZGERALD: With regards to  
5           deliveries, will any of the trucks be parking  
6           on Brokaw or Belmont making deliveries?

7                   MR. O'BRIEN: No. It doesn't make sense  
8           for them to go and do that.

9                   MAYOR FITZGERALD: I think one of the  
10          questions about people walking and dropping  
11          garbage up and down the street. Do you  
12          anticipate many of your customers walking into  
13          the stores as opposed to having a car driving  
14          and going into shop?

15                   MR. O'BRIEN: No. We have done studies in  
16          the past and one thing about this particular  
17          business or industry is sort of like a  
18          necessary evil. We have to go once and twice a  
19          week, maybe three times because I gas up every  
20          car in my family. It's dad, can you gas up the  
21          car. But it is one of the types of things that  
22          typically engineers will tell you this all the  
23          time. It is a pass-by. It is not a  
24          destination people go there on the way to  
25          something else. They're not going there and

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1 what this does by having this type of thing,  
2 even a repair oriented place or collision place  
3 is destination oriented. Someone who has to  
4 get their car repaired here, it is typically,  
5 you're going to go to a place either you like  
6 the people, some people are oil price  
7 conscious, whatever the case maybe. And it has  
8 to be convenient.

9 In that sense, I think that it's most of  
10 the people that are coming in there, you know,  
11 are already on the road already, getting gas  
12 and this is another product. You know, by  
13 different comparison, in upstate New York,  
14 there's nothing around anywhere and the only  
15 place in town is the gas station, you know.  
16 We'll see people ride their bicycle, in their  
17 snowmobile, in their -- and the like because  
18 there's nothing else.

19 You know here on Long Island, it's not the  
20 case because there's competition all over the  
21 place. But on the other hand, we're glad to  
22 see a little competition. One thing our storm  
23 like Sandy has taught us is you can't just rely  
24 on a couple. You need competition. You need  
25 the locations.

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1           MAYOR FITZGERALD: Will any of the  
2 delivery trucks be using local streets or all  
3 coming in, off of Jericho and exiting either on  
4 to Jericho or on Belmont to Jericho?

5           MR. O'BRIEN: I don't think they can use  
6 the local streets. I would anticipate if  
7 anything, they kind of come on to Belmont to  
8 get in and go around.

9           MR. GALELLA: Correct.

10          MR. O'BRIEN: But not going through  
11 Belmont.

12          MAYOR FITZGERALD: Or coming in?

13          MR. O'BRIEN: They will be coming in  
14 Jericho or coming in Belmont, not passed the  
15 service station, only up to the curb cut on the  
16 service station.

17          MAYOR FITZGERALD: Commissioner  
18 McAllister, if you can just look at that area.

19          COMMISSIONER MCALLISTER: Belmont, I'm  
20 looking right now. Belmont is, a, I know the  
21 location. It is a two-way street. It could  
22 accommodate trucks. It is wide enough.

23          MAYOR FITZGERALD: Look into what is  
24 happening today with the trucks.

25          COMMISSIONER MCALLISTER: Sure.

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1           MAYOR FITZGERALD: I think those were the  
2 two main questions.

3           MR. O'BRIEN: Once again, we look for the  
4 Boards favorable discretion with the  
5 appropriate conditions and site plan. The site  
6 we are proposing now offers more parking than  
7 we had before, reduces the number of pump  
8 islands and I think it will be an asset to the  
9 Village and we look for the Boards favorable  
10 discretion. I think we meet the criteria set  
11 forth in 99-60 of the code.

12           MAYOR FITZGERALD: Trustee Stewart?

13           TRUSTEE STEWART: Hi. If this were to be  
14 approved and construction is obviously down the  
15 road, who is going to oversee the construction?

16           MR. O'BRIEN: Well, the property owner,  
17 but he has -- I know Dave is one of the guys  
18 that, you know, they have contractors that have  
19 built, like said, the last two I know have.

20           TRUSTEE STEWART: General contractor  
21 on-site during the entire phase?

22           MR. O'BRIEN: Yes.

23           TRUSTEE STEWART: I think that is probably  
24 a concern as well. If you have 10 or 15 people  
25 working on the site, they need to park legally

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1 and respectful of the neighbors and not leave  
2 the lunch. That's going to be four months of  
3 construction. That is a long time. We don't  
4 want the residents driveways being blocked.

5 MR. O'BRIEN: I heard that concern. I  
6 will suggest either to the operator or property  
7 owner to monitor the area and make sure there's  
8 nothing.

9 TRUSTEE STEWART: A little to the west  
10 across Jericho Turnpike, there's a municipal  
11 lot with 12 hour meters, at least, I believe.  
12 That's a perfect spot.

13 MR. O'BRIEN: We don't want our stuff in  
14 other places. So one of the guys will walk  
15 around and take a look.

16 TRUSTEE STEWART: Thank you.

17 MR. O'BRIEN: If I go to the beach and see  
18 a bottle, I pick it up. That's me.

19 MAYOR FITZGERALD: Any other questions  
20 from the Board?

21 TRUSTEE POMBONYO: Just to be a little  
22 repetitive and reiterate the concern about the  
23 traffic pulling out on to Belmont making a left  
24 and going down Belmont as opposed to going on  
25 to Jericho, we did mention that Wendy's, there

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1 is a curb cut on Vanderbilt which comes down on  
2 to Vanderbilt and really almost forces the  
3 traffic a right turn and right on to Jericho.  
4 It has good signage there. I don't know how  
5 you do that with two-way traffic because  
6 Wendy's is only one way. That's an exit. But  
7 I think that's really helpful and I think it  
8 does a lot to make it difficult for people to  
9 make a left into the neighborhood. So that can  
10 be looked out and the model looked on  
11 Vanderbilt.

12 MR. O'BRIEN: Deputy Mayor and Mayor, we  
13 hear you loud and clear. I believe we will be  
14 able to go in and do that. We've done it in  
15 other locations. There's no reason why we  
16 shouldn't be able to do it here. As long as it  
17 doesn't impinge on the people to get into the  
18 site. If it is directing them to kind of force  
19 them to Jericho Turnpike as opposed to going  
20 the other way, I think we can certainly do  
21 that.

22 TRUSTEE POMBONYO: Thank you.

23 MAYOR FITZGERALD: Okay. So, we will take  
24 this all in and think about it and come back  
25 with a decision.

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1 MR. O'BRIEN: If there's any follow up  
2 from my office or Jim's office, any additional  
3 information, documentation or plans, let us  
4 know and we'll get it to you.

5 MAYOR FITZGERALD: Can I get a motion to  
6 reserve decision and close the public hearing.

7 TRUSTEE POMBONYO: So moved.

8 TRUSTEE CHENG: Second.

9 MAYOR FITZGERALD: Miss Walsh, would you  
10 poll the Board.

11 MS. WALSH: Trustee Pombonyo?

12 TRUSTEE POMBONYO: Aye.

13 MS. WALSH: Trustee Cheng?

14 TRUSTEE CHENG: Aye.

15 MS. WALSH: Trustee Stewart?

16 TRUSTEE STEWART: Aye.

17 MS. WALSH: Mayor Fitzgerald?

18 MAYOR FITZGERALD: Aye.

19 MR. O'BRIEN: Thank you very much. Good  
20 luck to the new officer.

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

24 \_\_\_\_\_  
25 CATHERINE P. MURPHY  
Court Reporter