

INCORPORATED VILLAGE OF FLORAL PARK

Board of Trustees Public Hearing Minutes

Tuesday, October 5, 2021; Village Hall Courtroom

IN -PERSON ATTENDANCE IS PERMITTED; Masks required if Unvaccinated

<https://us02web.zoom.us/j/89442966164?pwd=WWFMMGVZclpLYlNrSFdUTkpQNUhadz09>

Meeting ID: 894 4296 6164; Passcode: 908581; Dial-in: +646 558 8656; Meeting ID: 894 4296 6164; Passcode: 908581.

A Special Use Permit Public Hearing for the property 318 Jericho Turnpike, Floral Park, NY 11001 was held by the Board of Trustees on October 5, 2021 at 8:02 pm.

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, Jack Sedorowitz, Architect for Applicant "Kitchen House, Inc." located at 318 Jericho Turnpike, Floral Park, NY 11001.

Purpose: The application of Jack Sedorowitz, Architect, for business Kitchen House, Inc. located at 318 Jericho Turnpike, Floral Park, NY is made in accordance with Article III, Section 99-11 (B) (2) of the Zoning Ordinance of the Incorporated Village of Floral, NY, which requires when a store that 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 south side of Jericho Turnpike 262.42 feet east of Plainfield Avenue and known as Section 32, Block 70, and Lots 122 & 149 on the Nassau County Land and Tax Map.

Mayor Fitzgerald opened for public comment.

Trustee Pombonyo offered Resolution No. 2021-198 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	- Aye
Trustee Stewart	- Aye
Mayor Fitzgerald	- Aye

The hearing ended at 8:18 pm.

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

Susan E. Walsh
Village Clerk

Att.

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, October 5, 2021 at 8:00 pm in relation to the following application:

The application of Jack Sedorowitz, Architect, for business Kitchen House, Inc. located at 318 Jericho Turnpike, Floral Park, NY is made in accordance with Article III, Section 99-11 (B) (2) of the Zoning Ordinance of the Incorporated Village of Floral, NY, which requires when a store that 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 south side of Jericho Turnpike 262.42 feet east of Plainfield Avenue and known as Section 32, Block 70, and Lots 122 & 149 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: September 17, 2021

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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
October 5, 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
SUSAN E. WALSH, Village Clerk
RENEE MARCUS, Superintendent of Buildings
STEPHEN MCALLISTER, Police Commissioner
KEVIN GINNANE, Superintendent Public Works

Catherine P. Murphy
Court Reporter

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 MAYOR FITZGERALD: Thank you and good
2 evening. This evening, we have two public
3 hearings for new businesses in town and then
4 we'll go through our agenda, followed by Board
5 Reports and open it up for questions, comments
6 and concerns from residents.

7 Miss Walsh, when you are ready, please
8 read the legal notice.

9 MS. WALSH: Thank you, Mayor Fitzgerald.
10 Legal Notice. Notice of Special Use Public
11 Hearing Incorporated Village of Floral Park,
12 New York.

13 Notice is Hereby Given that the Board of
14 Trustees of the Incorporated Village of Floral
15 Park, New York will hold a Public Hearing at
16 the Village Hall, One Floral Boulevard, Floral
17 Park, New York on Tuesday, October 5, 2021 at
18 8:00 p.m. in relation to the following
19 application:

20 The application of Jack Sedorowitz,
21 Architect, for business Kitchen House, Inc,
22 located at 318 Jericho Turnpike, Floral Park,
23 New York is made in accordance with article
24 III, Section 99-11 (B(2) of the Zoning
25 Ordinance of the Incorporated Village of Floral

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 Park, New York which requires when a store that
2 prepares, stores or sells food, the use may
3 only be authorized as a special use after a
4 public hearing.

5 The structure for which said Special
6 Permit is applied is situated on the south side
7 of Jericho Turnpike 262.42 feet east of
8 Plainfield Avenue and known as Section 32,
9 Block 70 and Lots 122 & 149 on the Nassau
10 County Land and Tax Map.

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

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

22 By Order of the Board of Trustees
23 Incorporated Village of Floral Park, New York,
24 Susan E. Walsh Village Clerk dated
25 September 17, 2021.

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

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

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

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

20 Applicant here? Good evening.

21 JACK SEDOROWITZ: Good evening.

22 MAYOR FITZGERALD: Welcome. If you could
23 stand at the podium and be sworn in by the
24 Court Stenographer and then present away.

25 JACK SEDOROWITZ: My name is Jack

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 Sedorowitz, Architect. My office address is
2 2174 Hewlett Avenue in Merrick, New York 11566.
3 I am here tonight to present the application
4 for the special use permit for my client, who
5 is here, Zahirul Hassan, and the landlord is
6 also here, Beant Singh, landlord of the
7 building. Okay.

8 MAYOR FITZGERALD: Good evening and
9 welcome.

10 So basically, I want to start off to say
11 it is a pretty small store. As you know, there
12 was a liquor store in there before and it was
13 vacant for a little bit of time and I
14 understand the liquor store is, also requested
15 a special use permit also. So, after the
16 tenant left, he left all equipment and so
17 basically the new tenant wants to come in and
18 set up a small store there also and he is going
19 to utilize the actual existing shelving that
20 was there for the liquor, that the liquor store
21 left. So basically, we're not doing any work
22 on the interior in the space. He is basically
23 taking over as it is for his store.

24 So, I just want to make clear, there's no
25 food preparation in this store. He is going to

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 be selling dry goods and things like bags of
2 flour, rice, canned food and mostly pots and
3 utensils. There will be some, you know, sort
4 of drinks or dairy products and just a little
5 small vegetable and fruits, but no preparation
6 of any food whatsoever there. So, it is a very
7 small store and that's pretty much is it.

8 In terms of the garbage pickup, garbage
9 pickup is two times a week in front of the
10 store on Jericho Turnpike, so that will
11 continue. The number of employees he will have
12 is one employee for the store and get -- it is
13 a pretty small store and I presume that person
14 will be parking on the street. The hours of
15 operation will be 7:00 a.m. to 9:00 p.m.

16 MAYOR FITZGERALD: 9:00 p.m.?

17 JACK SEDOROWITZ: 9:00 p.m, yes, Monday
18 through Sunday and deliveries basically, not
19 large deliveries, small, I guess will be in a
20 van, small van in the front, one to two times a
21 week depending on how good business is. So, I
22 think that's pretty much it.

23 MAYOR FITZGERALD: I have a couple of
24 questions and I will then turn it over to the
25 rest of the Board.

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 JACK SEDOROWITZ: Sure.

2 MAYOR FITZGERALD: Will there be any
3 tables inside?

4 JACK SEDOROWITZ: No, no tables. You can
5 see on the floor plan it's just pretty much
6 storage shelves and no tables.

7 MAYOR FITZGERALD: Will there be liquor
8 sold, beer?

9 JACK SEDOROWITZ: No liquor sold, no.

10 MAYOR FITZGERALD: Is there any plans to
11 use the backyard?

12 JACK SEDOROWITZ: No. No.

13 MAYOR FITZGERALD: That's all I have for
14 now. I will turn it over to Deputy Mayor
15 Pombonyo.

16 TRUSTEE POMBONYO: Hi.

17 JACK SEDOROWITZ: Good evening.

18 TRUSTEE POMBONYO: Thank you for coming
19 in. Thank you for coming in. Nice to see you.
20 I would like to, I guess, ask about previous
21 experience with these kinds of businesses.

22 JACK SEDOROWITZ: You mean the -- yes.

23 MAYOR FITZGERALD: If you can answer his
24 questions, come up and be sworn in and answer
25 the questions.

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 (Whereupon, Zahirul Hassan and Beant Singh
2 were sworn in.)

3 JACK SEDOROWITZ: She wants to know what
4 your previous experience is with reference to
5 the store.

6 ZAHIRUL HASSAN: My name is Zahirul
7 Hassan. I am living here 15 years.

8 BEANT SINGH: My name is Beant Singh.

9 MAYOR FITZGERALD: Thank you. Do you want
10 us to repeat the question?

11 BEANT SINGH: Yes, his experience, right.

12 MAYOR FITZGERALD: Yes.

13 ZAHIRUL HASSAN: I work before Indian
14 store with my little brothers for three years
15 and three years I work at --

16 BEANT SINGH: He worked at the store on
17 Hillside Avenue 251 Street. The store is
18 called Patel Brothers. He worked there 13
19 years as an employee and then he worked at the
20 store on 249 Street on Hillside Avenue, three
21 years. He have experience as employee, not as
22 store owner.

23 TRUSTEE POMBONYO: Okay. And what you
24 mention, pots, pans and other kinds of
25 household goods, what other household goods

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 will you be selling there? What other things?

2 ZAHIRUL HASSAN: Kitchen items and like
3 everything need for vegetable, for food and dry
4 food and little fish, no fresh, frozen, frozen.

5 JACK SEDOROWITZ: Utensils.

6 TRUSTEE POMBONYO: So, will you be having
7 equipment, like freezers?

8 ZAHIRUL HASSAN: One regular freezer, four
9 door and one fridge for fish.

10 BEANT SINGH: Little ones.

11 TRUSTEE POMBONYO: Any open equipment like
12 that?

13 BEANT SINGH: No, just refrigerator only.

14 TRUSTEE POMBONYO: Thank you.

15 MAYOR FITZGERALD: Thank you. Trustee
16 Cheng?

17 TRUSTEE CHENG: I have one question. You
18 have that right of way in the rear of the
19 property. Is it suitable for deliveries to
20 come through the rear?

21 BEANT SINGH: If you just tell us it has
22 to, then we would make it.

23 TRUSTEE CHENG: I haven't been to the
24 backyard. I'm asking you, is it suitable for
25 deliveries to be brought there? I'm asking.

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 BEANT SINGH: It is. If it has to do, but
2 most likely getting deliveries from the front
3 only, it will be small. He will be getting
4 everything then from the front. Pretty much
5 won't be using the backyard.

6 JACK SEDOROWITZ: Can I add to that, that
7 the access is very narrow.

8 TRUSTEE CHENG: I don't know it. I
9 haven't been there.

10 JACK SEDOROWITZ: It is 10 feet wide. So
11 it is really small.

12 TRUSTEE CHENG: That's why I asked if it
13 is suitable. I don't know anything else about
14 it.

15 BEANT SINGH: There are houses. You don't
16 want to bring vans back here.

17 TRUSTEE CHENG: I'm asking. I'm not
18 saying that you are.

19 MAYOR FITZGERALD: Trustee Chiara?

20 TRUSTEE CHIARA: Thank you for coming
21 before us. What percentage of home goods would
22 you have versus food in the store?

23 ZAHIRUL HASSAN: Kitchen items, little
24 bit.

25 BEANT SINGH: About 50 percent utensils?

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 ZAHIRUL HASSAN: 50, 60 percent, 10
2 percent.

3 BEANT SINGH: 10 percent.

4 TRUSTEE CHIARA: Are you going to prepare
5 any food in the store?

6 BEANT SINGH: No. We don't know.

7 TRUSTEE CHIARA: Vegetables, where will
8 you be selling vegetables?

9 ZAHIRUL HASSAN: Vegetable, broccoli,
10 garlic, ginger, dry, you know, items.

11 TRUSTEE CHIARA: Some people like to sell
12 vegetables outside.

13 BEANT SINGH: No, he not putting it
14 outside, inside.

15 TRUSTEE CHIARA: I want to make sure.

16 ZAHIRUL HASSAN: Everything is inside,
17 inside.

18 TRUSTEE CHIARA: Okay. That's it.

19 MAYOR FITZGERALD: Thank you. Trustee
20 Stewart?

21 TRUSTEE STEWART: Hi. Nice to meet you.
22 Thank you for coming in. What about lottery
23 and cigarettes, are you selling any of that?

24 BEANT SINGH: No.

25 ZAHIRUL HASSAN: No.

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 TRUSTEE STEWART: So we're clear, I want
2 you to know that our laws regarding that kind
3 of adult use is restricted to that area. No
4 marijuana, no hemp shop, no vape. That
5 business district is not zoned for that. I
6 want to make sure you know that before you
7 start.

8 A couple of weeks ago, you were given a
9 notice from the Zoning Board regarding the
10 signage in the window. Have you taken -- has
11 that come down yet?

12 JACK SEDOROWITZ: No, not yet. I
13 indicated on the application and the elevation
14 that 35 percent maximum on the store front,
15 that will be complied with, I guess after the
16 permit is issued.

17 TRUSTEE STEWART: I realize you are not
18 out of compliance yet. I was by there the
19 other day. I was curious. So, will you be the
20 employee?

21 BEANT SINGH: Himself.

22 TRUSTEE STEWART: From seven to nine, how
23 many days a week?

24 ZAHIRUL HASSAN: Somebody seven days.

25 TRUSTEE STEWART: I missed that?

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 BEANT SINGH: He will be the one working.

2 ZAHIRUL HASSAN: Yes, seven days.

3 TRUSTEE STEWART: Will you be utilizing --
4 is that where the parking lot is, that's the
5 next one?

6 MAYOR FITZGERALD: Next block.

7 TRUSTEE STEWART: Make sure you park
8 legally with the meter and the timing. That's
9 all I have. One other question. Will you be
10 delivering to people? Will you be providing
11 deliveries?

12 ZAHIRUL HASSAN: No.

13 BEANT SINGH: No deliveries, no.

14 TRUSTEE STEWART: Do you have any
15 ownership besides the building in this
16 business, you?

17 BEANT SINGH: No. Zero.

18 TRUSTEE STEWART: So, you're helping a
19 friend today?

20 BEANT SINGH: Yes, I am helping. That's
21 all.

22 TRUSTEE STEWART: That's all.

23 TRUSTEE POMBONYO: I have one more
24 question. Regarding your customers coming into
25 the store, it sounds like they will come in,

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 make a purchase and leave. Will there be any
2 activities that you will be having in the store
3 that they will stay in your store for, spending
4 time there?

5 ZAHIRUL HASSAN: No.

6 BEANT SINGH: No. They're going to buy,
7 in and out, in and out.

8 MAYOR FITZGERALD: Just one point with
9 regards to the garbage. It cannot be put out
10 before dusk at night the night before. We're
11 doing our best to, you know, encourage business
12 owners to keep the property as clean as
13 possible. We see businesses from time to time
14 putting garbage out early because they close
15 early. If you are working to 9:00, it
16 shouldn't be an issue. If you can refrain from
17 putting garbage out until the last possible
18 moment and no earlier than dusk.

19 BEANT SINGH: Okay.

20 MAYOR FITZGERALD: Take a seat and we'll
21 open it up to anyone in the audience.

22 BEANT SINGH: Thank you.

23 MAYOR FITZGERALD: Anyone in the audience
24 like to comment on this application? Seeing
25 none, is there any one on Zoom that would like

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 to comment on this? No. All right. Anyone on
2 the Board have further comments? Seeing none,
3 would the applicant like to make any other
4 comments before we close the hearing?

5 JACK SEDOROWITZ: Not, unless you have any
6 other questions.

7 MAYOR FITZGERALD: No. If I could, we'll
8 think about this and come back to you. I would
9 ask the Board for a motion to reserve decision
10 and close the public hearing.

11 TRUSTEE POMBONYO: So moved.

12 TRUSTEE CHENG: Second.

13 MS. WALSH: Trustee Pombonyo?

14 TRUSTEE POMBONYO: Aye.

15 MS. WALSH: Trustee Cheng?

16 TRUSTEE CHENG: Aye.

17 MS. WALSH: Trustee Chiara?

18 TRUSTEE CHIARA: Aye.

19 MS. WALSH: Trustee Stewart?

20 TRUSTEE STEWART: Aye.

21 MS. WALSH: Mayor Fitzgerald?

22 MAYOR FITZGERALD: Aye. Thank you,
23 gentlemen. We'll be back to you. We
24 appreciate your time and interest in opening a
25 business here in Floral Park.

- 10/5/21 - TRUSTEES - KITCHEN HOUSE - 318 JERICHO
TURNPIKE -

1 JACK SEDOROWITZ: Thank you.

2 BEANT SINGH: Thank you.

3 TRUSTEE POMBONYO: Thank you.

4 ZAHIRUL HASSAN: Thank you.

5 MAYOR FITZGERALD: Thank you.

6

7 Certified to be a true and
8 accurate transcript of the proceedings.

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CATHERINE P. MURPHY
Court Reporter

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