

November 3, 2021

A Site Plan Review Public Hearing for property 15 Verbena Avenue, Floral Park, NY 11001 was held by the Board of Trustees on November 3, 2021 at 8:02 pm.

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

<https://us02web.zoom.us/j/87236601032?pwd=cW1YMzhKVkl3NWZOeFlmMEZCaFFJZz09>

Meeting ID: 872 3660 1032; Passcode: 869057. Dial-in: +1 646 558 8656 US (New York);

Meeting ID: 872 3660 1032; Passcode: 869057.

Present were Mayor Kevin M. Fitzgerald, Trustees Lynn Pombonyo, Archie T. Cheng, Frank J. Chiara 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 Lt. Thomas McCarthy, Deputy Village Clerk Rosaleen Shea, Village Attorney John E. Ryan, Court Reporter Catherine Murphy, and Kevin Fedorko, JRS Architects and Bencion Beniaker, Verbena Associates, representing applicant John R. Sorrenti. Commissioner Stephen McAllister was excused with notice.

Purpose: To conduct a public hearing for the Site Plan Review for the application of John R Sorrenti, JRS Architect, for site plan review for the minor subdivision application for the property located at 15 Verbena Avenue, Floral Park, NY (Owner: Abraham Leser, Verbena Associates, LLC). This application is made in accordance with Article III, Section 99-54 (F) (1) & (G) of the Zoning Ordinance of the Incorporated Village of Floral, NY, which requires that a minor commercial subdivision of interior units only may be authorized only after a public hearing.

The structure for which said application is situated on the east side of Verbena Avenue 100 feet south of Tulip Avenue and known as Section 32 Block 121 Lots 18, 29, 30, 17, 23, 25, 11, 20, 126 & 226 on the Nassau County Land and Tax Map.

Mayor Fitzgerald opened the hearing for public comment.

Trustee Pombonyo offered Resolution No. 2021-225 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 ended at 8:21 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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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  
November 3, 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

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1           MAYOR FITZGERALD: Good evening and  
2 welcome to Village Hall. I'd like to stand for  
3 the Pledge.

4           (Pledge of Allegiance said.)

5           MAYOR FITZGERALD: Good evening and  
6 welcome to Village Hall. This evening, we have  
7 a public hearing, followed by agenda, followed  
8 by board reports and then comments, questions  
9 and concerns by the residents.

10           So, we'll start with the public hearing  
11 for 15 Verbena. Miss Walsh, would you please  
12 read the notice.

13           MS. WALSH: Thank you, Mayor Fitzgerald.  
14 Legal Notice. Notice of Site Plan Review  
15 Public Hearing Incorporated Village of Floral  
16 Park, New York.

17           Notice if Hereby Given that the Board of  
18 Trustees of the Incorporated Village of Floral  
19 Park, New York will hold a Public Hearing at  
20 the Village Hall, One Floral Boulevard, Floral  
21 Park, New York on Wednesday, November 3, 2021  
22 at 8:00 p.m. in relation to the following  
23 application:

24           The application of John R. Sorrenti, JRS  
25 Architect, for site plan review for the minor

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 subdivision application for the property  
2 located at 15 Verbena Avenue, Floral Park, New  
3 York (Owner, Abraham Leser, Verbena Associates,  
4 LLC). This application is made in accordance  
5 with Article III, Section 99-54(F(1) & (G) of  
6 the Zoning Ordinance of the Incorporated  
7 Village of Floral Park, New York which requires  
8 that a minor commercial subdivision of interior  
9 units only may be authorized only after a  
10 public hearing.

11 The structure for which said application  
12 is situated on the east side of Verbena Avenue,  
13 100 feet south of Tulip Avenue and known as  
14 Section 32, Block 121, Lots 18, 29, 30, 17, 23,  
15 25, 11, 20, 126 & 226 on the Nassau County Land  
16 and Tax Map.

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

24 Now Take Notice that all parties in  
25 interest and citizens will be given the

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 opportunity to be heard at the aforesaid time  
2 and place.

3 By Order of the Board of Trustees  
4 Incorporated Village of Floral Park, New York,  
5 Susan E. Walsh, Village Clerk, dated October  
6 22, 2021.

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

15 MAYOR FITZGERALD: Thank you very much. I  
16 would like to place on the record the applicant  
17 has previously filed an affidavit of service  
18 indicating that all neighbors within a 300 foot  
19 radius of the dwelling have been served with  
20 notice.

21 I would also like to announce that the  
22 Board had previously adopted a resolution  
23 determining that the application does not have  
24 a significant impact on the environment as  
25 defined by SEQRA.

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 I assume you're representing the  
2 applicant?

3 KEVIN FEDORKO: Yes.

4 MAYOR FITZGERALD: If you would come up to  
5 the podium and get sworn in by the Stenographer  
6 and give us an overview of what the request is.

7 (Whereupon, Kevin Fedorko was sworn in.)

8 KEVIN FEDORKO: Kevin Fedorko, JRS  
9 Architect Inc, 180 East Jericho Turnpike,  
10 Mineola, New York.

11 MAYOR FITZGERALD: You're representing  
12 who?

13 KEVIN FEDORKO: John R. Sorrenti,  
14 Architect of record. I work for him. Our  
15 client, Abraham Leser, wishes to minor  
16 subdivide the building to six proposed units.  
17 This will be office condos. This will have no  
18 affect on square footage, occupancy or  
19 structural tendencies.

20 Other than that, I know you do not have  
21 copy of the proposed deed. I have them in hand  
22 right now and the existing deed as well. Other  
23 than that, that's pretty much it.

24 MAYOR FITZGERALD: Okay.

25 MR. RYAN: Hand them to the Clerk.

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 KEVIN FEDORKO: Yes.

2 MS. WALSH: Thank you.

3 MAYOR FITZGERALD: I heard you say office  
4 condos. Can you describe what an office condo  
5 is?

6 KEVIN FEDORKO: Mainly exactly what they  
7 are existing today, businesses containing what  
8 you call, I'm sorry, you know, regular office  
9 work as in businesses which is zoned for right  
10 now, group B. Currently there is a dentist  
11 office and a couple of other office buildings.

12 MAYOR FITZGERALD: So, what is different  
13 from what is there today and what is being  
14 asked for?

15 KEVIN FEDORKO: What is there today,  
16 everything is leased out. He would like to  
17 subdivide into minor subdivisions for separate  
18 tax lots.

19 MAYOR FITZGERALD: Okay. I'll ask the  
20 Board, I know Trustee Cheng, do you have any  
21 questions?

22 TRUSTEE CHENG: I do. Has a declaration  
23 of condominiums been filed?

24 KEVIN FEDORKO: No, it has not yet.

25 TRUSTEE CHENG: How are you allocating the

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 parking lot?

2 KEVIN FEDORKO: The parking lot is  
3 allocated. I have it right here. First space  
4 per unit to zone code.

5 TRUSTEE CHENG: So, when I looked at one  
6 of these condo deed as units 2 versus described  
7 as that office plus "x" number of spots?

8 KEVIN FEDORKO: That is correct.

9 TRUSTEE CHENG: Delineated as which number  
10 spots?

11 KEVIN FEDORKO: To the square footage.

12 TRUSTEE CHENG: To the square footage?

13 KEVIN FEDORKO: Um-hum.

14 MAYOR FITZGERALD: So each condo comes  
15 with a specific parking pot?

16 KEVIN FEDORKO: Parking spots that is  
17 existing. They're existing on the site as  
18 well.

19 MR. RYAN: That document you are holding,  
20 what is that?

21 KEVIN FEDORKO: This is the diagram of the  
22 parking lot.

23 MR. RYAN: Does that tie into the deeds in  
24 anyway?

25 KEVIN FEDORKO: I believe, sorry, the

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 attorney wrote up the deeds this morning. I'm  
2 just the architect.

3 MR. RYAN: I didn't know what the document  
4 said. Does it say those spaces are per to go  
5 to unit one?

6 KEVIN FEDORKO: Yes, so unit one, two,  
7 three through six.

8 MR. RYAN: That's on that page?

9 KEVIN FEDORKO: Yes.

10 MR. RYAN: Can we get a copy of it?

11 KEVIN FEDORKO: Yes, of course.

12 TRUSTEE CHENG: So again, my question was  
13 in the declaration of condominiums, is unit two  
14 defined as a specific unit plus lot number one,  
15 two, three, whatever it is? Is that how it is  
16 done?

17 KEVIN FEDORKO: For the parking, you're  
18 talking about, the parking spaces?

19 TRUSTEE CHENG: If you convey the unit,  
20 the definition of the unit includes office  
21 space unit number and then does it say together  
22 with parking lots one through six or seven  
23 through ten or one to five? I don't know what  
24 it says. I don't see it.

25 KEVIN FEDORKO: I'm sorry. I believe so.

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 TRUSTEE CHENG: We don't have it. The  
2 declaration is not filed yet.

3 KEVIN FEDORKO: No, not for the condos  
4 yet.

5 TRUSTEE CHENG: We don't know that until  
6 that has been filed and approved.

7 KEVIN FEDORKO: Of course.

8 TRUSTEE CHENG: You mention you have  
9 several leases in affect at the present time?

10 KEVIN FEDORKO: Yes.

11 TRUSTEE CHENG: So, what is the last  
12 expiration date with option to renew? When do  
13 they expire? And when can we expect the last  
14 date, if someone held on to their unit number  
15 pursuant to the lease, when could the last one  
16 be sold?

17 KEVIN FEDORKO: The last one is 2025. I  
18 know the existing leases were submitted in the  
19 previous architectural board application.

20 TRUSTEE CHENG: I know the lease expires  
21 that date. I need the whole lease. Are there  
22 any options to renew on that lease?

23 KEVIN FEDORKO: I do not know that.

24 MAYOR FITZGERALD: The gentleman in the  
25 back, are you part of the application? Do you

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 want to come and get sworn in and maybe help  
2 answer the questions?

3 MR. BENIAKER: Yes.

4 MAYOR FITZGERALD: Good evening and  
5 welcome.

6 (Whereupon, Bencion Beniaker was sworn  
7 in.)

8 MR. BENIAKER: My name is Bencion,  
9 B-E-N-C-I-O-N, last name, B-E-N-I-A-K-E-R, 1481  
10 47th Street, Brooklyn, New York 11219.

11 MAYOR FITZGERALD: Good evening and  
12 welcome.

13 MR. BENIAKER: Good evening and thank you  
14 everybody. Just --

15 MAYOR FITZGERALD: What is your relation  
16 to the applicant?

17 MR. BENIAKER: I manage the property. I  
18 work for Verbena Associates. Basically what we  
19 doing is one of the current tenants in the  
20 building when we bought the building from --  
21 occupies part of the building. He wants to buy  
22 back his portion that he occupies. The  
23 transaction was approved as a condo already by  
24 the Attorney General of the State of New York  
25 and just waiting to go through now to finalize

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 the Village, they should go through their  
2 parts. We should be able to finalize this  
3 transaction.

4 MAYOR FITZGERALD: Did you know any of the  
5 answers to Trustee Cheng's questions with  
6 regards to the deed of the parking?

7 MR. BENIAKER: Yes. Each deed and each  
8 parcel is recognized. The parking is area A,  
9 matches deed A. Area B matches deed B and so  
10 on and so forth.

11 TRUSTEE CHENG: Are all the parking paces  
12 in that lot allocated to units?

13 MR. BENIAKER: Yes.

14 TRUSTEE CHENG: Every one of them?

15 MR. BENIAKER: I'm sorry. There are a  
16 few. I don't have exact count. There are a  
17 few that are allocated for visitors.

18 TRUSTEE CHENG: The tenants will be behind  
19 the gate, is that that what you're saying?  
20 There's a swinging gate there.

21 MR. BENIAKER: Correct.

22 TRUSTEE CHENG: You need access?

23 MR. BENIAKER: The parcel in front of the  
24 gate, that's going -- we signed a lease with  
25 the tenants. That's, I believe, allocated for

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 the dental firm.

2 TRUSTEE CHENG: Not all the units are  
3 being sold in the building?

4 MR. BENIAKER: Correct.

5 TRUSTEE CHENG: One is leased now to this  
6 dental group?

7 MR. BENIAKER: We're splitting off the  
8 second floor, one unit, yes, unit four. Second  
9 floor is being sold off.

10 TRUSTEE CHENG: At the present time,  
11 there's a gymnasium in the basement?

12 MR. BENIAKER: Yes.

13 TRUSTEE CHENG: Is that being sold?

14 MR. BENIAKER: No.

15 TRUSTEE CHENG: That will be remaining as  
16 a gymnasium?

17 MR. BENIAKER: Yes.

18 TRUSTEE CHENG: Used for use by who?

19 MR. BENIAKER: Tenants of the building.

20 TRUSTEE CHENG: I remember seeing one of  
21 the leases, something about a community kitchen  
22 on some floor.

23 MR. BENIAKER: That's on the second floor.

24 TRUSTEE CHENG: Is that also being  
25 retained or conveyed?

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 MR. BENIAKER: That's only being used on  
2 for the second floor and part of the sale, as  
3 of now, it is only being used for the second  
4 floor.

5 TRUSTEE CHENG: Is there a unit that has  
6 control over that kitchen?

7 MR. BENIAKER: The tenant who is  
8 purchasing it, he controls it.

9 TRUSTEE CHENG: In the declaration of  
10 condominium, it states this is unit one, I'm  
11 making this up now, it includes that square  
12 footage that they convert it as a kitchen?

13 MR. BENIAKER: That's part of the sale.

14 TRUSTEE CHENG: So, they have the right to  
15 convert that out of a kitchen into something  
16 else?

17 MR. BENIAKER: In the future.

18 TRUSTEE CHENG: They own it?

19 MR. BENIAKER: Yes. We're not stripping  
20 them of keeping it as a kitchen.

21 TRUSTEE CHENG: I don't know what they're  
22 doing. That's why I'm asking the questions.

23 MR. BENIAKER: Yeah. If they want to  
24 change it in two years from today, I believe  
25 they can.

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 TRUSTEE CHENG: Okay. I notice on the  
2 condo deed also there's no percentage of common  
3 areas. Normally, a condo deed will stay  
4 together with "x" percentage of the common  
5 area.

6 MR. BENIAKER: We have common area.

7 TRUSTEE CHENG: I'm going by what the deed  
8 says.

9 KEVIN FEDORKO: Architectural deed.

10 TRUSTEE CHENG: You said the deed was just  
11 done.

12 KEVIN FEDORKO: Yes, this morning.

13 TRUSTEE CHENG: I don't want to go back to  
14 real property 101. But that's a separation of  
15 common area on the deed what the percentage is.

16 KEVIN FEDORKO: Yes, of course.

17 MR. BENIAKER: Common area has to be  
18 listed on the deed?

19 TRUSTEE CHENG: Typically, yes.  
20 Typically, yes. Mr. Ryan, you agree?

21 MR. RYAN: Yes, that's how it's usually  
22 done.

23 TRUSTEE CHENG: You said the owner, you  
24 mentioned something about the owner. Who did  
25 Verbena Associates acquire the property from?

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 MR. BENIAKER: From the company we're  
2 selling it to now.

3 TRUSTEE CHENG: So why do I have a copy of  
4 Town of Hempstead transfer?

5 MR. BENIAKER: That was part of the pilot  
6 program. The pilot program, the deed, it's  
7 deeded to the pilot program.

8 MR. RYAN: It was under an I.D.A. pilot  
9 when it was originally developed.

10 TRUSTEE CHENG: That's the only deed I  
11 saw.

12 MR. RYAN: The deeds do contain a  
13 percentage of common areas as terms defined in  
14 the declaration of deed as a percentage  
15 interest.

16 TRUSTEE CHENG: My copy does not have  
17 that. I have power of attorney twice. I don't  
18 have a deed. The cover sheet of the deed here,  
19 it says power of attorney. I apologize. The  
20 cover said deed. I turned the page. It said  
21 nothing there. It wasn't collated properly. I  
22 apologize.

23 MR. RYAN: You're going to have to go to  
24 the county to do apportionment and get separate  
25 tax lots assigned.

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 KEVIN FEDORKO: Yes.

2 MR. BENIAKER: Yes.

3 TRUSTEE CHENG: Is there any reason why  
4 the declaration hasn't been filed yet or are  
5 you waiting for us, the declaration of  
6 condominium?

7 MR. BENIAKER: I believe we are waiting  
8 for --

9 TRUSTEE CHENG: For us. I have no other  
10 questions.

11 MAYOR FITZGERALD: Thank you. Deputy  
12 Mayor Pombonyo? Trustee Chiara?

13 TRUSTEE CHIARA: No questions.

14 TRUSTEE STEWART: No questions.

15 MAYOR FITZGERALD: All right. If you  
16 would take a seat real quick. Is there anyone  
17 in the audience that would like to speak about  
18 this application? Hearing no one, is there  
19 anyone on Zoom? There is? No.

20 TRUSTEE POMBONYO: Can you tell us, do you  
21 have potential occupants of these owners, of  
22 these condo offices who expressed interest?

23 MR. BENIAKER: Currently, the building  
24 is -- the new lease we signed, it is taking  
25 over the old Chase space. The building is

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 occupied, so unfortunately, we lost one of the  
2 tenants in the building a few months ago, but  
3 there are few of the spaces that have the  
4 option to purchase their spaces, yes.

5 TRUSTEE POMBONYO: Okay. Thank you.

6 MR. BENIAKER: As everybody knows, we have  
7 a great tenant down on the first floor and  
8 we're trying to keep him there.

9 MAYOR FITZGERALD: Okay. Any further  
10 questions by the Board? If I could ask for a  
11 motion to reserve decision and close the public  
12 hearing?

13 TRUSTEE POMBONYO: So moved.

14 TRUSTEE CHENG: Before do that, I have two  
15 things. You told me before that, I'm sorry. I  
16 apologize. On the parking diagram I'm looking  
17 at right now, received a copy of that front  
18 area of the parking lot, if I'm not mistaken,  
19 it is showing the bank parking, which is the  
20 front part which you said will be visitors, say  
21 unit three?

22 MR. BENIAKER: Sorry. Maybe I didn't  
23 express myself correctly.

24 TRUSTEE CHENG: Maybe I didn't hear it.

25 MR. BENIAKER: The front part, that's

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 going to be for the dental unit for the old  
2 Chase space.

3 TRUSTEE CHENG: Where are the visitors  
4 parking?

5 MR. BENIAKER: Visitors parking? Give me  
6 one second.

7 MAYOR FITZGERALD: Unit three is the old  
8 Chase Bank?

9 KEVIN FEDORKO: Unit three.

10 MR. BENIAKER: Yes. Yes. If you look on  
11 the parking diagram, there are two vacant empty  
12 ones without numbers.

13 TRUSTEE CHENG: That's behind the --

14 MR. BENIAKER: It is exactly the layout.  
15 As we do the condo is exactly now if they rent  
16 their own, basically it stays the same.  
17 Everyone keep parking as it is now. Those two  
18 spots, those are the visitors spots.

19 TRUSTEE CHENG: Presumably then, only unit  
20 three, I'm sorry, no, I'm not following this.  
21 I'm not trying to be difficult. Where do the  
22 visitors park?

23 MR. BENIAKER: The two empty ones without  
24 numbers.

25 TRUSTEE CHENG: All the square footage you

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1 have two spots, correct?

2 MR. BENIAKER: For visitors, yes.

3 MAYOR FITZGERALD: If you're unit two and  
4 you have visitors, they can park in unit two  
5 spaces?

6 MR. BENIAKER: Yes.

7 MAYOR FITZGERALD: If I have a business  
8 with three employees, the rest will be used for  
9 visitors?

10 MR. BENIAKER: Correct.

11 TRUSTEE CHENG: If I have a dental office,  
12 I have a dentist, x-ray person, several  
13 hygienists and patients and office staff, I  
14 might need more?

15 MR. BENIAKER: The tenant signed a lease  
16 knowing this is their parking spots and I  
17 believe they know it's sufficient for them.

18 TRUSTEE CHENG: I apologize, but I have  
19 not read the lease of the dentist. All I have  
20 is a couple of pages and that's my own fault.  
21 I didn't know the layout of the parking,  
22 otherwise, I would be asking that. Do we have  
23 the rest of the leases, Miss Walsh?

24 MS. WALSH: Yes. Would you like them?

25 TRUSTEE CHENG: Yes.

- 11/3/21 - BOARD OF TRUSTEES - JOHN R. SORRENTI -  
JRS ARCHITECT - 15 VERBENA AVENUE -

1           MAYOR FITZGERALD: Any other questions?

2           I'd like to ask for a motion to reserve

3           decision and close the public hearing?

4           TRUSTEE POMBONYO: So moved.

5           TRUSTEE CHENG: Second.

6           MAYOR FITZGERALD: Miss Walsh, can you

7           poll the Board.

8           MS. WALSH: Trustee Pombonyo?

9           TRUSTEE POMBONYO: Aye.

10          MS. WALSH: Trustee Cheng?

11          TRUSTEE CHENG: Aye.

12          MS. WALSH: Trustee Chiara?

13          TRUSTEE CHIARA: Aye.

14          MS. WALSH: Trustee Stewart?

15          TRUSTEE STEWART: Aye.

16          MS. WALSH: Mayor Fitzgerald?

17          MAYOR FITZGERALD: Aye. So, we'll get be

18          back to you.

19          MR. BENIAKER: Thank you.

20

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

23

24

25

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CATHERINE P. MURPHY  
Court Reporter