

**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 Village Hall, One Floral Boulevard, Floral Park, NY and on Tuesday, November 1, 2022 at 8:00 pm in relation to the following application:

The application of Saif U. Ahmed, 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 vacant space to a cafe 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: October 21, 2022**

November 1, 2022

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

Present were Mayor Kevin Fitzgerald, Trustees Lynn Pombonyo, Frank Chiara, Jennifer Stewart and Michael Longobardi, Village Administrator Gerard Bambrick, Village Clerk Susan Walsh, Building Superintendent Renee Marcus, Police Commissioner Stephen McAllister, Deputy Village Clerk Rosaleen Shea, Village Attorney John Ryan, Applicant Saif U. Ahmed and Applicant's Architect Ken Garvin. Superintendent of Public Works Kevin Ginnane was excused with prior notice.

Purpose: To review application of Saif U. Ahmed, 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 vacant space to a cafe 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. 2022-200 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 Chiara	- Aye
Trustee Stewart	- Aye
Trustee Longobardi	- Aye
Mayor Fitzgerald	- Aye

The hearing was closed at 9:13 pm.

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

Susan E. Walsh  
Village Clerk

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M I N U T E S  
OF THE MEETING  
OF THE  
PUBLIC HEARING  
INCORPORATED VILLAGE OF FLORAL PARK  
November 1, 2022  
8:00 p.m.

P R E S E N T:

- |                        |                      |
|------------------------|----------------------|
| KEVIN M. FITZGERALD,   | MAYOR                |
| DR. LYNN POMBONYO,     | DEPUTY MAYOR/TRUSTEE |
| FRANK J. CHIARA,       | TRUSTEE              |
| JENNIFER STEWART,      | TRUSTEE              |
| MICHAEL F. LONGOBARDI, | 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

- 11/1/22 - TRUSTEES - SAIF U. AHMED, LESSEE OF 75  
COVERT AVENUE -

1           MAYOR FITZGERALD: Good evening. Welcome  
2 to our November 1st Board Meeting. This  
3 evening, we have a public hearing for property  
4 at 75 Covert Avenue, followed by board reports  
5 and then as always, open for questions,  
6 comments, concerns that we'll address with the  
7 residents.

8           With that, we have a public hearing first.  
9 If I can ask our Village Clerk to read the  
10 Notice of Public Hearing.

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

15           Notice Is Hereby Given that the Board of  
16 Trustees of the Incorporated Village of Floral  
17 Park, New York will hold a Public Hearing at  
18 Village Hall, One Floral Boulevard, Floral  
19 park, New York on Tuesday, November 1, 2022 at  
20 8:00 p.m. in relation to the following  
21 application:

22           The application of Saif U. Ahmed, lessee  
23 of property 75 Covert Avenue, Floral Park, New  
24 York, is made in accordance with Article III,  
25 Section 99-10 (B(2) of the Zoning Ordinance of

- 11/1/22 - TRUSTEES - SAIF U. AHMED, LESSEE OF 75  
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1 the Incorporated Village of Floral Park, New  
2 York which requires that when a building  
3 changes its existing vacant space to a cafe in  
4 a B-1 District which prepares, stores or sells  
5 food, the use may only be authorized as a  
6 special use after a public hearing.

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

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

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

24 By Order of the Board of Trustees,  
25 Incorporated Village of Floral Park, New York,

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1 Susan E. Walsh, Village Clerk, dated October  
2 21, 2022.

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

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

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

22 So, if I can ask the applicant and/or his  
23 representative to come up and be sworn in by  
24 the Stenographer and tell us a little bit about  
25 what you're seeking.

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1 (Whereupon, Kenneth Garvin and Mahfuzur  
2 Khan were sworn in.)

3 KENNETH GARVIN: Kenneth Garvin, 545  
4 Eighth Avenue, New Hyde Park.

5 MAHFUZUR KHAN: Mahfuzur Khan, 1407  
6 Jefferson Street, Floral Park, New York 11001.

7 KENNETH GARVIN: Good evening, Mr. Mayor,  
8 Members of the Board. Tonight, we're here for  
9 special use for 75 Covert Avenue. My clients  
10 here wish to make it a cafe and as you know,  
11 right now, Covert Avenue is in need of  
12 something like a cafe. With the fire, we lost  
13 a nice little cafe that was there and we're  
14 excited about this application.

15 The drawings that I submitted show a  
16 simple cafe with seating inside and the clients  
17 here will be able to speak about the everyday  
18 business and number of employees and what not.  
19 I want to introduce to you my client here.  
20 Thank you.

21 MAHFUZUR KHAN: Just to let you know, I do  
22 live in Floral Park since 2010. I am very  
23 happy being here in Floral Park. We wanted to  
24 open up a cafe since 2018 we were looking for  
25 places in the city but we realize, why not here

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1 where I live. So, this is how it comes to our  
2 mind we should open up and being here in Floral  
3 Park. In the afternoon or morning, if you want  
4 to go down to the place where you want to sit,  
5 enjoy a cup of coffee, there's none, not on  
6 Covert Avenue. So, that's how we thought we  
7 should open up here. As soon as I saw the  
8 place empty, right away we took it. So, now it  
9 is up to the Board if they approve and move  
10 forward.

11 MAYOR FITZGERALD: Okay. We will have a  
12 bunch of questions for you. What are the  
13 proposed days of operation and hours of  
14 operation?

15 MAHFUZUR KHAN: Seven days a week and it  
16 is going to be 7:00 a.m. to 10:00 p.m.

17 MAYOR FITZGERALD: And will there be any  
18 cooking done?

19 MAHFUZUR KHAN: Absolutely not.

20 MAYOR FITZGERALD: What about warming, via  
21 microwave?

22 MAHFUZUR KHAN: Yes.

23 MAYOR FITZGERALD: No cooking that will  
24 require any exhaust or --

25 MAHFUZUR KHAN: No, none.



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1           MAYOR FITZGERALD: I notice on the drawing  
2           it says seating for ten and down here, seating  
3           for ten.

4           KENNETH GARVIN: Yes.

5           MAYOR FITZGERALD: There's 8. Does the 8  
6           include the two seats over here for a total of  
7           ten in the entire place?

8           KENNETH GARVIN: Yes.

9           MAYOR FITZGERALD: Or 12?

10          MAHFUZUR KHAN: I think it is ten.

11          KENNETH GARVIN: It should be ten.

12          MAYOR FITZGERALD: So, the entire place,  
13          ten seats; is that correct?

14          KENNETH GARVIN: Correct.

15          MAHFUZUR KHAN: Correct.

16          KENNETH GARVIN: No. That rectangle is  
17          near the entrance which is for your trash and  
18          recyclable to go in that rectangle. It is not  
19          a table.

20          MAYOR FITZGERALD: Total occupancy for  
21          seats is ten?

22          MAHFUZUR KHAN: Ten.

23          MAYOR FITZGERALD: And will the business  
24          only be entering and exiting through the front  
25          door, customers?

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1 MAHFUZUR KHAN: Yes.

2 MAYOR FITZGERALD: I know there's a lot of  
3 questions by other Members of the Board. So, I  
4 would like to turn it over to Deputy Mayor Dr.  
5 Lynn Pombonyo.

6 TRUSTEE POMBONYO: Thank you and good  
7 evening. Thank you for coming in this evening.  
8 My questions usually, we ask a lot of  
9 questions, what is happening in the business.  
10 My questions are, and I will let my fellow  
11 colleagues take care of those, my questions  
12 will be a lot about what is happening outside  
13 around your business. Our neighborhoods are  
14 very important for us who live in Floral Park.

15 MAHFUZUR KHAN: Definitely.

16 TRUSTEE POMBONYO: That street,  
17 Cunningham, Clayton, Marshall, all in close  
18 proximity and are unique in Floral Park. The  
19 homes, residents, the children, the families,  
20 all live right up against stores, right up  
21 against Covert Avenue in some very tight spaces  
22 and the best scenario for us with any business  
23 is that for the business, everybody will work  
24 together well for the benefit of the  
25 neighborhood, and both the residents and the

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1 businesses.

2 So, I would like to talk about some of the  
3 space outside the residence, what's outside the  
4 business and what the residents might see and  
5 hear and what will be going on that will be  
6 benefiting to them and what will be going on,  
7 perhaps it will be disturbing to them, so we  
8 can take care of that for --

9 MAHFUZUR KHAN: You're absolutely right.  
10 I really want to answer that since I have been  
11 living in Floral Park since 2010 and I have  
12 seen, this is a unique place and everybody  
13 really likes each other and if there's any  
14 problems, we would like to raise it and solve  
15 it. I am there to make our town absolutely  
16 great. If there's any garbage or anyone has  
17 any questions or any inquiries, we want to take  
18 care of it right away regardless.

19 TRUSTEE POMBONYO: Good. We want your  
20 business to be successful too.

21 You have seating for ten. Suppose you  
22 have quite a few, more than ten coming in, do  
23 you have room for lines inside waiting to  
24 purchase or are you expecting to have them  
25 outside the door waiting in line out there?

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1 MAHFUZUR KHAN: No, we could have more  
2 than ten people could be standing on the line  
3 while they're purchasing the food or the drinks  
4 and the seating is only ten. But if you have  
5 15 people walking in to buy products and they  
6 can stand because we do have an alley where  
7 they can stand and buy the product and not  
8 sitting. They can simply leave with the stuff.

9 TRUSTEE POMBONYO: Where is the alley?

10 MAHFUZUR KHAN: The seats on the left side  
11 where we are serving, seven feet in between.

12 TRUSTEE POMBONYO: So, it is within the  
13 building?

14 MAHFUZUR KHAN: Yes, within the building.

15 KENNETH GARVIN: Yes.

16 TRUSTEE POMBONYO: Do you ask to have  
17 tables put outside?

18 MAHFUZUR KHAN: Would like to definitely.  
19 Why not, in the summer maybe. Not right now,  
20 no.

21 TRUSTEE POMBONYO: In terms of the storage  
22 of your garbage, what do you plan on for that,  
23 both the food waste that you have, as well as  
24 the other that has to be put outside for  
25 pickup? What is your plan for garbage?

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1 MAHFUZUR KHAN: To answer that correctly,  
2 which is just to see that we don't have any raw  
3 meat, no raw vegetables, nothing that is  
4 perishable. The stuff that we have come in the  
5 morning and at night it goes out and even if  
6 the -- we can leave it right inside, we don't  
7 have to put it outside. So, the baking  
8 products good at least for three days we are  
9 serving for the same day.

10 So, I believe the village picks up every,  
11 three times a week, if I am not mistaken, can  
12 pick up right from outside. I don't have to  
13 leave anything in the back of the store.

14 TRUSTEE POMBONYO: So, you don't have  
15 anything that needs to be refrigerated?

16 MAHFUZUR KHAN: I'm going to have  
17 refrigerator. This is where initially we will  
18 leave the stuff and in the morning, we take it  
19 out at night. We throw it out. It never goes  
20 back in the freezer again.

21 TRUSTEE POMBONYO: When you take it out,  
22 you take it off the premises?

23 MAHFUZUR KHAN: Off the premises.

24 TRUSTEE POMBONYO: You're not putting  
25 it --

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1 MAHFUZUR KHAN: Not outside, within the  
2 building.

3 TRUSTEE POMBONYO: Okay. For all of your  
4 garbage, do you plan to put it out if using  
5 village garbage sanitation? Where will you put  
6 it for collection?

7 MAHFUZUR KHAN: While they're not picking  
8 up do you mean?

9 TRUSTEE POMBONYO: First of all, while not  
10 picking up and when picking up?

11 MAHFUZUR KHAN: Within the building, in  
12 the back of the building, not outside of the  
13 building. The day they pickup, it is on  
14 Tuesday, Wednesday morning, Friday morning and  
15 Monday morning. I believe will be just taking  
16 it outside the same day in the morning, not  
17 overnight.

18 TRUSTEE POMBONYO: Is it ever going to be  
19 in the back of your building?

20 MAHFUZUR KHAN: No.

21 TRUSTEE POMBONYO: Not at all?

22 MAHFUZUR KHAN: No.

23 TRUSTEE POMBONYO: No garbage cans or  
24 dumpsters out there, anything like that, to  
25 hold garbage in the back of the store?

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1 MAHFUZUR KHAN: No.

2 TRUSTEE POMBONYO: That's very important.  
3 What will you be using the rear door for? Do  
4 you have one in the back?

5 MAHFUZUR KHAN: Yes, that's for us coming  
6 in and going out because we have two parking in  
7 the back.

8 TRUSTEE POMBONYO: So, you will be coming  
9 in before seven and going out at ten at night?

10 MAHFUZUR KHAN: In between as well.

11 TRUSTEE POMBONYO: How many employees will  
12 you have?

13 MAHFUZUR KHAN: 6, two in-between school  
14 hours. Let's say 12 to 4 we will have four  
15 people. Four.

16 TRUSTEE POMBONYO: Two coming in at  
17 opening, two leaving at closing?

18 MAHFUZUR KHAN: Yes.

19 TRUSTEE POMBONYO: Their cars will be  
20 parked?

21 MAHFUZUR KHAN: I don't think there will  
22 be cars. We hire very local people.

23 TRUSTEE POMBONYO: Because there's  
24 difficulty back there with limitation of space  
25 and anything or that is right on that border

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1 line of no separation.

2 MAHFUZUR KHAN: I'm well aware of it.

3 TRUSTEE POMBONYO: The cars cannot exceed  
4 both sides of the parking area and go across  
5 the sidewalk.

6 MAHFUZUR KHAN: Correct. Just to let you  
7 know, we took the lease on June 7th. Up to  
8 today, I never parked my car in the back  
9 either. I walked. One of us parks something  
10 in the back, but not all the time. There's  
11 another Lexus that belongs to the cleaner guy.  
12 Sometimes they have two cars.

13 TRUSTEE POMBONYO: We want to make sure  
14 they know about the rules of parking or in  
15 front of the hydrant that there. There's a  
16 hydrant there too.

17 MAHFUZUR KHAN: We don't want to block or  
18 park there. I don't think anyone of us, even  
19 three of our partners, nobody ever parks in  
20 that.

21 TRUSTEE POMBONYO: Are you using any  
22 services for take-out like Uber?

23 MAHFUZUR KHAN: Most likely yes.

24 TRUSTEE POMBONYO: Any services yet?

25 MAHFUZUR KHAN: No. We would like to get



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1 approval for us and order them.

2 TRUSTEE POMBONYO: Have you envisioned  
3 where they will be parked when they do pickup?

4 MAHFUZUR KHAN: To be honest, never  
5 thought about it yet.

6 TRUSTEE POMBONYO: That's important. We  
7 need to think about that because our streets  
8 are very narrow. There's restricted parking on  
9 them. We can't park in front of driveways, no  
10 double parking and the car delivery services  
11 have been probably the most when used for other  
12 others stores. We are working very hard to  
13 find a solution to that. The streets are dead  
14 ends. They end up making a U-turn on other  
15 property and get congested. They can come in  
16 and out the same time. That's something that  
17 needs to be considered if you think about doing  
18 that.

19 MAHFUZUR KHAN: Sure.

20 TRUSTEE POMBONYO: The area behind your  
21 store, your cafe, has been problematic. This  
22 is before your time, but we're asking in the  
23 future, the weeds get pretty high including  
24 weeds that are actually on a crack in the  
25 cement that is partially on the neighbor's

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1 property there, weeds along the fence line, a  
2 lot of weeds. Puddles that are -- water is not  
3 swept away and mosquito problems. Are you  
4 going to take care of that? We are going to  
5 enforce that.

6 MAHFUZUR KHAN: Definitely. As soon as we  
7 start opening up, we're in the business. That  
8 will be our job to take care of the back of the  
9 property all the way to the finish line of the  
10 other gentleman in the back with his driveway.  
11 Our right side, front side and also we were  
12 thinking if there's any trash coming from our  
13 place, which can recognize by looking at the  
14 cup or plates or the bags, if we see it, it  
15 will be picked up in a couple of hours and take  
16 care of it so the Village of Floral Park looks  
17 like a nice place.

18 TRUSTEE POMBONYO: That's important too.  
19 We are working on legislation probably to do  
20 better enforcement of businesses that have  
21 cups, napkins, plates, any kind of trash in  
22 front. Businesses is one that people might be  
23 taking out, eat as they go and the store owners  
24 and tenants are responsible to maintain that  
25 and keep it clean. Are you aware of that?

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1 MAHFUZUR KHAN: Yes.

2 TRUSTEE POMBONYO: Good. I think that's  
3 all I have for now. Thank you.

4 MAHFUZUR KHAN: You're welcome.

5 MAYOR FITZGERALD: Trustee Chiara.

6 TRUSTEE CHIARA: Thank you. What type of  
7 food and beverages will you be serving?

8 MAHFUZUR KHAN: Coffee, then bakery items,  
9 gelato and bubble tea, as well, which we call  
10 it boba tea and some juice. That's about it.  
11 I'm so sorry, cake as well.

12 TRUSTEE CHIARA: Delivery, how do you  
13 expect to get your deliveries at times they  
14 will they be coming to this establishment?

15 MAHFUZUR KHAN: It is a little tricky at  
16 this moment which is initially we thought that  
17 we are going to, this is a good news, I'm not  
18 sure. We wanted to open up a cafe. That's  
19 what we wanted, including all items, but  
20 recently back in last Wednesday, I had met  
21 Renee in the department of buildings and  
22 letting her know there's probably a little bit  
23 of changes, which is what we had bought a  
24 franchise back in 2018 and due to the Covid, it  
25 never worked. We were looking for the spaces

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1 in the city and we really couldn't do it  
2 because of Covid and we would like to bring  
3 French bakery in there instead of regular cafe.  
4 And they have very similar products that we  
5 were initially selling, coffee, gelato, cake  
6 and bakery items.

7 TRUSTEE CHIARA: That's a new franchise  
8 you're talking about?

9 MAHFUZUR KHAN: This is a franchise.

10 TRUSTEE CHIARA: Have you ever done this  
11 before?

12 MAHFUZUR KHAN: Since 1989 up to 2005, I  
13 ran seven McDonald's. Initially store manager  
14 and then supervisor of seven McDonald's. So, I  
15 have done it myself. So, I know how the  
16 franchising works and with this French bakery,  
17 it is going to be similar, I think we have here  
18 French Workshop in Garden City.

19 TRUSTEE CHIARA: So, explain to us between  
20 franchise and you owning it personally, what is  
21 the difference?

22 MAHFUZUR KHAN: If I had brought, if it  
23 was a regular cafe, I was responsible for  
24 bringing in all the products to my store. And  
25 now this franchise, probably once or every 15

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1 days, they will deliver the product.

2 TRUSTEE CHIARA: So, they will be  
3 controlling what you buy and how you buy and  
4 what you sell in the store?

5 MAHFUZUR KHAN: We already -- no, it is  
6 the same product. Like if it was not, it would  
7 be our own product, which items we are picking  
8 out.

9 MAYOR FITZGERALD: So, soup to nuts,  
10 everything comes from the franchise?

11 MAHFUZUR KHAN: No, 80 percent of it. You  
12 can serve with them which we spoke to them.  
13 They will have panini, bubble tea, which is,  
14 they agree with us, yes, they will allow us to  
15 sell it.

16 TRUSTEE CHIARA: When will they be making  
17 deliveries to you?

18 MAHFUZUR KHAN: Through Fed Ex. Their  
19 factory is in Florida.

20 TRUSTEE CHIARA: You don't know when they  
21 will?

22 MAHFUZUR KHAN: I'm not sure yet and  
23 cannot answer it, but definitely we can squeeze  
24 the time, maybe the morning or afternoon or  
25 evening.

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1 TRUSTEE CHIARA: Would you consider any  
2 beer, liquor, cigarettes?

3 MAHFUZUR KHAN: No.

4 TRUSTEE CHIARA: Lottery?

5 MAHFUZUR KHAN: No.

6 TRUSTEE CHIARA: That's all I have.

7 MAYOR FITZGERALD: Thank you. Going back  
8 to the time of the deliveries you're expecting,  
9 they are coming by Fed Ex trucks?

10 MAHFUZUR KHAN: Yes. We can pretty much  
11 control. It not one hour. We can probably ask  
12 them to come before 7:00, right before we open  
13 the door. We are not really sure yet.

14 MAYOR FITZGERALD: So typically, a special  
15 use permit, we have a set time with deliveries  
16 made in the --

17 MAHFUZUR KHAN: We'll try to work it out.

18 MAYOR FITZGERALD: We need that though.

19 MAHFUZUR KHAN: Sure.

20 MAYOR FITZGERALD: If you can talk to  
21 whoever you have to talk at what time the  
22 deliveries, whatever the window will be.

23 MAHFUZUR KHAN: Sure. No problem.

24 TRUSTEE POMBONYO: Just to follow it up,  
25 where do you anticipate deliveries taking

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1 place, front, side or back of the building?

2 MAHFUZUR KHAN: Either way, but we will  
3 try to do the front side before seven or after  
4 eight at night so it doesn't bother the  
5 traffic.

6 TRUSTEE POMBONYO: We will probably  
7 include that, include the time as well as the  
8 location of the delivery in the agreement.

9 MAHFUZUR KHAN: Sure. I think it will be  
10 better in the front. As you know, I think  
11 that's Town of Hempstead on the left side of  
12 the building. It is narrow and also this one  
13 side of the parking is with meter parking with  
14 the cars. We don't want to try and go in and  
15 they don't have to turn around and come back  
16 out.

17 TRUSTEE POMBONYO: Exactly. That's a  
18 problem.

19 KENNETH GARVIN: There's also, there's a  
20 hatched area on Covert Avenue for deliveries in  
21 front of Raindew, which is north of his site.

22 MAHFUZUR KHAN: We can use that spot.

23 KENNETH GARVIN: I don't know if it is  
24 just for Raindew, that hatched area.

25 MAYOR FITZGERALD: No.

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1 MAHFUZUR KHAN: I know one of the owners  
2 of Raindeew. There very nice people. We had  
3 communication almost every time we see. I  
4 don't think they will not say, no, just for  
5 them.

6 KENNETH GARVIN: I don't believe they own  
7 it.

8 MR. RYAN: They don't own it. No.

9 MAHFUZUR KHAN: Okay.

10 KENNETH GARVIN: That's relatively close  
11 to the shop.

12 MAHFUZUR KHAN: 25, 30, 40 feet.

13 KENNETH GARVIN: Yes.

14 MAHFUZUR KHAN: So nobody doesn't get  
15 double parked.

16 TRUSTEE CHIARA: You mention you have a  
17 number of employees working at the  
18 establishment. Will you be on premises? How  
19 long will you be on premises?

20 MAHFUZUR KHAN: As much as possible.

21 MAYOR FITZGERALD: Trustee Stewart.

22 TRUSTEE STEWART: Hi. Thank you for  
23 coming. I don't know, this might be a question  
24 for you, Mr. Garvin. You mention about the  
25 waiting area. You call it an alley near the



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1 three compartment sink.

2 MAHFUZUR KHAN: Between the sink and  
3 serving area.

4 TRUSTEE STEWART: Next to where it says  
5 new door, 3 by 7.

6 KENNETH GARVIN: That's the back area  
7 where the employees would be, the area in front  
8 of the display cases below it. Between the  
9 display cases and the seating for ten, that  
10 whole floor space there is for the queuing. It  
11 is greater than six foot in dimension from the  
12 tables to the counter, which is plenty of room  
13 for a queue going and leaving from, you know,  
14 making your order, getting your products and  
15 walking out of the store.

16 TRUSTEE STEWART: Next to where it says  
17 new door, what is that area?

18 KENNETH GARVIN: That is the back area  
19 where they will have a refrigerator and --

20 TRUSTEE STEWART: Is that whole area  
21 walled off?

22 KENNETH GARVIN: Yes. A customer will not  
23 be able to go there. It is for the employees.  
24 It is a walled off, correct, yes.

25 TRUSTEE STEWART: Okay. I was taking a

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1 lot of notes, you know, I lost my spot. So, we  
2 covered all the basis. I know we talked about  
3 no alcohol, no lotto. Are you proposing to  
4 sell drug paraphernalia or vape products? I  
5 know it is a bakery. I like to cover all the  
6 basis.

7 MAHFUZUR KHAN: We are serving baked  
8 products.

9 TRUSTEE STEWART: Vape?

10 MAHFUZUR KHAN: No vape. No vaping.

11 MAYOR FITZGERALD: We have an ordinance.  
12 It is not allowed.

13 KENNETH GARVIN: That's a good ordinance.

14 TRUSTEE STEWART: Do you have a contractor  
15 to do the renovation work?

16 MAHFUZUR KHAN: Yes, I do.

17 TRUSTEE STEWART: So, there are times  
18 during the day when you're allowed to do work  
19 and start times and end times. So, you will  
20 make your contractor aware they cannot start  
21 before seven -- eight, sorry, in the morning  
22 and noise ordinances in the evening?

23 MAHFUZUR KHAN: Right. Eight to five or  
24 four?

25 TRUSTEE STEWART: Clearly, I don't know.

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1 MS. MARCUS: Eight to seven. Eight to  
2 seven.

3 MAHFUZUR KHAN: Okay.

4 TRUSTEE STEWART: We want to make sure  
5 every one understands the rules.

6 MS. MARCUS: For construction, eight to  
7 seven Monday to Saturday.

8 MAHFUZUR KHAN: No Sunday work?

9 MS. MARCUS: No Sunday.

10 TRUSTEE STEWART: I will write it down so  
11 I know.

12 MAHFUZUR KHAN: I will keep it in my mind.

13 MR. RYAN: On that store, you're doing  
14 interior work, not any outside?

15 MAHFUZUR KHAN: Not outside, but doing the  
16 front glass door.

17 KENNETH GARVIN: Under separate  
18 application, we went in front of the ARB for  
19 store front replacement which is now under  
20 review for permit.

21 TRUSTEE STEWART: It is important as  
22 outside contractors, where they are allowed to  
23 park, if you grant them permission to use your  
24 spots in the back and the street parking and  
25 use the meters, however they will come and go

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1 and that their work be as clean as we are  
2 expecting the business to be.

3 MAHFUZUR KHAN: Definitely.

4 TRUSTEE STEWART: They clean up after  
5 themselves. I'm still not totally  
6 understanding your garbage plan. So you know,  
7 you will have things that do need to be  
8 refrigerated, have to be disposed of at some  
9 point. Is there a covered dumpster in the back  
10 for garbage refrigerated? Some businesses use  
11 these refrigerators that are meant for garbage  
12 disposal. Is there something like that on the  
13 premises?

14 MAHFUZUR KHAN: Our main intention is not  
15 to take or keep any garbage outside in the back  
16 of the building. So, we will do whatever it  
17 takes to keep it inside and when it's time to  
18 pick up, it goes outside.

19 TRUSTEE STEWART: You probably will need  
20 some sort of refrigeration space.

21 MAHFUZUR KHAN: If it is necessary, we  
22 will do so.

23 TRUSTEE STEWART: Does the property have  
24 basement space?

25 MAHFUZUR KHAN: Yes.

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1 TRUSTEE STEWART: What is going down  
2 there?

3 MAHFUZUR KHAN: It will be our office  
4 space of the basement.

5 KENNETH GARVIN: Under separate  
6 application, an interior alteration for office  
7 space down in the basement. No customers from  
8 the cafe will be going down there.

9 TRUSTEE STEWART: Okay.

10 MAYOR FITZGERALD: Any storage in the  
11 basement of food?

12 MAHFUZUR KHAN: No.

13 TRUSTEE STEWART: It will be office space  
14 for this business?

15 MAHFUZUR KHAN: Right.

16 KENNETH GARVIN: It's a separate business?

17 MAHFUZUR KHAN: It is a separate business.

18 My wife is real estate broker. She is right  
19 over here and it will be her office basically.

20 TRUSTEE STEWART: So that brings in the  
21 question of now even more parking, more people.  
22 How many people will be working down there?

23 MAHFUZUR KHAN: My wife and one other  
24 person. Nobody really comes to the office.

25 TRUSTEE STEWART: That's neither here nor

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1 there. Two people are coming to this office?

2 MAHFUZUR KHAN: Right.

3 TRUSTEE STEWART: Two people at a time  
4 working upstairs?

5 MAHFUZUR KHAN: Correct.

6 TRUSTEE STEWART: Where is everyone going  
7 to park?

8 MAHFUZUR KHAN: Me and my wife usually  
9 work. We are five blocks away.

10 TRUSTEE POMBONYO: Can I follow up to  
11 that? Is your real estate business operational  
12 now?

13 MAHFUZUR KHAN: It is.

14 TRUSTEE POMBONYO: You have clients come  
15 in and out now?

16 MAHFUZUR KHAN: Right now in this premise  
17 now.

18 TRUSTEE POMBONYO: But your staff is  
19 working there now?

20 MAHFUZUR KHAN: Yes. These two people are  
21 working in there.

22 TRUSTEE POMBONYO: May I ask, can you tell  
23 me where they're parking?

24 MAHFUZUR KHAN: Only he park in the back.  
25 He lives like 12 blocks away. He parks

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1 sometimes. Also. He is agent, so most of the  
2 time he is out showing properties here and  
3 there maybe once for like an hour he's there at  
4 the building.

5 MAYOR FITZGERALD: So, in past  
6 application, this property special use permit,  
7 we had written there's no parking on the dead  
8 end of Cunningham and Clayton.

9 MAHFUZUR KHAN: No, we will never park in  
10 there not even on the street.

11 MAYOR FITZGERALD: Right. Right. Thank  
12 you. Trustee Longobardi.

13 TRUSTEE LONGOBARDI: Hi. Thank you for  
14 being here. Just two quick questions I have.  
15 Related to the non-franchise food, you listed  
16 salad, wraps, paninis and what not. Are they  
17 pre-made and being brought in or is that all  
18 food being brought in or made on premises?

19 MAHFUZUR KHAN: Will be brought in and  
20 warmed up. That's it.

21 TRUSTEE LONGOBARDI: Is that a separate  
22 delivery service?

23 MAHFUZUR KHAN: We keep it open for  
24 service since the -- if that doesn't, we will  
25 not have that. In case we have to serve it, it

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1 will come pre-made. We have to use the panini  
2 machine to prep it and serve it.

3 TRUSTEE LONGOBARDI: So, that's not a food  
4 that will be delivered on a daily business?

5 MAHFUZUR KHAN: No.

6 TRUSTEE LONGOBARDI: Do you have any  
7 paperwork with information on the franchise  
8 company you will be working with?

9 MAHFUZUR KHAN: Actually today, I was  
10 thinking to come here early. We came at 7:00  
11 by the door. We haven't seen anybody. We  
12 wanted to show a video. If you can go on, you  
13 will see it on the You Tube, Lemacaron.

14 MAYOR FITZGERALD: Can you spell that?

15 MAHFUZUR KHAN: L-E-M-A-C-A-R-O-N. Just  
16 type Lemacaron and you will see it. In the New  
17 York, there's only one in Bronx and they have  
18 total of 120 stores in United States and also  
19 they're in Korea. They're in some other places  
20 internationally.

21 TRUSTEE LONGOBARDI: You have the  
22 franchise agreement with them? You are locked  
23 in with them?

24 MAHFUZUR KHAN: Yes. We paid for the  
25 franchisee. It was paid in 2018.



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1 TRUSTEE LONGOBARDI: Okay. I don't mean  
2 to push on the garbage issue, but we're  
3 concerned about where you will store it and how  
4 you store it, everything from bugs, rodents,  
5 things like that. If you have to put it  
6 outside, you will look outside to try and get a  
7 dumpster. There's no room for it that back  
8 there.

9 MAHFUZUR KHAN: Right. That's our main  
10 concern. We don't want to keep anything  
11 outside so that rodents and the mice, all other  
12 stuff run around. If food's sitting someplace  
13 for a day, you will see something coming out.  
14 We don't want that. So, we will do whatever it  
15 takes so it never goes outside of the building.

16 TRUSTEE LONGOBARDI: Make sure it is  
17 properly stored inside.

18 MAHFUZUR KHAN: Right. We make sure of  
19 that.

20 TRUSTEE LONGOBARDI: Thank you.

21 MAHFUZUR KHAN: You're welcome.

22 MAYOR FITZGERALD: One other question. Do  
23 you have any plans to have music, live  
24 instruments?

25 MAHFUZUR KHAN: No. We never thought of

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1 it. No.

2 MAYOR FITZGERALD: We asked that question  
3 in the past. So, no live instrument, no intent  
4 to have it?

5 MAHFUZUR KHAN: No. If it was a bar.

6 MAYOR FITZGERALD: Thank you. If you  
7 wouldn't mind, have a seat. I will open it up  
8 for people who have any questions or concerns.

9 MAHFUZUR KHAN: Sure. No problem.

10 MAYOR FITZGERALD: Is there anyone in  
11 Village Hall who like to ask some questions?  
12 Address the questions to us and we'll have them  
13 answer it after we get everybody.

14 (Whereupon, Anthony DeFrancesco was sworn  
15 in.)

16 ANTHONY DEFRANCESCO: Anthony DeFrancesco,  
17 14 Marshall Avenue. My big concern is pests.  
18 We never had a food store on that block before.  
19 Since the buildings went down on the fire, we  
20 have been inundated with rats and mice and  
21 where there's rats and mice and cockroaches and  
22 ants. I have been through this before with  
23 VIPizza. They put garbage out in black plastic  
24 bags and if they broke, open tough, if they  
25 have food for the two days, they're going to

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1 put it in garbage pails or black plastic bags.  
2 On rainy days, you have the seagulls coming in.  
3 On clear days, you have crows. They know about  
4 the black plastic bags. I want to make sure  
5 that after a year or two, that we won't have  
6 mice or roaches. We don't have them. No  
7 roaches, but we have mice.

8 MAYOR FITZGERALD: Okay.

9 MAHFUZUR KHAN: Thank you for your  
10 question. I would like to answer. Like I said  
11 before, we really, we don't have any intention  
12 to keep any garbage outside of the building.

13 ANTHONY DEFRANCESCO: I understand.

14 MAYOR FITZGERALD: In order not to have a  
15 back and forth, address us.

16 MAHFUZUR KHAN: Okay. Thank you.

17 MAYOR FITZGERALD: Any other questions in  
18 Village Hall?

19 (Whereupon, John Melchiorre was sworn in.)

20 JOHN MELCHIORRE: John Melchiorre, 15  
21 Cunningham Avenue, M-E-L-C-H-I-O-R-R-E. Good  
22 evening everyone. I would like to thank the  
23 Board, especially Dr. Pombonyo. She has been  
24 great throughout the whole process. I  
25 discussed at the last food establishment that

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1 was set to open.

2 I want to mention some concerns we  
3 experience living on Cunningham Avenue. I want  
4 to make sure I keep everything in order. When  
5 me and my wife purchased the home the nine  
6 years ago, we were fully aware we moved next to  
7 a commercial property. At that time, it was a  
8 dry cleaner and nail salon which closed by six  
9 or 7:00. Upon moving in, we knew we have to  
10 adapt to, you know, living next to a commercial  
11 property.

12 This is the first time we experienced  
13 this. Nobody heard anything from us for nine  
14 years. There was plenty of issues that would  
15 happen where we were able to rectify all the  
16 issues by being neighbors. We went through  
17 five different ownerships in the building and  
18 everyone of them was aces. Everyone was a  
19 great neighbor. No matter who moved into the  
20 building, they have a right to open and we wish  
21 whatever place opened there, we wish them the  
22 best and successful business as they're there  
23 for a long time. We hate living next to empty  
24 property. It is very important for us too.

25 Over the years, the building is absolutely

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1           deteriorated between the mold on the walls  
2           outside, uneven pavement because of constant  
3           standing water. High weeds get up to four or  
4           five feet in the summer. You know, there's  
5           unnecessary eyesores that are there. We  
6           contacted, we sent e-mails, text messages. It  
7           is what it is. I'm not pointing fingers or  
8           anything. That building is terrible and awful  
9           to look at. We're looking at the outside from  
10          our dining room window. One thing with the  
11          weeds, my son is severely allergic to  
12          mosquitoes. Weeds and standing water are the  
13          two biggest attractions. When my son gets bit,  
14          he gets a golf ball size welt where he was bit.  
15          It is God awful.

16                 I keep on mentioning it where it gets to  
17          the point I have to do it myself. This past  
18          summer, I did it because I wanted to take  
19          pictures and document. For the past year, I  
20          was the one taking care of the property. It  
21          shouldn't be the neighbors concern for public  
22          health. That's a standard, neighborly thing to  
23          do. A lot of the stuff has nothing to do with  
24          them at this point because they were not there.  
25          I totally get that. It still has to be said

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1 and rectified in some way.

2 One of the things I do want to bring up as  
3 far as violations and stuff, per example, the  
4 shed back there. According to the building  
5 code, we're responsible for maintaining our  
6 structures on the premises. The top of the lid  
7 has blown off countless times and hit our car.  
8 Granted there's very minimal damage. Nothing I  
9 will complain about, but now the way to fix it  
10 is put a dirty bag of rocks on it. I don't  
11 think anyone wants to live next to that.

12 Also once again, it is not on them. It is  
13 there for a long time, but now there's a  
14 refrigerator in. So that property has actually  
15 become an embarrassment for us when we have  
16 people over and you see this property with all  
17 the mold and the weeds and the brick over  
18 there. It is awful. It is an embarrassment  
19 for the town, as well, not just for myself and  
20 my neighbors.

21 Before I get into the whole garbage and  
22 everything like that, whatever is decided,  
23 whatever, hopefully they open up and everything  
24 is great and they said a lot of positive things  
25 all about it. But we are requesting the town,

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1 have a plan in monitoring it, not just, you  
2 know, if you see something, call something. I  
3 don't think it is fair for anyone on the block  
4 to have that responsibility for monitoring the  
5 business.

6 Something I do want to bring up did happen  
7 since they have been here. A hundred percent  
8 is not them. You guys, one hundred percent, I  
9 haven't seen you a lot. Even the gentleman  
10 that parks back there, that is not the issue.  
11 You had workers there that have been absolutely  
12 awful. We can start by they have been blocking  
13 the driveway, block the sidewalk. They  
14 literally, when they pull in, don't have room,  
15 if there's another car there, and block the  
16 whole sidewalk. We have elderly people on the  
17 block. I have a four and seven year old, a lot  
18 of kids on the block. My kids have to walk in  
19 the middle of the street to get around to walk  
20 on Covert Avenue. Secondly, the cars blocking  
21 the sidewalk, that's a huge issue for me and it  
22 is an ongoing problem.

23 Secondly, work was done to the exterior.  
24 They had the gutter changed. Great job.  
25 Totally great. The people they had doing it

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1 parked illegally on the block. They went and  
2 blocked my driveway, put their power tools on  
3 my lawn. When I had asked them, I said guys, I  
4 will pull out now, do you mind moving your  
5 trucks, I received attitude. They said about  
6 the power tools, they completely ignored it.  
7 Now I have to go and leave my house, go to work  
8 with my wife and kids in the house with the  
9 disgruntled employees. I didn't think it was a  
10 big deal. They have a whole, whatever you want  
11 to call it, parking lot, backyard to park in.  
12 Yes, it wasn't them, but it is still their  
13 workers. It should be you know someone has to  
14 be held responsible on it.

15 Additionally, at 9:00 at night  
16 refrigerator, a gets delivered. Four guys come  
17 out of the a truck, come out flying, you know,  
18 talking very loudly. My kids rooms are outside  
19 there. At 9:00 at night, I don't think it is  
20 the best time to deliver at 9 on a school  
21 night.

22 When we moved as new residents, neighbors  
23 have to adapt. We adapt to commercial  
24 establishments. Any establishment put there  
25 has to adapt to living, to operating on a



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1 residential block. Being the neighboring  
2 house, my primary concern, which has been  
3 addressed, is garbage. The last establishment  
4 attempted to open up as food. You put  
5 restrictions on what they can do with the  
6 garbage. That's great. I want to make sure  
7 all the stuff will be not only be documented,  
8 but actually enforced and we have a plan to  
9 enforce them.

10 Hopefully everything is great. They keep  
11 everything inside. When it is outside in  
12 containers, nothing -- this is a big waste, all  
13 of this. I want to make sure we're all on the  
14 same page. We want to make sure no material  
15 disposed of on Cunningham Avenue is from a  
16 collection on Covert. We want to make sure  
17 materials are not stored in the back. Garbage,  
18 I know that it is not, they're not cooking and  
19 all that stuff, but that garbage should be  
20 refrigerated. I don't know if there's a  
21 misconception. That will be a lot of material  
22 to be stored in the back of that building with  
23 residents and another office downstairs. I  
24 don't know how much planning there is on the  
25 first floor. They have garbage. If you saw

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1           them removing office space downstairs to store  
2           the garbage, they're underestimating how much  
3           waste is going to be there.

4           I was reading some of the town laws for  
5           the building department. I'm pretty sure  
6           restaurants has to have daily pickup. I  
7           believe it is stated in 70-2. I can pull it up  
8           on the thing. I have it over here.

9           MS. MARCUS: All garbage has to be  
10          contained.

11          JOHN MELCHIORRE: No accumulation will be  
12          permitted. That's under 70-2 Article 8.  
13          That's right in the code.

14          MS. MARCUS: It doesn't have to be taken  
15          away. It means keep it.

16          JOHN MELCHIORRE: All garbage and removed  
17          daily, should be removed daily.

18          MS. MARCUS: That's why we talk about  
19          interior storage for garbage.

20          JOHN MELCHIORRE: In the thing it says  
21          will be permitted to accumulate in the building  
22          or surrounding that includes in the building,  
23          right? You don't have to answer.

24          MAYOR FITZGERALD: We'll look into it.

25          JOHN MELCHIORRE: I'm reading

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1 word-for-word. All right. Some of you may  
2 know, I'm a superintendent with the Department  
3 of Sanitation. The units I head, actually  
4 perform surveys and studies on the affects of  
5 the positive and negative affect of change for  
6 commercial, residential and multi-use  
7 residential. Any program that gets rolled out  
8 we do the studies first, poor waste management.  
9 That's my main concern. I don't want my  
10 quality of life, my neighbors anyones ruined by  
11 a poor waste management plan. If it works, I  
12 want to make sure all of this is said.

13 The next issue you guys mentioned was  
14 parking. Parking is still a major issue, never  
15 been rectified. Constantly there's people  
16 parked in front of my house. No standing. If  
17 they're not parked in front of my house,  
18 they're parked on the corner. If there's a car  
19 parked on the corner and trying to exit  
20 Cunningham Avenue, you cannot see cars going  
21 southbound. You can do it. You have to creep  
22 up and take a shot.

23 MAYOR FITZGERALD: Corner of Covert or  
24 Cunningham?

25 JOHN MELCHIORRE: Cunningham. If there's

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1 a car parked, an SUV parked on Covert and at  
2 the stop sign, you cannot see, but if you stay  
3 back, you are able to see through the site  
4 line. If there's a car parked on the corner  
5 where the fire hydrant is, close to the corner,  
6 you're not able to see. You have to creep out,  
7 creep out and eventually take a shot.

8 Part of the stuff, you know, I understand  
9 it is part of being commercial. It is very  
10 disheartening. My parents come at 7:00 a.m,  
11 7:15 to watch the grandkids and they have to  
12 park in Stewart Manor or at a meter because the  
13 businesses from Floral Park and Stewart Manor  
14 are taking those spots. Uber Eats, Door Dash,  
15 it is big concern. Saturday and Sunday  
16 morning, not every time, it is funny actually,  
17 all comes at once, but these Uber Eats and Door  
18 Dash constantly park on Cunningham Avenue where  
19 there's spots on the actual other side where  
20 they can park.

21 I know, notify the police department. I  
22 have done that. They're busy. We call them.  
23 They said the parking aide will be there in 25  
24 minutes later. People are gone by then. I get  
25 frustrated. I stopped calling. It is not --

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1 it is -- shouldn't be our job to call the  
2 police. We know it is a documented problem.

3 Additionally, the amount of litter that  
4 accumulates, it gets worse and worse. We had a  
5 big issue with the bubble tea containers all  
6 over the place. Bagel store, we get a lot of  
7 bagel wrappers. I understand they're off the  
8 commercial strip. I was happy to hear you'll  
9 take ownership and actually be proactive in  
10 cleaning over there. That's great.

11 Consumer, employee parking. There's going  
12 to be two, three or four employees, five  
13 employees. I know they said they will walk and  
14 stuff like that. All the stuff we say we will  
15 do, there's no way you can -- are able to not.  
16 I don't want to. There's no way for you to  
17 monitor it. If they hire two or four employees  
18 and park over there, you don't know whose cars  
19 those are. So one again, that's not on the  
20 town. It is something you are going to be able  
21 to do. Parking in the back with the lot  
22 driveway, whatever you want to call it, it  
23 cannot be used as an active driveway.  
24 Consumers pulling in and out, they seem to be  
25 more reckless then ever. Popping U-turns,

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1 coming into driveways. If that became an  
2 active driveway for delivery service, it can be  
3 disastrous. It is unfortunate that something  
4 terrible has to happen for something to get  
5 done. We can be proactive now and talk about  
6 it. You guys did what you could do. It wasn't  
7 double curb cut out. You attempted to rectify  
8 it. You know it helped a little, but it is  
9 still nowhere where it should be.

10 Deliveries. Deliveries will be a big  
11 issue. If they're only made in the front, I  
12 got nothing. The only thing I request is that  
13 it's done after 8:00 a.m. because the school  
14 bus comes at 7:55. I would hate to see traffic  
15 for deliveries because of the school bus. If  
16 it is in the front, it will not be an issue  
17 towards me.

18 No cooking. We don't have to worry about  
19 venting. Hours of operations. What we're next  
20 to, they close at seven. To be open to 10 at  
21 night is a little much. I think that should be  
22 reconsidered. That's very late for a coffee  
23 shop to be open. Any establishment that we  
24 bought next to was closed at 6 and 7. That  
25 will be a big deterrent for us.

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1           One of the things I, in closing, what I  
2           want to say, I'm not totally against anyone  
3           opening. I want somebody there. I want it to  
4           be over and done with. If it's them, I want  
5           them to open and be successful. But a new  
6           establishment should be enhancing quality of  
7           life. We should be patrons there and go and  
8           love having a coffee there and macaroons. I'm  
9           all about it. I want to make sure that both my  
10          life, my kids safety, the safety of all the  
11          kids on the block and all that stuff is not  
12          being, you know, is not being hurt, not  
13          detrimental for us from the new establishment  
14          no matter who it is.

15                I want to thank you guys for your time. I  
16                hope everything works out. Thank you all.

17                MAYOR FITZGERALD: Thank you.

18                TRUSTEE CHIARA: Thank you.

19                MAYOR FITZGERALD: Anyone else here in  
20                Village Hall?

21                TRUSTEE POMBONYO: Can I just add to what  
22                Mr. Melchiorre said? The incident he was  
23                talking about with the van parking across the  
24                sidewalk with the tools on his lawn and with  
25                the refrigerator delivery at 9 at night, I was

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1 interested in how things were going. So, he  
2 was texting me the entire weekend from Friday  
3 night, I guess through Sunday morning. I was  
4 relaying it to Lieutenant Doherty and  
5 Commissioner McAllister so they can see the way  
6 it was ongoing. I would recommend the  
7 reporting system or permanent basis it showed  
8 us within a relatively short period of time and  
9 parking in front of the fire hydrant they were  
10 blocking. The refrigerator was very loud. He  
11 videotaped it. It was noisy and the windows  
12 were open that weekend. I'm sure it was very  
13 disruptive.

14 MAYOR FITZGERALD: If I can get all the  
15 questions. Anyone else here in Village Hall?

16 ANTHONY DEFRANCESCO: Anthony DeFrancesco,  
17 14 Marshall Avenue. I want to reiterate the  
18 garbage concern. I understand there's salad  
19 and paninis. When you have a type of coffee  
20 shop where you serve coffee shop, you obviously  
21 have milk and dairy products. My concern, how  
22 will they dispose? Are they going to be  
23 disposed in a way that will not increase the  
24 likelihood of rodents and rats? That's it.  
25 Thank you.



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1           MAYOR FITZGERALD: Thank you.

2           CONSTANTINE GOGA: Yeah, I'm concerned.

3           (Whereupon, Constantine Goga was sworn  
4           in.)

5           MAYOR FITZGERALD: State your name and  
6           address.

7           CONSTANTINE GOGA: Constantine Goga,  
8           G-O-G-A, 16 Cunningham Avenue, Floral Park.

9           MAYOR FITZGERALD: Good evening.

10          CONSTANTINE GOGA: First of all, I don't  
11          like the way this notice was served. I expect  
12          legal representation or coming from  
13          superintendent's office or mayor's office.  
14          Coming from an architect, but it is okay.

15          MAYOR FITZGERALD: That's just the way the  
16          process works though.

17          CONSTANTINE GOGA: Well, it is just  
18          advisory. So anyway, I'm a concerned  
19          homeowner. I got five drivers in my house.  
20          The block is already over-congested, traffic in  
21          and out all day, 24 hours. We do not need this  
22          business or the kind of business, restaurant or  
23          cafe. I don't like the name cafe because from  
24          what I am hearing, we're dealing with a  
25          restaurant here serving food, hot foods. So,

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1 to me, cafe is a place where you can get  
2 coffee, whether English, Italian or German.  
3 The cafe, you get your coffee, not serving  
4 foods, hot foods, but that's okay. That's  
5 fine.

6 I'm concerned about the quality of life.  
7 There's people with medical issues on the  
8 block, such as myself and there's the  
9 superintendent looking at that? I mean, I know  
10 you're protecting business sometimes.  
11 Sometimes you protect citizens or residential,  
12 but it has to be a balance. Do we have a need  
13 for another restaurant on Covert Avenue? We  
14 already have eight places. We have -- you  
15 conduct study with the gentleman or lawyers or  
16 legal people. Do we have a need for that? We  
17 paying taxes too. So, it has to be a balance.  
18 We have to co-exist to live on the block  
19 peacefully.

20 MAYOR FITZGERALD: That's the reason for  
21 the public hearing to find out what the  
22 residents will look for to co-exist with  
23 businesses on Covert Avenue.

24 CONSTANTINE GOGA: Yes. We are over  
25 congested, too much traffic. We cannot take

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1 it. So to me, it is up to you. You're making  
2 the decision. For myself as a homeowner, I do  
3 not like it. That's all I have to say.

4 MAYOR FITZGERALD: We can't tell a  
5 business no. We can put restrictions on the  
6 business which is put forth in a special use  
7 permit that we usually always derive from the  
8 meeting and they have conditions, such as hours  
9 of operation, how garbage is disposed of and  
10 that if those are not maintained, we can pull  
11 the special use permit. But if -- we cannot  
12 tell a business you can't open the business  
13 there. They're in an established business  
14 district.

15 CONSTANTINE GOGA: All right.

16 MAYOR FITZGERALD: But we can put  
17 restrictions on them.

18 (Whereupon, Anne Marie DeFrancesco was  
19 sworn in.)

20 ANNE MARIE DEFRANCESCO: Anne Marie  
21 DeFrancesco. In terms of the parking with the  
22 two businesses, in this one particular  
23 building, are there anticipated clients coming  
24 into the real estate office on the bottom and  
25 how will that impart parking? And do they need

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1 to abide by the same rules for a parking spot  
2 for each of their vehicles and if so, where  
3 does the parking intended to be?

4 MAYOR FITZGERALD: Anyone else here in  
5 Village Hall? Anyone on zoom have any  
6 questions pertaining to the public hearing?  
7 Raise your hands and Darlene will put it in a  
8 chat. Seeing none, we're good.

9 So obviously, you heard what the residents  
10 have said. A couple of concerns, how pests are  
11 going to be maintained or not get rid of pests  
12 if they exist, and how are you going to insure  
13 they don't exist?

14 MAHFUZUR KHAN: Every business, as you  
15 know, I have a restaurant in Jackson Heights.  
16 So, we do have monthly exterminator come and  
17 take care of it, especially roaches, rodents  
18 and all the other stuff. The restaurant is a  
19 regular restaurant, so that we don't really  
20 have any issue in the last 11 years from the  
21 Department of Food and Health, Department of  
22 Health. There was no issue whatsoever.

23 I'm sure since we're not serving that kind  
24 of food here, only bakery item, I can guarantee  
25 you that we will not have any issues with the

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1 pests.

2 And coming back to Dr. Lynn, you were  
3 talking about the van especially, I had no  
4 knowledge. The day contractor came in to take  
5 a look at the place and I told him that you  
6 know every time it ran, I got a whole bunch of  
7 water. We didn't know about the building  
8 before because the gutter was broken. Then he  
9 comes in there, I can take care of it any time.  
10 But he has to let me know he is going to take  
11 care of it this afternoon. I had no knowledge  
12 until next morning. I spoke to Renee and I  
13 found out it was fixed eventually because he  
14 came back. He went back and he sent couple of  
15 his guys and fixed it. I am so sorry. It will  
16 never, ever let that happen because that person  
17 should have spoken to me, make a schedule that  
18 they can come and fix it. So, he went  
19 overboard and sent his guys and fixed it which  
20 I didn't know that that happened until Renee  
21 told me that it took place. I went back and I  
22 saw, yes, there's a brand new gutter in there.  
23 I'm so sorry that it was out of my control. I  
24 didn't even know it was fixed. So that's one  
25 thing. Any other thing?

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1           MAYOR FITZGERALD: I took some notes.

2           When the garbage gets put at the curb, will it  
3           be in pails or bags and put out?

4           MAHFUZUR KHAN: It will be very -- prior  
5           to the pickup, it will be in a black garbage  
6           bag.

7           MAYOR FITZGERALD: I think you mentioned  
8           earlier in the testimony putting garbage out  
9           the morning of pickup.

10          MAHFUZUR KHAN: Right, morning of pickup  
11          so it doesn't stay overnight in there.

12          MAYOR FITZGERALD: Okay. What about, I  
13          think we maybe touched upon this, the outside  
14          maintenance in the building. That will be a  
15          big concern.

16          MAHFUZUR KHAN: We're replacing the old  
17          front glass. It is very old. It looks ugly.  
18          After that, anything there, we'll pickup every  
19          couple of hours.

20          MAYOR FITZGERALD: I think more  
21          importantly, the back of the building next to  
22          the neighbors.

23          MAHFUZUR KHAN: Yes, definitely. Ever  
24          since we took it and I told him that the  
25          neighbor next to us, I believe John, we want to

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1 make sure he is the heaviest person in the  
2 block because of us.

3 MAYOR FITZGERALD: There won't be any  
4 garbage cans on Cunningham, no one standing or  
5 eating on Cunningham?

6 MAHFUZUR KHAN: No. No.

7 MAYOR FITZGERALD: You won't have any  
8 materials stored in the back?

9 MAHFUZUR KHAN: That's an issue also at  
10 the time. One of the nights dropped off  
11 refrigerator, I had no knowledge. I don't know  
12 what that came from. Again, for some reason, I  
13 went to visit Renee. She is the one who showed  
14 me the picture of refrigerator by the back of  
15 our door. This is where, I figure out where it  
16 came from and finally I find out it came from  
17 somewhere wanted to give it to us. We didn't  
18 buy any anything brand new.

19 MAYOR FITZGERALD: You will coordinate and  
20 bring in new equipment?

21 MAHFUZUR KHAN: We have to figure out how  
22 to throw it out, send it out from there. It  
23 is -- John is absolutely right. He is within  
24 that, barricaded, sitting right in there.

25 MAYOR FITZGERALD: Okay.

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1 TRUSTEE POMBONYO: That gets to be a real  
2 safety concern if you have people delivering  
3 things to your property that you have no idea  
4 who they are, where they came from.

5 MAHFUZUR KHAN: Right. I thought it came  
6 from the previous owner who was staying there.  
7 We had no knowledge. We have nothing coming in  
8 and out.

9 TRUSTEE POMBONYO: There's ways to get  
10 control of that.

11 MAHFUZUR KHAN: Until we get control from  
12 you guys, we can't make any plans. This three  
13 or four months before we can start to make a  
14 move of the cafe. Until then, we don't have  
15 process to do anything.

16 MAYOR FITZGERALD: There was another  
17 question about just insurances that the  
18 driveway will not be an active driveway.

19 MAHFUZUR KHAN: By us, it is not. I have  
20 to tell you, I don't want to say it about -- I  
21 have witnessed a couple of times the customers  
22 from the cleaners, they come, put right back  
23 in, which John was saying and then another  
24 person have it. It is outside right on the  
25 walkway and then five minutes later they're



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1 gone. It looks like an active driveway. I  
2 have witnessed it four or five times. None of  
3 my clients or customers or my people will go  
4 and park in it, in and out. If someone goes,  
5 they're going in the morning and coming out in  
6 the afternoon three or four hours or not at  
7 all.

8 MAYOR FITZGERALD: Then what about the  
9 basement, will there be clients going in and  
10 out of the basement?

11 MAHFUZUR KHAN: She has the business over  
12 five years. I think prior to Covid we have  
13 seen once in a while one or two times in a  
14 month, one or two clients. Nowadays, no one  
15 comes to the office. I cannot guarantee you  
16 there will be none, but they're probably almost  
17 to none.

18 MAYOR FITZGERALD: If they do come, tell  
19 them not to park on Cunningham.

20 MAHFUZUR KHAN: No. No, there will be  
21 strict no. There will be a notice inside that  
22 nobody should go and park on Cunningham.

23 KENNETH GARVIN: Part of the application  
24 for the store front is also adding an entrance  
25 that goes down to the basement from Covert

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1 Avenue.

2 MAHFUZUR KHAN: So no one has to go  
3 through the back.

4 MAYOR FITZGERALD: Any further questions  
5 by the Board, any Members of the Board? So, we  
6 will think about all this and as in the past,  
7 we'll deliberate it and come back to you with  
8 terms and conditions of the special use permit,  
9 hopefully relatively shortly. We will take  
10 into account comments and questions by the  
11 Board and residents.

12 MAHFUZUR KHAN: Thank you. Thank you very  
13 much. Thank you for having us.

14 MAYOR FITZGERALD: I ask for a motion to  
15 reserve decision and close the hearing.

16 TRUSTEE POMBONYO: So moved.

17 TRUSTEE CHIARA: Second.

18 MAYOR FITZGERALD: Miss Walsh, can you  
19 poll the Board.

20 MS. WALSH: Trustee Pombonyo?

21 TRUSTEE POMBONYO: Aye.

22 MS. WALSH: Trustee Chiara?

23 TRUSTEE CHIARA: Aye.

24 MS. WALSH: Trustee Stewart?

25 TRUSTEE STEWART: Aye.

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MS. WALSH: Trustee Longobardi?

TRUSTEE LONGOBARDI: Aye.

MS. WALSH: And Mayor Fitzgerald?

MAYOR FITZGERALD: Aye. Thank you.

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

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CATHERINE P. MURPHY  
Court Reporter