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M I N U T E S  
OF THE MEETING  
OF THE  
PUBLIC HEARING  
INCORPORATED VILLAGE OF FLORAL PARK  
January 16, 2024  
8:00 p.m.

P R E S E N T:

- KEVIN M. FITZGERALD                      MAYOR
  - 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

Karen M. Masler  
Court Reporter

1 (Pledge of Allegiance said.)

2 MAYOR FITZPGERALD: A couple of notes on  
3 Nancy's McLoughlin's service to our Village. She moved  
4 here in 1971 with her husband Tom. She started in the  
5 Village in 1976 as clerk/typist, moved up to Deputy  
6 Village Clerk in 1981 and from 1989 to 1999 she served  
7 as Village Administrator. I did not move into the  
8 Village until 1999, so I did not have the pleasure of  
9 working with Nancy or meeting her, but from everything  
10 I heard from various employees that worked with her,  
11 she was very effective as a Village Administrator in  
12 all aspects, and Floral Park is certainly a better  
13 place for Nancy's service to this Village.

14 Before we do this evening, we have two public  
15 hearings and then we will do our agenda followed by the  
16 back reports and open it up for questions and comments  
17 and concerns from the Village residents.

18 Before we get to the public hearing, I would  
19 like to announce that Deputy Mayor Dr. Lynn Pomdonyo  
20 and Trustee Frank J. Chiara are absent, you will  
21 probably notice. I do believe that Dr. Pomdonyo will  
22 be on the Zoom and listening in.

23 With that, we ask the Village Clerk, Susan  
24 Walsh, to move forward with the first public hearing.

25 MS. WALSH: Thank you, Mayor.

1 Notice of public hearing, Incorporated  
2 Village of Floral Park, New York. Notice is hereby  
3 given that the Board of Trustees of the Incorporated  
4 Village of Floral Park, New York, will hold a Public  
5 Hearing at Village Hall, One Floral Boulevard, Floral  
6 Park, New York, on Tuesday, January 16, 2024, at 8:00  
7 p.m., in relation to the following application.

8 The application of Floral Park Depository  
9 1929 Realty Partners, LLC of 99 Covert Avenue, Floral  
10 Park, New York, is made in accordance with Article III,  
11 Section 99-10 B of the Zoning Ordinance of the  
12 Incorporate Village of Floral Park, New York, which  
13 requires that when a change of use from bank to  
14 restaurant with seasonal outdoor seating and drive-thru  
15 in a B-1 District, the use may only be authorized as a  
16 special use after a public hearing.

17 The structure for which said Special Permit  
18 is applied is situated on the west side of Covert  
19 Avenue and on the northwest corner of the intersection  
20 of Covert Avenue and Clayton Avenue and known as 99  
21 Covert Avenue, Section 32, Block 272, Lots 23-29 of the  
22 Nassau County Land and Tax Map.

23 A copy of the application is on file in the  
24 Office of the Village Clerk, One Floral Boulevard,  
25 Floral Park, New York, and may be examined by request

1 for any persons interested therein during business  
2 hours Monday through Friday inclusive, except legal  
3 holidays from 8:30 a.m. to 4:30 p.m.

4 Now Take Notice that all parties in interest  
5 will be given the opportunity to be heard at the  
6 aforesaid time and place.

7 By the Order of the Board of Trustees,  
8 Incorporated Village of Floral Park, New York, Susan E.  
9 Walsh.

10 This legal notice has been dated December 29,  
11 2023, and has been published in the official paper of  
12 the Incorporated Village of Floral Park, New York and  
13 posted according to law, and was sent to the Nassau  
14 County Planning Commission and pursuant to Section  
15 239-L&M of the General Municipal Law determined to  
16 defer to the Village to take action as deemed  
17 appropriate.

18 MAYOR FITZGERALD: Thank you. I would like  
19 to place on the record the applicant previously filed  
20 an affidavit of service indicating that all neighbors  
21 within a 200 foot radius dwelling have been served with  
22 notice.

23 I also would like to announce that the Board  
24 had previously adopted a resolution determining that  
25 the application does not have significant impact on

1 environment as defined by State Environmental Quality  
2 Review, SEQRA.

3 I would like to invite the applicant to come  
4 up and give a presentation.

5 Mr. Maguire, if you could be sworn in by the  
6 stenographer.

7 (Whereupon, Michael Maguire and Kenneth  
8 Garvin were duly sworn in by the court reporter.)

9 MAYOR FITZGERALD: State your name and  
10 address.

11 MR. MAGUIRE: Michael Maguire, 94 Violet  
12 Avenue, Floral Park.

13 MR. GARVIN: Kenneth Garvin, Architect, 545  
14 Eighth Avenue, New Hyde Park.

15 THE COURT: Thank you for coming in. This is  
16 the third time. So, if you want to tell us what some  
17 of the changes are and then when you are done the Board  
18 will have questions and I will read through the prior  
19 approval to make sure we have everything on the record  
20 as previously.

21 MR. MAGUIRE: The application for tonight is  
22 changes to the original decision which the Board gave  
23 us for a special use permit, are we're changing the  
24 floor plan. We're eliminating the bar and we want to  
25 make use of the existing drive-thru that exists there.

1 Those are essentially the two changes. The floor plan  
2 would just be dining, pick-up counter and use of the  
3 existing drive-thru.

4 MAYOR FITZGERALD: Can someone talk about the  
5 drive-thru, the significant change from the previous  
6 application?

7 MR. MAGUIRE: Essentially, it will be a  
8 pick-up area in order to mitigate the parking, double  
9 parking for takeout orders. Um, the concept in this  
10 size of a place is going to be contingent on a large  
11 takeout and delivery order where the previous concept  
12 didn't rely so much on that. So, in order to  
13 facilitate no double parking on Covert and taking up  
14 parking spots in the parking lot and not park on  
15 Clayton Avenue, we want to use technology based --  
16 phone based takeout order systems and then have people  
17 pick up food in their car without leaving their car.  
18 There wouldn't be a menu there. It's not an amplified  
19 menu system like Jack in the Box or Taco Bell, but it  
20 will just facilitate a pick-up from, like I said, from  
21 a window and door that is already -- which is already  
22 there, essentially, but would be modified.

23 MAYOR FITZGERALD: I want to read back some  
24 of the conditions that were placed on from the previous  
25 approval. If you could say agreed or not agreeing with

1 the difference.

2 So, previously, approved was the hours of  
3 operation. The hours of operation shall be limited to  
4 11:00 a.m. to 11:00 p.m., Sundays through Thursdays.  
5 The hours of operation limited to 11:00 a.m. to 11:00  
6 p.m., Sundays through Thursdays, and 12:00 p.m. to 1:00  
7 a.m., Friday to Saturday.

8 MR. MAGUIRE: Correct.

9 MAYOR FITZGERALD: That the applicant shall  
10 obtain the appropriate license from the New York State  
11 Liquor Authority with the hours of operation listed  
12 thereon and shall consent to having the license limited  
13 to hours of operation set forth in the previous  
14 paragraph.

15 MR. MAGUIRE: Correct.

16 MAYOR FITZGERALD: Landscaping shall be  
17 installed and maintained along with the westerly border  
18 of the property acceptable to the Superintendent of  
19 Buildings.

20 MR. MAGUIRE: Yes.

21 MAYOR FITZGERALD: Refuse shall be kept in a  
22 refrigerated area inside the premises and placed  
23 outside no sooner than twelve hours before pick-up by  
24 the private carter two times per week no earlier than  
25 8:00 a.m.

1 MR. MAGUIRE: Correct.

2 MAYOR FITZGERALD: Outdoor dining table  
3 seating shall -- no bar in the outdoor dining area.

4 MR. MAGUIRE: Correct.

5 MAYOR FITZGERALD: No outdoor music at the  
6 premises.

7 MR. MAGUIRE: Correct.

8 MAYOR FITZGERALD: No outdoor lighting shall  
9 shine upon any neighboring properties and the lighting  
10 plan shall be approved by the Superintendent of  
11 Buildings.

12 MR. MAGUIRE: Correct.

13 MAYOR FITZGERALD: A roof ventilation  
14 filtration system shall be installed so as to minimize  
15 odors and direct all fumes into Covert Avenue and a  
16 plan for the same shall be approved by the  
17 Superintendent of Buildings.

18 MR. MAGUIRE: Correct.

19 MAYOR FITZGERALD: No employees or patrons  
20 shall park on Clayton or Cunningham Avenue. Patrons  
21 shall be notified that they should not park on Clayton  
22 or Cunningham Avenues, shall notice to be placed on the  
23 website, signs and menus.

24 MR. MAGUIRE: Correct.

25 MAYOR FITZGERALD: During the renovations of

1 the buildings, workers involved with the construction  
2 shall not park their vehicles on any residential street  
3 in the Village.

4 MR. MAGUIRE: Correct.

5 MAYOR FITZGERALD: Although, all deliveries  
6 to the restaurant shall be made in the parking lot  
7 adjacent to the restaurant to the north, if feasible,  
8 depending on truck size. If not feasible, deliveries  
9 shall only be made in the designated loading zone on  
10 Covert Avenue adjacent to the premises.

11 MR. MAGUIRE: Correct.

12 MAYOR FITZGERALD: There shall be no valet  
13 drop-off or pick-up of vehicles on Clayton Avenue.

14 MR. MAGUIRE: Correct.

15 MAYOR FITZGERALD: And the public entrance to  
16 the restaurant will be on Covert Avenue, and the  
17 proposed basement and kitchen doors on the western side  
18 of the building will be limited to employee, and  
19 emergency ingress and egress shall remain closed at all  
20 times unless opened for a reasonable period of time to  
21 allow employee ingress and egress.

22 MR. MAGUIRE: Correct.

23 MAYOR FITZGERALD: You mentioned that you are  
24 eliminating the bar?

25 MR. MAGUIRE: Correct.

1                   MAYOR FITZGERALD: On the roughly ten or  
2 twelve seats around what looked like to be a bar. This  
3 is an updated drawing. I'm not sure what drawing you  
4 have, the updated drawing?

5                   MR. GARVIN: I want to show you this is where  
6 the bar was.

7                   MAYOR FITZGERALD: That's not what I have.

8                   MR. GARVIN: It used to be ten seats there.

9                   MAYOR FITZGERALD: Those are gone?

10                  MR. MAGUIRE: Those are gone.

11                  MAYOR FITZGERALD: With respect to the  
12 drive-thru, what are the proposed hours of the  
13 drive-thru? Would they basically be the same or  
14 different from the hours on nostalgia?

15                  MR. MAGUIRE: Right now, the same hours.

16                  MAYOR FITZGERALD: There is no sound devices  
17 being used?

18                  MR. MAGUIRE: No. We're not using amplified  
19 speakers or an intercom.

20                  MAYOR FITZGERALD: If you could talk about  
21 the queuing of the cars and how many do you expect at  
22 one point in time, how does it work if someone calls in  
23 an order and is told to be at the restaurant, to be at  
24 the restaurant at 7:15 to pick it up.

25                  MR. MAGUIRE: Well, the entrance to the

1 drive-thru would be on the property so they would queue  
2 in our parking lot. You know, projecting how many that  
3 would be, it's difficult to say, but in the drawing I'm  
4 looking at it would be easy to queue seven cars, which  
5 honestly, if we had seven cars queuing up continuously,  
6 we would be very happy.

7 MAYOR FITZGERALD: What would happen if the  
8 first car in line, if the meal is not ready but the  
9 other six cars are?

10 MR. MAGUIRE: We would ask them to come back,  
11 but, you know, that is something we have to work out.  
12 Like I said, we're going to be integrated, you know,  
13 food delivery technology, ordering technology, our own  
14 apps. We may have to designate one or two of the spots  
15 in the lot, you know, to leave the queue, go back into  
16 the lot and then hand deliver that order if there has  
17 been a delay or something, but we would continue to  
18 have a queue. We, obviously, can't have one car  
19 holding up the entire queue. I mean, that's kind of  
20 customary.

21 I'm sure you've seen -- I don't know, you saw  
22 McDonald's. In McDonald's drive-thru, if an order is  
23 not ready, they tell me to pull into a designated spot  
24 and bring the food out to me. That's probably what we  
25 have to do in that case. They would leave the queue

1 and go into the parking lot in the designated spot that  
2 is reserved for waiting for the drive-thru.

3 MAYOR FITZGERALD: So, if I was to order food  
4 I would be given an approximate time to show up -- like  
5 if I order pizza, be ready in twenty minutes. You go  
6 park in the lot and go in and you may have sometimes --  
7 you may have to wait sometimes, you may not have to  
8 wait.

9 MR. MAGUIRE: That goes with things. They  
10 have to be worked out. Like I said, some would be  
11 phone driven, some technology driven. Hopefully we get  
12 our systems down to the point where you pull up and the  
13 food is ready. If it's not ready -- I mean, it's like  
14 any time you sit down in a restaurant, order and you  
15 wait thirty, forty minutes for the entree. It's not  
16 expected, but we have to adapt to that.

17 Holding up the queue is -- that's not going  
18 to be practical for anyone. It's not going to be  
19 practical for us, not practical for the people pulling  
20 into the parking lot or the neighbors, so --

21 MAYOR FITZGERALD: Will you be selling  
22 alcoholic drinks through the drive-thru?

23 MR. MAGUIRE: I don't expect that. Um, you  
24 know, whatever restrictions. At the moment, at the  
25 moment, you are allowed to take out sealed drinks with

1 takeout food by the State Liquor Authority. That's not  
2 really part of the business plan right now. I'm not  
3 going to handcuff myself. It's not really --  
4 typically, to be practical about it, a lot of times  
5 people order 50, 60 \$100 worth of food. They're happy  
6 to pick up a bottle of wine in the liquor store and  
7 open something at home to save money. To buy from me  
8 is not always practical. It's not a drive-thru  
9 daiquiri shop which some people would like. But if --

10 MAYOR FITZGERALD: What about -- have you  
11 given thought how to protect the pedestrians that walk  
12 up and down the block?

13 MR. MAGUIRE: On Clayton?

14 MAYOR FITZGERALD: On Clayton as cars come  
15 out.

16 MR. MAGUIRE: Um, I have not given a lot of  
17 thought to it. It's an existing condition. You know,  
18 so, I mean, whatever conditions were there that  
19 safeguarded the bank for sixty years. I would think, I  
20 imagine, concave mirrors and, um, you know, just  
21 general safety, you know, of driver/pedestrian. It's  
22 not a heavily pedestrian street, that part of Clayton  
23 Avenue. Whatever is existing for the bank, you know, I  
24 would comply with, you know.

25 MAYOR FITZGERALD: Okay. I'll turn it over

1 now to Trustee Stewart.

2 TRUSTEE STEWART: I don't have any questions.

3 MAYOR FITZGERALD: Trustee Longobardi.

4 TRUSTEE LONGOBARDI: I think your question is  
5 to focus on the pedestrian safety, would you be open to  
6 additional signs or left turns and proceed with caution  
7 and things like that, you know, without turning it into  
8 a build board, obviously?

9 MR. MAGUIRE: Honestly, I think that whole  
10 area is right for, you know, a traffic study, and I  
11 would be very open to that. I don't want to be beyond  
12 my permit, making a left, making a right on Clayton. I  
13 think it should be under consideration, yeah.

14 TRUSTEE LONGOBARDI: Okay. Thank you.

15 VILLAGE ATTORNEY RYAN: The queuing that we  
16 talked about and things, if you know, is doing great  
17 and queued up into the parking lot, is that going to  
18 hinder or block the patrons who are parked in those  
19 spaces and going into the restaurant? In other words,  
20 are guys going to be blocked by people in the queue? I  
21 don't know how big an area it is.

22 MR. MAGUIRE: You know, momentarily, it  
23 could. You would -- like I said, I would like to think  
24 we will be running efficiently enough where people are  
25 not queued up, you know, like the George Washington

1 Bridge. They're moving along. Could it block someone?  
2 You know, momentarily, absolutely. You know it will.  
3 They wouldn't be able to back out if there is a queue,  
4 but, I mean, I believe what is shown there is still an  
5 entrance and exit for Covert. So, I mean, it's not  
6 like if someone wants to exit a parking lot they have  
7 to join the queue. They should be able to exit onto  
8 Covert. Look, there will be a little bit of a learning  
9 curve, I'm sure. It might take some hands-on approach  
10 in the parking lot.

11 VILLAGE ATTORNEY RYAN: Thank you.

12 MAYOR FITZGERALD: Now, will the manager be  
13 attentively knowing what is going on inside the  
14 restaurant, but also outside the restaurant at all  
15 times?

16 MR. MAGUIRE: That's what I said to John. I  
17 think that we will have to be, you know, a big focus in  
18 the beginning, come up with systems and have management  
19 know what is going on outside the building, absolutely.

20 MAYOR FITZGERALD: And they will go out and  
21 move cars around or direct?

22 MR. MAGUIRE: Yeah. I think someone might  
23 have to direct traffic. Like I said, we should be so  
24 lucky to have that problem, then we will have no  
25 problem having that kind of management in the parking

1 lot. If that's what it takes, it would be someone  
2 hands-on, sure.

3 TRUSTEE STEWART: Will there be pick-up  
4 inside as well?

5 MR. MAGUIRE: Yes. Yeah.

6 MAYOR FITZGERALD: I mentioned the traffic  
7 study. I believe there was one done.

8 MR. MAGUIRE: We forwarded it to the Board of  
9 Traffic. I think you have a copy of it.

10 MAYOR FITZGERALD: I have it. Is there some  
11 highlights on the study you want to talk about or I  
12 don't know.

13 MR. MAGUIRE: I mean, the highlights are  
14 that, you know, clearly this place, it's my application  
15 -- is that using a drive-thru is going to be beneficial  
16 for the surrounding businesses and neighbors because we  
17 want to move people who are picking up food,  
18 third-party delivery services, rather than have them  
19 double park and things like that. And it also  
20 highlights the fact we're -- it's not a menu order  
21 system. It's not like people are approaching there  
22 looking at the menu or deciding what they are getting.  
23 It is simply a pick-up. Those are the highlights.

24 Um, you know, the firm that did the traffic  
25 study is available for questions, so -- but the traffic

1 study, I believe, is part of the application, right.

2 MR. GARVIN: Yes.

3 MR. MAGUIRE: I'm sorry it wasn't sooner. It  
4 was a piggyback on the original data from the original  
5 application and from other stuff done on Covert.

6 MAYOR FITZGERALD: I don't think I asked.  
7 Forgive me if you mentioned it, what is the type of  
8 menu?

9 MR. MAGUIRE: It's really -- it's still in  
10 design. It's sandwiches, the flatbreads, tacos, all  
11 matter, fast, casual. Not fine dining.

12 MAYOR FITZGERALD: Okeydoke.

13 Are you good?

14 TRUSTEE STEWART: I'm good.

15 MAYOR FITZGERALD: With that, you could take  
16 a seat. I'll open it up for questions and comments  
17 from the audience.

18 MR. MAGUIRE: Thank you.

19 MAYOR FITZGERALD: I would ask if the  
20 questions -- I'll take down the questions and then --  
21 well, when we are done, I'll have the applicant and  
22 associate try to answer as best we can.

23 Please state your name and address.

24 MS. GATESON: Hi. Helen Gateson,

25 G-A-T-E-S-O-N, 18 Clayton Avenue.

1           Okay. We're in round three. I don't think  
2           our position on Clayton Avenue has changed. We still  
3           -- all of the residents of Clayton Avenue are still  
4           opposing to having this restaurant in that corner. Um,  
5           you approved this last two times, and it was justified,  
6           your approval, by putting these conditions on the  
7           application, and I think by putting these conditions  
8           you realized there is a problem with having a  
9           restaurant on that dead-end street corner.

10           And what we really want to know is -- I know  
11           you listed those conditions. How are those conditions  
12           going to be enforced? How will they be monitored? How  
13           many violations will be allowed before something is  
14           done because once you do -- once the approval is made,  
15           it's going to be extremely difficult to change. So, we  
16           need -- before you make the final decision, can we  
17           please have something too that -- where we know how  
18           those conditions would be monitored? What will be  
19           done, what the punishment will be for violating any of  
20           those conditions. We don't know that. You know, we  
21           know those conditions. You imposed those conditions,  
22           but that's not enough. We need to know what is going  
23           to happen with the conditions because we'll still have  
24           a problem. We still have a problem with parking. We  
25           still have a problem with the Uber and the lift drivers

1 going up and down the block. None of that has changed,  
2 the noise from the delivery trucks.

3 Now the proposed dump in the corner, not a  
4 dump -- a dumpster in there. So, that is open to all  
5 kinds of smells and rodents and all of that. None of  
6 those -- we're still concerned about all of those  
7 things.

8 And also, you mentioned about the drive-thru.  
9 That is also an issue for us. If you have cars  
10 constantly coming down where we're trying to walk down  
11 the block, we can't walk straight down. We can't cross  
12 because the cars are always turning this way. It's  
13 quite different than a bank. A bank was open from 9:00  
14 to 3:00 and 12:00 on Saturday, and they were closed on  
15 Sunday. We had evenings without any cars, without  
16 anybody making the drive-thru.

17 There are still things that need to be worked  
18 out. We still have concerns, and we still feel this is  
19 not a place for a restaurant. There is still risks of  
20 fire. We all know that it happened before. So, we do  
21 have concerns and we would like our concerns to be  
22 addressed before you do your final approval.

23 Thank you.

24 MAYOR FITZGERALD: Monitoring the conditions,  
25 our police department and buildings department monitor

1 things like that, and there are warnings given, and as  
2 a last resort, we can pull a special use permit. That  
3 would the be last resort. Exactly how far is the last  
4 resort, how many violations would be violated or those  
5 conditions violated before you pull that -- I can't say  
6 a hard and fast number on that. It would have to be  
7 determined how many times it is happening, how  
8 frequently it is happening.

9 MS. GATESON: It's going to keep happening  
10 before anything is done.

11 MAYOR FITZGERALD: It's going to happen once  
12 or twice before anything is done, but we do enforce  
13 these. We do put cease and desist orders on people's  
14 businesses and the police and the building department  
15 will do everything they can to ensure they are  
16 enforced.

17 MS. GATESON: How will we know? How will the  
18 residents know there are five violations or no  
19 violations so that we can take some action as well?  
20 How would we know?

21 MAYOR FITZGERALD: You could certainly ask us  
22 at any meeting. It would all be out there in the  
23 public record.

24 MS. GATESON: Because, because, like I said,  
25 once the approval is made, it is extremely difficult to

1 change your approval, and once the approval is made for  
2 this business to any other changes that they would want  
3 will be also approved. What would prevent them in a  
4 later date to put in a bar?

5 MAYOR FITZGERALD: That would change the use.  
6 They have to come in before the Board and do the same  
7 process.

8 MS. GATESON: Same approval. Okay.  
9 Thank you.

10 MAYOR FITZGERALD: You are welcome.

11 Anyone else in the Village Hall before I move  
12 to -- state your name for the record.

13 MR. FRANZETTI: Joe Franzetti,  
14 F-R-A-N-Z-E-T-T-I, 34 Clayton. I'm here now my second  
15 year. I bought a house and it's been existing -- this  
16 is the third meeting we had. The trees, then the  
17 restaurant. You do realize this is a dead-end street.

18 MAYOR FITZGERALD: If you could address it to  
19 me.

20 MR. FRANZETTI: I'm sorry. You know that  
21 anybody that has ever shopped at Pellegrini's, when you  
22 are pulling out of Pellegrini's how difficult that is  
23 to get out. Really, I mean, I don't know how many more  
24 accidents happen over there. I'm not sure. That's the  
25 other side of the street and that's one of the most

1 impossible places to get out. You can't see cars  
2 coming down. Now you stack up the other side of the  
3 street. It's one thing on Covert Avenue. We have two  
4 little kids, a third one on the way. They love to play  
5 in that lot. It doesn't really mean much except the  
6 fact that you have action going on the corner of the  
7 street. We don't know how long -- how often the cars  
8 come in and out.

9 My wife sent me to ShopRite last week to pick  
10 up groceries. You talk about technology. They have  
11 been doing this for fifteen years. They have a giant  
12 parking lot and all of the spots for what you pick up  
13 are all taken and everybody else is picking up --  
14 parked wherever the hell they wanted to and that's just  
15 the way it goes, and that's what is going to happen. I  
16 don't think there is any way around that for a dead-end  
17 street. I think this is a dangerous thing you are  
18 looking at.

19 For the bar, for the lateness and to hear a  
20 pin drop in the neighborhood. That's why we bought the  
21 house. Yes, I strongly object. That's the side of the  
22 street being taken up by a lot with cars coming out,  
23 especially on Clayton.

24 MAYOR FITZGERALD: You say that side of the  
25 street?

1                   MR. FRANZETTI: I'm talking on Clayton. The  
2 driveway on Clayton and the one on Covert. I'm okay  
3 with the store, restaurant, or whatever it is there,  
4 but certainly not clogging it up with cars to come into  
5 Clayton Avenue. That's where you run into a bigger  
6 problem. That's my peace. I'm not opposed to having a  
7 business there at all. It's that drive-thru and you  
8 know -- say technology, we all know how that goes.  
9 That's it.

10                   MAYOR FITZGERALD: Thank you, Mr. Franzetti.  
11 Good evening.

12                   MS. SMITH: Good evening, Nancy Smith,  
13 27 Clayton Avenue.

14                   We could use a nice restaurant on Covert  
15 Avenue, so I'm supportive of that aspect. I do have  
16 concerns about the drive-thru and how that will work.  
17 Also, will people be using that to exit. What's to  
18 stop someone from parking there and then exiting onto  
19 Clayton? It gives us unnecessary activity.

20                   MAYOR FITZGERALD: When you say how it will  
21 work, I don't know if you saw the diagram or not. They  
22 would be exiting on Clayton Avenue.

23                   MS. SMITH: Yes. And that is for the  
24 drive-thru to exit, not for the other patrons. How are  
25 you going to keep the other patrons who might park in

1 the other seventeen spots from utilizing the drive-thru  
2 area to exit?

3 MAYOR FITZGERALD: Okay.

4 MS. SMITH: It's good that you mention that  
5 deliveries are made from the parking lot or Covert  
6 Avenue. I did have concern about the door that is on  
7 the western end, so I understand that is just for  
8 employees.

9 MAYOR FITZGERALD: Uh-huh, correct.

10 MS. SMITH: So that would be one of the --

11 MAYOR FITZGERALD: Conditions.

12 MS. SMITH: That will watch for -- you have  
13 done a beautiful job with repaving the street and to  
14 have regular deliveries there, right at that side door,  
15 would not be a --

16 MAYOR FITZGERALD: There will be no trucks or  
17 deliveries on Clayton Avenue.

18 MS. SMITH: Okay. Those are my concerns.

19 Thank you.

20 MAYOR FITZGERALD: All right. Thank you.

21 Good evening.

22 MR. MIZZI: Anthony Mizzi, M-I-Z-Z-I, 30  
23 Clayton Avenue.

24 I don't feel there should become a restaurant  
25 on the corner over there. It's a dead-end street. I

1 don't know what Villages have a restaurant on a  
2 dead-end street, in any of the Villages and why should  
3 Floral Park have one. It's fourteen homes on a  
4 dead-end street with a restaurant on the corner.  
5 There's no room for it. Why it was okay in the  
6 beginning, I don't understand. We're going through the  
7 third clause of this and you should have been stopped  
8 at the first clause. This was a bank at one time. The  
9 bank was a problem. At the time the residents went to  
10 the bank, to the manager of the bank to talk about the  
11 drive-thru and it was unsafe. The manager understood  
12 this. Now we're going to have another drive-thru?  
13 It's unsafe for the block. There are people that walk  
14 up and down.

15 Now the building is going to be increased, et  
16 cetera, going to be busy through -- in that area. It's  
17 going to be bigger. The bank is going to be bigger  
18 now. It's one exit going out. It's going to be a  
19 small driveway. The pick-up is in the middle of this  
20 area so people are going to get their food, go towards  
21 the end to make sure they have their food. They're  
22 going to block that sidewalk right there. It's not  
23 feasible to have a restaurant right there with a  
24 drive-thru. That's one question I have. It's never  
25 been done before. The bank had a problem with it. Now

1 we're going to have a restaurant doing that with more  
2 people going through it? It just doesn't make any  
3 sense. We're only fourteen homes in Floral Park.

4 I understand you want to change things.  
5 Everything has to be changed, but you have electric  
6 cars going out now that are not working. The batteries  
7 are freezing and people are finding this out now  
8 because they want change. Everybody wants change, but  
9 it's not good. Certain things that -- have to stay the  
10 same and Floral Park has to stay the same. I think  
11 everybody -- the fourteen families feel the same way  
12 about that. Why are you changing it? It can't be a  
13 bank, let it be a parking lot. Let it be another bank.  
14 A restaurant doesn't go on the dead-end street. That's  
15 our problem. That's our major problem. It doesn't  
16 fit. It doesn't work. I mean, I know there is  
17 problems with working out a problem with the cars.  
18 We're going to see what we can do. This is what was  
19 said. We know what -- there's nothing that can be  
20 done.

21 We wanted a light on that corner. We can't  
22 get a light because it wouldn't be done. Nassau County  
23 won't allow it. How is anything going to change,  
24 through accidents. We turn around and say they're not  
25 going to be parking on Clayton Avenue, so the police

1 will come by. They will give a hard time to the people  
2 parking there, but also give a hard time to us. They  
3 don't turn around and let us know now. They turn  
4 around, say to us, if they can't do it, you can't do  
5 it. It makes it difficult for residents. We're paying  
6 taxes. That's what happened with the police. That's  
7 what happened now. If we call the police department,  
8 somebody is parking, the police come give a ticket.  
9 They come give me a ticket because I parked over four  
10 hours now. Why can't it be a quiet dead-end street?  
11 Why can't I live my life? Why does it have to be  
12 difficult? Because somebody is making it difficult and  
13 it doesn't have to be.

14 I got a bunch of things I could talk about as  
15 far as -- I don't want to get over on all of these  
16 things out here. I just don't understand how all of  
17 these things can be accepted. You know special use  
18 permits, turning around, giving out special use  
19 permits, it's not supposed to be that way.

20 You had a candy store. It had to be candy  
21 store at one time. It's now a bank. Now things get  
22 changed. Now we will have a restaurant.

23 Environmentally, it's not going to effect us  
24 as environmental. We are not going to smell that  
25 restaurant now? How could you possibly say -- how

1 could someone say that it wouldn't effect us? It will  
2 effect us. But there's nothing said about that at this  
3 meeting. It's written here. It's not going to effect  
4 us environmentally. Everybody will know it will effect  
5 us. That's all I have to say. I get upset about it.  
6 I'm trying to help my block. I want my block to be  
7 right. I came here in 1979 because I love the trees on  
8 this block.

9 And another thing I have to say, Kevin  
10 Giannane is a great person. He turned around and made  
11 our street look beautiful and all the lighting we did.  
12 That man went to bat for us and made our block look  
13 nice. That's the first time somebody said that, what  
14 is going on as far as the trees in Floral park. One  
15 day our trees will look beautiful because of him and he  
16 looked out for us.

17 I want to thank you for that. That's all.

18 MAYOR FITZGERALD: To clarify something, and  
19 I ask the Village Attorney Ryan to step in if I say  
20 something incorrectly. The restaurant, the owner of  
21 the building has as a right to do certain things at  
22 that building. We can't prevent him from doing --  
23 opening a restaurant. We can only put certain  
24 conditions.

25 MR. MIZZI: You could stop the special use

1 permit. You -- it can't be that way. If you have a  
2 candy store -- if it is a bank, it has to be a bank.  
3 You can't -- you say, I have a restaurant, bring gas  
4 lines and all of the stuff. You can't do that unless  
5 the Board says that.

6 MAYOR FITZGERALD: It is zoned for commercial  
7 use, which has a wide range of uses, including  
8 restaurant. We can put conditions on it.

9 MR. MIZZI: I get upset about it. That's my  
10 opinion on how everything goes. I want it to be right.  
11 I'm afraid of the kids on the block, have the building  
12 increased, one little driveway coming through. You  
13 have bushes on the other side. These kids can't see it  
14 and you will have people pulling out of this.

15 MAYOR FITZGERALD: Understood.

16 MR. MIZZI: This is one special use permit  
17 that shouldn't be allowed. The restaurant is where it  
18 might be -- that's how I feel environmentally.

19 MAYOR FITZGERALD: Thank you. I appreciate  
20 your passion.

21 Anyone else here in the Village Hall?

22 MR. FORTUNA: Steve Fortuna, F-O-R-T-U-N-A.  
23 It's 40 Clayton. I wanted to echo what Tony said about  
24 Kevin working with us. It was fantastic. My -- first  
25 of all, I have to apologize. I e-mailed you a study on

1 drive-thrus and sustainable environments. Take a look  
2 at it after the hearing. My concern is the public  
3 safety concern. Coming out of Clayton Avenue to turn  
4 onto Covert, especially making a left, is pretty  
5 dangerous, even a right. Cars go down Covert Avenue  
6 way above speed limit. If we have cars -- and  
7 typically, when you have a drive-thru coming out into a  
8 residential block, there's only a right-hand turn  
9 allowed for safety reasons. We can't do that because  
10 we're a dead end. Two cars come out at the same time,  
11 and I don't know who spoke about it, what if someone  
12 who is parked in the parking lot comes through and you  
13 have --

14 MAYOR FITZGERALD: Yeah, I'll have to ask how  
15 they will operate that.

16 MR. FORTUNA: It's not feasible. There will  
17 not be a jam-up because it's only two and a half car  
18 lengths from the drive-thru to the end of the block.  
19 So, if you had two cars and one car coming down the  
20 block, you have a jam-up at the corner and what cars  
21 are flying down Covert Avenue. I'm not actually  
22 surprised the Village would approve it based on the  
23 public safety, especially when they have notice in  
24 these hearings. I wonder what the liability of the  
25 Village would be, if it turns out to be a dangerous

1 situation.

2 I'm also concerned about the deliveries.  
3 It's great to say deliveries will be done in the  
4 parking lot. I looked briefly at this. It seems the  
5 door to the kitchen is on Clayton Avenue, so it doesn't  
6 make sense to me that deliveries are not made through  
7 the kitchen door. Maybe the applicant's can speak to  
8 that. I don't know.

9 That's all I had to say. Thank you.

10 MAYOR FITZGERALD: Thank you.

11 Mr. Mizzi, there is someone else.

12 Good evening. How are you?

13 MR. MCBARTLAND: Dan McBartland,  
14 M-C-B-A-R-T-L-A-N-D, 47 Clayton Avenue. I'll be brief.

15 They mentioned a traffic study. I don't know  
16 if you know the date. I don't need to know the date,  
17 when it was done, but whatever date it was performed,  
18 that -- does that correlate to the busy season of a  
19 restaurant? If they did it recently, in the last  
20 month, that doesn't really speak to traffic in August  
21 on Covert Avenue. So, if that is the case that it was  
22 done recently, I would ask that decision on that  
23 approval of this be put off until the proper timing of  
24 -- for a new traffic study can be performed.

25 And secondly, I just ask when is enough

1 enough? This is the third time for approvals. First  
2 one approved based on the variance of outdoor seating.  
3 The second one was kind of change of use, more of a  
4 bar. That was approved. Now we're back asking for  
5 more. When? When? When does the Village say you got  
6 it. We made concessions, live with them. They're  
7 coming back more and more and more. Just take that  
8 into consideration, when is enough enough?

9 MAYOR FITZGERALD: Understood. People have  
10 changed their businesses all of the time. They didn't  
11 go forward with the other ones.

12 MR. MCBARTLAND: But the Village doesn't have  
13 to approve it. I'm not asking the restaurant when is  
14 enough enough, I'm asking you, when is enough enough?

15 Thank you.

16 MAYOR FITZGERALD: Anyone else here in the  
17 Village Hall before I move on to Zoom?

18 Mr. Franzetti, there's another gentleman.  
19 Thank you.

20 MR. DERTINGER: Good evening. George  
21 Dertinger, D-E-R-T-I-N-G-E-R, 129 Verbena Avenue.

22 I just have to say I think there are over  
23 4,000 families in Floral Park and you guys have a tough  
24 job trying to decide what is right for the fourteen  
25 houses on Clayton Avenue. I think the people on

1 Clayton Avenue should count their lucky stars that Mike  
2 Maguire and his team are running the restaurant because  
3 they are upstanding citizens of Floral Park and have  
4 been so for more than four years. Um, they received  
5 some -- all kinds of awards from the community, work  
6 and charity work, AOLV, other schools and everything  
7 else. They run a business responsibly, and I think  
8 we're all aware of the treating of the restaurant and  
9 what is going on there, how responsible it has been to  
10 the town. They should count their lucky stars. I hate  
11 to repeat myself.

12 The situation could be much worse if --  
13 somebody put on Facebook they were worried about a  
14 McDonald's going in because they heard a drive-thru was  
15 going in on Covert. This is a commercial street. It  
16 is stated commercially zoned. It's like me saying, you  
17 know, I live next to a school and I'm going to complain  
18 about the school noise, or I bought a house next to the  
19 train and complain about the train noise. It's  
20 commercially zoned property that is being used  
21 according to the law by responsible people. And I  
22 don't think that we need Covert Avenue to be vacant  
23 again because it's becoming a ghost town, at least on  
24 the Floral Park side of the street. I'm sure we can  
25 use the tax revenue.

1                   That's all I have to say.

2                   MAYOR FITZGERALD: Thank you.

3                   Mr. Mizzi, could you wait. I have to get the  
4 people on Zoom.

5                   Good evening. Brad Turner, 95 Violet.

6                   I want to reiterate some of the stuff George  
7 was saying. I'm a twenty-five year resident in this  
8 city seeing a lot of changes, right, and to the same  
9 feeling, that I want to see an investment in this town,  
10 right. Everything George said, upstanding business  
11 owner. I've known Mike for twenty-odd years. I've  
12 seen how he runs his family in this town, the work he  
13 has done here. Born and raised. The way he ran  
14 Trinity for twenty-five, thirty years, all shows you  
15 are getting an upstanding business person putting money  
16 and so forth into this town, which I'm a big fan of.

17                  Enforcement, I could leave my car overnight  
18 one time and I get a ding for the ticket. There's  
19 plenty of enforcement going on in the town, which I  
20 applaud. I think -- I have no problem paying my fair  
21 share of parking tickets. I don't think enforcement is  
22 an issue. And I know Mike, he's the type of person to  
23 say, hey, listen, if the neighbors are having an issue  
24 and it's valid, he'll work with it. He'll work with  
25 the town to come up with the new ways.

1           I've owned a hospitality business myself and  
2           some things are unpredictable and you have to be  
3           amenable to change, which I know Mike is. I want to  
4           see an investment.

5           The fire on Covert, I don't know what is  
6           taking those buildings so long, but they were a great  
7           part of this town. It would be great to put another  
8           bank in. I haven't been in a bank in ten years. I  
9           don't think we're getting anymore banks. And what  
10          else, I'm sure the owner of the property would love  
11          nothing more for somebody to step in there and pop up.  
12          But to my knowledge, nobody else is stepping up to make  
13          an investment in the town. Another restaurant,  
14          especially with the fast casual flair will do well  
15          here, and it's the only restaurant I really know of --  
16          certainly in that area of town, but in most of Floral  
17          Park that actually has parking.

18          So, we're talking about a drive-thru. I  
19          think that's in response to some of the restrictions  
20          they put on in terms of times of use. I don't think  
21          that's going to be the core of the business. I think  
22          people will pull in, park and eat inside there. So,  
23          you know, again, time will tell.

24          Again, I think the idea that there's somebody  
25          willing to step up, put hundreds of thousands of

1 dollars into an investment in our town is applaudable.  
2 I would love to see it go forward.

3 MAYOR FITZGERALD: Thank you.

4 Anybody that hasn't spoken?

5 MR. JAGDE: Robert Jagde, J-A-G-D-E, 26  
6 Clayton Avenue.

7 I want to say I agree basically with  
8 everything my neighbors said. There is no point  
9 rehashing. I think the Village Board and yourself,  
10 particularly all of the conditions, you try to work  
11 with us on this.

12 A minor point and attorney Ryan can correct  
13 me if I'm not correct here. I'm looking at the Village  
14 code on Long Island. This is -- I hate to be this guy  
15 nitpicking. There are thirteen permitted uses for  
16 businesses, commercial property in a B-1 zone and none  
17 of them a restaurant. I could read down the thirteen:  
18 Travel agency, cleaners, laundromat, shoe repair,  
19 whatever. Special use is a restaurant, tavern, bar and  
20 grill. Special use may only be a rejected special use.  
21 Just the gist of the special use only happens if you  
22 let it happen. There is no right to the special use.  
23 It's at your discretion. I want to make that point  
24 clear to everyone, and I'll stand to be corrected. I'm  
25 reading it at face value. It's not one of the thirteen

1 permitted uses. You can't -- you have nothing to say  
2 about -- it is a special use and at your discretion,  
3 and we just hope that you really make a good effort  
4 trying to make this all work for everybody. So, just a  
5 point that I wanted to say.

6 VILLAGE ATTORNEY RYAN: The way the law  
7 works, you are right in terms -- not as of right of  
8 use, but it is presumptively under the law,  
9 presumptively allowed use subject to this Board  
10 approving conditions on it.

11 MR. JAGDE: Okay. All right. I wanted to  
12 put that out there for everyone. It made it sound we  
13 have no choice. I thank you for everything you are  
14 doing with all of the conditions and trying to work  
15 with them and work with us.

16 MAYOR FITZGERALD: Thank you.

17 We'll move to the Zoom now.

18 Darlene, I guess what is the best way of  
19 doing this? I guess -- I don't know if you hear that,  
20 the Zoom and if you have a question or comment, raise  
21 your hand and we will let you in to present your  
22 comment. Give it thirty seconds. If you want to type  
23 it in the chat, state your name and address and you can  
24 type it in the chat.

25 I know, Mr. Mizzi and Mr. Franzetti.

1 MR. MIZZI: Anthony Mizzi, 30 Clayton Avenue.

2 I heard people speaking about the owner, he's  
3 a nice person and he would be good for us. I think he  
4 is not good for Clayton Avenue. It's not a commercial  
5 street, it's a commercial building, but a residential  
6 street and he kept on saying it's a commercial street.  
7 It's not. It's residential. It's fourteen families.  
8 This will effect fourteen families and that's basically  
9 why we are here. It has nothing to do with commercial.  
10 He might be the greatest guy in the world. If he lived  
11 on the street, he would be with us. He wouldn't want  
12 that restaurant on this corner. Nobody in this place  
13 would want the restaurant on the corner. It's not good  
14 for property, not good for selling the home. Our homes  
15 will go down because there is a restaurant right on the  
16 corner. We have problems now with traffic and we'll  
17 still have problems with traffic. Nothing is going to  
18 be solved by it. You will have complaints up the wazoo  
19 with that.

20 I don't know if you can get that on there.

21 It's not going to end there. It's going to  
22 constantly go. It's going -- you know there's work  
23 going on in the building. Are there permits on the  
24 building? There's work going on in the building.  
25 There shouldn't be work going on in the building. What

1 is happening? No nobody knows about it. How could  
2 this guy be that great for our block? How could he be  
3 good for our residents if it's going on now? We're  
4 trying to stop it before it starts. It's going on and  
5 on and on about this.

6 That's all I have to say. Really, we're  
7 going up -- on this street, it's fourteen residents.  
8 It's not anybody else, how good he is or whatever.  
9 Nobody in Floral Park -- everybody wants a restaurant.  
10 Everybody wants a bar. There are fourteen residents.  
11 Don't. We live there. We voted you in to take care of  
12 us and that's what we need you for. That's all I'm  
13 saying. I understand about progress and all of that.  
14 Progress doesn't always work. The electric cars are  
15 not working.

16 That's all. Thank you.

17 MAYOR FITZGERALD: Superintendent Marcus,  
18 Mr. Mizzi mentioned work going on in the building now.  
19 Are you aware of any work?

20 MS. MARCUS: There was a previous permit  
21 issued for the interior demolition.

22 VILLAGE ATTORNEY RYAN: She can only take one  
23 person at a time.

24 MS. MARCUS: I'll review it. Thank you.

25 MAYOR FITZGERALD: Thank you.

1                   We have someone.

2                   MRS. MAGUIRE: Carolyn Maguire.

3                   As you know, I'm related to Mike Maguire.

4                   When we purchased our first home on Hinsdale Avenue  
5                   right down the block from -- but correct, we're fully  
6                   aware of the problem of a busy business, but the  
7                   cookery expanded. They opened a cafe. Now it is a  
8                   BC Bistro. There is traffic on that block all of the  
9                   time, cars parked in front of our house all of the  
10                  time. We're completely aware of what it is like to  
11                  live on an A block. We bought the house on a block --  
12                  down the block from a busy street. We knew when we  
13                  bought the house we were down from Jericho Turnpike,  
14                  lots of businesses, people would be parking there.

15                  I know when Mike is doing his studies, they  
16                  revamped three times. Every time he comes back with  
17                  them, they made changes based on what you told them.  
18                  That's -- he knows what it is like. As many people  
19                  said, I could attest to many nights Mike is doing many  
20                  things for the community, for the town. He always has  
21                  in his mind what is going on. So, I wanted to say we  
22                  know what it is like to live on a busy street. I think  
23                  he has backers now. That's it.

24                  MAYOR FITZGERALD: Give your name again.

25                  MS. GATESON: Helen Gateson, 18 Clayton.

1                   You know, we applaud everyone that comes and  
2                   talks about Mike Maguire and how great he is. We have  
3                   nothing against Mike. I'm sure he is a wonderful  
4                   person living here for a long time and has done great  
5                   things. We're not against Mike and who he is. We're  
6                   against the concept of the restaurant, whether Mike is  
7                   running it or anybody else. We're just against the  
8                   concept. Mike is a great guy, but he can't control  
9                   things. He can't control the traffic, control the cars  
10                  going through, the drive-thrus. He can't control that  
11                  no matter how hard he tries. He can't control it. We  
12                  all agree Mike is a great guy, but it's the concept  
13                  that is a problem.

14                   MAYOR FITZGERALD: Okay.

15                   Mr. Franzetti, if you could state your name  
16                   again.

17                   MR. FRANZETTI: Joe Franzetti, 34 Clayton.

18                   Number one, the gentleman who said you can  
19                   thank our lucky stars, that is a very arrogant  
20                   statement.

21                   MAYOR FITZGERALD: If you could direct it to  
22                   me.

23                   MR. FRANZETTI: You don't know what people  
24                   have gone through to get the house on the block. We  
25                   thank our lucky stars we are there. This is my third

1 meeting here, right?

2 MAYOR FITZGERALD: There might be more.

3 MR. FRANZETTI: I hope not that many more. I  
4 want a quiet life. I have never seen so many people on  
5 the block here, and I know you're an honest guy and  
6 reasonable guy, and I know you believe in the voice of  
7 the people on the block, and there's a strong majority,  
8 and you are going to take a harder look at it. I'm  
9 amazed who is here from our block and it is strong and  
10 we live there. We are asking you to just give it a  
11 little more time. Think about it. Read the studies.  
12 That drive-thru is intense. It's going to be intense  
13 on that little block. It is a short dead-end street,  
14 not a long deed-end street.

15 Thank you again.

16 MAYOR FITZGERALD: The Deputy Mayor mentioned  
17 a number of occasions, this is probably previous to the  
18 most conditioned special use permits that we ever  
19 approved.

20 Your name.

21 MR. URENA: Robert Urena, U-R-E-N-A. 14  
22 Clayton Avenue.

23 MAYOR FITZGERALD: Address, please.

24 MR. URENA: I'm directly across where the  
25 restaurant is being built. Some of my main concerns,

1 you know, the drive-thru traffic coming out of there.  
2 Um, everybody here is a resident of Floral Park, right?  
3 I understand you do some studies. It would be nice to  
4 drive down Covert and try to make a left on Clayton  
5 between maybe the hours of 3:00 to 6:00. It's really  
6 tough. Now we have several cars every ten minutes,  
7 twenty minutes, thirty minutes. It's going to be really  
8 tough getting into the block and out of the block.  
9 It's only fourteen of us. Sometimes you have to wait a  
10 little while for traffic to clear on Covert. With  
11 several cars every so often coming out of the  
12 drive-thru, it's a big concern to that aspect. We have  
13 kids on the block, have bikes, they play on the block.  
14 That traffic concern is something for you guys to  
15 really put more -- look into it more, okay? That's  
16 pretty much it.

17 MAYOR FITZGERALD: Thank you.

18 Anyone else?

19 MR. MIZZI: Anthony Mizzi, 30 Clayton Avenue.

20 There won't be a vote tonight, correct? Will  
21 there be a vote tonight on any of this?

22 MAYOR FITZGERALD: No. We usually, as you  
23 probably have seen, we reserve decision for another  
24 time and like the previous gentleman mentioned, you  
25 know we like to take in all of the comments, read the

1 transcript before making a decision.

2 MR. MIZZI: That's what I'd like to know. I  
3 would like to have a table where it's all no before a  
4 vote is done. It will be a vote one way or the other,  
5 if there is anything else we have to say about this.

6 MAYOR FITZGERALD: It wouldn't be voted on  
7 tonight.

8 MR. MIZZI: Certain changes in the plan that  
9 should be done before a vote should be done. They have  
10 a dumpster here with the exit closed off from Fox &  
11 Company and it shows closed off. It should be open.  
12 It's a fire hazard. It doesn't show it on the plan.  
13 It has it closed off, if you look at it. That's  
14 something that should be corrected on the plan before  
15 anything is instituted.

16 MAYOR FITZGERALD: I'll ask them.

17 MR. MIZZI: Thank you.

18 MS. SMITH: Nancy Smith, 27 Clayton Avenue.

19 An additional thought on the loading area for  
20 deliveries. It's impossible to get out of Clayton  
21 Avenue when there is a large vehicle, a truck parked on  
22 the Covert Avenue side. It's difficult even if it's an  
23 SUV. It obstructs the vision. If it's a delivery  
24 truck, that is going to create additional hazards and  
25 we would really need a traffic light at that corner to

1 make it safe.

2 MAYOR FITZGERALD: Okay. I see no other  
3 questions or comments. If the applicant's could come  
4 up and, I guess, I'll go through what the questions  
5 are.

6 With the traffic study, what was the date and  
7 when was the -- what is the date of the study and when  
8 was it done, and is the -- I believe, the expert was  
9 here earlier.

10 MR. MAGUIRE: Yes. The traffic study is  
11 dated. You have to remember this is -- it's a  
12 projection. I mean, there is no business there now.  
13 So, you know, the study is done on what the traffic  
14 would be. So, to address the holiday traffic, I mean,  
15 you know, we could only project the business that we're  
16 going to have and what is going into that parking lot.  
17 Again, hopefully we are busy.

18 MAYOR FITZGERALD: What is the projection,  
19 the best case projection on the traffic study?

20 MR. MAGUIRE: Aaron is here that wrote the  
21 study. He can clarify. There is technical language  
22 involved in this.

23 MAYOR FITZGERALD: If you could state your  
24 name and occupation.

25 MR. MACHTAY: For the record, Aaron Machtay,

1 M-A-C-H-T-A-Y, VHB Engineering, offices at 100 Motor  
2 Parkway, Hauppauge.

3 So, yes, we prepared the traffic -- we  
4 actually prepared a study at the initial outset of this  
5 application in its previous iterations going back to  
6 2020 when it was first sought out.

7 Basically, what we did now, we looked at the  
8 findings from that study and looked at this application  
9 and saw how it was different and saw if the findings  
10 were still valid, bearing in mind, the data that was  
11 selected for that study was prior to COVID. Traffic  
12 volumes, even still now, traffic and parking volumes  
13 are less than pre-COVID conditions. So, anything that  
14 we looked at before then is, as far as activity, is  
15 higher than we currently see even now, like three years  
16 later.

17 That being said, the only form to change that  
18 we saw with this application in terms of what will  
19 happen for traffic and parking activity, was the use of  
20 the pick-up window. I'll use the word pick-up window.  
21 Drive-thru is a misnomer. A drive-thru, as a traffic  
22 engineer, have very specific connotations. You know if  
23 we're talking about a McDonald's or a Chick-fil-A, we  
24 are talking about large queues where people place  
25 orders and wait for food and wait and pick it up. The

1 activity -- there is orders of magnitude greater than  
2 what we expect to see for this pick-up window here.

3 So, ultimately, the traffic that is going to  
4 come out of this drive-thru, based on what I would  
5 expect, will probably be less than what we would see if  
6 this bank were still open and operating a drive-thru  
7 during the peak hours.

8 MAYOR FITZGERALD: Do you have an approximate  
9 number during peak hours how many are going through the  
10 drive-thru?

11 MR. MACHTAY: I mean, that's, again, it's not  
12 really a drive-thru.

13 MAYOR FITZGERALD: I'm sorry, a pick-up  
14 window?

15 MR. MACHTAY: It's difficult to estimate  
16 that. I have numbers for drive-thru queues from all  
17 over the place in terms of, again, McDonald's,  
18 Chick-fil-A. Believe me, they are the most active in  
19 terms of the traffic that they come -- they're not  
20 applicable here. So, any projection in terms of those  
21 numbers, it's apples-to-oranges comparison. You know,  
22 in terms of the amount of traffic that a bank, based on  
23 our data can get, it is more substantial than what I  
24 would expect here, and that's my professional opinion  
25 as a traffic expert.

1                   MAYOR FITZGERALD: The question was raised by  
2                   the cars that are using the restaurant, but not the  
3                   pick-up window, would they be going out through a  
4                   pick-up window?

5                   MR. MAGUIRE: That is to be determined.  
6                   There is no reason that is not an exit. We could  
7                   restrict it to be just pick-up if needed, but as it is,  
8                   it is not still considered egress.

9                   MR. GARVIN: I would make it for pick-up.

10                  MR. MAGUIRE: We could restrict it to be  
11                  pick-up.

12                  MAYOR FITZGERALD: For the record, if you  
13                  could state there is an egress on Covert Avenue also.

14                  MR. GARVIN: Correct.

15                  MR. MAGUIRE: Correct.

16                  We could restrict it to just the pick-up.

17                  MAYOR FITZGERALD: Okay.

18                  MR. MAGUIRE: I could give you an approximate  
19                  total that Aaron can't. If we were to do, you know,  
20                  two hundred meals in a restaurant this size and then a  
21                  hard takeout meal, that would be on a successful  
22                  weekend night, two and three, four hundred meals, that  
23                  might amount to twenty-five cars, four meals averaging  
24                  in a pick-up car, twenty-five cars over three or four  
25                  hours. I mean, if it was beyond that, like I said, I

1 would be very happy, but I have no way of knowing that.  
2 I have no way to project how successful it would be.

3 MR. MACHTAY: Aaron Machtay.

4 If I could add, to assume it is a successful  
5 restaurant, those vehicles, if the window weren't  
6 there, if those vehicles are in the area, they're  
7 parking on the street, parking in the lot. They are  
8 there. These are people. These are the Uber Eats.  
9 These are the pick-up people that are stopping, parking  
10 wherever they can, accessing the restaurant, picking up  
11 their food and getting back in their car and going.  
12 Eliminating this window is eliminating a pick-up window  
13 compared to what was previously approved based on a  
14 traffic standpoint, is really the only difference.  
15 It's not removing vehicles from the neighborhood that  
16 won't be there if it weren't there.

17 Uber Eats, since the pandemic, is here to  
18 stay. It's a thing, and people like the convenience of  
19 Grubhub, those types of services. They're very big.  
20 So, having this extra window helps operations, you  
21 know, from a traffic point.

22 MAYOR FITZGERALD: There was a question about  
23 the deliveries coming in and where would they come into  
24 the building, on the side door or --

25 MR. MAGUIRE: Right now we have a stipulation

1 that the deliveries come through the parking lot.  
2 After -- I know there was some talk about a loading  
3 zone being assigned on Covert, which would be  
4 beneficial, but right now the deliveries would come  
5 through the private parking area. That's not to say  
6 there wouldn't be some, you know, traffic of employees  
7 or some -- not the purveyor, but not something coming  
8 out of the side door on Clayton. I mean, it's still a  
9 primary door to the kitchen. Our deliveries would come  
10 into the parking lot off Covert Avenue, into the  
11 building that way and not through Clayton.

12 MAYOR FITZGERALD: And the vehicle would exit  
13 on Covert -- onto Covert, not through Clayton?

14 MR. MAGUIRE: Typically it would be a truck.  
15 We wouldn't have a truck come through that, you know.  
16 The delivery would go back out onto Covert. Hopefully,  
17 like we said, if we could get a loading zone, it will  
18 never even enter the parking lot. That we are not  
19 counting on.

20 MAYOR FITZGERALD: Yeah, I think it is better  
21 having it all on-site, deliveries on-site. Parking is  
22 at a premium, sure.

23 MR. MAGUIRE: To address some of Clayton  
24 Avenue, that left turn, I'm not a traffic person, but,  
25 I mean, I lived in the Village and made a left on

1 Clayton and it seems like it is suicide to me to begin  
2 with, but that's just my opinion. If there is very  
3 little allowed parked on that part of Covert, I think  
4 it would help everyone. But, again, that's not  
5 addressed in this application.

6 MAYOR FITZGERALD: And there was a question  
7 about a dumpster, which I believe, was approved in the  
8 previous --

9 MR. MAGUIRE: Right now we don't expect to  
10 use the dumpster. The egress from Fox & Company, it's  
11 a separate property, and we just didn't show it on the  
12 drawing. It's not our property. There was a gate from  
13 Fox & Company into that. Why it's there, I don't know.  
14 There may be -- is there --

15 MR. GARVIN: There's enough room for a  
16 pedestrian to get through.

17 MR. MAGUIRE: For a pedestrian to walk along  
18 side of that, but that is separate property.

19 MAYOR FITZGERALD: There is a gate around the  
20 dumpster or is it open?

21 MR. MAGUIRE: On the drawings?

22 MAYOR FITZGERALD: Some have it closed.

23 MR. GARVIN: There's a fence around the  
24 dumpster with a gate in front of it.

25 MAYOR FITZGERALD: The dumpster would be

1 enclosed?

2 MR. GARVIN: Yes.

3 MR. MAGUIRE: Right now we have garbage being  
4 stored internally. I don't want to say there wouldn't  
5 be a dumpster there, but it's not in the initial plan  
6 right now. I do not want to surrender the right to  
7 have that dumpster there. I would rather keep the cart  
8 in regular enough where we don't have to leave the  
9 building except to bring it out to be picked up.

10 MAYOR FITZGERALD: Trustee Longobardi.

11 TRUSTEE LONGOBARDI: Back to the pick-up  
12 window, is there enough room back there for a patron to  
13 get a car around when there is a pick-up car in there?

14 MR. MAGUIRE: No, a single lane.

15 TRUSTEE LONGOBARDI: There wouldn't be a  
16 situation with two cars coming out at the same time?

17 MR. MAGUIRE: No. Right now there is two.  
18 There's a side by side, but that's not --

19 TRUSTEE LONGOBARDI: Based on the rendering,  
20 I didn't believe there was enough room for two to go  
21 through at the same time. That's what I --

22 MR. MAGUIRE: It's single file.

23 MAYOR FITZGERALD: There was a question about  
24 smells going onto Clayton Avenue, I think.

25 MR. MAGUIRE: I mean, they addressed in the

1 original application, we will put the best smoke  
2 handling ventilation. We will position it as far away  
3 from any residents as we can, and, you know, we will  
4 work with the building department on it.

5 MAYOR FITZGERALD: And it does say the plan  
6 would not be approved --

7 MR. MAGUIRE: Yes, I think. It's already a  
8 stipulation.

9 MAYOR FITZGERALD: There's a stipulation  
10 already in the previous qualified approved special use  
11 permit that talked to the Superintendent of Buildings  
12 has to approve the ventilation system.

13 Anyone else here on the Board have any other  
14 questions or comments?

15 TRUSTEE STEWART: Now, during years of  
16 operation and previously run businesses in the Village,  
17 did you ever get a cease and desist order due to a  
18 violation from the Buildings Department, to the best of  
19 your knowledge?

20 MR. MAGUIRE: No.

21 TRUSTEE STEWART: I'm sure there were  
22 occasionally some neighbor disputes. Did you ever find  
23 that you were unable to settle those disputes with  
24 those neighbors to everyone's satisfaction?

25 MR. MAGUIRE: No, to the benefit some of the

1 people -- I ran a restaurant on Tulip Avenue when Tulip  
2 Avenue was very active and busy. I never had any  
3 interactions with the police department or my neighbors  
4 when I ran Cantina that couldn't be resolved. With  
5 Trinity, we have neighbors adjacent to the municipal  
6 parking. It is very, very busy, primary entrance. I'm  
7 not saying there weren't problems. You could ask  
8 anyone in administration or the police department, it  
9 was handled professionally and with the neighbors first  
10 and foremost.

11 I understand -- just to -- I don't expect  
12 Clayton Avenue to think, you know, they're doing me a  
13 favor or that because I may have a nice reputation or  
14 I'm a nice guy. I understand this is a burden and a  
15 big change for them. I understand that. All I could  
16 say, I'm an honest businessman. I'm trying to put the  
17 property to use, and it's not -- it's not my best  
18 interest to have people in Floral Park mad at me  
19 because that's not going to help my business. If  
20 people are upset with the way I'm running my business,  
21 then they're not going to come to me. So, that's all I  
22 could say about that.

23 TRUSTEE STEWART: Thank you.

24 MAYOR FITZGERALD: Any other questions?

25 TRUSTEE STEWART: Thank you.

1                   MAYOR FITZGERALD: I would like to ask to  
2                   move to reserve decision and close the public hearing.

3                   TRUSTEE STEWART: So moved.

4                   TRUSTEE LONGOBARDI: So moved.

5                   MAYOR FITZGERALD: Ms. Walsh, can you poll  
6                   the Board?

7                   MS. WALSH: Trustee Stewart?

8                   TRUSTEE STEWART: Aye.

9                   MS. WALSH: Trustee Longobardi?

10                  TRUSTEE LONGOBARDI: Aye.

11                  MS. WALSH: Mayor Fitzgerald?

12                  MAYOR FITZGERALD: Aye.

13

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

16

*Karen Masler*

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KAREN M. MASLER  
Senior Court Reporter

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