

INCORPORATED VILLAGE OF MINEOLA
BOARD OF ZONING AND APPEALS

VOM-BZA #18-335
HIGH POINT ENGINEERING
91 JERICHO TURNPIKE
MINEOLA, NEW YORK 11501, Applicant.

Village Hall
Mineola, New York
May 24, 2018
7:30 o'clock p.m.

BUILDING DEPT.
INC. VILLAGE OF MINEOLA

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B e f o r e:

JAMES SHERRY,	Chairman,
CARL MARCHESE,	
PETER SMITH	
JANINE SARTORI,	Commissioners.

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PETER SMITH, CLERK
BUILDING DEPARTMENT

PETER TRENTACOSTE, ESQ.
COUNSEL TO BOARD

PATRICIA A. TAUBER, RPR
OFFICIAL COURT REPORTER

1 CHAIRMAN SHERRY: Good evening, ladies and
2 gentlemen. Welcome to the Zoning Board of Appeals
3 meeting. We have one application this evening. We do
4 have some new members of the Board. I'll take a moment
5 to acknowledge them.

6 First we have senior member Carl Marchese, and
7 he is joined by new member Peter Smith, not to be
8 confused with Peter Smith from the Build Department, and
9 also Janine Sartori, who is to my right, and also counsel
10 Peter Trentacoste is here.

11 Application #18-335. The subject parcel is 91
12 Jericho Turnpike, High Point Engineering.

13 **BZA Application #18-335, High Point Engineering, 91**
14 **Jericho Turnpike, Mineola, New York 11501.**

15 Application to demolish existing kiosk and removal of all
16 UST's and construct a new 1,360 square foot convenience
17 store, modification to existing canopy, new UST's and
18 pump islands. Application violated the following
19 sections of the Zoning Law:

20 a) Article VI, Section 550-23(4)(a)(1): Minimum required
21 lot area is 15,000 square feet, where 8,882 square feet
22 is proposed;

23 b) Section 550-23(4)(a)(2): Minimum required frontage is
24 150 feet on one street and 100 feet on one street, where
25 100 feet and 88.59 feet are proposed;

1 c) Section 550-23(4)(b)(3): Minimum distance required
2 between gasoline pumps and any street property line
3 sideline, or rear property, is 25 feet, where 16.5 feet
4 is proposed;

5 d) Section 550-23(4)(c)(4): Maximum permitted distance
6 between two pumps on an island is 10 feet, where 15.4
7 feet is proposed;

8 e) Section 550-23(4)(b)(1): Minimum required setback to
9 all structures is 40 feet from all street property lines,
10 where 5 foot 4 inches to canopy is proposed;

11 f) Section 550-23(4)(b)(2): Minimum required side yard
12 setback is 10 feet, where 4.9 feet is proposed;

13 g) Section 550-23(4)(b)(2): Minimum required rear yard
14 setback is 10 feet, where 5.3 feet is proposed;

15 h) Schedule II Use Regulations: Minimum required
16 off-street parking spaces is 6, where 2 are proposed;

17 i) Section 550-40(A)(2): Maximum permissible sign height
18 is 3 feet, where 3 feet 4 inches vertical height is
19 proposed; and

20 j) Section 550-40(b)(2): permissible sign area
21 is 30 square feet, where approximately 70 square feet is
22 proposed.

23 CHAIRMAN SHERRY: Who is here on behalf of the
24 applicant?

25 Please state your name for the record and spell

1 your last name for the court reporter, sir.

2 MR. FARRELL: For the applicant, John C. Farrell,
3 with the firm of Sahn, Ward, Coschignano, 333 Earle
4 Ovington Boulevard, Suite 601, Uniondale, New York.

5 With me tonight are Christopher Tartaglia from
6 High Point Engineering, and Adam Leon and his daughter
7 Nicole Leon, they are the owners of the subject property.

8 CHAIRMAN SHERRY: Welcome.

9 MR. FARRELL: The subject property is located
10 on the northwest corner of Jericho Turnpike and Maple
11 Place. It's identified on the Nassau County Land and Tax
12 Map as Section 9, Block 41, Lots 244 to 247.

13 The property has 100 feet of frontage on
14 Jericho Turnpike and 88.59 feet frontage along Maple
15 Place. The total lot area is 8,882 square feet. It is
16 zoned B-1 and is presently improved with a gasoline
17 service station with a small kiosk that sells convenience
18 store type items. This use has existed for more than 60
19 years at this location. It's been a service station that
20 long.

21 We're here tonight seeking variances in
22 connection with an application to renovate the site, add
23 a larger convenience store and replace the underground
24 storage tanks with new double wall tanks that are
25 designed to prevent gasoline from leaking into the

1 groundwater in the event that there's a breach in the
2 tank. There are a number of variances we seek on this
3 application, as the Board can see, however, most of them
4 are already an existing condition.

5 So for example, the lot area that's required
6 for gas stations is 15,000 square feet. This lot has
7 operated for 60 years with this size lot. It may have
8 been slightly larger before. I'm not sure when Jericho
9 Turnpike was widened at that location but, at most, they
10 only took probably 10 or 12 feet to widen it out there.
11 So it's always been a substandard lot for the current
12 code in terms of gasoline service stations.

13 The second variance on the call is to reduce
14 the lot frontage from 150 feet on one street and 100 feet
15 on another to 100 feet and 88.59 feet. Again, these are
16 existing conditions.

17 The next variance we seek is to diminish the
18 distance from the gasoline pumps to Jericho Turnpike.
19 The requirement there is 25 feet. We're at 16-and-a-half
20 feet. We're not moving that pump island, but somehow we
21 ended up .4 inches closer to Jericho. I don't know if
22 the dimensions on the pump itself changed, but presently
23 that setback is 16.9 feet. So that's only a .4
24 difference.

25 The max distance between the pumps on an

1 island: At the island closest to the convenience store
2 the distance between those pumps is 15.4 feet. The code
3 only requires 10. I'll have Mr. Tartaglia speak to that
4 when he comes up here to discuss the site issues.

5 The setback from the canopy: The canopy that
6 we have at the site now is staying. We're cutting it
7 back 8 feet from the south property line. So the front
8 yard setback at 5.4 is not changing. That is an existing
9 condition.

10 The others that are existing are the sign
11 height and the sign area. Those are existing signs.
12 Those signs are just being refaced, but they're staying
13 the same dimensions.

14 The new variances that we seek are related to
15 the convenience store. One is to reduce the side yard
16 setback on the east side from 10 feet to 4.9 feet. This
17 is the side of the property that is adjacent to the
18 two-story building that's owned by the construction
19 company which is adjacent to the railroad tracks there.

20 And then to reduce the rear yard setback from
21 10 feet to 5.3 feet. Again, that's adjacent to the
22 property to the south which currently has a
23 telecommunications tower on it.

24 So in total six of the ten variances that we're
25 proposing are exactly the same or substantially similar

1 to what is already existing at the site. So this is a
2 small lot. It's a very difficult site to deal with and,
3 you know, we're trying to make the best out of it.

4 So in terms of the new variances that we're
5 seeking with respect to the setbacks on the building, I
6 think it's important to note that if this were a
7 stand-alone convenience store it wouldn't be required to
8 have a side yard or a rear yard setback. In B-1 you're
9 allowed to go down to zero. In this case we're actually,
10 you know, further off the property line, and it's
11 consistent with other relief that the Board has granted
12 in the past.

13 I believe the Bolla Market at 449 Jericho
14 Turnpike received a rear yard variance of 5 feet, and
15 that's actually closer to the residential properties in
16 the neighborhood than this site is. Also, you know, it
17 should also be noted that the property to the south, with
18 the telecommunications tower, has a shed on the property,
19 a utility shed, that is less than 5 feet from the
20 property line, and the building to the east, which is our
21 other adjoining neighbor, is directly on the property
22 line. They have no setback on that side. So we're the
23 only property that's really providing any significant
24 buffer or landscaping, really, in the area.

25 The surrounding community is pretty -- I think

1 the Board is familiar with it. The property is located
2 on Jericho Turnpike. There are a variety of commercial
3 uses. There are many gas stations, convenience stores,
4 office buildings. Basically anything you can name is
5 there.

6 This site has been used, as I said before, as a
7 gasoline service station for more than 60 years and we
8 don't believe that the proposed change, which is adding
9 that new convenience store, is going to have any
10 substantial impact on the character of this community.
11 And the reason we believe that is because if you look at
12 the site along the south of the property -- I don't want
13 to say the property line because it's actually 4 feet in
14 from the property line -- there's a 4 foot high retaining
15 wall with a substantial amount of mature landscaping on
16 it. There's arborvitaes. I believe there's a Maple tree
17 on there. And so the property actually sits down grade
18 from that property and it's going to be shielded by the
19 telecommunications tower, the utility shed and all that
20 equipment. So it's going to be well-shielded from the
21 residential community to the south. In fact, you know, I
22 drove by the site today and you can't even see anything
23 from our property on either Maple Place or Washington
24 Avenue. You really have to get up on it, and I think
25 that was part of the reason we designed it this way. You

1 know, we set it back in this corner so that it had the
2 least amount of impact on the couple of residences that
3 are over here and the residences that are on the street
4 behind the telecommunications tower. We wanted to keep
5 it screened as well as possible.

6 On the east, that building is a substantial
7 building. It covers, I would say, 85 to 90 percent of
8 the lot. It's two stories high, you know, and it's right
9 next to railroad tracks. So, you know, this area is
10 pretty heavily trafficked. There's a lot of noise in the
11 area. We don't think that this is going to have any
12 additional impact than what it already has. We're
13 already selling convenience items. This is just going to
14 make it, you know, a little bit nicer.

15 We have a rendering of the building you can see
16 that we're going to put up there. It's much nicer than
17 what's there now. Mr. Leon takes excellent care of his
18 properties, maintains the landscaping, and we think this
19 is going to be a benefit to the community.

20 At this point I would like to have
21 Mr. Tartaglia come up and talk about the various site
22 features that were put in, as well as the reasoning for
23 the distance between the pumps.

24 CHAIRMAN SHERRY: Thank you, Mr. Farrell.

25 MR. FARRELL: Thank you.

1 MR. TARTAGLIA: Good evening, Mr. Chairman,
2 members of the Board.

3 For the record, my name is Chris Tartaglia,
4 with the firm High Point Engineering, located at 521
5 Conklin Street, Farmingdale, New York, 11735. Appearing
6 tonight on behalf of the applicant.

7 Mr. Farrell did a great job discussing a lot of
8 the items that are really a part of this application, but
9 there's a few items that I just want to stress or provide
10 a little bit more detail on.

11 What I put over my shoulder here to my right is
12 an aerial photograph of the vicinity of the property and
13 the surrounding structures. We just want to emphasize
14 the fact that just south of our site we do have the
15 transmission tower there and as you see right along that
16 yellow line, which is our property boundary, we do have
17 this utility shed that's appurtenant to that transmission
18 tower facility. It's interesting because it actually is
19 about the same size as the building that we're putting up
20 in terms of the length, although it is skewed a little
21 bit more towards Maple. So in effect what that will do
22 with our building -- and again, as Mr. Farrell
23 mentioned -- is completely obscure it from view. So
24 folks that live on Maple, travel on Maple, live on
25 Washington, or travel on Washington, they're not going to

1 have any difference in viewpoints from their roadway, or
2 their windows, or their properties, whatsoever. However,
3 we'll pull up the site rendering to describe a couple of
4 more details.

5 So one of the other components at this property
6 is the gasoline canopy which exists over the four pump
7 islands that are there now. What we're doing is we're
8 decreasing the length, or the depth, of that canopy from
9 the rear of the property by about 8 feet. And the reason
10 why we're doing that is when we install the building to
11 the south side of that canopy, and those pump islands,
12 we're creating an access lane so that vehicles can get to
13 both sides of that pump island and still fit well within
14 the area between the proposed convenience store and the
15 pumps. So that's actually going to be a reduction in
16 terms of the roof area and facial and signage area on the
17 site with the reduction of the length of that canopy.

18 The green area you see to the south is
19 essentially an existing landscaped border that's there
20 now. We're putting the convenience store in just in
21 front of an existing retaining wall that's there now so
22 as not to have to disturb that structure and have any
23 impact on the adjoining properties.

24 We are installing two 12,000 gallon double-wall
25 fiberglass underground storage tanks. Just as a point of

1 reference, the two 12,000 gallon tanks total 24,000
2 gallons. There's actually three 8,000 gallon tanks that
3 are there now. So we're not increasing the storage
4 volume, but what we're doing is modernizing those
5 existing single-wall tanks and putting in
6 state-of-the-art double-wall tanks with full leak
7 detection capability. They're electronic systems that
8 will literally shut down the pumping of this facility in
9 the event of any intrusion of gasoline into the protected
10 secondary space of those tanks and that piping. So the
11 systems that are available today versus 30 years ago, or
12 30-plus years ago, when these tanks went in are night and
13 day in terms of environmental responsibility.

14 With regard to site access, we're not changing
15 anything. Essentially there's not a lot changing. As
16 Mr. Farrell indicated, we're keeping the pump islands on
17 the Jericho Turnpike side where they are. As I said
18 earlier, we're relocating the other set of pump islands a
19 little bit further north to make room for the building,
20 but we're not increasing the number of fueling positions
21 there are. We're keeping the two curb cuts on Jericho
22 Turnpike as is. We're keeping the one curb cut on Maple
23 as is. And we're creating parking stalls just to the
24 west side of that building.

25 Now one of the variances -- I'm not sure if

1 Mr. Farrell mentioned it -- is also for parking, required
2 parking. Just by the numbers, for this 1,600 -- I'm
3 sorry -- 1,364 square foot building we are required to
4 have a total of 6 stalls. That's one stall per 250
5 square feet. We are providing 2. So while that might
6 sound like a substantial deficit, there's a couple of
7 mitigating factors here that bear mentioning.

8 With regard to the other competition in the
9 area: Mr. Farrell mentioned the Bolla site. That
10 building is twice the size of this one. The property is
11 also larger. That might be considered more of a
12 destination type use. That might be a convenience store
13 where someone is only going to the property to purchase a
14 convenience item.

15 A 1,300 square foot store is not that
16 destination type use. Our target customer is the
17 customer, really, that we have now. It's someone that we
18 already have on the property that's purchasing gasoline.
19 They're going to leave their car at the pump, run inside,
20 grab something quick, and then come back out. This is
21 not a facility that generates a lot of need for parking
22 for convenience store purchases only. The building is
23 not big enough. There's just not going to be enough
24 goods and services within that building to really warrant
25 that kind of customer. We're just going to sell the

1 basics within this building.

2 That said, so we'd like to think that, with the
3 four dispensers, that we actually have 8 parking stalls
4 under the canopy, plus the 2 that we're providing
5 adjacent to the building. So, really, this property is
6 going to act and feel and operate as if it has 10 parking
7 stalls. Again, only 6 are required by code. One of
8 those parking stalls is a fully ADA handicap accessible
9 parking stall right next to the building, to the west of
10 it.

11 We are providing an area for a dumpster
12 enclosure. I don't believe there's a facility like that
13 on site now. So just to the east side of the property,
14 against the building, we're going to provide an opaque
15 chain-link fence with slats in it for a roll-out dumpster
16 so that can be hidden from view. That probably cleans up
17 the aesthetics of the property.

18 And again, as Mr. Farrell mentioned, the
19 signage is not changing. It's essentially refacing,
20 putting new lenses and interesting framing. So there's
21 no increase or changes in signage.

22 CHAIRMAN SHERRY: Can you just be specific
23 about where the dumpster is going? I'm not seeing --

24 MR. TARTAGLIA: Sure can.

25 So this area right here, just to the north of

1 the building, in the existing curbed area. So again,
2 it's a small one. It will only accommodate a small
3 roll-out type dumpster but, again, a small facility like
4 this is not going to generate a lot of trash, and not
5 significantly more than it does today, which is minimal.

6 That's really the substance of my application.
7 I'm sure the Board may have questions. I'm certainly
8 here to answer any of them as may be needed.

9 CHAIRMAN SHERRY: 60 continuous years, or has
10 there been any time when this has not been operated or
11 shut down for any reason?

12 MR. FARRELL: Not from what I can tell. Not
13 from my review of the records. I can't see any cessation
14 of use.

15 CHAIRMAN SHERRY: And with the improvements
16 that are taking place with the tank and the overall
17 property that you propose, will that include generator
18 capacity in the event of power outage?

19 MR. TARTAGLIA: Yes. So what this will have
20 is, instead of an actual permanent generator, this site
21 would qualify for what's called a transfer switch, which
22 is actually something that's mandated by the state, such
23 that it would be generator-ready, and that transfer
24 switch will be located on the side of the building. It's
25 about the size of a small college refrigerator. In terms

1 of area, about two by three. And essentially what it
2 allows is a hookup of a generator to keep the facility
3 operating.

4 CHAIRMAN SHERRY: Thank you.

5 Currently on the property are there any parking
6 stalls per se? Are there any, other than the parking
7 that occurs at the tanks?

8 MR. TARTAGLIA: I don't believe there's any
9 delineated. Yeah, there aren't any. There certainly is
10 some room for it on the south side, but there really is
11 no reason to park there. People are there getting gas,
12 and very minimal sales out of the kiosk.

13 CHAIRMAN SHERRY: What will change about the
14 nature and quantity or types of items that will be sold
15 in the larger convenience store?

16 MR. TARTAGLIA: I think the major change that
17 they're going to have is they'll allow the customers to
18 be able to walk in. Right now they're doing their
19 purchases through the exterior of the doorway. It's a
20 little befuddling, frankly.

21 So within the building they'll be able to have
22 a minimal amount of just household goods, emergency
23 items, aspirin, maybe one type of diaper. They're not
24 going to have 15 different types of everything. They'll
25 certainly have beverages there. There will be an

1 eight-door cooler in the building for various beverages,
2 and they'll probably have maybe a fountain drink,
3 certainly a coffee offering. Everybody is looking for
4 coffee nowadays. Things of that nature.

5 I'm sure the Board is familiar, those of you
6 who frequent convenience stores, a convenience store of
7 this nature will have the basics but certainly not
8 expanding items. I don't believe we're looking at any
9 prepared food or served food of any kind.

10 CHAIRMAN SHERRY: Actually, Mr. Farrell had
11 said that you, Mr. Tartaglia, would talk us through, a
12 little bit, this difference in the permitted distance
13 between the pumps.

14 MR. TARTAGLIA: Sure.

15 CHAIRMAN SHERRY: So I'm not sure that you got
16 to that in your earlier presentation.

17 MR. TARTAGLIA: I didn't. Thank you for the
18 reminder.

19 So this is -- I've done several gas stations
20 applications in this Village, and this one always sort of
21 confused me and I never really got an answer as to
22 exactly what it is. But what I truly believe it to be --
23 just so we're clear, this is Section 550-23(4)(c)(4) of
24 the code, and it has a maximum distance between pumps or
25 dispensers where you get your fuel of 10 feet. I'm

1 presuming that this law went into effect back in the old
2 days when each grade of gasoline was dispensed out of one
3 pump. And as the Board I'm sure is aware if you drive,
4 those days are long over. Now we get all of our
5 different grades of gasoline and even, when we want it,
6 diesel from one pump. Press the button, you get the
7 grade of gasoline you want depending upon what your
8 vehicle requires.

9 So we're providing 15 feet in between the
10 pumps. Now the reason for that is quite simple. Back in
11 the old days we only wanted the pumps 10 feet apart was
12 because when the car parked at its dispenser, the
13 dispenser, they could only choose from one brand of
14 gasoline that they needed, or one brand of fuel. So it
15 didn't matter that those pumps were too close to fuel 2
16 vehicles at once. Now that you have these multi-product
17 dispensers, you have to space them apart simply so that
18 you can get one car pulling in behind another, and two
19 vehicles can use one of each of the pumps.

20 So we have 15 feet distance between the pumps.
21 That actually provides about 20 feet center to center.
22 If you think of a vehicle nowadays, they run anywhere
23 from a very small vehicle of 12 feet to a very large
24 vehicle of 18 feet. We have 20 feet in between so that
25 one vehicle can park right behind the other and they can

1 fuel without contacting each other or being too close for
2 comfort.

3 CHAIRMAN SHERRY: Thank you.

4 MR. TARTAGLIA: You're welcome.

5 CHAIRMAN SHERRY: Fellow Board members, any
6 questions?

7 MR. MARCHESE: I have one, Mr. Chairman, if I
8 may.

9 CHAIRMAN SHERRY: Of course.

10 MR. MARCHESE: I'm sensitive to the
11 handicapped.

12 The building that's going to be there, is it
13 going to be at ground level?

14 MR. TARTAGLIA: Yes, sir.

15 MR. MARCHESE: I won't have to worry about
16 someone who has a handicap has to go up a step or
17 anything like that?

18 MR. TARTAGLIA: Well we have a ramp, and that
19 ramp will be located right adjacent to that parking stall
20 there. The ramp will be fully ADA compliant, no more
21 than a 6-inch rise and fully, you know, meets every ADA
22 criteria. The walkway in front of the building will be
23 at least 5 feet wide. Again, fully ADA compliant.
24 Plenty of room for maneuvering, turning, etcetera.

25 MR. MARCHESE: The customer who comes in who

1 doesn't carry credit cards, wants to pay by cash, is a
2 cashier going to be in that building?

3 MR. TARTAGLIA: Yes.

4 MR. MARCHESE: Like it was with the old kiosk?

5 MR. TARTAGLIA: That's correct.

6 MR. MARCHESE: And the old kiosk, I remember,
7 had a minimal amount of stuff, you know, simple candy
8 bars and whatever, or coffee, whatever. But I'm not
9 going to go in there and expect a hamburger. I can't do
10 that.

11 MR. TARTAGLIA: No prepared food. None.

12 MR. MARCHESE: OK. That's all I have,
13 Mr. Chairman.

14 CHAIRMAN SHERRY: Thank you.

15 Any other Board members have any questions?

16 MR. SMITH: Follow-up question on the pumps,
17 please.

18 Do you have any sense of how far the existing
19 pumps are from each other?

20 MR. TARTAGLIA: Well actually, the pumps that
21 are facing Jericho Turnpike are actually this distance
22 today. They're 15.4 feet apart. They exist in that
23 capacity. Again, because we have multi-product
24 dispensers today, we don't have the old style single
25 product pumps. So it's an existing condition to remain.

1 That's actually the point I should have made.

2 MR. SMITH: And you mentioned the landscaping.
3 I see it on the site plan represented.

4 Can you elaborate a little bit on your plans
5 for irrigation?

6 MR. TARTAGLIA: Absolutely. I'm not certain if
7 the existing facility has an irrigation system, but for
8 certain there will be for the landscaped area located
9 along Jericho Turnpike. There's one around the existing
10 sign at the corner, in between the sidewalk and the pump
11 islands along Jericho, and then along the periphery of
12 the site. That's all going to be replanted. We haven't
13 submitted a landscape plan yet. We haven't gotten that
14 far. But certainly an irrigation system will be a part
15 of this program.

16 You know, most of the site will be excavated
17 in order to put these tanks in. We'll have excavation.
18 We'll have all new paving. So then we'll have the
19 opportunity to run all of the piping and irrigation lines
20 to create the irrigation system.

21 A system like this would still be considered
22 somewhat on the small end. We probably could get away
23 with just some misters and some drip lines. There won't
24 be any (indicating sounds) type of sprinklers out there.
25 They're just not needed. There's no massive lawn area.

1 But yes, short answer, we'll absolutely have irrigation
2 in all of the landscaped areas.

3 MR. SMITH: One more question.

4 Just out of curiosity, is there a design
5 rationale for where you're locating the vacuum and the
6 air stations?

7 MR. TARTAGLIA: Yes.

8 MR. SMITH: Can you explain that a little bit?

9 MR. TARTAGLIA: So that's the side of the site
10 that's really going to see the least amount of traffic
11 and certainly, from an aesthetic perspective, we didn't
12 want to put it on the roadway side. So we're putting it
13 to the side of the site that's going to be the quietest,
14 if you will. There's always the tanks, so there will be
15 tanker deliveries, but they're going to happen one to two
16 times a week. So that is the spot where, if a vehicle
17 did pull up and stop, there's still plenty of room for
18 cars to get in and out of the pump islands and to
19 navigate the site.

20 MR. SMITH: Thank you.

21 MR. TARTAGLIA: You're welcome.

22 MR. MARCHESE: If I may, this may be apropos to
23 what you were just saying. I envision someone with a
24 Ford Expedition, like me --

25 MR. TARTAGLIA: 17-footer.

1 MR. MARCHESE: It's a big one.

2 -- and I'm behind a Toyota Camry and they're
3 pumping as if they're getting ready to leave the world.
4 You know. I want to get out of there.

5 Am I going to have enough room to pull around
6 and get out around them, or am I going to worry about
7 traffic backing up behind me?

8 MR. TARTAGLIA: To answer the question: The
9 lanes that are present between the islands, both on the
10 north side of the islands between Jericho Turnpike and
11 the pumps, between the two pump islands, and then between
12 the pump islands and the building, there will be a total
13 of four fueling lanes. So if you were in that station
14 when every pump island was being utilized, then indeed
15 you would have to wait to get out if you didn't want to,
16 quote, back up and maneuver.

17 MR. MARCHESE: So I wouldn't have room to come
18 around the Toyota in front of me.

19 MR. TARTAGLIA: But you would actually have the
20 room if -- I'll point to the board behind me, if I can,
21 maybe it will be a little easier.

22 MR. MARCHESE: You know where I'm going with
23 this, because I'm just concerned traffic is going to back
24 up behind me and create a hazard out there.

25 MR. TARTAGLIA: Right. So I think I can

1 hopefully allay your fears because, while we don't
2 have -- like I said, if every fueling position on the
3 inside island, let's just say, is being used -- in other
4 words four vehicles would be here -- then you would
5 indeed have to wait until the vehicle in front of you
6 pulls out. Now if it's a Toyota Camry, it has a much
7 smaller fuel tank than your Ford Expedition. I'm
8 assuming, he's going to be out of there much quicker than
9 you are because the pumps all run the same speed.

10 But assuming it's the opposite -- you're
11 driving the Toyota, he's driving the Expedition -- when
12 we do these new tanks we're going to be installing two
13 horsepower submersible pumps that will cut the filling
14 time of these tanks literally in half of what you have
15 today. So your wait -- even if you're an impatient
16 driver, your wait will not be more than a couple of
17 minutes.

18 MR. MARCHESE: Yes.

19 MR. FARRELL: But you're also talking about a
20 scenario that doesn't happen all that frequently, where
21 all four pumps are filled on both sides. You know,
22 you're talking about having a significant number of
23 vehicles in there at one time and it's --

24 MR. MARCHESE: I'm a retired accountant. I'm
25 trained to look at a half empty glass of water and I'm

1 trained to look at worst case scenario. That's all. It
2 may never happen but, I figured one time it does happen,
3 I don't want someone to get rear-ended in the back. You
4 know.

5 MR. TARTAGLIA: Certainly can't control bad
6 behavior but, if past performance is any indicator of
7 what we're expecting here, this is a good site. It's a
8 good corner. But it doesn't see these sort of massive
9 volumes of customers and traffic. Certainly we're
10 looking for it to continue to be successful, but I don't
11 know that we're seeing 8 cars at once at this site.

12 MR. MARCHESE: OK. Thank you.

13 CHAIRMAN SHERRY: I did have one additional
14 question.

15 Could you just tell us what the current hours
16 are and what the proposed hours are?

17 MR. FARRELL: So currently they operate a
18 24-hour operation at the site. We've had, as far as I
19 can tell, no complaints. We have no issues with police
20 or any of that type of thing.

21 CHAIRMAN SHERRY: So currently 24-hours, both
22 the gas operation and the kiosk operation.

23 MR. FARRELL: Correct.

24 MR. TRENTACOSTE: If I can just add,
25 Mr. Chairman, one piece of housekeeping to this

1 application.

2 CHAIRMAN SHERRY: Please do.

3 MR. TRENTACOSTE: And forgive me.

4 This matter was before the Nassau County
5 Planning Commission and we only received this -- I don't
6 know if counsel has seen a copy of it yet. We only got
7 it back, I think, late yesterday afternoon.

8 The Planning Commission did leave this as a
9 local determination but did express -- I have a copy for
10 you too, counsel -- concerns relative to site access and
11 traffic safety.

12 The site plan showed two full-movement curb
13 cuts on Jericho Turnpike. The westbound left turn
14 movement into the site from Jericho Turnpike may be
15 problematic and potentially dangerous as the westbound
16 left turn lane does not align with the site's westerly
17 curb cut. In addition, there is no westbound left turn
18 lane serving the site's easterly curb cut but, rather, an
19 eastbound left turn lane serving Pennsylvania Avenue.
20 The NYS DOT may consider installing a dual east and
21 westbound left turn lane re-striping that would serve the
22 subject property as well as Maple Place and Pennsylvania
23 Avenue. Consideration may also be given to prohibiting
24 left turns into the site from Jericho Turnpike.
25 Motorists would be directed onto Maple Place, which is

1 one-way enter only, and then turn left into the site.

2 And I'll give you a copy, counselor.

3 MR. FARRELL: I have it. We just got it from
4 Mr. Smith.

5 MR. TRENTACOSTE: OK. So I mean certainly, if
6 you're just receiving this tonight, it might be something
7 that you want to look at.

8 MR. FARRELL: We'll take a look at it but, I
9 mean, my initial response to it is it's been operating as
10 a gas station at the same location for 60 years. The
11 addition of the convenience store, while we would love it
12 to double and triple the amount of traffic, it's just not
13 realistic. I mean, there's too much competition on
14 Jericho Turnpike, you know, for this to be -- you know,
15 this isn't a gas station that's the only game in town,
16 where everybody is going to come to this site to go to
17 the convenience store if they need something late night.
18 There are other options.

19 So that would be my initial response, and I
20 think Mr. Tartaglia may have some comments as well.

21 MR. TARTAGLIA: I would echo what counselor
22 says. The only thing I guess I would add, though, is
23 that I think that they might have some of the facts a
24 little bit skewed because, as you look at the aerial
25 photo, there is a left turn lane that would serve the

1 westerly curb cut that, in fact, I used tonight to visit
2 the facility. It also serves Maple Place. So that,
3 honestly, I think does well to serve the site.

4 I think maybe what they're talking about is the
5 easterly curb cut doesn't have access via that turning
6 lane, and they're talking about maybe making
7 modifications to that turning lane.

8 I mean, certainly we can take it under
9 consideration. I'm just sort of reacting to it now.

10 CHAIRMAN SHERRY: I think we wanted to make
11 sure you had the letter.

12 MR. TARTAGLIA: Thank you.

13 CHAIRMAN SHERRY: I'm not sure it's an accurate
14 capture of current conditions.

15 MR. TARTAGLIA: Understood.

16 CHAIRMAN SHERRY: If there's anything you
17 wanted to elaborate on or respond to, that would be fine.

18 MR. TARTAGLIA: Thanks.

19 I guess the one thing I would say is really
20 none of the access, really any of the issues discussed
21 here, affect any of the variances that are before you
22 tonight.

23 CHAIRMAN SHERRY: Yes.

24 Anything else on behalf of the applicant?

25 MR. FARRELL: I think I would just sum up by

1 saying, you know, this a very challenging site. It's
2 8,800 square feet. To redevelop it as something other
3 than a gas station would result in significant expense
4 and hardship to the applicant and then the additional
5 problem would be finding somebody to go into a space that
6 was that size. A building that would fit on that site,
7 provide all the required parking and landscaping and
8 buffers, finding a tenant in this day and age to go into
9 a space that small would be very challenging.

10 I think this is the best possible use. The
11 continuation of this use is the best possible scenario
12 for the site, and I think that the benefit to the
13 applicant in granting all of the variances outweighs any
14 possible detriment to the community.

15 CHAIRMAN SHERRY: Thank you, Mr. Farrell.

16 MR. FARRELL: Thank you.

17 CHAIRMAN SHERRY: Is there anyone else here
18 this evening who wishes to be heard on this application?

19 OK. Seeing no one, I'll entertain a motion
20 that this be determined to be a Type II Action under
21 SEQRA.

22 MR. MARCHESE: So moved, Mr. Chairman.

23 CHAIRMAN SHERRY: Second?

24 MR. SMITH: Second.

25 CHAIRMAN SHERRY: All in favor?

1 MR. MARCHESE: Aye.

2 MR. SMITH: Aye.

3 MS. SARTORI: Aye.

4 CHAIRMAN SHERRY: Aye.

5 And for the benefit of those who don't fully
6 understand the SEQRA process, a Type II Action does not
7 require any additional discussion.

8 I think we're going to reserve decision on this
9 this evening so you have the opportunity to respond to
10 that letter and submit any additional information.

11 MR. FARRELL: Thank you very much,
12 Mr. Chairman. I appreciate the Board's time.

13 CHAIRMAN SHERRY: Anything else, counsel?

14 MR. TRENTACOSTE: That's it. Thank you,
15 Mr. Chairman.

16 THE COURT: OK. Motion for adjournment?

17 MR. MARCHESE: So moved.

18 CHAIRMAN SHERRY: Second?

19 MR. SMITH: Second.

20 CHAIRMAN SHERRY: All in favor?

21 MR. MARCHESE: Aye.

22 (Transcript continued on next page.)

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MR. SMITH: Aye.

MS. SARTORI: Aye.

CHAIRMAN SHERRY: Aye.


MR. FARRELL: Thank you.

CHAIRMAN SHERRY: Have a good evening.

* * *

This is to certify that the within and foregoing is a
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