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INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE

BOARD OF TRUSTEES

February 19, 2020  
6:30 o'clock p.m.

B e f o r e:

SCOTT P. STRAUSS,  
Mayor,

PAUL S. CUSATO,

GEORGE R. DURHAM,

DENNIS J. WALSH,  
Trustees.

\* \* \*

JOHN P. GIBBONS, JR., ESQ.  
Village Attorney

\* \* \*

JOSEPH R. SCALERO,  
Village Clerk

DANIEL B. WHALEN,  
Supt. of Buildings

\* \* \*

KELLY CULEN  
Official Court Reporter

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1 MAYOR STRAUSS: Good evening, ladies and  
2 gentlemen, thank you for coming out this evening. We  
3 have three hearings we want to get through. Mr.  
4 Scalero, the floor is yours.

5 MR. SCALERO: Legal notice, public hearing,  
6 Incorporated Village of Mineola.

7 Please take notice that the Board of Trustees  
8 of the Incorporated Village of Mineola will hold a  
9 Public Hearing on Wednesday, February 19, 2020 at 6:30  
10 p.m. at the Village Hall, 155 Washington Avenue,  
11 Mineola, New York, 11501, or at some other location to  
12 be hereafter designated by the Board of Trustees, in  
13 order to receive public comment upon the following:

14 Application of Alexander Joly Peres DaSilva  
15 for a special use permit pursuant to Chapter 550 of the  
16 Code of the Incorporated Village of Mineola, entitled  
17 Zoning, Section 550-12 entitled B-1 Districts,  
18 Subsection (B) entitled Special Uses and Section 550-13  
19 entitled B-2 Districts, Subsection (A)(1) to establish  
20 a take-out food and drink establishment upon the  
21 property known as 135 Mineola Boulevard, Mineola, New  
22 York, known and designated on the Nassau County land  
23 and tax map as Section 9 Block 414, Lots 2, 314 and  
24 316.

25 The Village of Mineola does not discriminate

1 on the basis of handicapped status in administration or  
2 access to or employment in its projects and activities.  
3 Joseph R. Scalero has been directed to coordinate  
4 compliance with non-discrimination requirements of the  
5 Federal Revenue Sharing regulations.

6 At this scheduled meeting of the Board of  
7 Trustees, reserved decisions from previous meetings, if  
8 any, may be acted upon by the Board of Trustees.

9 At the aforesaid time and place, all,  
10 interested persons will be given an opportunity to be  
11 heard.

12 By order of the Board of Trustees and the  
13 Incorporated Village of Mineola, Joseph R. Scalero,  
14 Village Clerk, dated January 23, 2020.

15 MAYOR STRAUSS: Thank you. Mr. Whalen, report  
16 on mailings?

17 MR. WHALEN: Executive notice sent to all  
18 adjoining properties, the affidavits signed and  
19 notarized.

20 MAYOR STRAUSS: Mr. Gibbons.

21 MR. GIBBONS: Nassau County Planning  
22 Commissioner has recommended local determination. I'd  
23 ask for a local resolution declaring this a Type II  
24 action under SEQR.

25 MAYOR STRAUSS: Motion or resolution?

1 TRUSTEE WALSH: Motion.

2 TRUSTEE CUSATO: Second.

3 MAYOR STRAUSS: Motion by Trustee Walsh,  
4 second by Trustee Cusato. All in favor?

5 TRUSTEE DURHAM: Aye.

6 MR. CUSATO: Aye.

7 TRUSTEE WALSH: Aye.

8 MAYOR STRAUSS: Aye.

9 Opposed?

10 Carried.

11 Ladies and gentlemen, this will be the format  
12 for this evening's hearings: The applicant will make  
13 their presentation, call its witnesses, and the members  
14 of the board will then present any questions we may  
15 have, and they will be answered and at that time we  
16 will open it up to public comment.

17 I ask anybody approaching the podium wishing  
18 to speak, state your name and your address for the  
19 record and speak clearly and slowly so it can be  
20 recorded.

21 Gentlemen.

22 MR. ABBATE: Members of the board, for the  
23 applicant, Tom Abbate, A B B A T E, Thomas A. Abbate,  
24 P.C. I'm an attorney with offices at 88 Sunnyside  
25 Boulevard in Plainview. As out court reporter Kelly

1 will tell you, I do not speak slowly, so I will try to  
2 temper my presentation as I deliver it to you this  
3 evening.

4 MAYOR STRAUSS: What was your name, sir? You  
5 already spoke so fast I missed it.

6 TRUSTEE WALSH: I'm a little hard of hearing.

7 MR. ABBATE: I don't have a problem being  
8 soft. My name is Tom Abbate, A B B A T E.

9 This is an application for a take-out food  
10 shop at 135 Mineola Boulevard. This is the site where  
11 I last appeared before this board to establish an  
12 interval training gym facility known as Fit Body Boot  
13 Camp, and you graciously approved that application, and  
14 it's operating quite successfully today.

15 The building in which it's located is a long,  
16 narrow structure. It's only 22 feet across but it runs  
17 to a depth of approximately 200 feet. It's a two story  
18 structure. Second floor is occupied by offices, and  
19 the Mineola Boulevard frontage is occupied by Fit Body  
20 Boot Camp to the tune of about 2,250, 2,500 square  
21 feet. There is vacant space in the rear and it's that  
22 rear space which is the substance of our application  
23 tonight. Enter Mr. DaSilva.

24 This is my client Alex DaSilva here to my  
25 right, and he seeks to take plus or minus 400 square

1 feet of that rear space and establish a food shop, Mr.  
2 Mayor and members of the Board of Trustees for pickup  
3 and delivery only.

4 From a legal perspective, premises is located  
5 in the B-2 zone, and we all know under Section 550-13  
6 (A)(1) it incorporates B-1 uses by reference, and in  
7 the B-1 you can have a carryout food establishment,  
8 that's the term we use, as a special permit, meaning  
9 it's deemed to be in harmony with the zone subject to  
10 the imprimatur of this board.

11 The initial question, not from a legal  
12 perspective but from a practical perspective, is how  
13 will a store in the rear of this long, narrow building  
14 survive? And that is the beauty of this application.  
15 We're all familiar with this site. When we were all  
16 here for this Fit Body Boot Camp, we had an open  
17 parking lot, municipal lot, owned by the Village. Now  
18 we have the Harrison garage under construction so there  
19 is ample parking, and it plays into Mr. DaSilva's  
20 hands.

21 His shop will be truly a carryout food shop,  
22 and when I say that we are not proposing to have a  
23 single seat within the premises; there will not even be  
24 a stool.

25 The food which is to be prepared is Brazilian

1 cuisine, and it mainly revolves around an item known as  
2 coxinha. I'm a land use lawyer, I'm not a chef, so I  
3 think you deserve to know what it is and I'm not the  
4 appropriate person, so I would like to call Mr. DaSilva  
5 and have him explain that to you.

6 MAYOR STRAUSS: Sure.

7 MR. ABBATE: Give your name and address for  
8 the record.

9 MR. DaSILVA: Hi, this is Alexander Joly Peres  
10 DaSilva, A L E X A N D E R J O L Y P E R E S D A S I  
11 L V A.

12 MR. ABBATE: Mr. DaSilva, I just said the  
13 magic word, coxinha. Could you tell Mayor Strauss and  
14 the trustees what that is?

15 MR. DaSILVA: The best way to explain a  
16 coxinha is sort of like a rice ball or potato  
17 croquette. It's a deep fried dough with a filling and  
18 the filling can be different types. It can be ground  
19 beef, chicken, cream cheese or spinach, for example.  
20 The primary one that I'm trying to make is a buffalo  
21 chicken dip recipe, which I think would be very  
22 delicious and sell.

23 MR. ABBATE: This is truly quick food; isn't  
24 that correct?

25 MR. DaSILVA: Yeah. It's more, you know, for

1 parties and caterings. They're bite size and you sell  
2 in volume or high quantities.

3 MR. ABBATE: Mr. DaSilva has photographs over  
4 a series of five pages, which I will offer up as one  
5 exhibit.

6 MAYOR STRAUSS: Give them to Mr. Scalero,  
7 thank you.

8 MR. ABBATE: We augment this by other  
9 traditional Brazilian fare as your business grows, rice  
10 and beans, perhaps, fried yucca?

11 You have to answer audibly so the court  
12 stenographer can hear you.

13 MR. DaSILVA: That's correct.

14 MR. ABBATE: Let's talk about the  
15 nitty-gritty, the things the Village will be concerned  
16 about. What will your hours of operation be? How many  
17 days a week will you operate?

18 MR. DaSILVA: The plan is to open seven days a  
19 week from 10 a.m. to 10 p.m.

20 MR. ABBATE: So lunch and dinner?

21 MR. DaSILVA: Correct.

22 MR. ABBATE: So is what I told the trustees  
23 accurate that you will not be having any sit-down  
24 consumption on premises?

25 MR. DaSILVA: No, this is going to be a



1 factory for these products for coxinha for delivery or  
2 pickup.

3 MR. ABBATE: How many employees will you have  
4 at the site?

5 MR. DaSILVA: The plan is to start with three  
6 employees, myself, our cook and an assistant.

7 MR. ABBATE: That assistant is going to double  
8 as a cashier.

9 TRUSTEE WALSH: I'm sorry, I didn't hear, how  
10 many employees?

11 MR. DaSILVA: Three.

12 MR. ABBATE: Three including Mr. DaSilva.

13 TRUSTEE WALSH: Yeah.

14 MR. ABBATE: Yes, thank you.

15 Let's talk about deliveries. Will there be  
16 any truck deliveries to your restaurant?

17 MR. DaSILVA: Not for manufacturing of food,  
18 right, I'm going to pick up the products myself.

19 MR. ABBATE: So you'll be picking up all of  
20 the ingredients?

21 MR. DaSILVA: That's correct.

22 MR. ABBATE: So there won't be any deliveries  
23 to the site?

24 MR. DaSILVA: Not for food.

25 MR. ABBATE: And my favorite part, the name,

1 the proposed name of your enterprise?

2 MR. DaSILVA: It's after my daughter's name,  
3 it's called Adrianna's Kitchen. She wants to be a  
4 chef.

5 MAYOR STRAUSS: How old is she?

6 MR. DaSILVA: Eleven.

7 MAYOR STRAUSS: Excellent.

8 MR. ABBATE: Thank you, Mr. DaSilva. I have  
9 no further questions, unless the board wishes to  
10 inquire.

11 MAYOR STRAUSS: I do, I have a couple. Stay  
12 there, Mr. DaSilva, if you could.

13 You're only going to be cooking these rice  
14 balls, that's the only thing you're going to be making?

15 MR. DaSILVA: Chicken balls, let's call them.

16 MAYOR STRAUSS: Okay. Explain, make sure I  
17 have this right, just so I understand it. They're  
18 either going to be rice balls with different insides?

19 MR. DaSILVA: So it's a flour dough with  
20 different insides -- chicken, beef, sausage, and then  
21 it's breaded and deep fried.

22 MAYOR STRAUSS: Okay. All right, and what  
23 about beverages, are you going to sell beverages,  
24 sodas, Gatorade, water?

25 MR. DaSILVA: Just perhaps compliment.

1 MAYOR STRAUSS: And no alcohol?

2 MR. DaSILVA: No.

3 MAYOR STRAUSS: And I know the other trustees  
4 have some questions, so I'll let them ask.

5 Trustee Cusato.

6 TRUSTEE CUSATO: Good evening, sir.

7 MR. DaSILVA: Hi.

8 TRUSTEE CUSATO: So if I want a ham and cheese  
9 sandwich on a roll with mustard, I cannot get that in  
10 your place?

11 MR. DaSILVA: That's not the plan.

12 TRUSTEE CUSATO: So if I park on Mineola  
13 Boulevard, I've got to walk all the way around to get  
14 to your place?

15 MR. ABBATE: Well, that would be one option or  
16 you can park in the Harrison Street garage.

17 TRUSTEE CUSATO: Yes, you're right.

18 MR. ABBATE: And, moreover, while there's no  
19 parking on First Street, there is parking on Harrison,  
20 at least as to the south side, and there's metered  
21 parking on Mineola Boulevard.

22 TRUSTEE CUSATO: So right now I'm going around  
23 First Street, and I have to go up through Franwin's  
24 parking lot, right, and I see the Eleanor Rigby's door,  
25 and I see a door marked 216. Is that your door? Where

1 is your building? I'm trying to find out where you're  
2 going to be located?

3 MR. ABBATE: So you know the former Eleanor  
4 Rigby's, which has now been gutted?

5 TRUSTEE CUSATO: Yeah.

6 MR. ABBATE: We're immediately abutting that  
7 to the north, so we're in between Kucks Deli and the  
8 former Eleanor Rigby's, a long bowling alley building  
9 by Fit Body Boot Camp.

10 TRUSTEE CUSATO: So Eleanor Rigby's and the  
11 former backyard of Eleanor Rigby's, and then right  
12 behind that is going to be your building?

13 MAYOR STRAUSS: That's right.

14 MR. ABBATE: Right, we're going in an existing  
15 building. We're not expanding the footprint of what's  
16 existing. No construction is to take place except on  
17 the interior.

18 TRUSTEE CUSATO: So I would need to call and  
19 say I'm going to order whatever-whatever and I would  
20 park and pick it up, and that would be it, right,  
21 between the hours of, you said, 10 and 10?

22 MR. ABBATE: Yes.

23 MR. DaSILVA: Yes, that's the idea.

24 TRUSTEE CUSATO: So okay. Thank you.

25 MR. ABBATE: Thank you. Any other questions?

1 MAYOR STRAUSS: Trustee Durham?

2 TRUSTEE DURHAM: Thank you.

3 I think he was trying to talk about the back  
4 of the building. So with the parking garage, there's  
5 a -- from Franwin's parking lot there's a driveway so  
6 is it going down that driveway to access from the back  
7 of the building, or is it only accessible from Mineola  
8 Boulevard?

9 MR. ABBATE: No, it would be accessible from  
10 both. If you look at the survey that we submitted as  
11 part of our application, you'll see that there's a  
12 dedicated easement in the rear. So, yes, you would  
13 utilize that easement to access Adrianna's Kitchen.

14 TRUSTEE DURHAM: And there's like a little  
15 small area where like three or four cars can fit and  
16 then the door?

17 MR. ABBATE: And then the door.

18 TRUSTEE DURHAM: Yeah, so where that little  
19 driveway is between the fence and the parking garage is  
20 the access point?

21 MR. ABBATE: That's correct.

22 That's correct, right?

23 MR. DaSILVA: That's correct.

24 TRUSTEE DURHAM: So your signage would go  
25 there?

1 MR. ABBATE: It would go on the facade of the  
2 building, yes.

3 TRUSTEE DURHAM: It would go on the facade of  
4 the building?

5 MR. ABBATE: Right. And we're not looking for  
6 any sign relief. It will comport with all of the specs  
7 of the Village code.

8 TRUSTEE DURHAM: Even though the building is  
9 listed as 135, the access would be off First Street,  
10 not Mineola Boulevard, so you wouldn't be walking off  
11 Mineola Boulevard to go into this establishment?

12 MR. ABBATE: You physically could not go  
13 through the Mineola Boulevard frontage to get to  
14 Adrianna's Kitchen; you would have to enter and exit  
15 through the rear.

16 TRUSTEE DURHAM: That's the famous 216 First  
17 Street address?

18 MR. ABBATE: Correct.

19 TRUSTEE DURHAM: But it is the 135 building?

20 MR. ABBATE: Correct.

21 TRUSTEE DURHAM: Okay. Cooking, it's all deep  
22 fried?

23 MR. ABBATE: Answer audibly for the  
24 stenographer.

25 MR. DaSILVA: Yes, it is.

1 TRUSTEE DURHAM: So your kitchen then, you  
2 have to set up --

3 MR. DaSILVA: I think there was some submitted  
4 plans as well, and it shows two deep fryers.

5 TRUSTEE DURHAM: Yes, so it's all --

6 MR. DaSILVA: There are three machines, also,  
7 that actually make the dough, makes the inside, and  
8 then there's another machine that forms the two  
9 together and puts the inside inside the dough and wraps  
10 it, and then there's a third machine that breads it,  
11 and then it goes into the deep fryer.

12 MR. ABBATE: And the kitchen is it outfitted  
13 as demonstrated on the plan with one handicap  
14 accessible bathroom.

15 TRUSTEE DURHAM: Main design is catering for  
16 parties, large quantities?

17 MR. ABBATE: That's the primary goal.

18 TRUSTEE DURHAM: Thank you, that's all.

19 MAYOR STRAUSS: Trustee Walsh.

20 TRUSTEE WALSH: Thank you, Mayor. Hello Mr.  
21 DaSilva, how are you?

22 MR. DaSILVA: Hello. Good.

23 TRUSTEE WALSH: Also, the attorney.

24 Let me start off, Mr. DaSilva, so you are  
25 going to be the person who picks up the materials and

1 brings them to your place, and this is stuff that  
2 you'll pick up at like a Restaurant Depot or something  
3 like that?

4 MR. DaSILVA: That's correct. Potato,  
5 chicken, rice.

6 TRUSTEE WALSH: What kind of vehicle do you  
7 drive?

8 MR. DaSILVA: At the moment a BMW.

9 TRUSTEE WALSH: You will be using that BMW to  
10 pick up the material? So if you understand me, what  
11 would you --

12 Maybe I asked the wrong question.

13 What vehicle will you be using to pick up your  
14 material?

15 MR. DaSILVA: I will be using a van.

16 TRUSTEE WALSH: A regular van, a step van?

17 MR. DaSILVA: A regular van.

18 TRUSTEE WALSH: Where will you be parking that  
19 regular van?

20 MR. DaSILVA: At the location.

21 TRUSTEE WALSH: Where those four parking  
22 spaces are?

23 MR. DaSILVA: Correct.

24 TRUSTEE WALSH: So those four parking spaces  
25 are also part of your lease agreement?



1 MR. DaSILVA: One of them will be.

2 TRUSTEE WALSH: So how many spaces is part of  
3 your lease agreement?

4 MR. DaSILVA: We haven't discussed that yet.

5 TRUSTEE WALSH: You have to speak up.

6 MR. DaSILVA: We haven't discussed that yet.

7 MR. ABBATE: The execution of the lease is  
8 contingent upon the successful application this  
9 evening.

10 TRUSTEE WALSH: In other words, he's going to  
11 be using a van to bring the material there, and then  
12 the van will stay outside, it's going to stay in one of  
13 those four spaces; is that correct?

14 MR. ABBATE: There or in the garage or in the  
15 metered parking.

16 TRUSTEE WALSH: Part of your lease, do you  
17 have any parking as part of your lease?

18 MR. ABBATE: I don't think the lease has been  
19 executed yet.

20 MR. DaSILVA: It's contingent upon your  
21 approval.

22 TRUSTEE WALSH: Are you looking to have any of  
23 those spaces as part of your lease?

24 MR. DaSILVA: It would be convenient if we  
25 did.

1 TRUSTEE WALSH: Okay. Now, putrescible waste  
2 is not picked up by the Village of Mineola. We would  
3 pick up your normal garbage, but the putrescible  
4 waste/food waste, how are you planning on getting rid  
5 of that?

6 MR. DaSILVA: I would dispose of it as  
7 required by the Village.

8 TRUSTEE WALSH: So you would get a private  
9 company?

10 MR. DaSILVA: Either have them pick it up or  
11 me drop it off.

12 TRUSTEE WALSH: What percentage of this 400  
13 square feet is going to be kitchen and what percentage  
14 is going to be used for customers that come in?

15 MR. ABBATE: Well, if you look at the plan,  
16 you could see that the bulk of it is kitchen. There's  
17 just a very small counter area. Maybe you could point  
18 this out.

19 MR. DaSILVA: I would said maybe 15 percent if  
20 you look at the plan.

21 TRUSTEE WALSH: I know that, but just so the  
22 majority of it is kitchen; is that right?

23 MR. DaSILVA: That's correct.

24 TRUSTEE WALSH: In that you're cooking with  
25 oil; is there going to be any special filters that are

1 needed for smoke, and have you looked into that at all?  
2 That would be a Buildings Department issue.

3 MR. DaSILVA: Everything will be built to code  
4 if the permit is approved tonight.

5 TRUSTEE WALSH: It would have to be to code  
6 with the fire marshal and everything, but have you  
7 looked into that? Are you planning to have a special  
8 filter system like Churrsqueira Bairrada or some of the  
9 other places?

10 MR. DaSILVA: I'm getting whatever is required  
11 to operate the facility.

12 TRUSTEE WALSH: That's a good answer.

13 Are you planning on doing large wholesale  
14 selling like establishment we will pick up 500 of these  
15 a day and, if so, how are they going to get in and out  
16 of picking up their stuff?

17 MR. DaSILVA: It would be delivery only.

18 TRUSTEE WALSH: So large things would be  
19 delivered using the van you spoke about?

20 MR. DaSILVA: Yes.

21 TRUSTEE WALSH: And that van then is going to  
22 have to be close by, so you don't really have a space  
23 to put this van yet; is that correct?

24 MR. ABBATE: Well, we don't have the lease  
25 executed, if that's your question, that's correct. We

1 will be asking our landlord for that dedicated space.

2 MR. GIBBONS: Is there a proposed lease?

3 MR. ABBATE: I'm not handling the leasing.

4 Is there a proposed lease?

5 MR. DaSILVA: Everything is contingent upon  
6 this hearing.

7 MR. GIBBONS: I know it's contingent, but have  
8 you looked at the proposed lease?

9 MR. DaSILVA: We have just discussed verbally.

10 MR. ABBATE: If this board were to impose any  
11 conditions that would require insertion into the lease  
12 necessarily, that would be part of our negotiation  
13 strategy.

14 TRUSTEE WALSH: Yeah, but you see we're here  
15 tonight for a hearing, you know, and the hearing is  
16 supposed to encompass everything you're going to do.  
17 So you have a concept here, but you don't even have a  
18 proposed lease other than you just had a conversation  
19 with Mr. Camill or whoever owns the building; is that  
20 correct?

21 MR. ABBATE: Mr. Frame, correct, is the  
22 landlord.

23 TRUSTEE WALSH: Correct. I didn't have his  
24 name.

25 MR. ABBATE: Matty Frame.

1           So what I'm suggesting is that if you were to  
2           say to Mr. DaSilva that we grant the application upon  
3           the condition that you have one reserved parking space  
4           immediately abutting the premises in the rear, that is  
5           precisely what we would go back to Mr. Frame with.

6           TRUSTEE WALSH: And does he own, the person  
7           who owns the building, I'll leave his name out of it,  
8           does he have those four parking spaces, is that part of  
9           his property?

10          MR. ABBATE: Yes.

11          TRUSTEE WALSH: Okay, for right now, that's  
12          all the questions I have. Thank you.

13          TRUSTEE CUSATO: You order, you pick up and  
14          then you go home, that's the concept here?

15          MR. ABBATE: Correct, or have it delivered.

16          TRUSTEE CUSATO: Okay.

17          MAYOR STRAUSS: Can you come in off the street  
18          and order one or two or you have to order it in bulk?

19          MR. ABBATE: You can come off the street. I  
20          can pop in after court and get some coxinha for lunch.

21          TRUSTEE WALSH: I may have another question.

22          MAYOR STRAUSS: Go ahead, sir.

23          TRUSTEE WALSH: Is this more -- we had it once  
24          with a gelato place, is this more of a manufacturing  
25          place, is that what it is? In other words, you're

1 going to be manufacturing stuff, and you're going to be  
2 taking it and selling it to other places?

3 MR. DaSILVA: Yes.

4 TRUSTEE WALSH: So what percentage of your  
5 customer base is going to be people walking in and  
6 getting five of them, and what percentage of them is  
7 going to be your manufacturing in this place and  
8 delivering to Kennedy airport or wherever you're  
9 delivering?

10 MR. DaSILVA: Actually, I have no idea, but I  
11 would say 75/25.

12 TRUSTEE WALSH: So 75 percent is a  
13 manufacturing, not a restaurant? This is more of a  
14 warehouse?

15 MR. DaSILVA: It is a commercial kitchen.

16 TRUSTEE WALSH: It is more of a commercial  
17 kitchen?

18 MR. DaSILVA: A place where you can  
19 manufacture and handle food.

20 TRUSTEE WALSH: How much stuff a day do you  
21 think you can put out of this 400 square feet without  
22 any kind of special filters for smoke and oil? How  
23 many fryers are you going to have, for example?

24 MR. DaSILVA: We have drawn out two fryers.

25 TRUSTEE WALSH: So basically this is much

1 less -- this is more retail --

2 MR. DaSILVA: Very small-scale operation.

3 TRUSTEE WALSH: -- than retail?

4 MR. DaSILVA: At least to start off with, it's  
5 going to be very small.

6 MR. ABBATE: Our output is obviously limited  
7 by the size of the kitchen. We're only talking  
8 twelve -- 400 square feet of space.

9 TRUSTEE WALSH: If you're there twelve hours a  
10 day, you can make a lot of stuff. Are you looking to  
11 make hundreds of pieces -- you must have customers  
12 lined up if you're going to go into business? No, you  
13 do not?

14 MR. DaSILVA: I have one customer with a  
15 catering hall, possibly.

16 TRUSTEE WALSH: Okay, I'll leave it at that  
17 and let others ask questions.

18 TRUSTEE CUSATO: Across the street, Winthrop  
19 Hospital, are you willing to -- can you handle -- if  
20 they want to order, can you handle those doctors,  
21 nurses, can you do that or not?

22 MR. DaSILVA: I would hope so, yeah.

23 TRUSTEE CUSATO: Thank you.

24 TRUSTEE DURHAM: Can I?

25 MAYOR STRAUSS: Yes, sir.

1 TRUSTEE DURHAM: One more question. How are  
2 you packaging it for delivery? And I do not see an  
3 area to set up for packaging on your counter space, so  
4 what's your plan for packaging? How are you packaging  
5 the product for delivery? Is it in catering trays?

6 MR. DaSILVA: There are many options. We have  
7 cups, we have pizza boxes.

8 MR. ABBATE: I'll offer up two photographs.  
9 This shows the individual containers. Two photographs,  
10 one exhibit, but I think the question is more directed  
11 so if you have an order of, say, 25 coxinha, how is  
12 that going to go out? Is it going out in a box, a  
13 container?

14 MR. DaSILVA: It is going to go out in box.

15 TRUSTEE DURHAM: Thank you.

16 TRUSTEE WALSH: Because, you know, I see your  
17 price range here, I don't know prices, but when I look  
18 at something like this, I would think it would cost two  
19 or three dollars apiece, but on your price list, you  
20 have \$27 to \$85, so you're talking about a large  
21 range --

22 MR. ABBATE: That's not our price list. Those  
23 were just representative packaging that Mr. DaSilva  
24 downloaded from the internet.

25 TRUSTEE WALSH: I understand that, but what



1       you're representing is you can get X amount for \$85.

2       You can get X amount --

3               MR. ABBATE: Those are not our prices.

4               TRUSTEE WALSH: That's what you gave me.

5               MR. ABBATE: That was just to show you our  
6       containers.

7               TRUSTEE WALSH: What the product looks like?

8               MR. ABBATE: What the product looks like. He  
9       downloaded that from the internet. That comes from  
10      some other store.

11              TRUSTEE WALSH: I just get the impression that  
12      this is going to be a kitchen that manufacturers food  
13      to send it to other places, and that's a big part of  
14      it, right?

15              MR. ABBATE: Yeah, that's a part of our  
16      operation in 400 square feet.

17              TRUSTEE WALSH: Now, if people come, if you  
18      have big volume of stuff, you're not going to be  
19      delivering it, because you will be cooking it, so  
20      people have to come with trucks and such and pick up;  
21      they're going to have to drive where those four parking  
22      spaces are and go in there and pick stuff up?

23              MR. ABBATE: It is the same situation if you  
24      go to a pizzeria.

25              TRUSTEE WALSH: No, no, I'm just asking, is

1           that the premise?

2                   MR. ABBATE:  People will come park legally and  
3           pick up their order.

4                   TRUSTEE WALSH:  If you go to a pizzeria, you  
5           park, get a pie or get a slice, and this, to me, I  
6           could be wrong, sounds like somebody who is going to  
7           pick a couple of hundred of them up, they're going to  
8           need vehicles.  You hope a couple hundred.

9                   MR. DaSILVA:  You can fit a hundred of them in  
10          a smaller box than a pizza even if they're picking up a  
11          thousand.

12                   TRUSTEE WALSH:  That's all for now.  Thank  
13          you.

14                   MAYOR STRAUSS:  Mr. DaSilva, have you ever run  
15          a business like this before?

16                   MR. DaSILVA:  Not a food establishment, no.

17                   MAYOR STRAUSS:  What do you mean not for this  
18          establishment?

19                   MR. DaSILVA:  Not food.

20                   MAYOR STRAUSS:  Okay.  So what made you get  
21          into this other than your eleven-year-old daughter  
22          wants to be a chef?

23                   MR. DaSILVA:  I'm Brazilian.  I know this  
24          product is being sold around the neighborhood already.  
25          I really enjoy the product myself.  I make it at home.

1 I actually purchased it illegally from people making it  
2 at home. So I just want to do something legal and  
3 proper, and I know it's a good product.

4 MAYOR STRAUSS: Okay.

5 MR. ABBATE: You are not allowed, as Mr.  
6 DaSilva educated me, to prepare this at home and then  
7 sell it for commercial purposes.

8 MAYOR STRAUSS: Of course.

9 MR. DaSILVA: Well, the first idea was a food  
10 truck, but then after reading the requirements, it says  
11 that you need a legal commercial establishment, a  
12 kitchen.

13 MAYOR STRAUSS: To make it.

14 MR. DaSILVA: Yeah, the Department of  
15 Agriculture approval and Building Department,  
16 obviously.

17 MAYOR STRAUSS: So you're doing everything  
18 without food trucks, which is a lot better and a lot  
19 easier on you.

20 MR. ABBATE: That's correct.

21 MAYOR STRAUSS: Any other comments or  
22 questions from the board, before I open it up to public  
23 comment?

24 Great. Gentlemen, don't go too far. I'm  
25 going to open it up to public comment.

1 MR. ABBATE: Thank you very much.

2 MAYOR STRAUSS: Anybody in the first row,  
3 second row, third row, fourth row, fifth row, sixth  
4 row?

5 No.

6 Come back up here, sir.

7 Sir, anything else you gentlemen like to  
8 present as part of your application?

9 MR. ABBATE: No, but if there's anything the  
10 board would care for us to provide post hearing, we'll  
11 gladly do so.

12 MAYOR STRAUSS: Appreciate that. I'll  
13 entertain a motion to close the hearing and reserve  
14 decision.

15 TRUSTEE WALSH: Motion.

16 TRUSTEE CUSATO: Second.

17 MAYOR STRAUSS: Motion by Trustee Walsh,  
18 second by Trustee Cusato. All in favor?

19 TRUSTEE DURHAM: Aye.

20 MR. CUSATO: Aye.

21 TRUSTEE WALSH: Aye.

22 MAYOR STRAUSS: Aye.

23 Opposed?

24 Carried.

25 You'll hear from us; thank you for choosing

1 Mineola.

2 MR. ABBATE: Thank you so much.

3 MAYOR STRAUSS: We'll see if we can work it  
4 out.

5 MR. ABBATE: Thanks so much.

6 MR. DaSILVA: Thank you.

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1 MR. SCALERO: Legal notice, public hearing,  
2 Incorporated Village of Mineola.

3 Please take notice that the Board of Trustees  
4 of the Incorporated Village of Mineola will hold a  
5 Public Hearing on Wednesday, February 19, 2020 at 6:30  
6 p.m. at the Village Hall, 155 Washington Avenue,  
7 Mineola, New York, 11501, or at some other location to  
8 be hereafter designated by the Board of Trustees, in  
9 order to receive public comment upon the following:

10 Application of Diane Pietroforte for a special  
11 use permit pursuant to Chapter 550 of the Code of the  
12 Incorporated Village of Mineola, entitled Zoning,  
13 Section 550-12 entitled B-1 Districts, Subsection (B)  
14 entitled Special Uses and Section 550-13 entitled B-2  
15 Districts, Subsection (A)(1) for the sale of food and  
16 drinks upon the property known as 150 Mineola  
17 Boulevard, Mineola, New York, known and designated on  
18 the Nassau County land and tax map as Section 9, Block  
19 412, Lot 198.

20 The Village of Mineola does not discriminate  
21 on the basis of handicapped status in administration or  
22 access to or employment in its projects and activities.  
23 Joseph R. Scalero has been directed to coordinate  
24 compliance with non-discrimination requirements of the  
25 Federal Revenue Sharing regulations.

1 At this scheduled meeting of the Board of  
2 Trustees, reserved decisions from previous meetings, if  
3 any, may be acted upon by the Board of Trustees.

4 At the aforesaid time and place, all,  
5 interested persons will be given an opportunity to be  
6 heard.

7 By order of the Board of Trustees and the  
8 Incorporated Village of Mineola Joseph R. Scalero,  
9 Village Clerk, dated January 23, 2020.

10 MAYOR STRAUSS: We are in possession of the  
11 affidavit of mailing and it has been signed and  
12 notarized. Mr. Gibbons.

13 MR. GIBBONS: Nassau County Planning  
14 Commissioner has recommended local determination that  
15 is for a Type II designation under SEQR.

16 MAYOR STRAUSS: Motion or resolution?

17 TRUSTEE WALSH: Motion.

18 TRUSTEE CUSATO: Second.

19 MAYOR STRAUSS: Motion by Trustee Walsh,  
20 second by Trustee Cusato. All in favor?

21 TRUSTEE DURHAM: Aye.

22 MR. CUSATO: Aye.

23 TRUSTEE WALSH: Aye.

24 MAYOR STRAUSS: Aye.

25 Opposed?

1 Carried.

2 Folks, again, this will be the format this  
3 evening at the hearing. We request the applicant come  
4 up to the podium, state your name, affiliation and  
5 explain your business and speak clear and slowly for  
6 the reporter.

7 MS. PIETROFORTE: Diane Pietroforte.

8 Actually, I own Sobol of New Hyde Park right now.  
9 We're doing very well and, as a matter of fact, prior  
10 to picking New Hyde Park, we really wanted Mineola, but  
11 it was very hard to find a spot, so as we were about  
12 two and a half years in we really love it. We're doing  
13 a very nice business. We have a nice community over  
14 there, so we wanted to start one in Mineola. So we are  
15 doing well enough in that the franchise was very  
16 grateful that we were looking to open another one and  
17 we finally found a spot in Mineola that we thought  
18 would be perfect. It looks like a lot like our other  
19 store, so we know exactly how to maneuver through that  
20 kind of space, and it's pretty much the same exact  
21 footprint that we have at the other store, so we just  
22 want to kind of bring it to the community.

23 We always said that we love the nurses, we  
24 love our nurses and doctors that we have coming over to  
25 our store, the court people, and it's just a nice --



1 something different to eat for those long days.

2 The parking situation over there is actually  
3 to our favor, if you will, because our nurses or our  
4 court person they might not be able to move their car.  
5 Once they're in that parking lot, they tend to want to  
6 stay, so a place they can walk, eat, take a couple of  
7 minutes and then get back to their lives.

8 There's a train station, same sort of thing  
9 where, you know, the parking is really in our favor  
10 over there, I think. And we take care of a lot of the  
11 high school kids. They love to gather there and hang  
12 out, just kind of --

13 Our hours of operation are 7 a.m. to 8 p.m. so  
14 it's nice and early. There's no real hanging out like  
15 into the evening. By 8 p.m. we're all done. We're  
16 pretty much closed -- we have our closing shift done by  
17 eight. Very simple, no kitchen, blenders, pretty much,  
18 freezers. Blenders, freezers, refrigerators, fruit.  
19 Fruit, fruit, fruit, a lot of fruit. That's pretty  
20 much the basis.

21 I gave you guys menus. If you're not familiar  
22 with acai, it is an item from Brazil that we freeze  
23 into sort of a parfait, granola, fresh fruit, you know,  
24 we work around the allergies with the kids and we  
25 employ a bunch -- probably about 17 to 23 is the

1 perfect age for us, and we have ten, twelve at a time,  
2 and they're great kids. We rely on them as much as  
3 they rely on us. And it's going very well, so we  
4 figured if we can do it over in the other town too.  
5 Same kind of community base feeling in those two towns,  
6 in our opinion.

7 So that's our game plan.

8 MAYOR STRAUSS: Great. For your benefit and  
9 for anybody that's kind of listening to this at home,  
10 we televise these meetings, so explain your business a  
11 little bit more. What is it? You're making smoothies?

12 MS. PIETROFORTE: Pretty much smoothies. Acai  
13 is becoming more popular now, I have to say, if anybody  
14 has had a Sobol. We really dedicate ourselves to the  
15 quality of it. They -- people do it in delis and  
16 Costco and stuff, but it's a bit of a skill because of  
17 the frozen acai. It's the temperature. It's neither a  
18 refrigerator nor freezer, so the whole game is to keep  
19 it fresh, keep it smooth, and then the fresh fruit on  
20 top. It's basically a parfait.

21 We sell them 7 a.m. We're there every day  
22 7 a.m., and we sell them to people going to work, a lot  
23 of nurses come over by us, teachers, that sort of  
24 thing. You can put one of the homemade butters on top,  
25 almond butter, peanut butter, and it gives it a little

1 more of a lunch or a meal replacement instead of a  
2 pizza all the time or a hero, whatever, whatever you  
3 normally eat, and it's very refreshing, and it's one of  
4 those things, after you eat, you're not tired. It  
5 gives you more energy than before you ate which  
6 normally when you eat a lunch, it's probably going to  
7 drag you down, so basically people -- and you can  
8 customize it to allergies and preferences. We have a  
9 bunch of different fruits aside from what it comes  
10 with -- banana, strawberry, blueberry, cocoanut, and  
11 honey. You can put cocoanut mango, hemp seed and chia.  
12 It's basically healthy.

13 MAYOR STRAUSS: Basically all the fruit stuff?

14 MS. PIETROFORTE: Fruit and butters.

15 MAYOR STRAUSS: Seven to 8 p.m. seven days a  
16 week?

17 MS. PIETROFORTE: That's seven days a week we  
18 do that, so we don't confuse the customer, and it's  
19 seven days a week 7 to 8 p.m.

20 MAYOR STRAUSS: How many staff do you  
21 anticipate working there?

22 MS. PIETROFORTE: We usually keep around  
23 twelve. In the summer we go a little more. You have  
24 more kids on the shift mostly.

25 MAYOR STRAUSS: It doesn't look like you're

1 going to have any room for parties in there? You're  
2 not going to have kids' parties?

3 MS. PIETROFORTE: No.

4 MAYOR STRAUSS: Trustee Cusato?

5 TRUSTEE CUSATO: My friend, how are you?

6 MS. PIETROFORTE: Very well.

7 TRUSTEE CUSATO: I have to tell you yesterday  
8 morning I went on Google to find out what these people  
9 are all about, and I realized they had a place on  
10 Jericho Turnpike in New Hyde Park, so I went there to  
11 find out what you're all about, and you know what, the  
12 seating, the tables, are going to be somewhat typical  
13 of what's happening in Mineola. So I walked in with  
14 nothing and I walked out and I paid for it. Their AB  
15 smoothie is absolutely great and you know what --

16 MS. PIETROFORTE: Acai berry made with almond  
17 milk.

18 TRUSTEE CUSATO: And I was there this morning,  
19 so I think you're going to be a great asset to our  
20 community, so best of luck.

21 MAYOR STRAUSS: Trustee Durham?

22 TRUSTEE DURHAM: Thank you. When you said ten  
23 to twelve employees, that's all at the same time --

24 MS. PIETROFORTE: No.

25 TRUSTEE DURHAM: -- or spread out?

1 MS. PIETROFORTE: That would be my payroll.

2 TRUSTEE DURHAM: The question is how many  
3 people working in the store at a time?

4 MS. PIETROFORTE: At a time?

5 TRUSTEE DURHAM: At a time.

6 MS. PIETROFORTE: It takes about two in the  
7 morning, three -- from about 10:30 to 3:30. I'm going  
8 to assume the second store, right, will be four in that  
9 spot. Four people, and then night shift three, and  
10 then maybe two on a closing shift.

11 TRUSTEE DURHAM: So four employees is the most  
12 during --

13 MS. PIETROFORTE: Yeah, it's blenders and,  
14 like, bowls.

15 TRUSTEE DURHAM: Do you have any spot for  
16 employees to park with your lot or with the lease?

17 MS. PIETROFORTE: They will probably just use  
18 the lot, I would think, right?

19 TRUSTEE DURHAM: Your employees, is there  
20 parking behind the building?

21 MS. PIETROFORTE: No. I mean, I would  
22 assume -- when I work, I would probably park and walk.

23 TRUSTEE DURHAM: The making of the smoothies  
24 and the fruit, the fruit is all stored in freezers or  
25 is it fresh deliveries how often?

1 MS. PIETROFORTE: It's freezers and there's  
2 deliveries daily except for one day a week. And it's  
3 stored -- the acai is stored frozen and then the  
4 bananas, strawberries, blueberries fresh daily.

5 TRUSTEE DURHAM: They deliver it daily in the  
6 morning?

7 MS. PIETROFORTE: Yes, about three cases of  
8 bananas, four cases of strawberries. It's like a hand  
9 truck, about that big. [Indicating.]

10 TRUSTEE DURHAM: From your design where is it  
11 going into the building, from the back or from the  
12 front? Where is the truck that's delivering this  
13 parking?

14 MS. PIETROFORTE: Probably will go in the  
15 front. Probably with the truck on Harrison. Takes  
16 about five minutes.

17 TRUSTEE DURHAM: Is it a van, a box truck?

18 MS. PIETROFORTE: It's a truck.

19 TRUSTEE DURHAM: Box truck?

20 MS. PIETROFORTE: Box truck.

21 MAYOR STRAUSS: What were the times, I  
22 apologize, for deliveries?

23 MS. PIETROFORTE: The delivery comes about  
24 10:30, 11.

25 MAYOR STRAUSS: In the morning?

1 MS. PIETROFORTE: Um-hum.

2 MAYOR STRAUSS: Sorry.

3 TRUSTEE DURHAM: That's okay.

4 So just running through the day, your openers  
5 come in, and just go through the business for the day,  
6 what your openers are doing.

7 MS. PIETROFORTE: It really doesn't take very  
8 much. It's the acai is done in a bucket. I guess it  
9 would be akin to like an ice cream sort of -- it's  
10 fruit, but it's sort of assembly, so there's really not  
11 a lot of preparation. Everything is stored at a  
12 temperature between freezer -- we have acai freezers,  
13 they're called, they're on that map there, that are  
14 held at that temperature. So everything is pretty much  
15 done. You put on a pot of coffee in the morning.

16 And what do we do in the morning? I don't  
17 know, have a banana -- cut bananas.

18 TRUSTEE DURHAM: The smoothies are made  
19 individually. It's not like 7-Eleven slushy machine?

20 MS. PIETROFORTE: No. We make them. People  
21 order them and we make them, so that's all day.

22 TRUSTEE DURHAM: So they're not in a blender  
23 all day?

24 MS. PIETROFORTE: It's a blender.

25 TRUSTEE DURHAM: It's a blender?

1 MS. PIETROFORTE: Like a blender makes it.

2 MAYOR STRAUSS: Trustee Walsh?

3 TRUSTEE WALSH: Thank you for coming out  
4 tonight. This is a franchise, I take it?

5 MS. PIETROFORTE: Right.

6 TRUSTEE WALSH: It's all franchises.

7 Will you be cooking at all, anything that  
8 needs to be heated?

9 Nothing. So there's not going to be any kind  
10 of cooking at all?

11 (No response.)

12 TRUSTEE WALSH: What percentage of your  
13 business will be eat-in as opposed to take-out?

14 MS. PIETROFORTE: We're going to see. I think  
15 we're going to do a large deliveries over there because  
16 of the nurses and, you know, the people in the offices.  
17 I mean, with us --

18 TRUSTEE WALSH: What would you hope?

19 MS. PIETROFORTE: What I would hope?

20 TRUSTEE WALSH: Yeah.

21 MS. PIETROFORTE: Probably a lot of  
22 deliveries.

23 MR. FIELD: With the experience and working,  
24 training in the New Hyde Park location, largely  
25 walk-in.



1 TRUSTEE WALSH: What's your name?

2 MR. FIELD: Peter Field.

3 Having worked with the product a little over a  
4 week now, it's largely people coming in or phoning in  
5 and taking the product elsewhere. The seating are  
6 people will come in, eat, maybe they're there ten,  
7 fifteen minutes, but we anticipate that it's going to  
8 be a lot of carryout product, perhaps delivery with,  
9 say, Doordash or something like that we talked about.

10 TRUSTEE WALSH: Thank you.

11 Now, when it comes to deliveries, are you  
12 going to use like Doordash or one of those companies?

13 MS. PIETROFORTE: Yeah, they use third  
14 parties. Sobol runs -- they have the contracts.

15 TRUSTEE WALSH: So you don't have an employee  
16 that's personally doing it; you're going to have these  
17 third parties?

18 MS. PIETROFORTE: Yeah, third party.

19 TRUSTEE WALSH: That's terrific. Are you  
20 planning on putting any kind of Dumpster at the back of  
21 your property?

22 MS. PIETROFORTE: No.

23 TRUSTEE WALSH: How will you be getting rid of  
24 your putrescible or food waste?

25 MS. PIETROFORTE: I have a contract with

1 Jamaica Ash. I'm going to assume they will come here.  
2 They do the whole --

3 TRUSTEE WALSH: The Village will pick up your  
4 normal waste, but any food waste putrescible, in your  
5 case, no oil?

6 MS. PIETROFORTE: I pay the garbage over  
7 there.

8 TRUSTEE WALSH: I'm very familiar with that  
9 building and it was Desmonds prior to you. I know Mr.  
10 Desmond, God rest his soul. I know that place very  
11 well.

12 MS. PIETROFORTE: Yeah, I heard.

13 TRUSTEE WALSH: And we are looking to  
14 create -- we, the Village and residents of Mineola, are  
15 looking to create a walkable downtown with food  
16 establishments and such, and if you're approved  
17 tonight, I think it will be a very good use of the  
18 space.

19 TRUSTEE CUSATO: Talking Harrison and the  
20 Boulevard?

21 TRUSTEE WALSH: Right.

22 MAYOR STRAUSS: A question about the garbage  
23 pickup schedule. The back of your store starts a  
24 residential community there. Are they picking up  
25 during the day?

1 MS. PIETROFORTE: Oh, no, it's -- it usually  
2 goes out at night with my closing crew and they pick  
3 up, I think, at 6 a.m. It's before anybody wakes up.

4 MAYOR STRAUSS: That's the problem, we don't  
5 want the garbage trucks to be waking up people on their  
6 day off. If you're successful, we may need to work  
7 that out.

8 MS. PIETROFORTE: Okay.

9 MAYOR STRAUSS: There's only a couple of  
10 houses there, but it's right on the residential  
11 community.

12 Any other questions from the board?

13 TRUSTEE WALSH: No.

14 MAYOR STRAUSS: Folks, I ask you don't go too  
15 far.

16 Anybody in the first row have a comment?  
17 Please come to the podium, state your name and address  
18 and speak slowly and clearly for the reporter.

19 MR. RABINOWITZ: Good afternoon, my name  
20 Theodore Rabinowitz, 225 First Street here in Mineola.  
21 As an aside from what I came here for, I did not know  
22 Sobol was coming into town, but I'm a big acai fan, and  
23 I think there are a few Sobol locations, and I think  
24 they would do very well here. I just came from the Fit  
25 Body Boot Camp which is a few doors down from you and

1 it is definitely very refreshing and a big pick me up  
2 and big fan of acai bowls, so this was a good surprise  
3 to see you guys here. And yes, good luck, I hope it  
4 stays because this Village needs it.

5 I did have a question about the garages being  
6 built.

7 MAYOR STRAUSS: This is a hearing just for  
8 this.

9 MR. RABINOWITZ: Just for this? Are you doing  
10 general afterwards or no?

11 MAYOR STRAUSS: No, but I will speak to you  
12 afterwards if you hang around and we will talk.

13 MR. RABINOWITZ: Thank you.

14 MAYOR STRAUSS: Thank you for your comments.

15 Anybody in the second row, third row, fourth  
16 row, fifth row, sixth row, seventh row?

17 Folks, come back up. I want to thank you for  
18 choosing Mineola.

19 MS. PIETROFORTE: Thank you.

20 MAYOR STRAUSS: Hopefully you can help us be  
21 successful in our downtown revitalization. We need  
22 places just like yours there, so thank you again.

23 TRUSTEE DURHAM: I just wanted to say the  
24 signs if you can join the sign program to match the  
25 signs of the downtown.

1 MAYOR STRAUSS: The franchise, is it requiring  
2 you to have certain signage?

3 MS. PIETROFORTE: They do have Jpegs that's in  
4 the starter kits, so, I mean, I guess whatever it is.

5 MAYOR STRAUSS: What Trustee Durham is  
6 alluding to we have a storefront program that has  
7 started a couple of years ago. We're trying to  
8 standardize our store fronts so we would like you to  
9 participate in that, and we offer grant money for it.  
10 So speak closely and work closely with our Building  
11 Department, number one, for any renovations to the  
12 interior and any signage that goes on the exterior and  
13 they will point you in the right direction to contact  
14 that person with the store front standardization  
15 program that we have.

16 A motion to approve?

17 TRUSTEE CUSATO: I'll make a motion.

18 TRUSTEE WALSH: I'll second.

19 MAYOR STRAUSS: Let's not fight.

20 TRUSTEE CUSATO: I love your smoothies,  
21 they're great.

22 MS. PIETROFORTE: Thank you.

23 MAYOR STRAUSS: We'll let Trustee Cusato make  
24 the motion and second by Trustee Walsh.

25 Mr. Scalero, please poll the board.

1 MR. SCALERO: Trustee Durham?

2 TRUSTEE DURHAM: Yes.

3 MR. SCALERO: Trustee Cusato?

4 MR. CUSATO: Yes.

5 MR. SCALERO: Trustee Walsh?

6 TRUSTEE WALSH: Yes.

7 MR. SCALERO: Mayor Strauss?

8 MAYOR STRAUSS: Yes.

9 Congratulations, welcome to Mineola. Chamber  
10 of commerce has a great welcome program.

11 MS. PIETROFORTE: Thank you, guys.

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1 MR. SCALERO: Legal Notice, Public Hearing,  
2 Incorporated Village of Mineola.

3 Please take Notice that the Board of Trustees  
4 of the Incorporated Village of Mineola will hold a  
5 Public Hearing on Wednesday, February 19, 2020, at 6:30  
6 p.m. at the Village Hall, 155 Washington Avenue,  
7 Mineola, New York 11501, or at some other location to  
8 be hereafter designated by the Board of Trustees, in  
9 order to receive public comment upon the following:

10 Application of Luna Health and Wellness Corp.  
11 for a special use permit pursuant to Chapter 550 of the  
12 Code of the Incorporated Village of Mineola entitled  
13 Zoning, Section 550-12 entitled B-1 Districts  
14 Subsection (B) entitled Special Uses to establish a  
15 martial arts studio upon the property known as 105  
16 Jericho Turnpike, Mineola, New York, known and  
17 designated on the Nassau County land and tax map as  
18 Section 9, Block 450, Lot 236.

19 The Village of Mineola does not discriminate  
20 on the basis of handicapped status in administration or  
21 access to or employment in its projects and activities.  
22 Joseph R. Scalero has been directed to coordinate  
23 compliance with non-discrimination requirements of the  
24 Federal Revenue Sharing regulations.

25 At this scheduled meeting of its Board of

1 Trustees reserved decisions from previous meetings, if  
2 any, may be acted upon by the Board of Trustees.

3 At the aforesaid time and place, all  
4 interested persons will be given an opportunity to be  
5 heard.

6 By Order of the Board of Trustees of the  
7 Incorporated Village of Mineola. Joseph R. Scalero,  
8 Village Clerk.

9 Dated, January 23, 2020.

10 MAYOR STRAUSS: Thank you. Mr. Whalen?

11 MR. WHALEN: We are in possession of the  
12 affidavit of mailing and it had been signed and  
13 notarized as required.

14 MAYOR STRAUSS: Thank you, and Mr. Gibbons?

15 MR. GIBBONS: Nassau County Planning  
16 Commissioner has recommended local determination. I'd  
17 ask for a Type II designation under SEQR.

18 MAYOR STRAUSS: Motion?

19 TRUSTEE WALSH: Motion.

20 MAYOR STRAUSS: Motion by Trustee Walsh.  
21 Second?

22 TRUSTEE CUSATO: I'll second.

23 MAYOR STRAUSS: Second, Trustee Cusato.

24 All in favor?

25 TRUSTEE DURHAM: Aye.



1 TRUSTEE CUSATO: Aye.

2 TRUSTEE WALSH: Aye.

3 MAYOR STRAUSS: Opposed? Carried.

4 Tonight's hearing. The applicant will make  
5 their presentation. There will be comments and  
6 question from the board, and afterwards we'll hear  
7 public comment. I ask anybody that's speaking at the  
8 podium, I ask you to state your name, address,  
9 affiliation, if there is one, to the applicant and  
10 speak clearly and slowly for accurate recording.

11 Folks, the floor is yours.

12 MR. LUTES: Good night, members of the Board,  
13 my name is Matheus Lutes, M A T H E U S L U T E S.

14 MS. SANTANDREU LUTES: Good evening, my name  
15 is Alicia Santandreu Lutes, A L I C I A S A N T A N D  
16 R E U L U T E S.

17 MR. LUTES: So I'm a Brazilian black belt, I'm  
18 Brazilian jiu jitsu black belt. I'm five times world  
19 champion, and my business going to be consisted of  
20 opening a Brazilian jiu jitsu studio in the town of  
21 Mineola --

22 MAYOR STRAUSS: Just slow it down a little bit  
23 for our reporter.

24 MR. LUTES: I'm sorry, English is not my first  
25 language.

1 MAYOR STRAUSS: It's okay, we don't mind that.  
2 It's just the room that's making it difficult.

3 MR. LUTES: Okay, so I'm a Brazilian jiu jitsu  
4 black belt, and I want to open a Brazilian jiu jitsu  
5 studio in the town of Mineola. I'm five time world  
6 champion and I've been training jiu jitsu for the past  
7 eleven years.

8 I moved to New York City to specifically train  
9 jiu jitsu, and then I met my wife, and then we decide  
10 to open our academy in Mineola and bring the same  
11 quality of service back home.

12 MAYOR STRAUSS: Okay. We have a bunch of  
13 questions for you. Are you done?

14 MR. LUTES: No. Do you want me to present my  
15 business?

16 MAYOR STRAUSS: Yeah, lay it out.

17 MR. LUTES: So the academy itself is going to  
18 be consisting of group classes and private classes, and  
19 our main goal is to support the members of the Village  
20 of Mineola in health, life weight and also mental  
21 health support. I want them to create a very good  
22 community and sense and also help kids with anti-bully  
23 and beauty confidence and also help women in  
24 self-defense way.

25 Our business is consistently going to be

1 operating Monday -- Sunday to Sunday. It's going to be  
2 6 a.m. to 9:30 p.m. during the weekdays. Saturdays and  
3 Sundays going to be open 10 a.m. to 1:30 to 2 p.m.

4 MAYOR STRAUSS: Good?

5 MR. LUTES: Yes. I will take questions now.

6 MAYOR STRAUSS: You're a black belt?

7 MS. SANTANDREU LUTES: I train too.

8 MAYOR STRAUSS: So you've been a -- what's the  
9 difference between Brazilian jiu jitsu and regular jiu  
10 jitsu?

11 MR. LUTES: So as you guys can see on the page  
12 talking about jiu jitsu.

13 TRUSTEE WALSH: What page?

14 MR. LUTES: It's on the Brazilian jiu jitsu  
15 page.

16 MAYOR STRAUSS: Page 3.

17 MS. SANTANDREU LUTES: Yeah.

18 MR. LUTES: It's one before history.  
19 Brazilian -- jiu jitsu is the gentle art. Jiu jitsu  
20 was developed many years ago in Japan and Jigoro Kano  
21 was a creator of judo and he has a student and that  
22 student start doing more of a newaza--

23 MAYOR STRAUSS: I'm sorry?

24 MR. LUTES: Newaza, N E W A Z A, that is the  
25 grandfather of judo. So this person went all the way

1 to Brazil and he met this guy Carlos Gracie father. So  
2 Carlos Gracie father developed a new way to fight, more  
3 faster, stronger and more effective and then he named  
4 it after Brazilian jiu jitsu that's why it's known  
5 worldwide now as one of the most effective ways and  
6 most effective fighters in the U.S. today than mixed  
7 martial arts program. All of them come from Brazil.

8 MAYOR STRAUSS: Thank you. So you've been in  
9 the business -- you've been doing jiu jitsu for eleven  
10 years?

11 MR. LUTES: Yes.

12 MAYOR STRAUSS: And you've had a business like  
13 this before?

14 MR. LUTES: No, I never own a business, but  
15 I've been teaching for the past eight years.

16 MAYOR STRAUSS: Okay, great. In somebody  
17 else's studio, obviously?

18 MR. LUTES: Yes. I was living in Europe for  
19 three years, and then I moved back to New York and  
20 teaching for five years.

21 MS. SANTANDREU LUTES: I worked at UFC for  
22 four years, so we know.

23 MAYOR STRAUSS: What did you do there?

24 MS. SANTANDREU LUTES: I did --

25 MAYOR STRAUSS: Fighter?

1 MS. SANTANDREU LUTES: Yeah. I worked with  
2 the children, actually, in the kids' programs.

3 MAYOR STRAUSS: That's great.

4 How many staff will you have on hand working  
5 there?

6 MR. LUTES: We planning to have four people in  
7 the opening. It's going to be consist of me, Alicia  
8 and two other assistants.

9 MAYOR STRAUSS: Okay, great, and you're going  
10 into almost a brand-new building --

11 MR. LUTES: Yes.

12 MAYOR STRAUSS: -- just renovated.

13 MS. SANTANDREU LUTES: It's beautiful.

14 MAYOR STRAUSS: It's a beautiful building.  
15 And so parking shouldn't be an issue. You have that  
16 whole side.

17 MR. LUTES: We have sixteen parking lots.

18 MAYOR STRAUSS: Parking spaces.

19 MR. LUTES: Parking spaces, sorry.

20 On the lease contract, we have six of them,  
21 but upon agreed, that while the other stores are not  
22 leased yet, we're going to be able to use all of those  
23 parking spaces.

24 MAYOR STRAUSS: And you have Jericho Turnpike.

25 MR. LUTES: Exactly, we have Jericho Turnpike

1 with the metered parking space and also have right  
2 across the street and both sides of Jericho Turnpike.  
3 I think that's going to be more than enough parking  
4 space.

5 MAYOR STRAUSS: When you say you're going to  
6 have group and private classes, how many are in a group  
7 traditionally?

8 MR. LUTES: So usually for the kids' class we  
9 expect a group of ten to fifteen people, and we going  
10 to use the -- Alicia, she is a licensed teacher, so she  
11 is very familiar with the code of the State of New York  
12 and about how many instructors and how many assistants  
13 we need for that class, so as the class grows, it's  
14 going to be required to hire more qualified people, and  
15 the adults' group class is going to be around twenty to  
16 twenty-five people.

17 MAYOR STRAUSS: And you said they can also  
18 have private classes?

19 MR. LUTES: Exactly, the private classes is  
20 usually one on one or two peoples and that's separate  
21 from the whole schedule. It has to be fitting while  
22 any of those other classes are going to be operating.

23 MAYOR STRAUSS: Thank you. Trustee Cusato?

24 TRUSTEE CUSATO: Thank you, Mayor, you stole  
25 two of my questions, so I have no problem with your

1 request.

2 MR. LUTES: Thank you.

3 MAYOR STRAUSS: Trustee Durham?

4 TRUSTEE DURHAM: I have no issues. I think  
5 it's good use for the building.

6 MR. LUTES: Thank you.

7 MAYOR STRAUSS: Trustee Walsh?

8 TRUSTEE WALSH: How are you today?

9 MR. LUTES: Good.

10 TRUSTEE WALSH: Looking into the audience  
11 before when I saw several more people here then than  
12 now, I knew you were going to be the physical fitness  
13 guy as well.

14 MR. LUTES: Thank you.

15 TRUSTEE WALSH: So are you Brazilian?

16 MR. LUTES: Yes. It's actually funny --

17 TRUSTEE WALSH: So Carlos Gracie is Royce's  
18 Gracie's father, is that correct, or brother?

19 MR. LUTES: Yes, he is. Carlos Gracie is  
20 Helio Gracie brother. Helio Gracie is father of Royce.  
21 So he was the first jiu jitsu, first winner of the UFC,  
22 so the Gracie family created the UFC because around the  
23 1990s America whole program over so many different  
24 fighters and everybody claiming to be the most  
25 effective way to fight. So the Gracie family moved to

1 America and they create the UFC, and they started  
2 inviting people to fight to see which martial arts  
3 would be more effective and Brazilian jiu jitsu is the  
4 first advance was the winner.

5 TRUSTEE WALSH: You know I've been watching  
6 UFC since the beginning, and in the beginning these  
7 Brazilian jiu jitsu mostly out of the Gracie camp wore  
8 gis and the others didn't, and there was big  
9 submissions ending the fights and, you know, it's  
10 they're one of the better trained fighters in all.

11 I just want to ask can you tell me your name,  
12 please? Because only you can go -- only because you  
13 didn't get any time to speak. What is your name?

14 MS. SANTANDREU LUTES: Alicia.

15 TRUSTEE WALSH: And you are also going to be  
16 one of the trainers?

17 MS. SANTANDREU LUTES: Yes. I'm going to work  
18 right until I'm level up in my belt, I'm just going to  
19 work with the children.

20 TRUSTEE WALSH: Are you going to be training  
21 any kind of children's classes or are you entertaining  
22 adult classes or children classes?

23 MS. SANTANDREU LUTES: Children only for me.

24 TRUSTEE WALSH: The largest percentage of your  
25 business is going to be adults?



1 MS. SANTANDREU LUTES: We want to try to -- I  
2 mean, the goal is that we do build a solid adult and  
3 children's program, but my personal goal is to have a  
4 really solid children's program. I feel like it gives  
5 them self-confidence, it teaches them structure and  
6 especially nowadays everyone wants like they're very  
7 demanding with all of the technology, and it's very  
8 like instant gratification, teaching them patience,  
9 like, working up to a goal, teaching them how to  
10 self-develop themselves, not just be like okay, I want  
11 to do this and I'm gonna get it now, and I'm gonna get  
12 it right. No, you have to work and you'll build up to  
13 it.

14 TRUSTEE WALSH: I'm sure the regimen is very  
15 discipline and very, you know --

16 MS. SANTANDREU LUTES: With fun, of course.

17 TRUSTEE WALSH: Yeah, with fun, discipline and  
18 respectful.

19 MS. SANTANDREU LUTES: Yes.

20 TRUSTEE WALSH: I've seen that. And I'm very  
21 familiar with the building. I'm glad something is  
22 going to go in there. It looks terrific as compared  
23 to -- this is on Public Access Television, so people  
24 may be familiar with the old Midas place.

25 MS. SANTANDREU LUTES: Yes.

1 TRUSTEE WALSH: How many of the parking spaces  
2 are yours? Can you use any? Because there are several  
3 stores going to open up there.

4 MS. SANTANDREU LUTES: So we have six, but as  
5 long as the other two spots are not rented, the other  
6 stores because there are three, then we can have all of  
7 them.

8 TRUSTEE WALSH: So you have at least six out  
9 of sixteen?

10 MS. SANTANDREU LUTES: At least, but for now  
11 we technically have all of them.

12 TRUSTEE WALSH: Yeah, because nothing else is  
13 in there.

14 MS. SANTANDREU LUTES: Yes.

15 TRUSTEE WALSH: I'm glad something is going to  
16 go in there. I think this is a good use of the area,  
17 and if you're approved of the application, I wish you  
18 luck with your business.

19 MS. SANTANDREU LUTES: Thank you so much.  
20 Hopefully we see you there.

21 TRUSTEE CUSATO: You're not going to see me.

22 MR. LUTES: There's one thing you want to do.

23 TRUSTEE WALSH: I just had a hip replacement.  
24 You're not going to see me.

25 MR. LUTES: One thing, everybody familiar with

1 martial arts assimilates with young and fresh. No.  
2 This is the difference between jiu jitsu. Our program  
3 will actually have consecutive classes held at 6 to 7  
4 a.m. so every single person who didn't have time after  
5 work to go train to do something for they health to  
6 come and train because America today, the health and  
7 fitness business is growing 8 percent a year, and 25  
8 percent of America today is under antidepressant pills  
9 and I strong believe jiu jitsu or any kind of physical  
10 activity can help you become a better person, a  
11 satisfied person and, also, a very happy person through  
12 any kind of health or fitness workout.

13 TRUSTEE DURHAM: I have one.

14 MAYOR STRAUSS: Yes, sir.

15 TRUSTEE DURHAM: No weights or anything --

16 MR. LUTES: No.

17 TRUSTEE DURHAM: -- on the property just  
18 physical hand training?

19 MR. LUTES: Exactly. Facility only going to  
20 consist of mats, no ropes, weights, bars or anything  
21 like that.

22 TRUSTEE DURHAM: And no weapons of any kind?

23 MR. LUTES: Exactly, no.

24 MS. SANTANDREU LUTES: No.

25 MAYOR STRAUSS: Thank you. Any other

1 questions from the board?

2 Don't go too far, I'm going to open it up to  
3 public comment.

4 Anybody in the first row, second, third row,  
5 fourth row, fifth row, sixth, seventh row?

6 Yes, ma'am.

7 MS. RETTALIATA GAECKLER: Can I ask a  
8 question?

9 MAYOR STRAUSS: Of course you can, come on  
10 down here.

11 MS. RETTALIATA GAECKLER: I'm Sheila  
12 Rettaliata Gaeckler, R E T T A L I A T A and last name  
13 is G A E C K L E R.

14 MAYOR STRAUSS: What question do you have?

15 MS. RETTALIATA GAECKLER: I've been in the  
16 performing arts as a dancer, and then many, many other  
17 disciplines as well since I'm five years old, and I,  
18 along the course of my life, had many, many, injuries,  
19 some during the course of training and some just by  
20 accident falling down the stairs and so forth and so  
21 on. And I have had the fortune, the fortune of somehow  
22 recovering from these injuries again and again and  
23 again, so that I'm still dancing after all of these  
24 times.

25 I love the idea of a martial art program that

1 does not use equipment and weights and so forth. My  
2 particular interest and experience is just use of body  
3 weight to develop body competence and also mental  
4 confidence and so forth and so on.

5 So the question I have is, it sounds weird, I  
6 have a lot of opinions which is just personal opinions  
7 and experience about floor content. The content of the  
8 floor in the space that you use. I'm a dancer --

9 MAYOR STRAUSS: If you address the questions  
10 this way.

11 MS. RETTALIATA GAECKLER: I'm sorry, as a  
12 dancer, my feet are my tools, and floors have a huge  
13 impact on bodyweight and landing on feet, so can you  
14 help me with that how the space you're going to use is  
15 covered by floor. What's on the floor?

16 MAYOR STRAUSS: What kind of matting?

17 MS. RETTALIATA GAECKLER: Well, it could be  
18 wood.

19 MAYOR STRAUSS: Well, if they're going to be  
20 using matting, what's going to be on the floor? Any  
21 other questions?

22 MS. RETTALIATA GAECKLER: Nope that's it.

23 MAYOR STRAUSS: Thank you very much. Any  
24 other questions or comments?

25 Folks, come on back up. So you have a

1 question about what's the flooring going to consist of?

2 MR. LUTES: So about the mats, we're going to  
3 use one of the best companies we have supplying any  
4 martial arts mats in the world today called Zebra Mats  
5 and we choose the luxury mat style, that's a chewing  
6 stick Zebra mat jiu jitsu specialized for jiu jitsu, so  
7 that mat is very soft and it's proper to falls -- break  
8 falls forward, falls or any kind of breakdown. Also  
9 the underlayer 0.5 inch thick to absorb the impact, so  
10 we're going to have the concrete, the underlayer and  
11 the mat absorbing completely any, what I can say, any  
12 risk of injuries or any falls or takedowns.

13 MAYOR STRAUSS: Great, thank you.

14 MS. SANTANDREU LUTES: It's very soft.

15 MAYOR STRAUSS: Excellent. Any other  
16 questions from the board?

17 TRUSTEE WALSH: No.

18 MAYOR STRAUSS: Would you like to say anything  
19 else?

20 MS. SANTANDREU LUTES: Thanks for giving us  
21 the opportunity to present our dream.

22 MAYOR STRAUSS: I'll entertain a motion to  
23 approve.

24 TRUSTEE CUSATO: I'll make that motion.

25 TRUSTEE DURHAM: Second.

1 MAYOR STRAUSS: Mr. Scalero, poll the board.

2 MR. SCALERO: Trustee Durham?

3 TRUSTEE DURHAM: Yes.

4 MR. SCALERO: Trustee Cusato?

5 MR. CUSATO: Yes.

6 MR. SCALERO: Trustee Walsh?

7 TRUSTEE WALSH: Yes.

8 MR. SCALERO: Mayor Strauss?

9 MAYOR STRAUSS: Yes.

10 Folks, congratulations, welcome to the Village  
11 of Mineola. Hopefully you have a great successful  
12 business and you found a long home here. Get involved  
13 with the Chamber of Commerce, and stay close to our  
14 Building Department if you do any kind of interior  
15 renovations and, again, with the signage on the  
16 outside.

17 MR. LUTES: Of course. We have a very good  
18 relationship with the Building Department. They treat  
19 us very well, the Incorporated Village of Mineola,  
20 that's why we decide to give 20 percent discount to any  
21 member that works in the town, so I want to see all of  
22 you guys there.

23 MAYOR STRAUSS: Thank you very much.  
24 Congratulations.

25 MR. LUTES: Thank you. Have a wonderful

1 night.

2 MS. SANTANDREU LUTES: Thank you.

3 MAYOR STRAUSS: I'll entertain a motion to  
4 close the hearings.

5 TRUSTEE CUSATO: Motion.

6 MAYOR STRAUSS: Motion by Trustee Cusato.  
7 Second?

8 TRUSTEE DURHAM: Second.

9 MAYOR STRAUSS: Trustee Durham. All in favor?

10 TRUSTEE WALSH: Aye.

11 TRUSTEE DURHAM: Aye.

12 TRUSTEE CUSATO: Aye.

13 MAYOR STRAUSS: Aye. Opposed?

14 Carried.


15 We'll take a quick recess and come out for the  
16 work session.

17  
18 \* \* \* \* \*

19  
20 \* \* \*

21 This is to certify that the within and foregoing is a  
22 true and accurate transcript of the stenographic notes as  
23 recorded by the undersigned Official Court Reporter.

24 \* \* \*

25  
  
KELLY CULEN  
OFFICIAL COURT REPORTER



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