

## INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE  
BOARD OF TRUSTEESFebruary 21, 2018  
6:30 o'clock p.m.

## B E F O R E :

SCOTT P. STRAUSS, Mayor

PAUL A. PEREIRA, Deputy Mayor

PAUL S. CUSATO,

GEORGE R DURHAM,

DENNIS J. WALSH, Trustees.

\* \* \*

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

\* \* \*

JOSEPH R. SCALERO  
Village ClerkLINDA PARDO  
Deputy Village ClerkDANIEL B. WHALEN  
Superintendent of Buildings

\* \* \*

JOANNE HORROCKS, CSR  
Official Court ReporterRECEIVED  
INCORPORATED  
VILLAGE OF MINEOLA  
2018 FEB 26 P 1:15

1 MR. SCALERO: Ladies and gentlemen, please  
2 silence all pagers and cell phones. In the event of an  
3 emergency, there are exits located in the rear of the  
4 room.

5 MAYOR STRAUSS: Evening, ladies and  
6 gentlemen. We have a hearing which I will turn over to  
7 Mr. Scalero.

8 THE CLERK: "Legal Notice, Public Hearing,  
9 Incorporated Village of Mineola.

10 "Please take Notice that the Board of  
11 Trustees of the Incorporated Village of Mineola will  
12 hold a Public Hearing on Wednesday, February 21, 2018  
13 at 6:30 p.m. at the Village Hall, 155 Washington  
14 Avenue, Mineola, New York 11501, or at some other  
15 location to be hereafter designated by the Board of  
16 Trustees, in order to receive public comment upon the  
17 following:

18 "Application of Kristin Imperiale for a  
19 Special Use Permit pursuant to Chapter 550 of the Code  
20 of the Incorporated Village of Mineola, entitled  
21 'Zoning,' Section 550.12 entitled 'B-1 Districts,'  
22 Subsection (B) upon the property known as 500 Jericho  
23 Turnpike, Mineola, New York, known and designated on  
24 the Nassau County Land and Tax Map as Section 9, Block  
25 22, Lots 32, 131."

1 "The Village of Mineola does not discriminate  
2 on the basis of handicapped status in administration or  
3 access to or employment in its projects and activities.  
4 Joseph R. Scalero has been directed to coordinate  
5 compliance with non-discrimination requirements of the  
6 Federal Revenue Sharing regulations.

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

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

13 "By Order of the Board of Trustees of the  
14 Incorporated Village of Mineola. Joseph R Scalero,  
15 Village Clerk.

16 "Dated February 1, 2018."

17 MAYOR STRAUSS: Thank you, sir. Mr. Whalen?

18 MR. WHALEN: Affidavit of mailing notice is  
19 in order and signed and notarized as required.

20 MAYOR STRAUSS: Mr. Gibbons?

21 MR. GIBBONS: Nassau County Planning  
22 Commission passed upon the application, and I have  
23 asked for a resolution declaring this a Type II Action.

24 MAYOR STRAUSS: Motion?

25 MR. PEREIRA: Motion.

1 MR. WALSH: Second.

2 MAYOR STRAUSS: Motion by Trustee Pereira.

3 Seconded by Trustee Walsh.

4 All in Favor?

5 MR. DURHAM: Aye.

6 MR. PEREIRA: Aye.

7 MR. CUSATO: Aye.

8 MR. WALSH: Aye.

9 MAYOR STRAUSS: Aye.

10 Any opposed?

11 Carried.

12 Okay, ladies and gentlemen, this will be the  
13 format for this hearing's application, hearing. The  
14 applicant will present the application, call any  
15 witnesses that you may have. There will be interaction  
16 with the Board of Trustees when after that is done, we  
17 will open it up to any public comment.

18 I ask anyone approaching the podium to please  
19 speak slowly, clearly, state your name and your address  
20 so it can be accurately recorded by the reporter.

21 Sir, the floor is yours.

22 MR. BUTT: Good evening, Mayor, members of  
23 the Board of Trustees.

24 MAYOR STRAUSS: Good evening.

25 MR. BUTT: My name is Edward Butt. I am from

1 the firm of Edward Paul Butt, Architect representing  
2 actually Mr. and Mrs. Vivona, Michele and Jerome Vivona  
3 of the American Dance Theater Workshop. That is the  
4 applicant for tonight.

5 To give you a brief understanding, first I'd  
6 like to pass out sort of a little file that you might  
7 want to read through. Call that Exhibit A.

8 The applicant is seeking relief from parking  
9 that currently exists on the site of approximately 20  
10 spaces that are provided where at least seven is  
11 required. This space has not changed in volume or  
12 size.

13 The American Theater Dance Workshop has been  
14 in this area for over 35 years. The actual Jerome  
15 Vivona was a resident of Mineola. They have been  
16 teaching dance and theater for, like I said, 35 years  
17 successfully and are looking to take over the space  
18 which is known as 500 Jericho Turnpike.

19 As you can see, I can just describe the  
20 access. All curb cuts and everything else that are  
21 proposed --

22 MAYOR STRAUSS: Sir, if you'd just bring this  
23 over to the podium. We televise the meeting, and we  
24 have people at home that are watching this.

25 MR. BUTT: I didn't know I was on camera.

1           So this is a one-way in and a one-way out.  
2           You might be able to see on the smaller drawings if you  
3           have them before you. That's the way it currently  
4           exists now, and that's the way we are proposing to keep  
5           it.

6           The -- the spaces are in the center. We are  
7           providing handicapped spaces, and we are flanking on  
8           both sides as it currently exists right now.

9           The way the function of this -- the way the  
10          function of this dance studio works is primarily a drop  
11          off and pick-up sort of an arrangement. They have  
12          about five employees total, and they would be the only  
13          people that would probably be using the spaces unless  
14          there's someone to offset who might want to go there.

15          But for normal purposes, this operation  
16          occurs on off working hours for the most part, so I  
17          don't believe it has that tremendous amount of impact  
18          on our traffic. It's some sort of an after school kind  
19          of thing and also a lot of time on weekends.

20          They have three classrooms right now. All of  
21          them have pianos in them.

22          If you read what their operation is, it's  
23          been very successful for a very long time. We actually  
24          have been asked to provide sprinklers in the building  
25          to make it safer because of the change in use. We have

1 had discussions with the Nassau County Fire Marshall's  
2 office, and this will become a fully sprinklered first  
3 floor building. Right now, there are sprinklers in the  
4 building that protect the second floor office space,  
5 but now we would be having sprinklers in all of the  
6 spaces on the floor itself. So it's going to be a  
7 safer building as well.

8 As far as also we are going to put in a new  
9 Nassau County approved fire alarm system. The one  
10 that's there is antiquated. I don't even know if it  
11 works. So the safety of the building will be enhanced  
12 substantially by what we're looking to do here.

13 And there is quite a bit of work that will  
14 need to be done. I'm really here to answer any  
15 questions that you might have about the operation and  
16 how it works, and I turn it over to you, Mr. Mayor.

17 MAYOR STRAUSS: Thank you very much, sir. I  
18 appreciate it. Thank your clients for choosing  
19 Mineola. Hopefully they will find a home here, if  
20 approved, and be successful.

21 Is there any signage that's going to be put  
22 up?

23 MR. BUTT: There will be minor signage. I  
24 have to guess, Mr. Whalen, I have to make an  
25 application for signage at that point?

1 MR. WHALEN: Correct.

2 MAYOR STRAUSS: Please interact with the  
3 Building Department very closely yes.

4 MR. BUTT: I have worked with Mr. Whalen in  
5 the past. We have had no problems.

6 MAYOR STRAUSS: I'll pass it over to Deputy  
7 Mayor.

8 MR. PEREIRA: Thank you for being here. I  
9 just read quickly through the letter that was sent to  
10 us by Michelle and Jerome Vivona, and certainly it  
11 seems like this is a well-established, successful  
12 30-plus year dance school. So I think that Mineola  
13 would be lucky to have them here, something that is  
14 established.

15 For those that are here, we are talking about  
16 as everyone knows the old Blockbuster Video site, a  
17 site that has seen a change over the last number of  
18 years of several businesses, and we certainly hope that  
19 and I think and I believe that this will be the type of  
20 business that could really make a long-term stay at  
21 that location which I think would be great.

22 I don't have any particular questions. This  
23 is obviously a very low impact use, and I hope it will  
24 go on tonight. Thank you.

25 MAYOR STRAUSS: Mr. Cusato?

1 MR. CUSATO: Good evening.

2 MR. BUTT: Good evening.

3 MR. CUSATO: I noticed a water cooler. So  
4 there's no one selling beverages or anything?

5 MR. BUTT: They might have a distributor for  
6 one of the machines for water, Poland Spring or  
7 something like that. That would be the only thing that  
8 I would think they might have in their just for that  
9 purpose.

10 MR. CUSATO: Is that parking lot lit? I  
11 don't remember if there's lights in that parking lot.

12 MR. BUTT: I don't believe there are lights  
13 in that parking lot. We could certainly speak to the  
14 landlord, and I guess there are regulations,  
15 Mr. Whalen, as far as lighting the parking lot or  
16 whatever?

17 MR. WHALEN: At the time the building was put  
18 up, and the buildings directly to the west of it, the  
19 likelihood is there weren't which is why they are not  
20 there. In today's world, there may be something, but I  
21 do not believe it's a state requirement or Village  
22 requirement for lighted.

23 MR. BUTT: I mean we would certainly consider  
24 it. There's children involved. We want to have the  
25 proper protection as far as I am concerned, and we will

1 certainly put thought to that.

2 MR. CUSATO: Just a thought.

3 MR. BUTT: No, no, much appreciated.

4 MR. CUSATO: Thank you.

5 MAYOR STRAUSS: Anything else?

6 MR. CUSATO: I'm done.

7 MAYOR STRAUSS: Mr. Durham?

8 MR. DURHAM: Good evening.

9 MR. BUTT: Good evening.

10 MR. DURHAM: I think as Trustee Pereira said,  
11 we've seen numerous stores attempting to take and  
12 acquire that building and make a go of it. I see in  
13 their letter that they are taking out a 10-year lease  
14 and making a strong proposal.

15 I think it's going to be good, and I think  
16 it's going to be good for the Village to have something  
17 that's going to stay there. As we know that we have  
18 had a couple things that just didn't last. The 99 cent  
19 stores didn't seem to take there and some other things.  
20 So I think that's good.

21 My only question is are they going to do  
22 parties, camps or different things during the summer  
23 or --

24 MR. BUTT: They do have a summer program.  
25 It's not really a party so much, but it is actually a

1 summer program that they have. It's kind of where  
2 we're trying to move this as quickly as possible  
3 because we are trying to be able to open by July.

4 MR. DURHAM: Dod they do birthday parties or  
5 dance parties?

6 MR. BUTT: I don't believe so.

7 MR. DURHAM: Or recitals?

8 MR. BUTT: I know they do recitals. They  
9 absolutely do recitals. I don't believe they do  
10 parties, but I couldn't be 100 percent.

11 MR. DURHAM: A recital might be the only time  
12 they have a parking issue.

13 MR. BUTT: If they do have a recital, there  
14 is public parking right not far away, and there is  
15 parking that would be an off peak time as well. So I  
16 think there would be more than ample spots available if  
17 they were to have something like that.

18 And it wouldn't take up the whole place.  
19 They are actually taking about using the one back right  
20 room. It only has sort of a limited amount of seating  
21 once you start putting the recital as part of it as  
22 well.

23 MAYOR STRAUSS: Thank you. Mr. Walsh?

24 MR. WALSH: Thank you. How are you? Good  
25 evening.

1 MR. BUTT: Thank you, you too.

2 MR. WALSH: Let me ask you something. What  
3 is your hours of operation?

4 MR. BUTT: I think they put in here. The  
5 hours of operation are going to be 10 in the morning  
6 till 9 at night or 10 at night, if they have the need  
7 for it.

8 But again, most of the hours of operation, at  
9 least during school hours, are going to be after school  
10 type stuff.

11 MR. WALSH: This is seven days a week?

12 MR. BUTT: Yes, it is.

13 MR. WALSH: So Saturday and Sunday will also  
14 be operating 10 a.m. to 10 p.m.?

15 MR. BUTT: Correct.

16 MR. WALSH: Saturday and Sunday you will have  
17 people there earlier in the day?

18 MR. BUTT: Yes.

19 MR. WALSH: You said there's going to be five  
20 employees, approximately?

21 MR. BUTT: Yes.

22 MR. WALSH: How many students per class do  
23 you have?

24 MR. BUTT: It really kind of varies. I think  
25 the amount of students it holds that they have now is

1 about 40. I would guess here the capacity might be  
2 slightly more. But I think they are looking at about  
3 15 students per room for the most part.

4 MR. WALSH: Fifteen students per session?

5 MR. BUTT: Per session, per room. You're  
6 talking potentially 45 people if the place was  
7 completely filled.

8 MR. WALSH: Do you know how many sessions  
9 they are going to have in a day, approximately?

10 MR. BUTT: They have one session every hour,  
11 every hour-and-a-half I believe is how they run their  
12 sessions.

13 MR. WALSH: That's all. I have no other  
14 questions.

15 MAYOR STRAUSS: Thank you.

16 Anything else, sir?

17 MR. BUTT: No, nothing else.

18 One of the trustees brought up the fact that  
19 they were looking for a 10-year lease. Obviously if  
20 things work out well, they will want to either increase  
21 that or whatever else. They are looking to stay for  
22 long term.

23 MAYOR STRAUSS: I hope they can be  
24 successful. They were successful here tonight.

25 Sir, have a seat.

1 We will open it up public comment. Anyone  
2 wishing to make public comment, when you approach the  
3 podium to please speak slowly, clearly and state your  
4 name and your address for the record.

5 Anybody in the first row, second row, third  
6 row, fourth row, fifth row, sixth row, seventh row,  
7 anyone?

8 Sir? You're back up.

9 MR. BUTT: I need the exercise.

10 MAYOR STRAUSS: Anything else, sir?

11 MR. BUTT: No.

12 MAYOR STRAUSS: I'll entertain a motion to  
13 approve.

14 MR. PEREIRA: Motion.

15 MR. CUSATO: Second.

16 MAYOR STRAUSS: Motion by Trustee Pereira.  
17 Second by Trustee Cusato.

18 Mr. Scalero, poll the Board.

19 MR. SCALERO: Yes.

20 Trustee Durham?

21 MR. DURHAM: Yes.

22 MR. SCALERO: Trustee Pereira?

23 MR. PEREIRA: Yes.

24 MR. SCALERO: Trustee Cusato?

25 MR. CUSATO: Yes.

1 MR. SCALERO: Trustee Walsh?

2 MR. WALSH: Yes.

3 MR. SCALERO: Mayor Strauss?

4 MAYOR STRAUSS: Yes. Sir, congratulations.

5 Please convey that to your clients, and we wish them  
6 great success in the Village of Mineola, and we ask  
7 that you work hand-in-hand closely with the Building  
8 Department. And if you could cite one more thing for  
9 your clients is that they should really interact with  
10 the Chamber of Commerce. They are a fantastic group.  
11 They are?

12 MR. PEREIRA: They are already members of the  
13 Chamber.

14 MAYOR STRAUSS: Congratulations, sir.

15 MR. BUTT: Have a good evening.

16 MAYOR STRAUSS: Motion to close the hearing?

17 MR. WALSH: Motion.

18 MAYOR STRAUSS: Motion by Trustee Walsh.

19 Second?

20 MR. PEREIRA: Second.

21 MR. DURHAM: Aye.

22 MR. PEREIRA: Aye.

23 MR. CUSATO: Aye.

24 MR. WALSH: Aye.

25 MAYOR STRAUSS: Aye.

1 Folks, carrying vote. We will be out 7:30 for  
2 the public meeting.

3 \* \* \* \* \*

4 This is certified to be a true and accurate transcript of my  
5 stenographic notes taken in the above-captioned matter.

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8 Joanne Horrocks, CSR  
9 Official Court Reporter  
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