

INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE

BOARD OF TRUSTEES

May 9, 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 Clerk

LINDA PARDO  
Deputy Village Clerk

THOMAS RINI,  
Supt. Of Public Works

DANIEL B. WHALEN,  
Supt. Of Buildings

\* \* \*

PATRICIA A. TAUBER, RPR  
Official Court Reporter

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2018 MAY 17 A 8:40

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 gentlemen.  
6 Thank you for coming out this evening. We have two  
7 hearings. The first one is going to be on the Local Law  
8 under Chapter 523, Section 523-28.

9 Mr. Scalero?

10 MR. SCALERO: Yes.

11 "Legal Notice, Public Hearing, Incorporated  
12 Village of Mineola.

13 "Please take Notice that the Board of Trustees  
14 of the Incorporated Village of Mineola will hold a Public  
15 Hearing on Wednesday, May 9, 2018, at 6:30 p.m. at the  
16 Village Hall, 155 Washington Avenue, Mineola, New York  
17 11501, or at some other location to be hereafter  
18 designated by the Board of Trustees, in order to receive  
19 public comment upon the following:

20 "Proposed Local Law amending Chapter 523 of the  
21 Municipal Code of the Incorporated Village of Mineola,  
22 entitled 'Water,' Section 523-28, entitled 'Water Rates,  
23 Fees.'

24 "The Village of Mineola does not discriminate  
25 on the basis of handicapped status in administration or

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

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

8 "At the aforesaid time and place all interested  
9 persons will be given an opportunity to be heard.

10 "By Order of the Board of Trustees of the  
11 Incorporated Village of Mineola. Joseph R. Scalero,  
12 Village Clerk.

13 "Dated April 26, 2018."

14 MAYOR STRAUSS: Thank you, sir.

15 Gentlemen, we've asked Mr. Bill Merklin to make  
16 a presentation regarding the water rates.

17 Mr. Merklin, the floor is yours.

18 MR. MERKLIN: Thank you.

19 So we've performed a rate evaluation for the  
20 water rates, and the purpose of that is to establish a  
21 rate structure that prevents significant shortfalls in  
22 the event of a high precipitation season. So, if we have  
23 a high rain season, people use less water and we want to  
24 make sure that we don't run short on funds. We want to  
25 verify that the rates are fair and equitable across the

1 customer classes. Also, we want to promote water  
2 conservation by using an increasing block structure,  
3 which is required by the New York State Department of  
4 Environmental Conservation and was recently received as a  
5 comment on our water conservation plan that we did.

6 So this is the existing rate structure. I know  
7 it's hard to follow. It's a lot of numbers. But  
8 basically there's two rate classes. There's residential  
9 and there's commercial, or what we call all other. And  
10 so you can see the multiple tiers.

11 The residential structure has a 10,000 gallon  
12 entitlement, the first here. So you pay \$23 for your  
13 first 10,000 gallons, and then there's 10,000 gallon  
14 blocks going up from there. As you can see, the rates  
15 increase as you go from left to right. So if you go from  
16 left to right you see the rate increases. So the more  
17 water you use, the higher the rate gets in 10,000 gallon  
18 increment blocks.

19 The commercial rate is very similar in that  
20 regard, but it's different blocks. So it's zero to  
21 20,000, 20,000 to 40,000, and then there is a basic  
22 charge depending on you're meter size that you pay. One  
23 of the big differences is commercial rates do not have an  
24 entitlement, as the residential rates do.

25 So these are just some things that you might

1 find interesting as part of the evaluation. The existing  
2 residential and commercial rates already have an inclined  
3 block structure. So the Village has already had that  
4 water conservation-minded rate structure in place. But  
5 this is interesting too, that most residential customers  
6 use at least 40,000 gallons of water in a six-month  
7 billing cycle. So that means that most residential  
8 customers are well into the third or fourth tier.  
9 Similarly, most commercial customers are more than 80,000  
10 gallons in a six-month period. So they're all, almost  
11 all, in the highest level.

12 The other thing that's really important to  
13 consider and the thing that's driving this is that  
14 expenses for the Water Department increase every year,  
15 because things like electricity, chemicals, insurance,  
16 labor rates, everything goes up. So, in order to be  
17 financially stable, the Water Department needs to bring  
18 in enough revenue to cover those annual expenses every  
19 year. So this rate structure is designed to ensure that.

20 This is a very broad overview of the  
21 methodology. So the first thing we did was we looked at  
22 the historical water usage data going back to 2010. The  
23 reason we did that is because we could identify what an  
24 average year looks like, what a high use year looks like,  
25 or what a low use year looks like, and that's important

1 to again protect from running short on funds.

2 We looked at the budget and the expenditures  
3 for this coming fiscal year. The fiscal year starts on  
4 June 1st and ends on the following May 31st. So the next  
5 fiscal year starts June 1, 2018 and it ends on May 31,  
6 2019.

7 What we did to protect the rates is we  
8 identified things in the budget that are fixed,  
9 regardless of water demand, and then we looked and  
10 identified the things that are variable depending on  
11 water demands, and we tried to make it so that the base  
12 rates cover those fixed costs so you're protected from  
13 running short on revenue if people don't use water.

14 So we developed a very complicated or  
15 sophisticated, I should say, algorithm to assign the  
16 expenditures to the various customer classes while  
17 maintaining an inclined block structure and making sure  
18 that we have adequate revenue to meet the expenditures.

19 The next few slides show the proposed rate  
20 structures. And you can see it's very similar, but on  
21 the residential rate structure we combined the first  
22 three tiers and made it all one tier, 10,000 to 40,000  
23 gallons. Otherwise it's very similar. And the  
24 commercial rate structure is very similar in structure,  
25 but the numbers went up. And it's hard to just say,

1 well, how much did it go up, because, you know, it  
2 depends on where you are. And so we'll cover that later  
3 on.

4 But the point I would like to make at this time  
5 is that we're recommending a new rate for the next three  
6 years. So as you go through this, what's up on the  
7 screen now is for this coming fiscal year, this would be  
8 for the following fiscal year, and finally the third one,  
9 which is May 31, 2021. That's when that ends. And so  
10 when we get to that point, you would want to come back  
11 and look at your rates again. So every three years the  
12 Village should really be looking at the rate structure.

13 But to answer the question, how does this  
14 impact me, we put together these next couple of slides.  
15 So an average residential customer on an average year is  
16 this thing on the top. All right? What we found is that  
17 the average residential customer uses about 72,000  
18 gallons in a six-month period and, if you look at the  
19 current rate structure, fiscal year ending May 31, 2018,  
20 you would pay \$202.40. With the new rate structure you  
21 will pay \$213.69. That's an increase of \$11.29.

22 We also did the same thing, then, for somebody  
23 that doesn't use a lot of water and somebody that does  
24 use a lot of water. So it's \$7.71 if you're a low user  
25 and \$28.22 if you're a high user.

1                   We did the same thing, then, for the commercial  
2 rates, and you can see right off the bat that a  
3 commercial user uses a lot. An average commercial user  
4 on an average year uses a lot more water than an average  
5 residential user. So that's 413,000 gallons. And so  
6 their bill would be, typically, with the current rate  
7 \$1,792. With the new rate it will be \$1,983, an increase  
8 of about \$190 and change.

9                   So with that I would say: Do we have any  
10 questions?

11                   MAYOR STRAUSS: All right. I want to thank you  
12 for your time and effort that you put into this. I know  
13 it was a lot of effort and a lot of time, and it wasn't  
14 easy to come up with the calculations. The water fund,  
15 as we all know, needs to be self-sufficient. The new  
16 rates will do that and address the concerns that you  
17 brought out about the increasing costs. And that's what  
18 it costs to get water out of the tap. There's just no  
19 getting around it.

20                   As far as that's concerned, Mr. Merklin, I  
21 don't have any questions.

22                   Deputy Mayor?

23                   MR. PEREIRA: Thank you, Mayor.

24                   Thank you, Mr. Merklin. I don't have any  
25 questions. Well, when was the last time that we did

1 this? That we did the water rates?

2 MR. MERKLIN: I believe in 2014.

3 MR. PEREIRA: OK. 2014.

4 I'm going to use myself as an example. In 2014  
5 I was told that I was paying about \$600 a year in water  
6 and, obviously, that's a lot of money for me. So in the  
7 process, when I went home and spoke to my wife and to my  
8 kids, you know, we certainly have become cognizant of  
9 conserving water.

10 So you were kind enough, or Mr. Rini was kind  
11 enough, to put together a sample of each of us and for  
12 me, in those three years, I've decreased my consumption.  
13 My consumption for this previous year was 137,000  
14 gallons, which is still a lot -- and I'm going to talk to  
15 my kids about that -- but the new structure will increase  
16 my bill by \$1.80 a month, or about \$20 a year.

17 And I think that, considering what it entails  
18 to get water to my tap -- you know, I understand that for  
19 some people \$20 a year could be significant, or any  
20 increase is significant, but when I speak to family  
21 members and friends who live in neighboring communities,  
22 we still get a pretty good deal for our water relative to  
23 surrounding communities. And I know that firsthand  
24 because when I compare my bill to my brother's, or family  
25 members who don't live in Mineola, it is very, very,

1 different. And so I think that we are still probably  
2 near the bottom when it comes to similar size villages  
3 with similar infrastructure. And, you know, our water  
4 infrastructure is very complicated and extensive. We're  
5 a large Village. We have six wells. We have a water  
6 tank. We have all kinds of chemicals. And we have  
7 employees that are in the Water Department.

8 So for me, you know, revisiting this three  
9 years later and seeing the increase for the average --  
10 and, by the way, just like I did, hopefully you will be  
11 encouraged to conserve water and actually pay less. This  
12 is probably the only bill that you actually control and,  
13 even if the rates increase, you can actually pay less,  
14 and I did that in the last three years. As the rates  
15 have increased, you know, in total number, at the end I  
16 paid less because I conserved more. So the hope is that  
17 we will conserve. That is the hope for Long Island.  
18 Everyone who's been paying attention, obviously,  
19 understands that Long Island and water is at a premium.  
20 And so we want to encourage conservation, but at the same  
21 time we want to provide a good product at a fair price.  
22 And I think we do that and I think we do that with this.

23 So thank you, Mr. Merklin.

24 MAYOR STRAUSS: Thank you.

25 Trustee Cusato?

1 MR. CUSATO: Mayor, you know, I think Mr.  
2 Pereira said it all. So I have no issue.

3 MAYOR STRAUSS: Trustee Durham?

4 MR. DURHAM: I would just want to say the cost  
5 of electricity, chemicals, insurance, labor and stuff,  
6 that the prices are going up more and more we have to  
7 take and pay. So that it is good that we are being  
8 fiscally responsible and monitoring this and making sure  
9 that the fund is fully funded.

10 So I agree with what you concluded. Thank you.

11 MAYOR STRAUSS: Thank you.

12 Trustee Walsh?

13 MR. WALSH: Yes. Thank you, Mayor.

14 Thank you all for coming down for the water  
15 hearing.

16 The only thing I can say is that my rates are  
17 very low. I'm going from \$103 to \$119 for the year next  
18 year, if everything remains the same.

19 And what wasn't really highlighted is that over  
20 the three-year period it goes up differently each year.  
21 The first year I'm going to go up \$1.34 a month, the  
22 second year I'm going to go up 8 cents a month, and the  
23 third year 34 cents a month. So in total it's not a  
24 tremendous amount of money, but it's something that's  
25 needed and I'm prepared to vote for this, Mayor.

1 Thank you.

2 MAYOR STRAUSS: Thank you.

3 Thank you, Mr. Merklin. Anything else you  
4 would like to add before I open it up to the public?

5 MR. MERKLIN: No, thank you.

6 MAYOR STRAUSS: All right. Great. Thank you.

7 At this time we'll entertain any comments from  
8 the public. I request that anybody approaching the  
9 podium please state your name and address for the record,  
10 and speak slowly and clearly for the record.

11 Anybody in the first row? Second row? Third  
12 row? Fourth row? Fifth row? Sixth row? Seventh row?

13 Mr. Merklin, anything else to add?

14 MR. MERKLIN: No, thank you.

15 MAYOR STRAUSS: At this time I'll entertain a  
16 motion to adopt the Local Law adjusting the water rates.

17 MR. RINI: Mayor?

18 MAYOR STRAUSS: Mr. Rini, you have something?  
19 I apologize. Thank you.

20 MR. RINI: Tom Rini, Superintendent of Public  
21 Works, Village of Mineola.

22 I just wanted to touch on one point that the  
23 Mayor had made, and I'm not sure that the public or  
24 anybody may have caught it, but in saying that our Water  
25 Department needs to be self-sustaining, what that means

1 is paying for the Water Department is solely by water  
2 rates. And that's where, as a Village Department, we are  
3 much different than a water district. A water district  
4 is a special district of the state which has a taxing  
5 entity as well as a rate structure that they can gain  
6 funds from. We don't have that.

7 So I just want to make sure everybody  
8 understands that, that when they think of their taxes and  
9 they say, Why aren't our taxes paying for water, things  
10 like that, we're a unique situation, and it does need to  
11 be borne out and pointed out that that is the case. So  
12 the rates need to cover every bit of the expenditures  
13 that we do put out there.

14 So I appreciate that.

15 MAYOR STRAUSS: Thank you for clarifying that,  
16 Mr. Rini.

17 Folks, we can't take any funds from the general  
18 fund and put it into the water fund to cover any losses  
19 or any shortcomings.

20 MR. PEREIRA: Or vice versa.

21 MAYOR STRAUSS: Or vice versa. It has to be  
22 self-sufficient. So here we are.

23 Thank you.

24 MR. RINI: Thank you.

25 MAYOR STRAUSS: At this point I'll entertain a

1 motion to adopt the Local Law adjusting the water rates.

2 MR. WALSH: Motion.

3 MAYOR STRAUSS: Motion by Trustee Walsh.

4 Second?

5 MR. PEREIRA: Second.

6 MAYOR STRAUSS: By Trustee Pereira.

7 Mr. Scalero, poll the Board.

8 MR. SCALERO: Yes, sir.

9 Trustee Durham?

10 MR. DURHAM: Yes.

11 MR. SCALERO: Trustee Pereira?

12 MR. PEREIRA: Yes.

13 MR. SCALERO: Trustee Cusato?

14 MR. CUSATO: Yes.

15 MR. SCALERO: Trustee Walsh?

16 MR. WALSH: Yes.

17 MR. SCALERO: Mayor Strauss?

18 MAYOR STRAUSS: Yes.

19 We'll end the water hearing.

20 Do you need time to clean up and move on?

21 MR. MERKLIN: Yes. We'll pack our stuff up.

22 MAYOR STRAUSS: So we'll take a couple of

23 seconds and let you do that before we bring up the next

24 applicant.

25

\* \* \*

1 MAYOR STRAUSS: OK. We're going to go on with  
2 the next hearing.

3 Mr. Scalero, please.

4 MR. SCALERO: Yes, sir.

5 "Legal Notice, Public Hearing, Incorporated  
6 Village of Mineola.

7 "Please take Notice that the Board of Trustees  
8 of the Incorporated Village of Mineola will hold a Public  
9 Hearing on Wednesday, May 9, 2018 at 6:30 p.m. at the  
10 Village Hall, 155 Washington Avenue, Mineola, New York  
11 11501, or at some other location to be hereafter  
12 designated by the Board of Trustees, in order to receive  
13 public comment upon the following:

14 "Application of Amanda Gandolfo for a Special  
15 Use Permit pursuant to Chapter 550 of the Code of the  
16 Incorporated Village of Mineola, entitled 'Zoning',  
17 Section 550.13, entitled 'B-2 Districts', and Section  
18 550.12, entitled 'B-1 Districts', Subsection (B),  
19 entitled 'Special Uses', to establish a fitness studio  
20 (Fit Body Boot Camp Franchise) upon the property known as  
21 135 Mineola Boulevard, Mineola, New York, known and  
22 designated on the Nassau County Land and Tax Map as  
23 Section 9, Block 414, lots 2, 314 to 316.

24 "The Village of Mineola does not discriminate  
25 on the basis of handicapped status in administration or

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

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

8 "At the aforesaid time and place all interested  
9 persons will be given an opportunity to be heard.

10 "By Order of the Board of Trustees of the  
11 Incorporated Village of Mineola. Joseph R. Scalero,  
12 Village Clerk.

13 "Dated April 12, 2018."

14 MAYOR STRAUSS: Thank you.

15 Mr. Whalen, report on mailings?

16 MR. WHALEN: Everything is in order, Mayor. We  
17 have the notarized Affidavit of Mailing. We're good.

18 MAYOR STRAUSS: Thank you, sir.

19 Mr. Gibbons?

20 MR. GIBBONS: Yes, Mayor. The Nassau County  
21 Planning Commission has recommended local determination.  
22 I would ask for a resolution declaring this a Type II  
23 Action under SEQRA.

24 MAYOR STRAUSS: Do I have a motion?

25 MR. PEREIRA: Motion.

1 MAYOR STRAUSS: Motion by Trustee Pereira.  
2 Second?

3 MR. WALSH: Second.

4 MAYOR STRAUSS: Trustee Walsh.  
5 All in favor?

6 MR. DURHAM: Aye.

7 MR. PEREIRA: Aye.

8 MR. CUSATO: Aye.

9 MR. WALSH: Aye.

10 MAYOR STRAUSS: Aye.

11 Any opposed?

12 Carried.

13 Folks, this will be the format for this  
14 evening's hearing. The applicant will make their  
15 presentation to the Board. They'll entertain any  
16 questions that the Board will address them with and then,  
17 at that time, after that, we'll open up to public  
18 comment.

19 I request that anybody approaching the podium  
20 to speak that they state their name, their address, their  
21 affiliation, if there is one, to the applicant and speak  
22 clearly and slowly so everything can be recorded  
23 accurately by the reporter.

24 Sir?

25 MR. ABBATE: Good evening, Mayor Strauss,

1 Members of the Board of Trustees.

2 My name is Tom Abbate. I'm an attorney with  
3 offices at 100 Crossways Park West in Woodbury, and I'm  
4 here tonight representing the applicant, Amanda Gandolfo.  
5 Amanda is in the second row to your left. And we are  
6 accompanied by her prospective landlord, Manny Frade, who  
7 is in row three also to your left.

8 As Mr. Scalero mentioned to you when he read  
9 the public notice, we are looking to establish, in  
10 general terms, a gym right within the heart of the  
11 Village. The subject property is located within the  
12 Business District, within the B-2 zone, and it's located  
13 on the west side of Mineola Boulevard, right in the  
14 middle of the block, between Harrison Avenue and First  
15 Street. The building itself is a very long building and  
16 it terminates at its rear at a municipal lot.

17 Now by way of an exhibit what I would like to  
18 offer up to you, Mayor and Trustees, are a series of nine  
19 photographs on five pages. Collectively they show you  
20 the subject. They show you the uses abutting the subject  
21 to the north and the south. They show you the view up  
22 and down Mineola Boulevard from the subject, and then the  
23 rear of the building and the referenced municipal lot.  
24 So I'll offer that up as one exhibit.

25 MAYOR STRAUSS: Please pass it to Mr. Scalero.

1 (Same handed up to the Board.)

2 MAYOR STRAUSS: Thank you. You can continue.

3 MR. ABBATE: Thank you.

4 Now the space itself measures approximately  
5 2,500 square feet, and it's all on the first floor of the  
6 existing building. Assuming arguendo that we obtain the  
7 requisite approval from this Board, how we build out will  
8 be sparse. And I say that because this use, as I'm about  
9 to explain, is truly a studio. It's not a traditional  
10 gym with fixed equipment like treadmills or ellipticals.

11 So after installing two ADA compliant  
12 bathrooms, an area for storage, along with a small  
13 office, we'll roughly have 1,900 square feet of usable  
14 space.

15 MR. WALSH: How many square feet? I'm sorry.  
16 I didn't hear that.

17 MR. ABBATE: 1,900 square feet of usable space  
18 out of the total 2,500.

19 Now, gyms come under the catchall provision of  
20 a place of public assembly under Section 55-12(b), which  
21 delineates them as special uses. And as your attorney  
22 will tell you, and as I'm sure you know, special uses are  
23 deemed to be in harmony with the zone assuming that we  
24 can meet certain standings, and those standings are  
25 contained in Subdivision 55 of Chapter 550.

1                   Now, how can I establish compliance with those  
2 standards? How can I satisfy that criteria? I can do  
3 that by simply explaining precisely what Amanda  
4 Gandolfo's proposal consists of.

5                   As Mr. Scalero testified or read, rather, when  
6 he noticed our hearing, this is a Fit Body Boot Camp  
7 franchisee. Fit Body Boot Camp, a nationwide -- in fact,  
8 it's international -- is a group workout concept. And  
9 even though it is very, very, successful, if approved,  
10 this will only be the sixth on Long Island. The others  
11 are in Hauppauge, Farmingdale, Glen Cove, Deer Park and  
12 Huntington. Their method is the HIIT, the high intensity  
13 interval training.

14                  What does that mean? When you have a class,  
15 they break you up into various groups and you do a  
16 certain exercise for about five-minute clips. The  
17 classes themselves are only about 30 minutes long. The  
18 theory is to get your heart rate up, to get it pumping,  
19 and to keep you working. They talk about the after  
20 birth. So that once you've done this 30 minute workout,  
21 your body is still enjoying that high metabolism. It is  
22 geared towards weight loss.

23                  So when I talk about these stations, one group  
24 may be doing a rope climb while other groups are lifting  
25 small weights. One group may be doing what they call

1 today burpies -- but we called squat thrusts when I was  
2 young man and had hair and I could do them -- while  
3 somebody else will be doing some other aerobic type of  
4 exercise.

5 So to that end, and as I mentioned earlier, we  
6 do not have bulky equipment. So this is not your  
7 traditional gym. It is truly a studio. And just by way  
8 of a representative example, I'm going to give you the  
9 copy of the Fit Body Boot Camp corporate brochure, and it  
10 kind of shows you the sparse layout which is  
11 representative of what Amanda will build out if this  
12 special use is granted. I'll hand that up. Thank you.

13 Now with respect to specifics, the use will  
14 operate 7 days a week. Our peak periods of operation are  
15 in the morning and the evening. They're from 6:00 a.m.  
16 to 9:00 a.m. in the morning and from 4:00 p.m. to 8:00  
17 p.m. in the evening. During those peaks we will have a  
18 maximum, a maximum, of four employees on the site. They  
19 will consist of Amanda, as the proprietor, a head  
20 trainer, a part-time trainer, and a reception person.  
21 That's at its maximum, and that assumes Amanda is not  
22 running back and forth doing other duties required of her  
23 as the proprietor.

24 Now because Mineola always has been and now  
25 continues to be a traditional downtown walkable

1 community, we anticipate to operate based upon that  
2 model. So we do think that our membership will be coming  
3 from the immediate community.

4 With respect to deliveries, there are no  
5 regular deliveries to the site. Once our equipment is  
6 delivered, that's about it. We will sell water bottles,  
7 but that's something that Amanda picks up on her own and  
8 brings to the site.

9 There is on on-site daycare with respect to it.  
10 You must be a minimum age of 18 in order to participate  
11 in the group workouts.

12 And lastly, our staff, just so you know, is  
13 fully certified in CPR and ADD use.

14 Now turning to our special use standards.  
15 Clearly the character of the use and the location of the  
16 use is in harmony with the surrounding properties. It's  
17 a business use in a business zone in the heart of the  
18 downtown. Moreover, it's an existing building. We're  
19 not proposing, nor do we anticipate, any expansion of the  
20 footprint of that structure in order to accommodate the  
21 Fit Body Boot Camp.

22 The fitness studio, along these lines, clearly,  
23 as the attorney for the applicant I posit to you, is a  
24 desirable use because it is located in the heart of the  
25 downtown. It is convenient to our residents. And while

1 I said to you just a moment ago that we anticipate our  
2 membership to come from the immediate area, we do, I must  
3 note, about the municipal lot and there is available  
4 street parking all around our site on all of the public  
5 roadways. So even for those of our members -- and there  
6 will be some, obviously -- who drive to the site, we can  
7 accommodate them. Moreover, with our peak periods, they  
8 operate before and after traditional businesses operate.  
9 So we are an off-peak use as to the thrust of those  
10 retail and business uses that operate in the immediate  
11 area of the subject location. So I think we discount any  
12 traffic concern by reason of those factors.

13 There will be no excessive noise. About the  
14 only thing you would hear, if you put your ear to the  
15 wall, is the grunting and groaning of the members.

16 Finally, this augments the traditional downtown  
17 concept by being yet another use which is close and which  
18 is convenient and, as stated very plainly in our code,  
19 one that is desirable.

20 Mr. Mayor, Trustees, that's the sum and  
21 substance of my application. I'm here to answer any  
22 questions, as is Amanda and as is Manny.

23 MAYOR STRAUSS: Thank you very much. We  
24 appreciate it.

25 MR. ABBATE: Thank you.

1 MAYOR STRAUSS: Nice presentation.

2 MR. ABBATE: Thank you very much, Mr. Mayor.

3 MAYOR STRAUSS: Regarding the parking, I just  
4 want to warn you that parking lot behind your facility is  
5 going to be under construction, hopefully soon. With the  
6 railroad, we're going to have a multi-level parking  
7 garage built there. So during the construction period  
8 that will be problematic for any of your clients. But,  
9 as you said, there is parking around the area. I just  
10 wanted to warn you.

11 MR. ABBATE: Thank you very much.

12 MAYOR STRAUSS: I didn't want you to go in  
13 there and say, What the happened.

14 Will there be any music playing inside?

15 MR. ABBATE: No. No. In fact, I was for a  
16 time a member of the Fit Body Boot Camp in Huntington,  
17 and there was no music. I will also tell you the method  
18 works.

19 MAYOR STRAUSS: OK. Great. Thank you.

20 Deputy Mayor?

21 MR. PEREIRA: Thank you very much.

22 And as the Mayor mentioned, the short-term  
23 inconvenience with the parking, the planned parking  
24 garage, hopefully will be offset for years to come with  
25 even more parking. So that absolutely is true.

1                   So this will be -- the use will be the entire  
2 first floor?

3                   MR. ABBATE: Yes.

4                   MR. PEREIRA: All the way from the front, from  
5 Mineola Boulevard, to the rear?

6                   MR. ABBATE: To the rear. And in fact, I  
7 neglected to mention, we will use the Mineola Boulevard  
8 entrance which is existing. There's also a side door on  
9 the north side. We'll be using that as ingress and  
10 egress as well.

11                  MR. FRADE: Can I have a correction on  
12 something?

13                  MAYOR STRAUSS: Sir, can you just approach the  
14 podium, state your name and your address.

15                  MR. PEREIRA: So that everybody knows, this is  
16 the building with the red door on Mineola Boulevard.

17                  MR. ABBATE: This is the red door building.

18                  MR. FRADE: Yes. Hello, everyone.

19                  Manny Frade. I'm the managing member of the  
20 LLC that owns the building.

21                  I just wanted to correct one small thing that  
22 Tom said. It's not the entirety of the first floor. The  
23 first floor, the entirety of it, is about 4,000 square  
24 feet and it goes back, which is currently vacant.

25                  MR. ABBATE: Well put, but it's half of the

1 building that you own. It's --

2 MR. FRADE: Yes. Yes. It's 2,500 square feet  
3 of the first floor.

4 MR. ABBATE: Yes.

5 MAYOR STRAUSS: It goes about 140 feet deep?

6 MR. FRADE: It's about 160.

7 MAYOR STRAUSS: About 160.

8 MR. FRADE: Thank you.

9 MAYOR STRAUSS: No problem.

10 MR. PEREIRA: What is the use on the second  
11 floor? Is it residential? Is it offices?

12 MR. FRADE: It is an office upstairs, yes.  
13 It's the Nassau Anesthesiologists. I guess it's the back  
14 office for the anesthesiologists for Winthrop Hospital, I  
15 think.

16 MR. PEREIRA: OK. The only reason I ask  
17 obviously, is if anyone knows that area, there are really  
18 no residents living anywhere near and that's why I asked  
19 if there were residents living upstairs, but there  
20 aren't. So noise, although I think you said noise would  
21 be at a minimum, wouldn't really be a problem.

22 As the Mayor stated, I think your presentation  
23 was thorough and accurate. And, you know, it's just one  
24 of those things that the code requires that the applicant  
25 be here. But obviously it's something that is going to

1 be a great addition down there, should it be approved.

2 The only question I have: Will there be any  
3 parties, any kind of --

4 MR. ABBATE: No. No.

5 MR. PEREIRA: You know, will they rent it out  
6 for kids' parties, you know, or some sort of --

7 MR. ABBATE: No. Not at all. That's not even  
8 contemplated within the Fit Body Boot Camp model, and it  
9 wouldn't even be permitted by the franchise order.

10 MR. PEREIRA: You also mentioned that there  
11 will be no food on the premises.

12 MR. ABBATE: No.

13 MR. PEREIRA: There will also be no outside  
14 catering.

15 MR. ABBATE: No outside catering. We will have  
16 water bottles.

17 MR. PEREIRA: Right.

18 MR. ABBATE: And we will have a refrigerator to  
19 put them in.

20 MR. PEREIRA: A third-party can't rent the  
21 place out?

22 MR. ABBATE: No. No.

23 MR. PEREIRA: And the last thing that I'll  
24 mention is: I don't know if Mr. Frade is aware, or if  
25 you're aware, or Ms. Gandolfo is aware, we have a

1 downtown sign committee that we've been working on for  
2 the last couple of years. And Tom Savino is in charge of  
3 that. And what we've been trying to develop is  
4 uniformity in our signage in our downtown, as well as up  
5 here on Jericho Turnpike. Doesn't mean that they'll be  
6 exactly the same, but we do have a color palette and  
7 lighting. And if you are interested in that, you reach  
8 out to Mr. Savino and through grants you would actually  
9 pick up about 75 percent of the cost of the sign. I  
10 understand that this is a franchise. So obviously there  
11 are certain parameters that you have to work with in  
12 terms of colors, but work with Mr. Whalen and the  
13 Building Department. If it's something that works for  
14 you, that works for us.

15 And even if you choose to not go in that  
16 direction, of course we encourage you to work with the  
17 Building Department for all the proper permits and make  
18 sure the signs are within our code. But something to  
19 think about in the long-term. The corner property, the  
20 Franwin Pharmacy, was done using that model. So you may  
21 want to take a look at that. As well as going down to  
22 the train station, on the right hand side you have the  
23 Double H Pub and you have four successive businesses.  
24 They also used that.

25 So something to look into, and you can work

1 with the Building Department and Village Hall to work on  
2 that. But --

3 MR. ABBATE: Deputy Mayor, I had no idea. So I  
4 really, really, appreciate you letting us know that.

5 MR. PEREIRA: It may not be a good fit because  
6 of --

7 MR. ABBATE: But it's worth exploring.

8 MR. PEREIRA: -- the requirements that the  
9 franchise may have on the franchisee, but it's certainly  
10 worth looking into.

11 MR. ABBATE: Absolutely.

12 MR. PEREIRA: Other than that, thank you for  
13 choosing Mineola, Ms. Gandolfo, and good luck.

14 MR. ABBATE: Thank you so much.

15 MAYOR STRAUSS: Thank you.

16 Mr. Cusato.

17 MR. CUSATO: Thank you, Mayor.

18 Good evening, sir.

19 MR. ABBATE: Good evening, Mr. Cusato.

20 MR. CUSATO: So based on your floor plan, you  
21 also have a basement which you're going to use for  
22 storage?

23 MR. ABBATE: Mr. Frade?

24 MR. FRADE: Yes, the building does have a  
25 basement. It is just for storage. It isn't anything

1 else. Actually, with Fit Body Boot Camp, with  
2 Ms. Gandolfo, it's not even part of her lease. It's  
3 clearly storage and for utilities, the electric and the  
4 heating system.

5 MR. CUSATO: All right. So you're basically  
6 the first floor.

7 MR. FRADE: Correct, and there is a second  
8 floor which is an office space.

9 MR. ABBATE: But the use is just the first  
10 floor.

11 MR. FRADE: But the use is just the first  
12 floor.

13 MR. CUSATO: So I just have a quick question.

14 On your radius map you show an extra piece, lot  
15 314. You show like a little square area that's not on  
16 your floor plan. I just want to know, what is that?

17 You see where you have crosshatched?

18 MR. ABBATE: What's delineated as lot 314?

19 MR. CUSATO: Yes. You show 316 as  
20 crosshatched.

21 MR. ABBATE: Yes. 316, that's the subject.

22 MR. CUSATO: And 314 you have crosshatched, but  
23 314 is not part of your floor plan. I just want to  
24 know what's going on there.

25 MR. FRADE: Correct. 314 is currently vacant

1 and it is also part of -- the building actually has it's  
2 own little parking lot. It's about five or six cars.

3 MR. CUSATO: So you're going to utilize that  
4 area as well?

5 MR. FRADE: Yes.

6 MR. CUSATO: OK.

7 MR. FRADE: Yes, that's for parking. But the  
8 back is vacant. That's going to stay vacant. That's not  
9 part of the space that's going to be used by Ms.  
10 Gandolfo.

11 MR. CUSATO: OK. And one more thing. You  
12 know, your intent is to lose weight, but you know you  
13 have a great deli next door to you.

14 Thank you.

15 MAYOR STRAUSS: Mr. Durham?

16 MR. DURHAM: I have no questions.

17 And if you're approved, good luck.

18 MR. ABBATE: Thank you very much. We  
19 appreciate your time. Thank you.

20 MAYOR STRAUSS: Mr. Walsh?

21 MR. WALSH: Yes, Mayor.

22 Mr. Abbate, that was a nice, concise, to the  
23 point presentation. That was very nice.

24 MR. ABBATE: Thank you.

25 MR. WALSH: I think that this is a good use.

1 That place has been vacant for quite some time. It's  
2 quite an eyesore down there in the community, and I'm  
3 glad that somebody is looking to take up the location  
4 there. And, you know, if this is approved, I wish you  
5 luck.

6 Thank you. That's all.

7 MR. ABBATE: Thank you very much.

8 MAYOR STRAUSS: Sir, anything else you'd like  
9 to present before we open up to the public?

10 MR. ABBATE: That's it, Mr. Mayor.

11 MAYOR STRAUSS: OK. Great. If you can have a  
12 seat and if any questions come up from the public, please  
13 record them and we'll address them at the end of the  
14 public presentation.

15 Anybody in the first row? Second row? Third  
16 row? Fourth row? Fifth row? Sixth row? Seventh row?

17 Mr. Abbate, come on back up.

18 Anything else, gentlemen?

19 MR. PEREIRA: I have one more question.

20 Will there be any changes to the facade?

21 MR. FRADE: If I can address that.

22 Mr. Pereira, we actually have submitted plans  
23 in to the Building Department for change of the facade,  
24 and we have a hearing before the Architectural Review  
25 Board next Monday for approval, or for review and

1 approval of that facade.

2 MR. PEREIRA: I was going to say, because it's  
3 a gym, you can open it up and put more glass.

4 MR. FRADE: Correct. Yes. The proposal is the  
5 first floor is going to be all glass, virtually all  
6 glass, with a separate entrance to the second floor  
7 office, and then the above is a mix of aluminum panels  
8 and wood finish.

9 MR. PEREIRA: Thank you.

10 MR. FRADE: A more modern look.

11 MR. PEREIRA: All right. Excellent. Thank  
12 you.

13 MAYOR STRAUSS: I suggest, as Mr. Pereira  
14 alluded to, please work closely with our Building  
15 Department so that everything is done the way it should  
16 be done.

17 I'll entertain a motion to approve.

18 MR. CUSATO: I'll make the motion.

19 MAYOR STRAUSS: Motion by Trustee Cusato.

20 Seconded by Trustee --

21 MR. PEREIRA: Second.

22 MAYOR STRAUSS: -- Pereira.

23 Mr. Scalero, poll the Board.

24 MR. SCALERO: Yes.

25 Trustee Durham?

1 MR. DURHAM: Yes.

2 MR. SCALERO: Trustee Pereira?

3 MR. PEREIRA: Yes.

4 MR. SCALERO: Trustee Cusato?

5 MR. CUSATO: Yes.

6 MR. SCALERO: Trustee Walsh?

7 MR. WALSH: Yes.

8 MR. SCALERO: Mayor Strauss?

9 MAYOR STRAUSS: Yes.

10 Congratulations, sir, and Ms. Gandolfo,  
11 congratulations.

12 Again, the sign program is a very good program,  
13 as Mr. Pereira mentioned. And if I could mention to you,  
14 Ms. Gandolfo, get involved in the community. Get  
15 involved in the Chamber of Commerce. It's a very robust  
16 group here. It might help you with your business.

17 And we wish you the greatest success. Welcome  
18 to Mineola. Thank you for choosing us. Enjoy.

19 MS. GANDOLFO: Thank you.

20 MAYOR STRAUSS: Thank you.

21 I'll entertain a motion to close the hearings.

22 MR. WALSH: Motion.

23 MAYOR STRAUSS: Motion by Trustee Walsh.

24 Seconded?

25 MR. PEREIRA: Second.

1 MAYOR STRAUSS: Seconded by Trustee Pereira.

2 All in favor?

3 MR. DURHAM: Aye.

4 MR. PEREIRA: Aye.

5 MR. CUSATO: Aye.

6 MR. WALSH: Aye.

7 MAYOR STRAUSS: Aye.

8 Any opposed?

9 Carried.

10 \* \* \*

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

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PATRICIA A. TAUBER, RPR  
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I N D E X

SUBJECT

PAGE

Proposed Local Law Amending  
Chapter 523 - Section 523-28

2

Amanda Gandolfo

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