INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE

BOARD OF TRUSTEES

June 21, 2017 6:30 o'clock p.m.

Before:

SCOTT P. STRAUSS,

Mayor

PAUL A. PEREIRA, Deputy Mayor

GEORGE R. DURHAM,

DENNIS J. WALSH,

Trustees.

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

JOSEPH R. SCALERO Village Clerk

> PATRICIA A. TAUBER, RPR Official Court Reporter

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

MAYOR STRAUSS: Evening, ladies and gentlemen. We have two hearings on this evening. I ask that anyone coming up to the podium to please speak clearly, state your name and your address for the record, and slowly, so the court reporter can accurately depict what you're saying, record what you're saying.

Mr. Scalero?

MR. SCALERO: Yes.

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

"Please take Notice that the Board of Trustees of the Incorporated Village of Mineola will hold a Public Hearing on Wednesday, June 21, 2017 at 6:30 p.m. at the Village Hall, 155 Washington Avenue, Mineola, New York 11501, or at some other location to be hereafter designated by the Board of Trustees, in order to receive public comment upon the following:

"Application of Thomas Pantelis, Esq., for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled 'Zoning', Section 550.16, entitled 'M Districts', Subsection (A),

1	entitled 'Permitted Uses', and 550.12, entitled 'B-1
2	Districts', Subsection (B), entitled 'Special Uses', for
3	the purpose of establishing an auto body repair shop with
4	a paint spray booth upon the property known as 371
5	Sagamore Avenue, Mineola, New York, known and designated
6	on the Nassau County Land and Tax Map as Section 9, Block
7	338, lot 662.
8	"The Village of Mineola does not discriminate
9	on the basis of handicapped status in administration or
10	access to or employment in its projects and activities.
11	Joseph R. Scalero has been directed to coordinate
12	compliance with non-discrimination requirements of the
13	Federal Revenue Sharing regulations.
14	"At this scheduled meeting of its Board of
15	Trustees reserved decisions from previous meetings, if
16	any, may be acted upon by the Board of Trustees.
17	"At the aforesaid time and place all interested
18	persons will be given an opportunity to be heard.
19	"By Order of the Board of Trustees of the
20	Incorporated Village of Mineola. Joseph R. Scalero,
21	Village Clerk.
22	"Dated May 8, 2017."
23	MAYOR STRAUSS: Thank you, sir.
24	Mr. Gibbons, report on mailings?
25	MR. GIBBONS: Yes, Mayor. We have the

1	Affidavit of Mailing demonstrating compliance with our
2	radius mailing requirement.
3	We also have a letter from the Nassau County
4	Department of Public Works Planning Commission dated June
5	13, 2017 indicating the Village should take action as it
6	deems appropriate.
7	And I would ask for a motion declaring this a
8	Type II action under SEQRA.
9	MAYOR STRAUSS: OK. I'll entertain a motion.
10	MR. PEREIRA: Motion.
11	MAYOR STRAUSS: Motion by Trustee Pereira.
12	Do I have a second?
13	MR. WALSH: Second.
14	MAYOR STRAUSS: Second by Trustee Walsh.
15	All in favor?
16	MR. DURHAM: Aye.
17	MR. PEREIRA: Aye.
18	MR. WALSH: Aye.
19	MAYOR STRAUSS: Aye.
20	Opposed?
21	Carried.
22	Anything else, sir?
23	MR. GIBBONS: No, Mayor.
24	MAYOR STRAUSS: Great. Thank you.
25	OK. As I mentioned, this will be the format

for this evening's hearings. We'll ask the applicant to come forward and they'll state their case and present their application and they'll call any witnesses. They will interact with the Board. And then we'll open up for public comment on the public side of things.

So, gentlemen?

MR. PANTELIS: Thomas Pantelis, 170 Old Country Road, Mineola, New York, appearing on behalf of the applicant, Sagamore Auto, LLC.

Good evening, Mayor, Members of the Board.
MAYOR STRAUSS: Good evening.

MR. PANTELIS: This is an application for a Special Use Permit pursuant to Section 550.16(A) of the code to use the premises for automotive repair, auto body repair, with a spray paint booth.

The premises is located at 371 Sagamore Avenue.

The applicant is Sagamore Auto, LLC. Present tonight with me is Mr. Julio Barahona, who is the principal of the applicant.

The subject property, as indicated on the radius map and the plans which we have submitted, is located on the north side of Sagamore Avenue, 680 feet west of Shields Avenue, identified as Section 9, Block 338, Lot 662 on the Nassau County Land and Tax Map.

Subject property is 6,000 square feet in area.

It's improved with a 2,500 square foot one-story building which was constructed in 1974. The building, as indicated by the records of your Building Department, was issued a Certificate of Occupancy dated February 26, 1974. That was for what was called at that time a light auto body shop.

In 1996 the Building Department of the Village issued a letter indicating that: Please be advised the automotive repair body shop -- referring to the premises -- is a permitted nonconforming use at the above location and is in compliance with the zoning laws of the Village of Mineola.

At that time the Village of Mineola did not issue permits or licenses to existing repair businesses.

I also have a copy of the original plans, elevations, building plans, which were obtained from the files of the Building Department. I'd like to submit these and ask that they be marked as an applicant's exhibit.

As I indicated, 1974 was the initiation of the use in connection with the construction of the building. It's my understanding that the use was discontinued in 2011. Therefore, as a matter of law, the nonconformity of the existing use and building would have lapsed.

We're submitting these, of course, because we

think it's an important aspect of the application, indicating the prior long-standing use of the building.

1.1

I've actually inspected the subject property, as I usually do in connection with the applications. I just would like to indicate for the record that the applicant recognizes that the present condition of the property is less than desirable. They really have no control over it at this point and, if this Board were to approve the application and they do end up in control, the property would be maintained in accordance with Village standards.

With respect to the issuance of a Special Use
Permit, the character of the area is one of the most
important factors. This is located in an M, industrial,
district. It's surrounded by a number of industrial
commercial uses, including concrete mixing plants and
other such things. But most importantly, we have a
number of automotive repair and body shops that are
within the radius. For example: 15 Windsor Court, which
was approved by this Board in July of 2016. That's Fury
Automotive. You have 380 Sagamore Avenue, which is
occupied by Gullwing Motors. You have 100 Windsor
Avenue, which is also another building occupied by
Gullwing. You have 381 Sagamore, which is Regal Auto.
You have 353 Sagamore Avenue, which is Barron, and that

is adjacent, immediately adjacent, to the subject property. And within the radius also, at 14 Roselle Street, you have Hy-Tone automotive.

1.2

2.3

I'd like to submit a copy of the radius map in which I've just indicated the subject property highlighted in yellow and the various uses which I just indicated. Also ask that this be marked as an applicant's exhibit.

The applicant has 25 years experience in the business. Has not owned a shop before.

What we are doing is we're proposing to take the existing b20leXng, with no expansion, to utilize the interior to install a paint spray booth.

As the Board is aware, the paint spray booth must be approved by the Nassau County Fire Marshal. They have full jurisdiction over it. But we would propose to do that in connection with the application for a building permit. And the Building Department would, of course, be involved in that process, but ultimate approval for safety reasons lies with the Fire Marshal.

We would expect that the operation, given the size of the building, would have about four employees, including the owner. Hours of operation would be 8:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 2:00 p.m. on Saturday, with no hours of operation on

Sunday.

1.0

As far as the conduct of the business, all waste, waste oils and fuels, chemicals, lubricants, anything like that, would be picked up, handled by a licensed waste disposal service. As far as the trash --

MAYOR STRAUSS: Mr. Pantelis, can you tell me the working hours, business hours, again?

MR. PANTELIS: Yes. Sure.

Monday to Friday 8:00 a.m. to 6:00 p.m., Saturday 8:00 a.m. to 2:00 p.m., with no operation on Sunday.

MR. WALSH: Thank you.

MR. PANTELIS: Again, we would have licensed waste disposal take care of any of the lubricants. There would also be recycling of scrap metals and tires, which are handled by various companies. As far as trash is concerned we believe, in view of the fact that we recycle other things, we would need a small roll-out dumpster, which would be picked up by a commercial carter. I do not believe that the Village of Mineola provides those services to a commercial establishment.

That would essentially cover our application.

It's rather straightforward. Again, the character of the area being most important with the institution and operation of such uses.

1	MAYOR STRAUSS: Anything else?
2	MR. PANTELIS: No, Mayor.
3	MAYOR STRAUSS: All right. Great.
4	MR. PANTELIS: I just wanted to introduce
5	Mr. Barahona, who is here.
6	MR. BARAHONA: Hi. My name is Julio Barahona.
7	My address is 2191 Stewart Avenue, Westbury, New York.
8	Zip code is 11509.
9	MAYOR STRAUSS: Thank you.
10	We understand that your business kind of fits
11	in that area, but what assurances can you give us that
12	spray booth, the smells and any kind of dust and
13	anything, wouldn't go out over the tracks and onto
14	Pennsylvania Avenue, as we've had issues before with
15	this.
16	MR. PANTELIS: Well we are a rather small
17	operation compared to several of the larger ones.
18	MAYOR STRAUSS: No. I'm asking about yours.
19	MR. PANTELIS: I'll give you the sequential, if
20	I can answer that way.
21	MAYOR STRAUSS: Thank you.
22	MR. PANTELIS: The Fire Marshal must approve
23	the venting of the stack. What we would do is we would
24	agree to design it again, hopefully approved by the
25	Fire Marshal design it so that your venting stack is

1	facing forward. Therefore it's facing towards Sagamore
2	and not facing out the back, which would be over the
3	railroad tracks and potentially, as the Mayor indicated,
4	could have an adverse effect.
5	MAYOR STRAUSS: I have concerns about that.
6	The hours.
7	Is the property big enough for a dumpster?
8	Where are the waste products going to be stored?
9	MR. PANTELIS: It's just going to be probably a
LO	roll-out, and you might have one or two smaller
11	usually the fuels are stored in containers. And recycle
L2	would be picked up regularly.
13	MAYOR STRAUSS: And the storage of any vehicles
L4	would be on the property?
1.5	MR. PANTELIS: Storage of the vehicles would be
16	on the property.
17	As you can see from the plan, we have parking
1.8	on the side. It would be stacked because of the width of
19	the property. So we believe we can accommodate the cars
20	that are under repair. We're not allowed to park
21	vehicles on the street over night. I believe the Village
22	does enforce that.
23	MAYOR STRAUSS: Right.
24	Deputy Mayor?
25	MR. PEREIRA: Thank you. Thank you very much.

Good evening.

MR. PANTELIS: Good evening.

MR. PEREIRA: You're right in saying that the subject property currently is kind of an eyesore.

Currently there are landscaping trucks that are -- if not right now, in the very recent past that's where landscaping trucks would be stored.

Is there going to be any other kind of side business, or side deal? Because the owner of the property is a landscaper, has landscaping trucks. Is he going to his -- is that going to continue to be used, or is this going to be solely for his use only?

MR. PANTELIS: We would represent that and agree that it would only be used for our business, and not for any other businesses. And I agree, the property just isn't big enough for that.

MR. PEREIRA: Right.

MR. PANTELIS: Actually, more recently what I've seen are cars that look like they are being stored by or parked by Barron, and I assume that was only temporary while the property was not otherwise used.

MR. PEREIRA: And if I could just correct the record in that the gentlemen mentioned the subject property is on the north side of Sagamore. There is no north side of Sagamore. It is the west side of

1	Sagamore
2	MR. PANTELIS: Yes.
3	MR. PEREIRA: south of Shields.
4	MR. PANTELIS: Thank you.
5	MR. PEREIRA: Just correcting. No. I'm just
6	correcting.
7	How many cars now just to be clear, this
8	will be just an auto body place, or will it be a service
9	station as well?
10	MR. PANTELIS: No. When you have this kind of
11	business, the auto repairs become incidental to the body
12	work. So if you have a car that's been seriously
13	damaged, they usually try to do those repairs. But it's
14	not going to be a day-to-day automotive
15	MR. PEREIRA: Right. Somebody is not going to
16	be bringing their car in for a regular oil change
17	MR. PANTELIS: No.
18	MR. PEREIRA: or some type of mechanical
19	issue. Not a mechanical shop, per se.
20	MR. PANTELIS: No. It's more auto body.
21	MR. PEREIRA: More auto body. So we're not
22	going to hear a lot of air guns and those kind of things
23	that are used for more traditional mechanics.
24	MR. PANTELIS: No, not that I'm aware of.
25	MR BARAHONA No

1	MR. PEREIRA: How many cars do we expect will
2	be stored on the property at any given time?
3	MR. PANTELIS: Well it looks like you can store
4	about eight cars, and you would be able to store several
5	under repair. You obviously have to have the ability to
6	maneuver them during operating. The property is not big
7	enough to have many more cars than that.
8	MR. PEREIRA: The fence that is around the
9	property, that's going to remain with that gate?
10	Are there going to be any improvements to the
11	property, other than removing the cars?
12	MR. PANTELIS: Total cleanup. There will be a
13	renovation of the exterior.
14	I do not know if that fence has a permit.
15	Looking at it, probably not. So clearly we would have to
16	obtain any permits which the Village might require. I
17	don't think the Village allows the type of wire which
18	might be at that front, But we will fully comply with the
19	Building Department's requirements.
20	MR. PEREIRA: And of course any signage, or any
21	lighting, or anything like that, would also have to go
22	MR. PANTELIS: That would go we have to get
23	permits for everything.
24	MR. PEREIRA: Thanks.
25	MAYOR STRAUSS: Thank you.

1	Mr. Durham?
2	MR. DURHAM: Thank you.
3	As a tenant, do you have any interest in doing
4	a sublet of any of those bays or anything like that?
5	So do you have friends, or something like that,
6	that come to work at night, or something like that?
7	It's going to be strictly closed at 6:00 p.m.?
8	MR. BARAHONA: Yes. Nobody working.
9	MAYOR STRAUSS: Please approach the podium,
10	sir. Speak into the microphone so everybody can hear
11	you.
12	MR. BARAHONA: Nobody would work late. This is
13	strictly 8:00 to 6:00.
14	MR. DURHAM: Because I know several of the
15	shops down there, people sublet the lifts and stuff and
16	use them after hours.
17	So you'll be closed.
18	MR. BARAHONA: Yes.
19	MR. DURHAM: You said four employees?
20	MR. BARAHONA: Yes, plus, (Indicating).
21	MR. DURHAM: Plus yourself?
22	MR. BARAHONA: Yes.
23	MR. DURHAM: So you'll be on site the majority
24	of the time?
25	MR. BARAHONA: Yes.

1	MR. DURHAM: I know Mr. Whalen is not here, but
2	do we know whether there's any outstanding issues with
3	the property from the
4	MAYOR STRAUSS: Counselor?
5	I'm not aware of any.
6	MR. GIBBONS: I spoke to Mr. Whalen today. No,
7	there are not.
8	MR. DURHAM: OK. And it's been a long use as a
9	car shop or whatever. It says: Restore the existing use
10	of an auto spray booth.
11	Was the spray booth there originally?
12	Because on the paperwork you gave it says that
13	you're restoring a spray booth.
14	MR. PANTELIS: We were told that there was, but
15	I haven't seen any evidence of that, and I didn't see any
16	permits in the file, Village file. So I'm not sure if
17	that's the case, but we would certainly like to have his
18	spray booth.
19	MR. DURHAM: I have no other questions.
20	MAYOR STRAUSS: Thank you.
21	Trustee Walsh?
22	MR. WALSH: Yes. Thank you.
23	Hello, Mr. Pantelis. Welcome back.
24	MR. PANTELIS: Thank you very much.
25	MR. WALSH: First of all, this is going to be a

1	total auto body repair shop; is that correct?
2	MR. PANTELIS: Yes.
3	MR. WALSH: OK. You indicated that there would
4	be no things that make noise, like tire machines and
5	stuff.
6	Are you going to have frame pullers? Are you
7	going to have that type of equipment there?
8	MR. BARAHONA: Yes.
9	MR. WALSH: OK. So that's not completely
10	quiet.
11	The property now, is the current owner of
12	the property here?
13	MR. PANTELIS: No.
14	MR. WALSH: And who is Mr. Cunha, who is the
15	applicant on this.
16	MR. PANTELIS: No. Cunha is the next matter, I
17	believe.
18	MR. WALSH: OK. Sorry.
19	OK. That property currently, who is running
20	that property right now?
21	MR. PANTELIS: The owner Ramalde (phonetic), I
22	believe the name is, and they have some storage there.
23	And again, I can't
24	MR. WALSH: Well there's storage, but somebody
25	was working on a car on the sidewalk in front of the

1	place.
2	MR. PANTELIS: That was most likely I
3	suspect that would have been Barron, which is next door.
4	As I said, some of their cars now
5	MR. WALSH: No. No. But I saw someone
6	come from your building.
7	You're between the iron works and Barron; is
8	that correct?
9	MR. PANTELIS: Yes.
10	MR. WALSH: And did that used to be Jericho
11	Collision years ago?
12	MR. PANTELIS: Yes, I believe so.
13	MR. WALSH: That was Jericho Collision, which
14	owned Jericho Collision. I know the spot.
15	So somebody was working there today, who was
16	working on was out on the street. First of all, there
17	was a car with no plates on it parked in the street, and
18	there was a guy working in the street.
19	So you won't be working on the street. This is
20	not you; is that correct?
21	MR. BARAHONA: No.
22	MR. WALSH: OK.
23	MR. PANTELIS: I suspect it's not even the
24	present owner. I think it's associated with one of the
25	other uses that are presently there, not

1	MR. WALSH: They would be using that property.
2	All the doors were open and they were operating out of
3	that building, whoever it was.
4	MR. PANTELIS: Again, that certainly would not
5	be the case. To my knowledge it's not the present owner
6	either.
7	MR. WALSH: When you said that you were told
8	that there was a spray booth there in the past, are there
9	any signs of a spray booth ever having been there before?
10	MR. PANTELIS: I haven't inspected the interior
11	of the building, but I'm not going to make my case based
12	on that.
13	MR. WALSH: Can I speak to you, sir? Come to
14	the mic.
15	Is there currently either a spray booth or
16	anything that looks like it was a spray booth at one
17	time?
18	MR. BARAHONA: I don't see nothing like have a
19	spray booth before.
20	MR. WALSH: OK. So I don't think there was
21	ever a spray booth in that building. OK.
22	Where do you currently work, sir?
23	MR. BARAHONA: Excuse me?
24	MR. WALSH: Where do you currently work?
25	You're in the automotive business, correct?

1	MR. BARAHONA: Yes.
2	MR. WALSH: Do you work for somebody?
3.	MR. BARAHONA: Yes. I work for 20 years. I
4	work right now for East Coast Auto Body in Mineola.
5	MR. WALSH: OK. East Coast Auto Body.
6	And is this your first venture as a business
7	owner?
8	MR. BARAHONA: Yes.
9	MR. WALSH: OK. Thank you. That's all I have
10	at this time.
11	Thank you, Mayor.
12	MAYOR STRAUSS: Thank you.
13	Yes, sir, Mr. Durham?
14	MR. DURHAM: Question: Doing the auto body,
15	are there going to be tow trucks dropping off cars?
16	So if somebody has an accident at midnight,
1.7	whatever, is there going to be somebody dropping off a
18	car at 1:00 o'clock or 2:00 o'clock in the morning to
19	your property?
20	MR. PANTELIS: I don't know. I think from
21	the look, we haven't really thought about that. We're
22	not going to be a towing operation.
23	MR. DURHAM: So you're not looking to have any
24	things dropped off at the property in the off hours.
25	It's going to be work from an accident and stuff?

1	MR. PANTELIS: No. We wouldn't be that kind of
2	an operation.
3	MR. DURHAM: OK.
4	MR. WALSH: In that light, is he going to be in
5	the Nassau County tow line, where there's car accidents
6	and Nassau County Police call?
7	MR. BARAHONA: Normally, when the accident
8	happen, they take it to East John and deliver the car the
9	next day.
10	MR. WALSH: Yes. Normally when an accident
11	happens, or sometimes the Nassau County Police call the
12	tow truck and they have a list and they go on the list.
13	Are you going to be on that list?
14	MR. BARAHONA: Normally he have his own job.
15	That towing, he has his own job and deliver the car the
16	next day.
17	MR. PANTELIS: I think Mr. Walsh may be asking
18	you if you're going to be on that list.
19	MR. BARAHONA: No.
20	MR. WALSH: Is your business going to be on the
21	Nassau County list that tows?
22	The answer is no, correct?
23	MR. BARAHONA: No.
24	MR. WALSH: OK. Thank you.
25	MAYOR STRAUSS: Anything else, sir, before I

1	open up to the public?
2	MR. PANTELIS: No. That's all.
3	MAYOR STRAUSS: OK. Great. I ask you
4	gentlemen to have a seat and I'll open up to public
5	comment now. And if you, sir, would write down any
6	questions that the public may ask and address them at the
7	end.
8	Again, I ask anybody approaching the podium,
9	please state your name and your address for the record,
10	speak clearly and slowly for the record also.
11	Anybody in the second row? Third row? Fourth
12	row? Fifth row? Sixth road? Seventh row? Anybody in
13	the back?
L4	Yes, ma'am. You have to come up to the podium.
15	MS. M. FERNANDES: I'm Maria Fernandes. I live
16	at 361 Pennsylvania Avenue.
L7	Mr. Mayor, a lot of smell, a lot of things, a
18	lot of stuff back there and it's no good.
L9	MAYOR STRAUSS: So you get the smells and dust?
20	MS. M. FERNANDES: The smells and things,
21	everything there
22	MAYOR STRAUSS: The current ones that are
23	already in place?
24	MS. M. FERNANDES: Everything. It's no good.
25	The people, the block, a lot of people sick, have a lot

of cancer. It's no good.

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MAYOR STRAUSS: Is it any particular time, or is it all day every day?

MS. M. FERNANDES: Every day. Sometimes the night. Sometimes 5:00 o'clock in the morning. I live there 15 years. It's same thing.

MAYOR STRAUSS: OK. Thank you.

MS. EMPENSANDO: Good evening.

MAYOR STRAUSS: Good evening, ma'am.

MS. EMPENSANDO: My name is Resurreccion Empensando. I live at 394 Pennsylvania Avenue.

My concern is that my neighbors from 30 years

-- my concern is about the spray, the paint spray. How
is this going to affect our health when we smell it,
because we smell some existing things that's happening in
that area. So I was asking about, you know, how it will
affect us in the long run, because I am staying home now,
right now. I'm disabled. And I currently smell
everything now and see everything and hear everything.

I'm a retired nurse with disability. And I just hope
that, you know, the health hazard of the paint spray will
be, you know, given -- what do you call this -- will be
given, like, importance to our community, especially to
our street, besides the Sagamore Street.

MAYOR STRAUSS: Thank you.

1	MS. EMPENSANDO: Thank you.
2	MAYOR STRAUSS: Anyone else?
3	Yes, ma'am.
4	MS. MAGALHAES: My name is Maria Teresa
5	Magalhaes. I live on Pennsylvania.
6	MAYOR STRAUSS: What number?
7	MS. MAGALHAES: 390 Pennsylvania.
8	I'm no agree about this because it make a lot
9	of noise already. Now it's coming another one. You,
10	know, at 5:00 o'clock in the morning, too much noise.
11	Lights open. Big lights in the back of my house. I'm no
12	agree, and my neighborhood is no agree either because it
13	smells. Affect you know, too much going on over
14	there.
15	MAYOR STRAUSS: OK.
16	MS. MAGALHAES: No agree.
17	MAYOR STRAUSS: Anything else?
18	MS. MAGALHAES: That's it.
19	MAYOR STRAUSS: Thank you very much.
20	Appreciate it.
21	MS. MAGALHAES: You're welcome.
22	MAYOR STRAUSS: Anyone else in the back row?
23	Sir.
24	MR. SILVA: My name is Jose Silva, from 372
25	Pennsylvania Avenue.

1	I'm here to say that we already have a lot of
2	problems with the smell, paint, noise, and I not approve.
3	MAYOR STRAUSS: OK. Thank you, sir.
4	Anyone else?
5	Yes, ma'am?
6	MS. SILVA: Anna Silva. I used to live at 350
7	Pennsylvania. My parents currently live at 350
8	Pennsylvania Avenue.
9	So thank you, members of the Board and
10	MAYOR STRAUSS: Ma'am, if you could speak a
11	little slower.
12	MS. SILVA: Right. Thank you. Yes.
13	Thank you members of the Board and interested
14	citizens for the opportunity to speak about this matter.
15	I am concerned about the air quality. So how
16	is the quality of the air monitored, and are there
1.7	records available to the public? Because there's a lot
18	of chemicals being released from commercial area and, you
19	know, my son spends most of his time on Pennsylvania
20	Avenue. So he's being exposed to all these chemicals.
21	And what protocol and guidelines is the auto body shop
22	going to follow?
23	So as a parent I'm concerned. And I believe
24	our quality of living will go down. It's being affected
25	heavily, you know, not only our health but other things

1 as well.

The bottom line, if the building owner or planned shop operator is requesting a Special Permit to install and operate a spray booth, as a resident I feel that my quality of life, our quality of life, and the community, will relatively be impacted if Special Permit is granted. So I ask you to politely decline.

Thank you.

COURT REPORTER: Ma'am, can I just get your address?

MS. SILVA: My address 263 Frank Avenue.

MAYOR STRAUSS: Thank you, ma'am.

Anyone else wish to make comment?

Sir?

You heard some of the concerns of the residents, and some of the concerns I voiced when we first started the hearing about the smells of the booth and the impact and the air quality.

Can you address any of those concerns?

MR. PANTELIS: Sure. I'd be glad to.

Certainly, I understand the concerns of the neighbors. As the Board is aware, the layout of this is that you have Sagamore Avenue, then you have the Long Island Railroad, including the right-of-way, and then the houses that are on the other side of that, which is

Pennsylvania Avenue.

But I think the Board is probably very familiar with the present character of the area, and that the overall district is devoted to various kinds of -- we'll call them industrial uses, including the ready mix plant, which I don't know what the control is over that, and it's basically a combination of an outdoor/indoor area.

But with respect to our proposed use -- and I think it's important to remember that paint spray booths today are much more, we'll say, efficient than they were ten or 15 years ago. They must meet EPA requirements for emissions. All of those are well-documented in the specifications that a manufacturer provides. Those are reviewed by the Nassau County Fire Marshal. And before a permit is issued they examine both the specifications, proposed plans, the venting of the stack, and so on.

It's my understanding, also, that the Fire

Marshal makes periodic inspections of such facilities to

determine that they are in compliance with their

operating requirements, which are part of the permit.

I understand that there may be some noise associated with operations such as this, but they are within the purview, I should say, within the scope of an industrial district. We tried to keep our hours of operation very specific and very reasonable. Not early

in the morning. Not late at night. We clearly can not 1 control other uses that are there already but, again, 2 this Board is required, I believe, to examine the 3 application within the parameters of the special use 4 standards in the district in which it's located. 5 MAYOR STRAUSS: You sound pretty knowledgeable б in this line. 7 MR. PANTELIS: I've done it before. 8 MAYOR STRAUSS: All right. Then I can ask you 9 this question: You said that the fire marshals 10 periodically check the buildings. You said the EPA 11 monitors such things. 12 Do they? 13 MR. PANTELIS: Well the EPA sets the standards 14 for the unit and the equipment themselves. The EPA, to 15 my knowledge, doesn't get involved in that. 16 17 MAYOR STRAUSS: So they don't --MR. PANTELIS: But the Fire Marshal issues the 18 19 permits and the fire marshals do inspect. Can I tell you how often? I don't have the 20 knowledge of that. 21 MAYOR STRAUSS: Do you know if the fire 22 marshals check the air quality? 23 What's the fire marshal's role? 24 25 MR. PANTELIS: I don't know that, sir.

1	MAYOR STRAUSS: Thank you.
2	MR. PANTELIS: Fire marshals, my experience, in
3	Nassau County are pretty tough in the things that are
4	under their jurisdiction.
5	MAYOR STRAUSS: Understood. Thank you.
6	Any comments from the Board?
7	MR. DURHAM: Yes.
8	MAYOR STRAUSS: Yes, Trustee Durham.
9	MR. DURHAM: In your normal course of business
10	during the week, how many cars do you think you're going
11	to handle and how many times do you think that you'll
12	actually be using the spray booth?
13	MR. BARAHONA: Normally is, like, up to five to
14	ten cars a week. And the use, say three or four hours a
15	day.
16	MR. DURHAM: You're going to be using the spray
17	booth for four hours a day?
18	MR. BARAHONA: Yes.
19	MR. DURHAM: All right. Thank you.
20	MAYOR STRAUSS: Any other questions?
21	MR. WALSH: Excuse me.
22	Are you going to spray parts for vehicles, or
23	fenders, or anything like that, other than for your own
24	repairs?
25	In other words, are you going to take in jobs

1	to spray fenders, bumpers, cars, that you didn't repair?
2	MR. PANTELIS: Do you understand the question?
3	MR. BARAHONA: No.
4	MR. PANTELIS: Are you going to take outside
5	work, apart from yours.
6	MR. BARAHONA: No. No.
7	MR. WALSH: If it gets slow, are you going to
8	use the spray booth other than for the cars you repair?
9	MR. BARAHONA: Yes, only for the cars I'm
10	repairing.
11	MR. WALSH: OK.
12	MR. BARAHONA: Sorry for the confusion.
13	MAYOR STRAUSS: Anything else? Anyone else
14	wish to make comment?
15	Sir, anything else?
16	MR. PANTELIS: No. That's all. Thank you.
17	MAYOR STRAUSS: I'll entertain a motion to
18	close the hearing and reserve decision.
19	MR. PEREIRA: Motion.
20	MAYOR STRAUSS: Motion by Trustee Pereira.
21	Second?
22	MR. WALSH: Second.
23	MAYOR STRAUSS: By Trustee Walsh.
24	All in favor?
25	MR. DURHAM: Aye.

1	MR. PEREIRA: Aye.
2	MR. WALSH: Aye.
3	MAYOR STRAUSS: Aye.
4	Any opposed?
5	Carried. Thank you.
6	Thank you, folks. That hearing is over. We're
7	reserving decision. We're not saying yes or no tonight.
8	So thank you very much for your time and for coming down
9	here today. We've heard you. Thank you. Thank you,
10	sir.
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MAYOR STRAUSS: Mr. Scalero, the next one.

MR. SCALERO: Yes, sir.

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

"Please take Notice that the Board of Trustees of the Incorporated Village of Mineola will hold a Public Hearing on Wednesday, June 21, 2017 at 6:30 p.m. at the Village Hall, 155 Washington Avenue, Mineola, New York 11501, or at some other location to be hereafter designated by the Board of Trustees, in order to receive public comment upon the following:

"Application of John P. Cunha for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled 'Zoning', Section 550.14, entitled 'B-3 Districts', Subsection (B), entitled 'Special Uses', for the purpose of establishing a mathematics tutoring center upon the property known as 41 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 428, lot 102.

"The Village of Mineola does not discriminate on the basis of handicapped status in administration or access to or employment in its projects and activities.

Joseph R. Scalero has been directed to coordinate compliance with non-discrimination requirements of the

1	Federal Revenue Sharing regulations.
2	"At this scheduled meeting of its Board of
3	Trustees reserved decisions from previous meetings, if
4	any, may be acted upon by the Board of Trustees.
5	"At the aforesaid time and place all interested
6	persons will be given an opportunity to be heard.
7	"By Order of the Board of Trustees of the
8	Incorporated Village of Mineola. Joseph R. Scalero,
9	Village Clerk.
10	"Dated May 8, 2017."
11	MAYOR STRAUSS: Thank you.
12	Mr. Gibbons, report on mailings?
13	MR. GIBBONS: Yes, Mayor.
14	We have an Affidavit of Mailing Notice.
15	We also have a letter from the Nassau County
16	Planning Commission recommending no modifications and
17	that the Village take action as it deems appropriate.
18	And I would ask for a motion declaring this a
19	Type II action under SEQRA.
20	MAYOR STRAUSS: Thank you.
21	Can I have a motion?
22	MR. DURHAM: Motion.
23	MAYOR STRAUSS: Motion by Trustee Durham.
24	Second?
25	MR. PEREIRA: Second.

1	MAYOR STRAUSS: Trustee Pereira.
2	All in favor?
3	MR. DURHAM: Aye.
4	MR. PEREIRA: Aye.
5	MR. WALSH: Aye.
6	MAYOR STRAUSS: Aye.
7	Opposed?
8	Carried. Thank you.
9	Again, this will be the format for this
10	evening's hearing. The applicant will make their
11	presentation and state everything they need to state in
12	presenting their application to us. The Village Board
13	will then ask questions, and then we'll open up to any
14	public comment.
15	I ask anyone coming to the podium to please
16	speak clearly, slowly, and state your name and your
17	address for the reporter.
18	Sir.
19	MR. ABRAMS: My name is Peter Abrams. My
20	address is 15-22 200th Street, Bayside, New York 11360.
21	MAYOR STRAUSS: Good evening, sir.
22	MR. ABRAMS: Good evening.
23	Mr. Cunha, who is listed there, is the
24	architect. So he started the application. And I'm going
25	to be the owner of the place.

I'm looking to open a mathnasium, which is a math learning center, of which there are about seven or eight hundred now across the country. It's a franchise. And it's to be opened at 41 Mineola Boulevard.

2.3

This is the second mathnasium that I would be opening. I have one right now in New Hyde Park. That one has a very good reputation, and the enrollment is great. And I think -- that one is going very well.

What we'd be doing is, parents come in. They drop off their children for about an hour. It's mostly drop-off. And during that hour they would come in.

We'll go over homework. We'll go over foundational items, anything -- any help that they need. If they're having a test, we'll go over that. After the hour is up, they take their binder and they put it back where they took it when they came in. And then they go out, back to their parents. So basically it's one hour. It could be two to three times a week for each of the children.

The hours. The proposed hours are 3:30 to either 7:30 or 8:00 Monday through Thursday. Fridays I think we'll be closed. Saturdays we'll be open 10:00 to 1:00, and Sundays 11:00 to 2:00.

For the children, we expect approximately eight to ten children per hour to be coming in, and there will

be two to three instructors. So we try to keep one instructor to every three children. So there will always be at least a ratio of three adults -- I mean one adult to every three children in there. As we grow we expect no more than 18 children per hour. I'm basing it on my current place. With five instructors, plus the director, plus the assistant director, there will always be plenty of adults there.

It's meant to be a drop-off. Some parents stay. We're going to have a nice waiting room there where they can stay, but we do advise to drop off and come back. There's a lot of places around here where the parents can go and come back. But again, if they want to stay it's fine. We keep them separated from the kids so that we can really help the kids without knowing that their parents are sitting there watching them.

As for parking, I believe there are six meters in the front. There's also one spot in the front that has no meter, no designation, directly in front of the door, which I believe would be great for the parents to use as drop off. We can see out. They can see in. You know, preferably that would be the best way to do it. There's also a lot of meters on the side. I've been given three parking spaces in the garage there that will be used for instructors. So one for me and then

instructors. And for the other instructors there's 1 plenty of street parking. Also, since it's done in the 2 afternoon it's a lot easier than if we did it at 10:00 3 o'clock in the morning. So I believe there's plenty of 4 parking. But we would never have more than four to five 5 instructors per day. 6 Based on the drawings you have there, we will 7 be following all the local codes, all the state codes, 8 9 the ADA codes. Everything will be addressed. What else? Signage. The signage will be -- we 10 propose to put a sign in the front. Lighted sign. We're 11 going to go through the whole process of applying for 12 That's not part of that, but I just threw that in. 13 And as for garbage, we don't accumulate a lot 14 of qarbage. Most of the garbage is going to be paper and 15 we'll be doing recycling. We can recycle right at the 16 place. We have a bin in the parking lot. So I believe 17 there should be no problem with the garbage. 18 That's basically it. 19 MAYOR STRAUSS: All right. Fine. Thank you. 20 How long have you -- you said that you have 21 22 other stores? MR. ABRAMS: I have one other. 23 MAYOR STRAUSS: One other store. 24

Where is that located?

25

1	MR. ABRAMS: That's located at 810 Jericho
2	Turnpike in New Hyde Park. Right off of Lakeville.
3	MAYOR STRAUSS: Similar size store?
4	MR. ABRAMS: I'm sorry?
5	MAYOR STRAUSS: Similar size store?
6	MR. ABRAMS: This one is about 1,700 square
7	feet and that one is about 14. Similar size.
8	MAYOR STRAUSS: So this is the strip of stores
9	just north of Old Country Road, correct?
10	MR. ABRAMS: Yes.
11	MAYOR STRAUSS: It's a newer building.
12	MR. ABRAMS: It's directly across from the
13	Citibank building.
14	MAYOR STRAUSS: Right. Right.
15	MR. ABRAMS: It was going to be a restaurant
16	previously.
17	MAYOR STRAUSS: So it's good that we're getting
18	something in those stores. It certainly needs a little
19	lift. Thank you.
20	If you happen to be successful, I ask that you
21	reach out to our Building Department. I don't know if
22	that building would work. we have a storefront program
23	going on with awnings and lighting and signs and things.
24	So just make sure that, if you're going to do it, do it
25	in compliance with our new program. It might save you

1	some money.
2	MR. ABRAMS: That would be great.
3	MAYOR STRAUSS: Thank you.
4	MR. ABRAMS: Sure.
5	MAYOR STRAUSS: Trustee Pereira?
6	MR. PEREIRA: Thank you. Thank you very much.
7	And so there is one in Roslyn, there's one in
8	Lynbrook, and there's one in New Hyde Park, mathnasiums,
9	in Nassau County?
LO	MR. ABRAMS: There's about 14 or 15, it looks
L1	like.
L2	MR. PEREIRA: In Nassau County?
L3	MR. ABRAMS: Right.
L4	MR. PEREIRA: Those are the closer ones to
L5	here.
16	MR. ABRAMS: Those are the closest ones.
L 7	MR. PEREIRA: Right. The closest ones to here.
L8	Yes. I agree with the Mayor. You know, for
L9	too long the developer invested a lot of money in that
20	building. You may not remember, but that used to be
21	separate buildings and then he made them all, you know,
22	kind of uniform. And there actually used to be a
23	restaurant there years ago. There used to be a steak
24	house there. There used to be a driveway entrance, which
25	may explain the parking spot that you're referring to.

1	Is there any kind of egress and ingress from	
2	the rear?	
3	MR. ABRAMS: I'm sorry I didn't address that.	
4	Yes. The egress in the rear goes directly into	
5	the garage.	
6	MR. PEREIRA: So could parents drop them off	
7	from the I only say this because that spot is	
8	dangerous as you're coming over the bridge southbound,	
9	and if the parents are pulling off to the side, you know,	
10	that could be a little tricky. I know that the road kind	
11	of widens a little bit there, but it may be a little	
12	tricky. I would rather see them getting dropped off on	
13	the side street, on Third, I think that is.	
14	MAYOR STRAUSS: Third Street.	
15	MR. PEREIRA: Third Street, at the corner	
16	there. I think that would be safer.	
17	MR. ABRAMS: You're absolutely right.	
18	MR. PEREIRA: Again, I	
19	MR. ABRAMS: Convenience-wise. But we do	
20	have I've checked it out many times. You can go make	
21	the turn and go into the garage from the back. The only	
22	problem is the garage is very tight.	
23	MR. PEREIRA: Yes.	
24	MR. ABRAMS: So to get in and get out, it might	
25	take longer than just to drop	

MR. PEREIRA: They can pull up in the back and walk them in. I mean, you'll have to figure those things out. You'll have to see what works.

MR. ABRAMS: But that's definitely something -MR. PEREIRA: We obviously would like for you
to have the parents avoid double-parking on Mineola
Boulevard southbound, as these cars come over the bridge,
and the sight lines are very limited. So I can see if I
get there first I may pull into that spot that you're
mentioning, but if the Mayor gets there he's just going
to pull up next to me and drop off the children.

MR. ABRAMS: I'm going to have a big sign saying: No double-parking please.

MR. PEREIRA: Yes. And I think once people are conditioned to do certain things, a certain routine. And of course I'm sure you will have some local students. So they could walk there potentially or, you know, you even have the Long Island Railroad right there. You could potentially get some of them that could be taking the railroad, whether they're Chaminade students going home or coming back. So on. So forth.

So my only concern -- I think this is a great application. I think that we're happy to see -- at least I'm happy to see a business going into that spot. You know, my only concern really is with the safety, and

that's something that you're going to have to work out. 1 I can't think of a much less intrusive use in that part 2 If it were a restaurant, I think it would be of town. 3 much more difficult in terms of parking, valet parking, 4 people pulling up. And I think that this certainly --5 the hours work for us. I don't think it's really a 6 distraction. And if anything, it just brings some more 7 life to that neighborhood. So . . . 8 The current place we have the same 9 MR. ABRAMS: situation where there's no parking, and we've conditioned 10 them to go around the corner, drop the children off. 11 the parents -- it will take a few months, or a few weeks 12 at the most, but the parents will get it. 13 MR. PEREIRA: They'll figure it out. 14 MR. ABRAMS: They all get very upset in the 15 beginning, There's no parking, and then all of a sudden, 16 17 two months, a couple of months, they're OK with it. more complaints. 18 Thank you. Well if we approve, I MR. PEREIRA: 19 wish you good luck. 20 Thank you so much. 21 MR. ABRAMS: MAYOR STRAUSS: Trustee Durham? 22 MR. DURHAM: Thank you. 2.3 Thank you for choosing Mineola. 24 Question: The staff that you have teaching, 25

are they teachers, educators? 1 How do you go about getting your staff? 2 MR. ABRAMS: We have some licensed teachers. 3 But one of the things that we do is -- I'm not looking 4 for the way they teach now in school. We're looking for 5 different ways to teach a little bit. So we're looking 6 for -- we look basically for instructors who have either 7 graduated college or going for their masters, of which we 8 have a lot now, who can relate to the children and who 9 can make the children feel very confident. So licensed 10 teachers are important, but to me almost the most 11 important thing is the child wants to come and the 12 instructor wants to teach. 13 MR. DURHAM: So that they can do better in 14 So once they get the confidence, or whatever -school. 15 MR. ABRAMS: Then they can do anything, just 16 about. 17 MR. DURHAM: I understand. Thank you. 18 Thank you. MR. ABRAMS: 19 Trustee Walsh? MAYOR STRAUSS: 20 MR. WALSH: Yes. Thank you. 21 Good evening. How are you? 22 MR. ABRAMS: Good, thank you. 23 MR. WALSH: Let me just -- having nothing to do 24 with the application, what is the salary -- what is the 25

1	cost factor you're
2	MR. ABRAMS: I'm sorry. Say again?
3	MR. WALSH: What is the cost factor?
4	What does it cost to send somebody to be
5	instructed in your school?
6	MR. ABRAMS: It will probably be 350 per month,
7	and they get to go ten times a month.
8	MR. WALSH: OK. Thank you.
9	And as far as that building is concerned,
10	that's the Kingdom Family Foundation building over there,
11	and they've needed tenants in there. It's a nice spot.
12	And I think that that's a good use for that spot,
13	personally.
14	MR. ABRAMS: Thank you very much. It's very
15	exciting.
16	MAYOR STRAUSS: Thank you.
17	Any other comments from the Board?
18	All right. Sir, I'll ask if you could sit
19	down. Don't go too far.
20	MR. ABRAMS: Sure.
21	MAYOR STRAUSS: I'll open up to public comment.
22	Anybody in the second row? Third row?
23	Yes, sir.
24	MR. FAIRGRIEVE: I just have a quick question.
25	MAYOR STRAUSS: Is it relating to this?

1	MR. FAIRGRIEVE: Yes. Just a question.	
2	MAYOR STRAUSS: Sir, just come up to the	
3	podium.	
4	MR. FAIRGRIEVE: Scott Fairgrieve, Mineola	
5	resident.	
6	Do they do criminal background checks on the	
7	instructors?	
8	That was a curiosity. I missed part of the	
9	presentation, so I wasn't sure if that was covered, but	
10	that would be of interest, I think, to the Board. So I	
11	just would like that covered.	
12	MAYOR STRAUSS: Sure.	
13	MR. FAIRGRIEVE: Thank you.	
14	MAYOR STRAUSS: Anybody else wishing to make	
15	public comment?	
16	Sir, come on back up.	
17	MR. ABRAMS: In the franchise agreement it's	
18	mandated that we do criminal background checks. We don't	
19	just do the inexpensive ones. They're fairly expensive.	
20	So we do a federal, state, city, local, background check,	
21	and every two years we have to do another one. So we're	
22	pretty sure that the people anyone who comes to us	
23	from teaching anyway has been	
24	MAYOR STRAUSS: Licensed.	
25	MR. ABRAMS: licensed and they're checked	

1	out anyway. But we have to run it on everybody once
2	every two years.
3	MAYOR STRAUSS: All right. Great. Thank you.
4	Any other comments from the Board?
5	I'll entertain a motion to approve.
6	MR. PEREIRA: Motion.
7	MAYOR STRAUSS: Motion by Trustee Pereira.
8	Second?
9	MR. WALSH: Second.
10	MAYOR STRAUSS: By Trustee Walsh.
11	Mr. Scalero, poll the Board.
12	MR. SCALERO: Trustee Durham?
13	MR. DURHAM: Yes.
14	MR. SCALERO: Trustee Pereira?
15	MR. PEREIRA: Yes.
16	MR. SCALERO: Trustee Walsh?
17	MR. WALSH: Yes.
18	MR. SCALERO: The court?
19	MAYOR STRAUSS: Yes.
20	Sir, welcome to Mineola. Please work closely
21	with our Building Department. And if you see it fitting,
22	please reach out to the Chamber of Commerce and be a part
23	of that group. They're a fantastic group.
24	MR. ABRAMS: I will. I look forward to that.
25	Mayor, I can have the architect's drawings

1	filed tomorrow?
2	MAYOR STRAUSS: Yes.
3	MR. ABRAMS: Thank you so much.
4	MAYOR STRAUSS: Thank you.
5	MR. PEREIRA: Thank you.
6	MAYOR STRAUSS: You're welcome.
7	Motion to close the hearing?
8	MR. PEREIRA: Motion.
9	MAYOR STRAUSS: Second?
10	MR. WALSH: Second.
11	MAYOR STRAUSS: By Trustee Walsh.
12	All in favor?
13	MR. DURHAM: Aye.
14	MR. PEREIRA: Aye.
15	MR. WALSH: Aye.
16	MAYOR STRAUSS: Aye.
17	Any opposed?
18	Carried.
19	* * * This is to certify that the within and foregoing is a
20	true and accurate transcript of the stenographic notes as recorded by the undersigned Official Court Reporter.
21	* * *
22	Contoner Con Tour On
23	PATRICIA A. TAUBER, RPR OFFICIAL COURT REPORTER
24	
25	

- Board of Trustees Hearing of 6/21/2017 -

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SUBJECT	PAGE
Thomas Pantelis, Esq. 371 Sagamore Avenue	2
John P. Cunha 41 Mineola Boulevard	32

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