

INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE
BOARD OF TRUSTEES

July 10, 2019
6:30 o'clock p.m.

B e f o r e:

SCOTT P. STRAUSS, Mayor,
PAUL A. PEREIRA, Deputy Mayor,
PAUL S. CUSATO,
DENNIS J. WALSH, Trustees.

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PETER S. TRENTACOSTE, ESQ.
Village Attorney

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JOSEPH R. SCALERO, LINDA PARDO,
Village Clerk Deputy Village Clerk

DANIEL B. WHALEN,
Supt. Of Buildings

* *

PATRICIA A. TAUBER, RPR,
Official Court Reporter

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2019 JUL 29 P 3:55

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.

7 Trustee Durham is unable to make the meeting.
8 He's with the Boy Scouts. As are the other adult leaders
9 of Boy Scout Troop 45, he's taking a week's vacation and
10 is spending it with them at camp. So he's unable to make
11 the meeting.

12 Before we get into the hearing we're going to
13 have a very brief presentation by Girl Scout Sara
14 McEllen.

15 (Presentation made off the record, after which
16 the following ensued:)

17 MAYOR STRAUSS: OK. We're going to go into the
18 hearing. Mr. Scalero?

19 MR. SCALERO: Yes, sir.

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

22 "Please take Notice that the Board of Trustees
23 of the Incorporated Village of Mineola will hold a Public
24 Hearing on Wednesday, July 10, 2019 at 6:30 p.m. at the
25 Village Hall, 155 Washington Avenue, Mineola, New York

1 11501, or at some other location to be hereafter
2 designated by the Board of Trustees, in order to receive
3 public comment upon the following:

4 "Application of Noah Siegel to amend the
5 Special Use Decision dated October 8, 2014 to enlarge the
6 existing fitness training facility for the property known
7 as 228 East Jericho Turnpike, Mineola, New York, known
8 and designated on the Nassau County Land and Tax Map as
9 Section 9, Block 378, Lot 26.

10 "The Village of Mineola does not discriminate
11 on the basis of handicapped status in administration or
12 access to or employment in its projects and activities.
13 Joseph R. Scalero has been directed to coordinate
14 compliance with non-discrimination requirements of the
15 Federal Revenue Sharing regulations.

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

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

21 "By Order of the Board of Trustees of the
22 Incorporated Village of Mineola. Joseph R. Scalero,
23 Village Clerk.

24 "Dated June 27, 2019."

25 MAYOR STRAUSS: Thank you.

1 Mr. Whalen, report on mailings?

2 MR. WHALEN: Yes, Mayor. I'm in possession of
3 the Affidavit of Mailing Notice, and it has been signed
4 and notarized.

5 MAYOR STRAUSS: Thank you, sir.

6 Mr. Trentacoste, anything?

7 MR. TRENTACOSTE: Mayor, at this time I'd ask
8 this be designated under SEQRA as a Type II action, if
9 the Board would entertain a resolution.

10 MAYOR STRAUSS: Motion?

11 MR. WALSH: Motion.

12 MAYOR STRAUSS: Motion by Trustee Walsh.

13 Second?

14 MR. PEREIRA: Second.

15 MAYOR STRAUSS: Trustee Pereira.

16 All in favor?

17 MR. PEREIRA: Aye.

18 MR. CUSATO: Aye.

19 MR. WALSH: Aye.

20 MAYOR STRAUSS: Aye.

21 Opposed?

22 Carried.

23 MR. TRENTACOSTE: Thank you.

24 MAYOR STRAUSS: Ladies and gentlemen, this will
25 be the format for this evening's hearing: The applicant

1 will make their presentation, at which time the Board
2 will interact with the applicant and ask any questions
3 that we may have. At the end of that we'll open it up to
4 public comment.

5 I ask that anybody wishing to speak tonight,
6 when they approach the podium, to state their name and
7 address, speak slowly and clearly so it can be accurately
8 recorded by the stenographer.

9 Sir?

10 MR. SIEGEL: Name is Noah Siegel, 228 East
11 Jericho Turnpike, Mineola, New York 11501.

12 I'd like to take about five minutes to tell you
13 about who I am beyond just the owner of Siegel Athletics.
14 I was brought up by my father who was a dairy mechanic in
15 Brooklyn, New York. He worked hard day and night to
16 provide for his family. We had very little things, but
17 he was first generation American with no formal
18 education, and he worked in the dairy plant. He did the
19 best he could to raise us. He taught me how to work
20 hard. I worked hard my whole life. Got good grades in
21 school. Went to Binghamton University and graduated. I
22 came out. I worked in corporate America for about eight
23 years, and decided I wanted to change my life.

24 About six years ago I began on this journey. I
25 had a shoestring budget. I had a lot of passion and I

1 had seven credit cards that I maxed out. Took those
2 credit cards, put them in my bank account and, lo and
3 behold, we have a gym. Couldn't afford a fancy place,
4 big amenities, or to market and advertise to tens of
5 thousands of customers. I wasn't sure I could even
6 afford rent. I needed to start at the very bottom.
7 Sorry was a word I heard every day. Every person,
8 including my family and friends and anyone I told my idea
9 to, it was the same thing. You're going to fail. You're
10 going to fail. You're going to fail. Over and over
11 again.

12 I did have a small support system, and that
13 system was my father. He didn't have much, but he had
14 belief in me. I told him what I wanted to do and he said
15 he would help me in any way he could. He came to work
16 with me every day, doing anything in his power to help.
17 I knew that I had a service that I had to offer to
18 clients that was very unique. First, I had an approach
19 that could not be offered at a large fitness facility.

20 The first year I barely made my rent and was
21 barely able to pay my loan. It was like riding the
22 rollercoaster from hell. There were ups and downs. The
23 opening of a new business was gut-wrenching and nothing I
24 had anticipated. I was scraping by, working 90 to 100
25 hours a week, every week. I had zero employees and

1 nothing to show for it. I took on clients for almost no
2 money just to get the word out. I vacuumed, mopped my
3 floors, cleaned my toilets, and did everything possible
4 just to keep things afloat in hope that I could succeed.
5 My wife and I lived off her teacher's salary in a small
6 one bedroom apartment in Queens for the next two years.

7 By the second year things got better. My
8 efforts started to pay off and I began to reach a larger
9 audience. I was able to educate the local fitness
10 community. A short time later I was able to convince two
11 loyal friends and trainers to join my facility and work
12 with me. Things began to turn around. People started
13 showing up. The word started to get out that we had
14 something special.

15 In January of 2016 my father didn't show up for
16 work one morning. I drove to his house and found him
17 dead in his bed, passed away from a heart attack. I was
18 back at work two days later, after we buried him, because
19 I knew that was what he wanted me to do. The event only
20 reinforced my work ethic and my resolve to be what he
21 believed I could be.

22 I worked tirelessly, around-the-clock, seven
23 days a week for the next two years, during which time my
24 wife and I had our first son. In the third year I was
25 able to pay down all my loans and actually start paying

1 myself. We brought on three more trainers. By year four
2 we had turned the corner and we could actually -- we
3 thought this could actually work. I began to add
4 equipment, diversify my clientele, diversify my trainers,
5 and create a strong network to grow upon. There are
6 still plenty of ups and downs. Every day brought new
7 unknowns, and every day is still a struggle.

8 Year five, now we have reached a point where
9 the future looks bright. We now have seven trainers and
10 two staff members working at the facility. I have the
11 responsibility for the livelihoods of so much more than
12 just my immediate family. I have been raising a family
13 at work that rely on me each and every day. The
14 rollercoaster has not ended. The highs get higher and
15 the lows get lower, sometimes really low. I'm very proud
16 and very passionate about what we do at Siege. I don't
17 take my responsibility lightly, and every move I make is
18 crucial for our survival.

19 The next step is a big risk, but a necessary
20 risk, to ensure that me and my team flourish. We can not
21 stay stagnant. We can not become complacent in our
22 success, and must continue to push forward and strive for
23 greatness. I still clean the toilets, I still mop the
24 floors, and I still vacuum every day. It's time for me
25 to provide a better facility for my clients and trainers

1 so we can all work harmoniously and continue to provide
2 an excellent product for our clientele.

3 The expansion will include building a
4 full-service changing area with showers, allowing our
5 early a.m. clientele to change and head straight to work.
6 The area that our locker rooms will occupy require that
7 we need more surface area to work in. The additional
8 area that we're having will not be a weighted area. It
9 will be turf only. On that turf we will have our
10 baseball teams and our lacrosse teams practicing. We
11 have pitching coaches, hitting coaches and lacrosse
12 coaches that come in and use our facility. There will
13 be -- also, the indoor facility will be open year-round
14 for speed, agility and conditioning drills. This will
15 also allow us to make a better setup for our Olympic
16 weightlifting staff section, which we can then reinforce
17 and use better level platforms, moved further towards the
18 Jericho Turnpike side of our building, and create less
19 noise and vibration for our neighbors.

20 This is our plan, and we look forward to
21 spending many, many more years in the Town of Mineola
22 with great success. And it's been a pleasure to be here
23 for the last five years.

24 MAYOR STRAUSS: Thank you, Mr. Siegel, and I
25 appreciate your passion and congratulate you on your

1 success.

2 MR. SIEGEL: Thank you.

3 MAYOR STRAUSS: Certainly it has been earned.

4 So you have seven staff members now. How many
5 are you going to look to raise that up to?

6 MR. SIEGEL: None. No. That's it. We're
7 done.

8 The additional space is simply we're on top of
9 each other and it causes internal conflict. So I need
10 more room to just spread each other out and train and be
11 more effective in what we do.

12 The additional space is really for those
13 amenities that we don't have right now, which would be
14 two showers for the women, for the men, and additional
15 locker room area. So that will take up about seven,
16 eight hundred square feet, and it will push everything
17 out more.

18 MAYOR STRAUSS: So you're looking to put turf
19 in there?

20 MR. SIEGEL: We already have 1,500 square feet
21 of turf in our facility where we have a batting cage and
22 lacrosse net, and we use those all the time, but what
23 happens is -- especially in the fall when all the kids
24 come inside -- we'll have 12, 15 kids on the turf and our
25 daily members, who are used to using the turf, can no

1 longer use it. So they get a little upset and, you know,
2 it makes the situation difficult. So all we're looking
3 to do is spread everybody out so we can make everybody
4 happy.

5 MAYOR STRAUSS: Deputy Mayor?

6 MR. PEREIRA: Thank you.

7 Thank you, Mr. Siegel. And first and foremost,
8 I want to congratulate you on the birth of your son.

9 MR. SIEGEL: Thank you.

10 MR. PEREIRA: That's an exciting time.

11 How old is he?

12 MR. SIEGEL: He's three now.

13 MR. PEREIRA: Three. OK. So it's easy. From
14 here on out it's a piece of cake.

15 And, of course, my condolences on your father.
16 I'm sorry to hear that.

17 I will say this, Mayor and Board, that I've
18 been here for about ten years, and Mr. Cusato and all of
19 us can attest to how many gyms we've approved in those
20 ten years. You know, I've lost count. Unfortunately, I
21 would say the vast majority of those are no longer in
22 business. And it's a credit to you and to your team and
23 to the product that you're putting out that you're still
24 in business after all this time, because I can imagine
25 that it is a difficult niche in business to be successful

1 when you're competing with LA Fitness and Planet Fitness
2 and UFC and all these other big corporate gyms with a lot
3 of money behind them. So it's not easy, and that's a
4 testament to your product and to what you do.

5 And I think the Mayor asked the one question.
6 Of course the concerns are the noise and disruption to
7 the neighborhood. But if you're adding turf, essentially
8 turf, no more weight equipment, other than what's there,
9 just expanding it to provide services for your customers.

10 Now, the showers will be located towards the
11 rear of the building?

12 MR. SIEGEL: No. Towards the front of the
13 building.

14 MR. PEREIRA: Towards the front of the
15 building.

16 MR. SIEGEL: Yes.

17 MR. PEREIRA: OK.

18 Hours of operation, everything else from your
19 previous application, will remain the same?

20 MR. SIEGEL: Yes.

21 MR. PEREIRA: Now, you're moving to the east,
22 one store to the east.

23 MR. SIEGEL: Yes. Going -- yes, to the east.

24 MR. PEREIRA: One store to the east.

25 MR. SIEGEL: Yes.

1 MR. PEREIRA: What's there currently? Is it
2 vacant?

3 MR. SIEGEL: Kitchen and Design. No, it's not
4 vacant.

5 MR. PEREIRA: OK. They're just giving up a
6 portion of the space?

7 MR. SIEGEL: Yes. Exactly.

8 MR. PEREIRA: OK. No further questions at this
9 time, Mayor. Thank you.

10 MAYOR STRAUSS: Trustee Cusato?

11 MR. CUSATO: Mr. Siegel, good evening.

12 MR. SIEGEL: Good evening.

13 MR. CUSATO: So, you know what, I also
14 congratulate you. Obviously your business is growing.
15 Good for you. But, you know, I've got a major concern.
16 I want to go back to three days ago, Sunday morning, and
17 I see this sign posted on your front door: "New meter
18 maid. Very bored. Likes to hurt small business. Pay
19 meter."

20 Why would you do that? Why would you insult
21 our Village? And why would you insult the people that
22 are employed to do their job?

23 And you know what, I have to go back to the
24 hearing that took place many years ago when I remember --
25 just hold on one second. "The area is serviced with

1 on-street meter parking."

2 You're well aware that there was metered
3 parking. Why would you insult our Village and our meter
4 people with those comments on your front door? You know,
5 shame on you.

6 MR. SIEGEL: Yeah, it was a very poorly worded
7 sign.

8 MR. CUSATO: It was. And now you have a new
9 sign that says: "Pay the meter," right?

10 MR. SIEGEL: Yes, sir.

11 MR. CUSATO: So, you know -- so what's going on
12 here? So you have a sign there. You're going to say:
13 "Pay the meter"?

14 MR. SIEGEL: Yes. We have a sign there that
15 says: "Pay the meter."

16 The contention was that, you know, there was --
17 obviously there's a new meter maid. And there are a lot
18 of broken meters on the street, and the old meter maid
19 knew that. And a lot of times meters don't work. So
20 once the new meter maid came it caused an emotional
21 outburst, and we reacted poorly. So. . .

22 MR. CUSATO: Obviously that was an emotional
23 outburst by you, right?

24 MR. SIEGEL: Yes.

25 MR. CUSATO: Thank you. So, you know what,

1 again, I have no problem with your request. I'm kind of
2 upset that you --

3 MR. SIEGEL: I could understand that.

4 MR. CUSATO: -- that you -- you know, I don't
5 know what the word is. You just insulted our Village and
6 you insulted the people that are being paid to do their
7 job. The meter says, park here, and you need to put a
8 quarter, or two quarters, or three-quarters to pay the
9 meter. I'm sure you're not going to lose clientele if
10 they have to install two or three quarters in the meter.

11 MR. SIEGEL: No. The issue -- it was an
12 emotional response from me. I was getting yelled at by
13 clientele, and I poorly worded the sign out of -- out
14 of --

15 MR. CUSATO: OK. Thank you.

16 Again, I have no problem with your request.

17 MR. SIEGEL: Thank you.

18 MR. CUSATO: Thank you.

19 MAYOR STRAUSS: Trustee Walsh?

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

21 Hello. How are you?

22 MR. SIEGEL: Good. How are you?

23 MR. WALSH: Good.

24 You know, I won't continue. I did see that
25 sign and I thought that maybe -- knowing that you're

1 coming to a hearing in two or three days -- you should
2 have thought a little better than to put that sign up.

3 MR. SIEGEL: I agree.

4 MR. WALSH: You know. So that really is not
5 us.

6 MR. SIEGEL: I agree with you 100 percent.

7 MR. WALSH: We're here for land use, but that's
8 a point that Mr. Cusato made I agree with.

9 MR. SIEGEL: Yes.

10 MR. WALSH: You know, you are going to expand
11 next door. I know that there were complaints in the past
12 about a neighbor having his house vibrate and having
13 heard weights slamming on the ground. However, I went to
14 your store. I don't know how many years ago it was now.
15 Maybe three years ago, was it? I spoke with you in the
16 store. You have mats in the area where the weights are
17 thrown on the ground. You also had something that looked
18 to me like something that would be acceptable in you're
19 industry to receive these weights being thrown on the
20 ground.

21 MR. SIEGEL: Yes, sir.

22 MR. WALSH: I stood about eight feet away from
23 you and you picked this weight up. God only knows how
24 much it weighed. It looked like it weighed as much as a
25 car. And then you picked it up like this and threw it

1 down on the mat. And I was standing about five feet away
2 and I didn't feel any vibration at all. You just feel a
3 thud going to the ground.

4 So I don't know if the complaint was before you
5 put those mats in there. But I just understand that your
6 weight distribution is not causing a problem a block
7 away.

8 MR. SIEGEL: And I'd like to further address
9 that.

10 MR. WALSH: I'm sorry. Say that again?

11 MR. SIEGEL: I would like to further address
12 that. That's why I brought this piece of rubber with me.

13 MR. WALSH: OK.

14 MR. SIEGEL: Because this is the new technology
15 that is now available, and this is what we will be
16 installing to further reduce any vibration and noise in
17 the building.

18 We will also be moving those platforms that you
19 saw up to the front of the building by Jericho Turnpike.
20 This is ballistic reinforced rubber. You can drop a
21 house on that.

22 MR. WALSH: I don't know if I could pick that
23 thing up, never mind the weights.

24 MR. SIEGEL: You can. But the point is that,
25 yes, we will be -- so these are 2 foot by 2 foot 1.5 inch

1 plastic rubber mats. And these will be the new
2 installation on those platforms that you did see so that
3 when we do drop weights it will be virtually impossible
4 to hear.

5 MR. WALSH: Right. And you are moving the
6 weights from where they were located, which is in the
7 rear eastern -- western most part of the building to the
8 front --

9 MR. SIEGEL: Correct.

10 MR. WALSH: -- closer to Jericho Turnpike.

11 MR. SIEGEL: Correct. To further reduce any
12 possibility of any vibration.

13 MR. WALSH: Now, in your classes about how many
14 people -- you don't have classes. You have people that
15 just come in and attend.

16 What's the maximum number of people that you
17 have at one time in your facility?

18 MR. SIEGEL: 20, 25 at a really, really busy
19 time.

20 MR. WALSH: And what are your real, real busy
21 times?

22 MR. SIEGEL: Mornings are usually the busiest
23 and then right after school when the kids get out.

24 MR. WALSH: OK. So morning would be?

25 MR. SIEGEL: 6:00 a.m. till usually around

1 11:00.

2 MR. WALSH: So 6:00 to --

3 MR. SIEGEL: Yes. We do a lot of the mothers.
4 So the mother will drop the kids off at school and then
5 come to us, and then go home and carry on with their day.
6 So we'll usually get that. We'll get a big rush at 6:00
7 a.m. for the area doctors, lawyers, COs, guys that come
8 before work, and then around 8:30, 9:00 o'clock we get
9 our second rush of soccer moms, so to say.

10 MR. WALSH: OK. And do you think that you're
11 going to greatly increase the population of the people
12 that will come?

13 I'm sure you hope so.

14 MR. SIEGEL: Well, you know, there's -- we may
15 have a few more in the morning. But the morning, in
16 terms of the street and stuff, is the least busy time of
17 the day. There's literally nobody on the street at 6:00
18 a.m. in terms of parking and stuff like that.

19 MR. WALSH: Yes, I get that.

20 MR. SIEGEL: I'm not going to say -- there is
21 traffic on Jericho Turnpike itself.

22 MR. WALSH: Yes.

23 MR. SIEGEL: But in five years now, I haven't
24 seen more than just our cars on the street, which is
25 usually six cars, seven cars each morning, and there's

1 probably another 25, 30 spots.

2 MR. WALSH: OK.

3 That's all, Mayor. I have nothing else.

4 Thank you.

5 MAYOR STRAUSS: Thank you.

6 Any other comments from the Board?

7 Mr. Siegel, have a seat and we're going to open
8 it up to public comment.

9 MR. SIEGEL: OK.

10 MAYOR STRAUSS: Thank you, sir.

11 Anything else you would like to add before we
12 open it up?

13 MR. SIEGEL: No. Thank you.

14 MAYOR STRAUSS: Great. Thank you.

15 Anybody in the first row? Second row? Third
16 row? Fourth row?

17 Yes, sir.

18 MR. SANCHEZ: My name is Jose Sanchez. I live
19 at 211 Arlington.

20 MAYOR STRAUSS: How are you, sir?

21 MR. SANCHEZ: I really am far away from where
22 the gym is located, and there's no way I can feel any
23 vibration or noise. And I congratulate Mr. Siegel on his
24 success. But the issue is that that building, from one
25 end to another, has different situations.

1 One end is the gym. In my end I have the shop
2 where, at night, they turn on the lights and I have to
3 shut my windows in order not to get blasted by the
4 lights. I have an air conditioner right next to my
5 backyard. In the summertime I can not sit in my backyard
6 because of the noise. The fence was falling down, so I
7 paid for a fence. Next thing I know they put another
8 fence and they closed mine. In the summertime the water
9 from the roof of the building comes into my yard and it
10 cost me \$3,000 -- \$5,000, to repair my sidewalk because
11 it rotted because I have no way of stopping the water
12 coming from the roof.

13 And I can tell you history. I've been coming
14 here for the last 50 years, at least one, two, three,
15 four times, complaining about the situation with that
16 building. I understand that he has a business. I
17 understand that. But the only point I'm trying to make
18 is, if the Village keep allowing things to happen, and
19 action takes over, if I have to come here every time I
20 have a complaint, I will have to move here because that
21 building is the cause of many, many issues that affect
22 the people who live on that block.

23 MAYOR STRAUSS: OK. So where are you in
24 relation to the gentleman's gym?

25 MR. SANCHEZ: I live on the opposite side of

1 the building.

2 MAYOR STRAUSS: So I hear your comments and
3 your complaints about the water runoff of the roof and
4 the noise with the air conditioner, and we'll take a look
5 at -- I'll ask the Building Department to take a look at
6 the building.

7 MR. SANCHEZ: The point I'm trying to make is
8 not against him. The point I'm trying to make is that
9 that building in general has issues that nobody
10 addresses. And if you go to every tenant on our entire
11 block, you're going to find different situations with the
12 same building, and they all have never been taken care of.

13 MAYOR STRAUSS: OK, sir, we'll look to address
14 those for you.

15 MR. SANCHEZ: Thank you.

16 MAYOR STRAUSS: No, thank you, sir.

17 And please, don't feel you need to come down
18 here for a meeting or wait for a meeting. Give us a
19 call.

20 MR. SANCHEZ: Well I have done that, but when
21 the water was there they sent a person to look at it. He
22 looked at it. He said: Yeah, there's water, and then he
23 calls me back -- but that's OK.

24 MAYOR STRAUSS: I appreciate your comments
25 about the concerns of the building itself. But you're OK

1 with the gym? Any comments on the gym itself?

2 MR. SANCHEZ: No. The gym I have nothing to
3 say because I'm too far away from it.

4 MAYOR STRAUSS: OK. Mr. Sanchez, thank you
5 very much.

6 Anybody else in the fourth row? Fifth row?

7 Yes, sir?

8 MR. CORSO: Hi. My name is Rich Corso. I live
9 at 219 Arlington, two doors down from Mr. Sanchez.

10 Now when I'm in my basement, I don't know
11 whether -- do you flip tires?

12 MAYOR STRAUSS: Sir, sir, sir, if you ask the
13 questions to us, he'll address them later.

14 MR. CORSO: OK. Does he flip tires, tractor
15 tires, in the gym?

16 If he does, it sounds like somebody's blasting
17 dynamite in my basement.

18 MAYOR STRAUSS: OK.

19 MR. CORSO: The vibration is incredible, and
20 it's just a constant noise.

21 I'm seriously dead against him moving any
22 further down because that would bring him closer to my
23 house and, if I hear it already now, I can imagine what
24 I'm going to hear later on.

25 And going back to when he first said he wanted

1 to put the gym there and he said he was never going to
2 have any of his customers parking on the street? Well,
3 they do. They do all the time.

4 MAYOR STRAUSS: So with the parking end of it,
5 Mr. Siegel can only do so much by asking his clientele to
6 park on Jericho Turnpike.

7 MR. CORSO: That I understand.

8 MAYOR STRAUSS: So if they're parking legally
9 in front of your home, that's something they're allowed
10 to do. Although I understand the frustration. It
11 happens to me at my house. But if they're parking
12 legally, there's not much we can do about it, other than
13 asking Mr. Siegel to again reiterate to his clients,
14 please.

15 MR. CORSO: I know, but that was the promise he
16 made last time. I can only see it getting worse now,
17 rather than better, if he's going to have more customers
18 and the store is going to be expanding.

19 MAYOR STRAUSS: OK. But again -- I'm not
20 saying that he hasn't -- but we'll ask him to do that
21 again. But again, it's up to the person driving the car
22 where they want to actually park. It's virtually
23 unenforceable.

24 MR. CORSO: OK.

25 MAYOR STRAUSS: As a good neighbor --

1 MR. CORSO: Aside from that, it's the noise and
2 the vibration that are really -- I mean, I'll invite you
3 down in my house any time, Please do, And when you're
4 over there you can hear it and see for yourself.

5 MR. PEREIRA: Mr. Corso -- may I ask a
6 question?

7 MAYOR STRAUSS: Sure.

8 MR. PEREIRA: I'm looking at a map here.
9 You're right behind the dog thing.

10 MR. CORSO: Yes.

11 MR. PEREIRA: So if he's moving further east --
12 he's moving further east. So he's not moving closer to
13 your house.

14 MR. CORSO: Oh. He's moving the other way.

15 MR. PEREIRA: He's moving the other way. So
16 he's expanding -- because there's the dog place, and
17 there's the trophy place, and then there's him. He's
18 moving away from the trophy place the other way.

19 MR. CORSO: The other way. OK. But I can
20 still hear the vibration.

21 MR. PEREIRA: No. No. I'm sure. I just
22 wanted you to be sure.

23 The situation is ongoing now.

24 MR. CORSO: Yes.

25 MR. PEREIRA: OK.

1 MR. CORSO: And I don't know what mats he's got
2 in there now, but. . .

3 MAYOR STRAUSS: All right. We'll ask him.

4 MR. CORSO: OK. Thank you.

5 MAYOR STRAUSS: No, thank you, sir. Appreciate
6 it.

7 Anyone else in the fifth row? Sixth row?
8 Seventh row?

9 MS. BANCONE: Elaine Bancone, 231 Arlington
10 Street.

11 MAYOR STRAUSS: Good evening.

12 MS. BANCONE: So I live in the house that's
13 right behind the gym, and we hear the vibrations not only
14 of the tires but of the weights as well, and it's very
15 disturbing.

16 I also have a concern about the rubbish in the
17 backyard.

18 MAYOR STRAUSS: The what in the backyard?

19 MS. BANCONE: There's like -- there's -- it
20 looks like a gas can or something in the back that's
21 right by the electrical.

22 MAYOR STRAUSS: OK.

23 MR. BANCONE: Mr. Mayor, here's a picture.

24 MAYOR STRAUSS: All right. Thank you.

25 MS. BANCONE: And I'm concerned about the

1 safety.

2 MAYOR STRAUSS: OK. The gas can we can
3 probably have moved.

4 MS. BANCONE: OK. But that in general is like,
5 if I don't see it, what else is happening in there that
6 is a safety issue? Because if there's a fire and it
7 comes over -- there's a wood fence between us, and if
8 that catches on fire, my garage is right there. So. . .

9 MAYOR STRAUSS: The building, as far as I know,
10 is up to code. You know. And we haven't had any
11 problems with the building -- other than what Mr. Sanchez
12 has just mentioned today -- that I'm aware of anyway. So
13 we'll address that.

14 MS. BANCONE: OK. Also, I was talking to some
15 of my neighbors today just to see if they were going to
16 come to the meeting, and some of them said that they
17 never received this notice. When I showed them the
18 notice, they never received it. So I don't know if, you
19 know, they were able to come. Some of them are also on
20 vacation.

21 MAYOR STRAUSS: Understood.

22 MR. WALSH: Excuse me. Ms. Bancone, can I say
23 something?

24 MS. BANCONE: Yes.

25 MR. WALSH: At the original hearing, and

1 subsequent to the original hearing, there were complaints
2 about the fence that was between the back of your
3 property and the business; was that fence repaired or
4 replaced?

5 MS. BANCONE: There is a wood fence, yes.

6 MR. WALSH: There was an original wood fence
7 that was falling apart. I saw it.

8 MS. BANCONE: That's still there. It's still
9 there.

10 MR. WALSH: And since then that original wood
11 fence that was falling apart has been replaced; is that
12 correct?

13 MS. BANCONE: Right, but it's still -- I think
14 it's still a wood fence.

15 MR. WALSH: I didn't hear the end of it. I'm
16 sorry. I have a hard time hearing.

17 MS. BANCONE: It's still a wood fence in the
18 back.

19 MR. WALSH: OK.

20 MAYOR STRAUSS: But it's not in disrepair.
21 It's a new wooden fence.

22 MS. BANCONE: Yes.

23 MAYOR STRAUSS: OK. Anything else?

24 MS. BANCONE: That's it.

25 But the vibrations -- although I know, you

1 know, members said that they didn't hear it -- on our
2 side of the street you definitely hear it in the house.

3 MAYOR STRAUSS: OK.

4 MS. BANCONE: In the house. So if I'm watching
5 TV, you hear banging when they're dropping the weights.

6 MAYOR STRAUSS: OK. Thank you, ma'am.

7 Anyone else in the seventh row?

8 Yes, ma'am?

9 MS. NEWCOMB: I'm on vacation, so excuse my
10 dress.

11 My name is Cathy Newcomb. I actually --

12 THE COURT: Where do you live?

13 MS. NEWCOMB: Well, in behalf of my father.

14 I'm in my father's house right now -- it's 235 Arlington
15 Street in Mineola -- and he as well -- I've been there
16 for a couple of days, and he as well has been telling me
17 about it. And I guess some of my concern is vibration,
18 and some of my concern is, I guess, with the move that is
19 even coming his way.

20 I'm on the other side of the guy who has just
21 spoken, but I understand the geography.

22 MAYOR STRAUSS: I think it's coming towards the
23 Jericho Turnpike side.

24 MS. NEWCOMB: OK.

25 MAYOR STRAUSS: He's going to move the

1 equipment to the Jericho Turnpike side, but expanding
2 east.

3 MS. NEWCOMB: Right. Expanding east, right
4 behind my father's house.

5 MAYOR STRAUSS: Correct.

6 MS. NEWCOMB: Yes. So the fact that he
7 mentioned it to me, and that was when I was there. So,
8 OK?

9 MAYOR STRAUSS: OK. So you've been at the
10 house for a couple of days?

11 MS. NEWCOMB: I have, and I'm going to be there
12 through next Thursday.

13 MAYOR STRAUSS: OK. You felt and heard
14 vibrations?

15 MS. NEWCOMB: He didn't know. I actually was
16 downstairs and I did feel something, but I didn't know,
17 you know, if that was it. When I went up and asked him
18 he says: Oh, yes, when you're doing the laundry. And I
19 said: OK.

20 So at first I didn't realize. And of course, I
21 come from a place where we have earthquakes.

22 MAYOR STRAUSS: OK.

23 MS. NEWCOMB: Thank you.

24 MAYOR STRAUSS: Thank you.

25 Anyone else in the seventh row?

1 MS. SUN: Good evening. My name is Xiaoli Sun.
2 I'm living at 227 Arlington Street. So the gym is just
3 my backyard.

4 So I moved here three years ago. At the
5 beginning I feel the same. I thought the earthquake,
6 because the weight drops like every five seconds, like
7 five, ten seconds. Everything -- I really don't know
8 that was gym. I talked to my neighbor friend. So I
9 realize the gym is making that noise.

10 So at beginning you can not accept it but, you
11 know, I've been here for three years. I'm OK. I
12 understand now that it's a weight dropping. But it's
13 really annoying. You know, at morning and 9:00 p.m., you
14 know, you're trying to sleep. I have two kids.

15 And also, you would see stranger on your
16 street. I also installed a camera. You know, the
17 people, they park in your front. That's fine but, you
18 know, I don't know them. They're big. They're a man.

19 MAYOR STRAUSS: So you should feel safe.

20 MS. SUN: Honestly, I don't know. If it's a
21 neighbor park, I'm fine. I know that's my neighbor. She
22 started calling up to make sure. No, that's OK.

23 So the noise, the weights drop, is really too
24 noisy for us, you know. And the people parking, the more
25 cars park, more and more strangers.

1 MAYOR STRAUSS: But again, we can't control the
2 parking.

3 MS. SUN: I know you can not control that.
4 That's why I understand that part, yes.

5 MAYOR STRAUSS: OK.

6 MR. PEREIRA: I just have one question.

7 Ms. Sun, so you're saying that -- how late at
8 night do you hear this?

9 MS. SUN: Like sometime 8:30, 9:00 p.m., you
10 know, you can hear those weights dropping.

11 MR. PEREIRA: OK. All right. Because you said
12 when you're asleep, that when you're sleeping you can --

13 MS. SUN: When you try to sleep, yes, you will
14 hear, yes.

15 MR. PEREIRA: OK.

16 MAYOR STRAUSS: Anything else?

17 MS. SUN: No. I'm all set.

18 MAYOR STRAUSS: Thank you, ma'am. Appreciate
19 it.

20 MS. SUN: Thank you.

21 MAYOR STRAUSS: Anybody else in the seventh
22 row?

23 MR. BANCONE: Frank Bancone, 231 Arlington
24 Street.

25 I would like to start by asking the Board to

1 postpone it's vote on the expansion of the gym.

2 MAYOR STRAUSS: To do what? Excuse me?

3 MR. BANCONE: To postpone the vote on the
4 expansion of the gym for reasons that many of our
5 neighbors are on vacation right now and they can not come
6 and show their concerns about the noise and vibrations
7 that are going on. And also because quite a few of our
8 neighbors did not get the notice. We didn't get the
9 notice until Saturday. So, you know, there was little
10 time to talk to other neighbors to try to get them to get
11 here.

12 But, if that's not possible, I would like to
13 ask the Board to vote no on the expansion of the gym and
14 to open an investigation concerning its practices for the
15 following reasons: There are numerous safety issues that
16 need to be addressed. In the front of the building weeds
17 are growing into the walkway which could easily cause
18 tripping. Debris is left on the sidewalk, once again,
19 easily causing tripping.

20 (Mr. Bancone hands photographs to the Mayor.)

21 MAYOR STRAUSS: Give them to Mr. Scalero,
22 please. Thank you.

23 MR. BANCONE: In the backyard it's unkept.
24 There was a propane gas container left next to the air
25 conditioning unit, which I gave to you. Roof water is

1 being sent directly at my neighbor's garage, which could
2 also cause damage and erosion to the area. I'll give you
3 some pictures of that in a few minutes.

4 Weeds left to grow, which lends itself to
5 breeding of infectious insects that are especially
6 dangerous to children and the elderly. We have a 91
7 year-old neighbor.

8 MAYOR STRAUSS: The weeds in front of the -- in
9 the cracks in the sidewalk --

10 MR. BANCONE: In the back.

11 MAYOR STRAUSS: -- are causing disease?

12 MR. BANCONE: Infectious.

13 MAYOR STRAUSS: Infectious.

14 (More photographs handed up.)

15 MR. BANCONE: There are weeds and, if you look
16 at the weeds there, some of them are three, four feet --
17 three feet high. So that lends itself to having
18 mosquitoes breeding in the back, which could affect the
19 elderly. Mr. Beeble (Phonetic), who is 91 years old,
20 lives next to me. He sits in the backyard quite often.
21 And this is left unattended. And of course Ms. Sun's
22 daughters play in the backyard, and they could be bitten
23 by these mosquitoes.

24 Garbage is left in the backyard, which could
25 collect water, which also lends itself to breeding

1 infectious insects which are especially dangerous, once
2 again, to the children and our elderly neighbors.

3 We have the disregarding of parking
4 regulations, Illegally parked cars. Making turns --
5 turning right from Barwick onto Jericho Turnpike -- are
6 challenging. Disregarding meter regulations, which
7 causes lost business for other stores. Parking illegally
8 on Arlington and Barwick Boulevard.

9 There's a sense of disregard and entitlement
10 here, and I'm glad that our trustees saw the signs but,
11 in case you didn't, here they are.

12 MAYOR STRAUSS: We saw them.

13 MR. WALSH: We saw them.

14 (Photographs handed up.)

15 MR. BANCONE: I'll just read it into the
16 record: "New meter maid very bored. Likes to hurt small
17 business. Pay meters."

18 Before the new parking enforcement employees
19 were hired, the sentiment must have been: Why pay for
20 the meters.

21 MR. CUSATO: Say that again?

22 MR. BANCONE: Before the new parking employees
23 were -- before the new parking enforcement employees were
24 hired, the sentiment must have been: Why pay the meters?

25 OK. The hours on the original application that

1 the Village voted on state 6:00 to 11:00 a.m., 4:00 to
2 8:00 p.m., Monday to Friday, 7:00 a.m. to 12:00 p.m.
3 Saturday and Sunday. These hours are not followed. The
4 gym is open outside of these hours.

5 MR. CUSATO: Sir, so how do they avoid those?
6 The hours, so you said they didn't. . .

7 MR. BANCONE: They're open later than the hours
8 that they said that are on this memo that the Board voted
9 on.

10 MR. CUSATO: When I went Sunday morning to look
11 at those signs, they were working well within the Sunday
12 hours.

13 MR. BANCONE: Yes, they were, and I'm sure they
14 are, OK. But if you come on Saturday after 12:00
15 o'clock, you'll see that they're there.

16 MR. CUSATO: OK. Just checking. Thank you.

17 MR. BANCONE: No problem.

18 And you'll see also that, not always, but
19 they're open past 8:00 o'clock, not always, but they're
20 open before 6:00.

21 In a recent meeting Mr. Durham asked the
22 prospective gym about vibrations that could harm
23 neighbor's quality of life. I was so happy to hear that
24 question from a Board member.

25 Mr. Siegel has constantly, consistently,

1 refused to address this situation. Today, while
2 preparing for this meeting, there were 23 -- 23 --
3 separate vibrations that went through my house from 3:50
4 to 4:45. Vibrations can start as early as 6:00 a.m. and
5 end as late as 9:00 p.m. These vibrations can be very
6 few in the day to many throughout the day. Mr. Siegel
7 has not only dismissed my concerns but also Mr. Gibbons',
8 who worked with us for a while about these concerns. He
9 would not engage with Mr. Gibbons, instead had the real
10 estate company respond to the inquiries. The vibrations
11 are a quality of life issue and should be addressed by
12 the Board and taken seriously by the gym owner.

13 In conclusion, I am asking the Board to open an
14 investigation into vibrations caused by dropping weights
15 and other safety concerns brought up by my neighbors
16 tonight and myself.

17 I am further asking the Board to deny the
18 expansion of the Siege Gym until the vibration issues are
19 addressed and rectified.

20 MAYOR STRAUSS: Thank you.

21 Mr. Bancone, with the weeds in the backyard and
22 the gas can that was mentioned earlier, the garbage in
23 the backyard, those are property maintenance issues that
24 we can certainly address --

25 MR. BANCONE: Thank you.

1 MAYOR STRAUSS: -- and we will.

2 The mosquitoes, I don't know if that's tied to
3 -- I have mosquitoes in my backyard, and I don't have any --

4 MR. BANCONE: I understand that. But if you
5 leave weeds, if you leave water, leave garbage --

6 THE COURT: Standing water.

7 MR. BANCONE: -- standing water will allow the
8 breeding of mosquitoes.

9 MAYOR STRAUSS: OK. You mentioned illegally
10 parked cars. We are being very proactive in our
11 addressing any illegally parked cars.

12 MR. BANCONE: Yes.

13 MAYOR STRAUSS: But, with that being said, if
14 you find any illegally parked cars, feel free to call 911
15 and have a police officer respond. You're not taking a
16 police car away from a more important call. They
17 prioritize them.

18 Please feel free to call Village Hall. We need
19 to address those issues and have those issues addressed.

20 Certainly, if somebody is blocking your
21 driveway --

22 MR. BANCONE: Not blocking the driveway, just
23 parking illegally. We have a 10:00 to 3:00 restriction
24 on our block and at times people park illegally there.

25 MAYOR STRAUSS: OK. So we'll --

1 MR. BANCONE: Since the new employees came on,
2 they've gotten the idea that, you know, they shouldn't be
3 parking there. But it still happens. It still happened
4 today on Barwick Street where it goes till 5:00 p.m. So
5 -- and on the weekends, especially on Barwick between
6 Arlington and Jericho on the east side of -- no, the west
7 side, there are cars parked which create a dangerous
8 situation on Sundays. Even though there is, you know,
9 there is parking allowed on Sundays but, with the parked
10 cars, when you try to come around the street, if there's
11 another car coming, it creates quite a -- you know,
12 because there is a lot of traffic coming down that
13 street. So it does create a problem. And I wish the
14 Board would change the regulations from Saturday, you
15 know, no parking on Monday to Saturday, to include
16 Sunday.

17 MAYOR STRAUSS: OK. So, to address that topic,
18 if you wish to have any parking regulations changed, get
19 your neighbors to sign a petition.

20 MR. BANCONE: No problem.

21 MAYOR STRAUSS: Present it to -- drop it off at
22 Village Hall, and we'll mail out a parking survey. We do
23 it all the time.

24 MR. BANCONE: OK. Great.

25 MAYOR STRAUSS: So that can be addressed.

1 You say cars are parking close to the corner?

2 MR. BANCONE: If you go onto Jericho, you know,
3 when you make a right turn, there's a sign that says: No
4 parking --

5 MAYOR STRAUSS: Here to corner.

6 MR. BANCONE: There are cars parked on that
7 section of the street.

8 MAYOR STRAUSS: OK. So we'll have our parking
9 enforcement team address that.

10 OK. Thank you, sir. Anything else?

11 MR. BANCONE: Yes.

12 You know, I know that and I appreciate that
13 Mr. Walsh went to the gym, but nobody from the Village
14 ever comes to any of our neighbors' houses to see what
15 we're talking about. You have one, two, three, four
16 different neighbors telling you that this is happening.
17 It is not just me. This is happening. It's a quality of
18 life issue, and it needs to be addressed.

19 MAYOR STRAUSS: OK. Thank you, sir.

20 MR. BANCONE: Thank you.

21 MAYOR STRAUSS: Anyone else in the seventh row?

22 Mr. Siegel, come on back up.

23 So you've heard plenty of comments about the
24 vibrations and the banging and the excessiveness of that;
25 can you speak to any of that?

1 MR. SIEGEL: Yes, and that's why I brought the
2 sample of the flooring today, and that's why the
3 expansion is even more important because, as we have that
4 more area, we'll be able to put in better materials and
5 move those platforms. The material I brought in today,
6 which we'll be able to now afford, and put in and try our
7 very best to reduce any vibration that is possibly there.

8 I can understand the neighbors' concerns, if
9 it's real. It's real. I stand in the gym all day, every
10 day. I don't even notice it.

11 MAYOR STRAUSS: Well you're used to it.

12 MR. SIEGEL: Yes, I can understand that. And I
13 also -- I live in a house where the train passes by and,
14 you know, I haven't heard the trains since the first week
15 I've been there. You know. These are just things that,
16 you know, I bought a house by a train that passes by and
17 I hear it, and I don't hear it anymore. In the first
18 week I moved into my house I heard it, and then it
19 disappeared.

20 So I can understand the concerns. And I'm
21 trying my very best to address those concerns with this
22 expansion. And I think it will make the quality of life
23 better for everybody.

24 You know, certain other things that the people
25 talk about, in terms of leaves and stuff like that, water

1 from the roof, are all out of my control. They're in the
2 landlord's control. And those are not things that have,
3 really, anything to do with my business at all.

4 MAYOR STRAUSS: Right.

5 MR. SIEGEL: You know, the water, I can
6 certainly understand if there is water in the back. It
7 happens when there's a huge rain storm. We do get water.

8 There are things -- there are five other
9 businesses on the block. So, there's parking from a very
10 busy dress place. Whenever you have proms or Sweet 16s,
11 you know, the soccer moms pull up in droves with their
12 little kids and they're getting out, and I'm sure they're
13 parking in other places. I don't know.

14 There's Pete's Golf, who has guys pulling up
15 all the time. He has a loading zone in front of his
16 place that people pull up and they load up their cars.

17 I can't control everybody. I can certainly do
18 my best to control my people, but I can't control
19 everything that goes on on that block.

20 MAYOR STRAUSS: No. No. We understand that.
21 And we just hope that all people just park legally.

22 MR. SIEGEL: Yes.

23 MAYOR STRAUSS: Park where they're supposed to
24 and adhere to the law.

25 MR. SIEGEL: We try to do our very best to make

1 sure that happens and, you know, sometimes it is
2 difficult. And, you know, if there is somebody new in
3 the area, they may not know the rules. They may not know
4 the signs. And things do happen. And if they're parking
5 in a space where there is no sign, or it's past the hour
6 in which there is legal parking, they can park there.

7 You know, I think that this is an issue that
8 goes across the board with most businesses in the town,
9 because I do know a lot of other business owners, and
10 parking is difficult in all of Mineola, you know, by the
11 train station, by downtown, by everywhere. It's not easy
12 for anybody. So I can understand that. And I can
13 understand the concerns of the people here. And I'm
14 going to do my very best to address everything.

15 MAYOR STRAUSS: So the weeds in the backyard,
16 that ultimately is the property owner --

17 MR. SIEGEL: Yes.

18 MAYOR STRAUSS: -- the landlord. But you can
19 certainly -- and this is to every business owner that
20 might be watching on TV -- weeds throughout the Village,
21 the Chamber of Commerce and the Board of Trustees go to
22 great lengths to encourage store occupants, as well as
23 the business owners, to clean up in front of their store.
24 It's not just -- it's everywhere. All of Long Island has
25 the same issue. You know. So somebody could go out

1 there and clean the weeds up. Ultimately, you know, it's
2 the landlord, but --

3 MR. SIEGEL: Funny enough, I actually cleaned
4 the weeds up in front of my storefront because I want to
5 plant flowers and a flower bed in front.

6 MAYOR STRAUSS: That's appreciated.

7 MR. SIEGEL: I'd like to clean it up. I can
8 definitely understand. They're ugly. They're ugly. And
9 they're there. And they grow in the cracks of the
10 sidewalk, and they grow on the curb, and they grow
11 everywhere.

12 MAYOR STRAUSS: It's nature.

13 MR. SIEGEL: Yes, and we get to them when we
14 can, and sometimes. . .

15 MAYOR STRAUSS: What about the hours?

16 In the decision you had agreed to certain
17 hours.

18 MR. SIEGEL: Yes. That was five years ago.
19 And then we had come to an agreement later on, I believe
20 with the Village Attorney, Mr. Gibbons, that those
21 weren't the only hours, that we had to work in the
22 afternoon, and then that we're extending the hours, and
23 that was on record three years ago.

24 MR. TRENTACOSTE: I believe those hours were
25 the initial hours.

1 MAYOR STRAUSS: Excuse me?

2 MR. TRENTACOSTE: Those were the initial hours
3 for when he was starting out. I believe he had
4 approached the Village to indicate. . .

5 Some of that is outside the purview of the
6 Board to regulate specific hours, but I think the Board
7 could ask you to clarify tonight exactly what your
8 current hours are.

9 MR. SIEGEL: Yes. We open -- sometimes we get
10 there between 5:30 and 6:00, depending on the day, and we
11 leave at 9:00 o'clock at night. Sometimes we stay a
12 little later. Sometimes we'll stay till 10:00. But
13 there's no -- you know, there's cleanup. There's things
14 that are going on besides that. And then, yes, Saturdays
15 the main open gym hours are 7:00 to 2:00 p.m., and then
16 once in a while we'll have a trainer or two stay
17 afterwards. And then Sundays are 8:00 to 12:00. Same
18 thing, once in a while we may have a trainer or two who
19 stays afterwards.

20 MAYOR STRAUSS: OK. Any other comments from
21 the Board?

22 MR. WALSH: Yes, Mayor.

23 Mr. Siegel, can you walk us through the changes
24 you're going to make with these weights?

25 Because first of all, what I saw you drop down

1 was a weight. So I didn't see any demonstration of a
2 tire being smashed on the ground.

3 MR. SIEGEL: Yes, the tires --

4 MR. WALSH: Yes. Just to this man's point: I
5 didn't see that demonstration, So I don't know if that
6 makes any noise.

7 But could you walk us through the changes
8 you're going to make inside your store as far as bringing
9 the weights forward and anything else that you're going
10 to do?

11 MR. SIEGEL: Yes. I mean, it's pretty much as
12 straightforward as it sounds. There's a weight platform
13 in the back left-hand corner of the gym right now. And
14 my guess is that's what's causing some vibration, because
15 people do pick up heavy weights. And we're going to take
16 that platform and move it to the front of the store. And
17 then again, I'm going to add the one-and-a-half inch
18 ballistic rubber flooring to those platforms.

19 MR. WALSH: So the changes you're making are
20 adding rubber to the mat you demonstrated and you're
21 going to move the weights to the front of the store.

22 MR. SIEGEL: Correct.

23 MR. WALSH: Any other changes inside?

24 Like, for example, I know when I walk in, to
25 the right I saw where they roll these tires going kind of

1 towards the back of the store. Do they go from the front
2 of the store to the back of the store?

3 MR. SIEGEL: That whole section is actually
4 going to come out.

5 MR. WALSH: I'm sorry? Say it again?

6 MR. SIEGEL: That whole section is actually
7 going to come out. So, yes, those tires will no longer
8 be rolling in that section.

9 MR. WALSH: See, that's what I'm trying to get
10 from you.

11 MR. SIEGEL: Yes.

12 MR. WALSH: So if you can describe a little
13 bit.

14 MR. SIEGEL: So that will now be in the new
15 section, where we'll have more of a turf. And I guess
16 it's east of the building now that that stuff will all be
17 moving over there.

18 We don't generally flip tires anyway. Those
19 tires are used for our baseball players to slam
20 sledgehammers into to practice their swings, heavy
21 weights, practice location with their bodies. So we
22 really -- on a very rare occasion I might have somebody
23 flip a tire, but I can assure sure that is not what is
24 causing --

25 MR. WALSH: So what do you suppose it was that

1 the gentleman with the red shirt on -- I forget your
2 name, I'm sorry -- what do you suppose it was that he
3 hears?

4 MR. SIEGEL: Somebody dropping weights in the
5 back of the building.

6 MR. WALSH: Somebody dropping weights --

7 MR. SIEGEL: Definitely.

8 MR. WALSH: -- in the back, not the tires.

9 And those are going to be brought to the front
10 of the store.

11 MR. SIEGEL: Yes, and I'm going to be adding
12 another 1.5 inch of ballistic rubber underneath that.

13 MR. WALSH: Because you do understand that
14 people live there. I also live on the main line of the
15 Long Island Rail Road, and I hear trains going by. When
16 I bought my house I knew the train was there.

17 But, you know, there's several businesses along
18 there and I don't think that you can be married-up to
19 every car that parks illegally because you mentioned the
20 stores. I know the stores that are there. There's also
21 a bowling alley across the street. These people could
22 come from anywhere. So, you know, these people could
23 come from anywhere.

24 But the problem with the vibration in people's
25 houses --

1 MR. SIEGEL: That I understand. And, you know,
2 unfortunately in the beginning it was also a financial
3 issue that things were set up the way they were set up.
4 It cost me a lot of money to move things around.
5 Unfortunately, at the beginning of the business I didn't
6 have that type of money. I didn't have the, you know,
7 option to do that. You know, I was fighting to stay
8 alive. So at that point, you know, I didn't -- again,
9 like I said, I don't even feel the vibrations.

10 In five years nobody has said to me -- Mr.
11 Bancone has never said anything about vibrations. Here
12 we are five years later and people are saying about
13 vibrations. I would have thought, if there were such a
14 concern, that these people would have brought it up
15 before. And I'm not saying it's not a concern. I'm just
16 saying that, you know, I didn't know.

17 MAYOR STRAUSS: I can tell you Mr. Bancone has
18 been here periodically, and he expressed his concerns and
19 the concerns of his neighbors, you know, to us.

20 MR. SIEGEL: Right.

21 MAYOR STRAUSS: Which is why we went through
22 all of that with our attorney and reached out to you to
23 try and see what we could do to address their concerns.

24 MR. SIEGEL: I'm willing to further address
25 those issues now and try and remedy the problem the best

1 as is possible to do, and I think I will render it near
2 100 percent.

3 MAYOR STRAUSS: Any other comments from the
4 Board?

5 MR. PEREIRA: Yes.

6 Mr. Siegel, so what kind of wall exists
7 currently between that section that you have turf now and
8 your new addition? Is it masonry?

9 MR. SIEGEL: Masonry.

10 MR. PEREIRA: Masonry. So you're going to take
11 that down?

12 MR. SIEGEL: No. We're not going to take that
13 down. We're just going to be making an entranceway
14 between one to the other, because we want a separation
15 between the two because there will be balls flying in
16 that area and we don't want that.

17 MR. PEREIRA: And currently you have 1,500
18 square feet of turf?

19 MR. SIEGEL: 1,500, yes.

20 MR. PEREIRA: And how much are you going to
21 have?

22 MR. SIEGEL: 24.

23 MR. PEREIRA: 2,400 square feet of turf.

24 So that new section, that's moving into the
25 cabinet store --

1 Right?

2 MR. SIEGEL: Mm Hmm.

3 MR. PEREIRA: -- is essentially going to be
4 mostly turf and some bathrooms and showers to the back.

5 MR. SIEGEL: No. The bathrooms will remain
6 where the bathrooms are now.

7 MR. PEREIRA: OK.

8 MR. SIEGEL: We're just going to make them
9 bigger and add showers. We don't have showers right now.

10 MR. PEREIRA: So what's the size of the store,
11 3,000 square feet?

12 MR. SIEGEL: 5,000.

13 MR. PEREIRA: Oh, 5,000.

14 So where's the other 1,600 square feet?

15 So you have 2,400 that's going to be turf.

16 MR. SIEGEL: No. No. The addition is 2,400.

17 MR. PEREIRA: Oh. The entire addition is
18 2,400.

19 MR. SIEGEL: Right. 2,400.

20 MR. PEREIRA: And so the entire addition is
21 going to be turf?

22 MR. SIEGEL: 100 percent.

23 MR. PEREIRA: So even if we were to deny your
24 application, you would still keep the gym that you have.

25 MR. SIEGEL: Yes.

1 MR. PEREIRA: And you'd still conduct your
2 business as you do.

3 MR. SIEGEL: Yes.

4 MR. PEREIRA: And whatever issues, were or
5 exist, would continue to exist. This new addition is not
6 going to exacerbate those issues at all because --

7 MR. SIEGEL: No. This new addition will help
8 all of these issues because we will be putting an
9 additional nice large sum of money into the building to
10 renovate all the problems that are there now.

11 Without this addition a remedy doesn't make
12 sense right now because, to put additional money into the
13 building as is, that would be a hard thing to do.

14 MR. PEREIRA: And, if you do get this, you're
15 planning on staying.

16 MR. SIEGEL: Yes. Yes.

17 MR. PEREIRA: OK. Because I have to tell you,
18 I certainly don't doubt for a second that the neighbors
19 here can feel vibrations. I go to a gym and they have
20 those types of platforms and the gym is huge but, you
21 know, you hear it, you feel it. I don't doubt it for a
22 second that they really do feel it. But if you're moving
23 it to the front, essentially you're moving it onto
24 Jericho Turnpike. And if you're making accommodations, I
25 certainly think that would go a long way in alleviating

1 some of those issues.

2 And the fact that the addition is not going to
3 include any more machines, any more free weights, any
4 more platforms, none of that?

5 MR. SIEGEL: No.

6 MR. PEREIRA: Can we put that in the decision?

7 MR. SIEGEL: Yes.

8 MR. PEREIRA: That's it.

9 MAYOR STRAUSS: Any other comments from the
10 Board?

11 All right. Anything else, Mr. Siegel?

12 MR. SIEGEL: Not from me.

13 MAYOR STRAUSS: All right.

14 MR. WALSH: You know, in the rear -- in one of
15 the photos that we received here there's a picture of a
16 barbecue grill.

17 MR. SIEGEL: Yes.

18 MR. WALSH: Is that an active barbecue grill?

19 MR. SIEGEL: We had a barbecue.

20 MR. WALSH: So you use that. It's a barbecue
21 grill that you use to cook on.

22 MR. SIEGEL: Yes, we use it once in a while.

23 MR. WALSH: I just didn't know if it was there
24 or it was discarded.

25 MR. SIEGEL: No. No.

1 MR. WALSH: You're using it.

2 MR. SIEGEL: Yes, we did have a barbecue, you
3 know, where all the staff got together and we cooked some
4 hamburgers and we had a barbecue, and that's what the
5 propane tank was there for.

6 If the propane tank needs to be moved, I will
7 pick it up and I will move it.

8 MR. WALSH: OK. Thank you.

9 MAYOR STRAUSS: Thank you. We'll check with
10 the code.

11 MR. SIEGEL: The other garbage is not mine.

12 MAYOR STRAUSS: I see it's further down in the
13 pictures.

14 MR. SIEGEL: Yes.

15 MAYOR STRAUSS: An umbrella. . .

16 MR. SIEGEL: Yes. The building was taken over.
17 It was a construction company is where it comes from.

18 MAYOR STRAUSS: All right. Thank you.

19 I'll entertain a motion to close the hearing
20 and reserve decision.

21 MR. PEREIRA: Motion.

22 MAYOR STRAUSS: Motion by Trustee Pereira.
23 Second?

24 MR. CUSATO: Second.

25 MAYOR STRAUSS: Trustee Cusato.

1 All in favor?

2 MR. PEREIRA: Aye.

3 MR. CUSATO: Aye.

4 MR. WALSH: Aye.

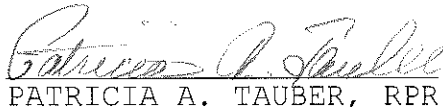
5 MAYOR STRAUSS: Aye.

6 Opposed?

7 Carried.

8 Folks, thank you very much for your comments
9 this evening. Thank you for coming out. We'll take a
10 short recess.

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

15 * * *
16 
17 PATRICIA A. TAUBER, RPR
18 OFFICIAL COURT REPORTER
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