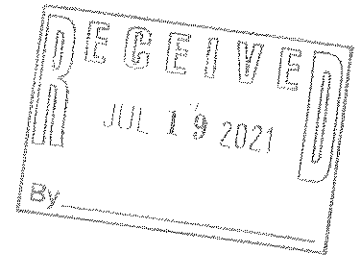


INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE
BOARD OF TRUSTEESJuly 14, 2021
6:30 o'clock p.m.

B e f o r e:

SCOTT P. STRAUSS,
Mayor,PAUL A. PEREIRA, (Via Zoom)
Deputy Mayor

PAUL S. CUSATO,

DENNIS J. WALSH,
Trustees.

* * *

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

* * *

JOSEPH R. SCALERO,
Village Clerk

* * *

KELLY CULEN
Official Court Reporter

1 MAYOR STRAUSS: Good evening folks. We have
2 two hearings and a work session tonight. Mr. Scalero,
3 if you want to start with the first hearing.

4 MR. SCALERO: Legal notice, public hearing,
5 Incorporated Village of Mineola. Please take notice
6 the Board of Trustees of the Incorporated Village of
7 Mineola will hold a public hearing on Wednesday, July
8 14, 2021 at 6:30 p.m. in Village Hall, 155 Washington
9 Avenue, Mineola, New York 11501 or at some other
10 location hereinafter designated by the Board of
11 Trustees in order to receive public comments upon the
12 following:

13 Application Yan Wang for a special use permit
14 pursuant to Chapter 550 of the Code of the Incorporated
15 Village of Mineola, entitled "Zoning," Section 550-12,
16 entitled B-1 Districts, Subsection (B) entitled
17 "Special Uses," to establish a dance studio upon the
18 property known as 106 East Jericho Turnpike, Mineola,
19 New York, known and designated on the Nassau County
20 Land and Tax Map as Section 9, Block 362, Lots 37
21 through 40 and 70 through 71.

22 The Village of Mineola does not discriminate
23 on the basis of handicapped status in administration or
24 access to or employment in its projects and activities.
25 Joseph R. Scalero has been directed to coordinate

1 compliance with non-discrimination requirements of the
2 Federal Revenue Sharing regulations. At this scheduled
3 meeting of the Board of Trustees, reserved decisions
4 from previous meetings, if any, may be acted upon by
5 the Board of Trustees.

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

9 By order of the Board of Trustees and the
10 Incorporated Village of Mineola, Joseph R. Scalero,
11 Village Clerk, dated June 21, 2021.

12 MAYOR STRAUSS: Before we continue, I want to
13 make mention, Trustee Durham is away camping with the
14 scouts, and we have Deputy Mayor Pereira coming to us
15 via technology.

16 Mr. Gibbons, report on mailings.

17 MR. GIBBONS: Yes, Mayor. All of the mailings
18 have been done and an affidavit of mailing notice has
19 been filed with the Building Department.

20 MAYOR STRAUSS: Great, thank you.

21 Recommendation in relation to SEQRA?

22 MR. GIBBONS: I recommend it be a Type II
23 action under SEQRA and the Nassau County Planning
24 Commission has recommended local determination.

25 MAYOR STRAUSS: Motion?

1 TRUSTEE CUSATO: Motion.

2 MAYOR STRAUSS: Most by Trustee Cusato. Can I
3 have a second?

4 TRUSTEE WALSH: Second.

5 MAYOR STRAUSS: Second by Trustee Walsh.

6 All in favor?

7 DEPUTY MAYOR PEREIRA: Aye.

8 TRUSTEE CUSATO: Aye.

9 TRUSTEE WALSH: Aye.

10 MAYOR STRAUSS: Opposed?

11 Carried. Thank you.

12 Ladies and gentlemen, this will be the format
13 for this evening's hearing. The applicant will make
14 their presentation and then there will be an
15 interaction with the Board and at that time we will
16 open it for any public comment. I ask anybody wishing
17 to speak tonight approach the podium, state your name,
18 address, affiliation, if there is one, and speak slowly
19 and clearly so that it can be accurately recorded.

20 Who is representing 106 East? Come on up,
21 thank you.

22 MS. WANG: My first name is Yan.

23 MAYOR STRAUSS: Ma'am, if you wish, you can
24 take your mask off. It's a totally personal decision
25 on your part. And if you just speak loud enough so

1 that the reporter can hear you, thank you.

2 MS. WANG: First name is Y A N. Last name is
3 W A N G. The address is 106 East Jericho Turnpike.

4 MAYOR STRAUSS: I apologize, can we adjust the
5 microphone? Maybe you can pull it a little closer,
6 thank you very much.

7 MS. WANG: Address is 106 East Jericho
8 Turnpike, Mineola, New York 11501.

9 MAYOR STRAUSS: How are you?

10 MS. WANG: Good.

11 MAYOR STRAUSS: Relax, it's okay.

12 Thank you for choosing Mineola. Thank you for
13 looking to put a dance studio in here, and if you can
14 talk to us a little bit about your business, that would
15 be great. What you're looking to do, what hours, how
16 many students? Just explain your business. It's kind
17 of like free press for you.

18 MS. WANG: Okay, thank you.

19 My studio, the name is Little Swan Dance Art,
20 and I have two classroom, yeah, so each classroom the
21 maximum amount of student is six. One teacher for six
22 student, yeah. My own hour are usually Monday to
23 Friday. After -- 4:30 p.m. to 730 p.m. Monday to
24 Friday and then Saturday and Sunday 9:30 a.m. to 3:30
25 p.m., yeah.

1 MAYOR STRAUSS: Where will people park? Is
2 there parking around the building?

3 MS. WANG: Yes. Usually they parking on the
4 street, but the parents come, and they drop off the
5 kids, and then they leave, and when my class finished,
6 and then they come back again and pick up the kids.

7 MAYOR STRAUSS: Is there parking behind the
8 building, next to the building? Are people going to
9 drop off their students in front of the building on
10 Jericho Turnpike and double park and possibly create a
11 traffic hazard?

12 MS. WANG: I think that parking --

13 Sorry my English --

14 MAYOR STRAUSS: That's okay. Mine's not so
15 good either.

16 MS. WANG: I think the parking spot is enough
17 for my class because my class will only -- the -- how
18 you say? Cannot more than six kids for one time, yeah.
19 And then the parents can -- they can park front of the
20 building and then they quick. They drop off the kids
21 to me, and then when they finished, and then they come
22 back, yeah.

23 MAYOR STRAUSS: Deputy Mayor?

24 DEPUTY MAYOR PEREIRA: Thank you, Mayor. I
25 know that building. Actually my first job as a

1 teenager was in that building. It used to be a
2 supermarket, so those of you who have been around long
3 enough there used to be trucks there. There used to be
4 a truck -- a window manufacturer going on there. So I
5 think that this is certainly much more conducive to the
6 neighborhood and less intrusive. Obviously, it was a
7 long time ago. I believe it was a drugstore there
8 recently. There was an art gallery as well. Right,
9 this is 106 --

10 MAYOR STRAUSS: Yes.

11 DEPUTY MAYOR PEREIRA: -- is that correct?

12 MAYOR STRAUSS: Yes.

13 DEPUTY MAYOR PEREIRA: Yes, so I have no
14 issues, Mayor, and thank you, again, for choosing
15 Mineola.

16 MS. WANG: Thank you so much.

17 MAYOR STRAUSS: Thank you.

18 Trustee Cusato?

19 TRUSTEE CUSATO: Thank you. Good evening. I
20 have no issues, but I just want to say there's another
21 dance studio in Mineola located between Marcellus and
22 Wellington Road near the Cornerstone, and they have the
23 same situation where they're part of a block of stores,
24 and they have been around for several years, so I don't
25 think they have had a problem with parking, so I'm in

1 favor of this.

2 MAYOR STRAUSS: Thank you.

3 MS. WANG: Thank you.

4 MAYOR STRAUSS: Trustee Walsh?

5 TRUSTEE WALSH: Yes, thank you.

6 Thank you for coming down and I'm glad you
7 were able to relax. I have no issues at all with this
8 application, thank you.

9 MS. WANG: Thank you so much.

10 MAYOR STRAUSS: Ma'am, if you can have a seat.
11 Don't go too far, just sit there.

12 MS. WANG: Sit here?

13 MAYOR STRAUSS: Yes, that's perfect. We will
14 open it up to public comments and see if there's any
15 questions or concerns, and then we will address those.

16 Anybody wishing in the first row to speak?
17 Second row? Third row? Fourth row? Fifth row? Sixth
18 row? Seventh row?

19 Ma'am, come back up.

20 Do you have anything else you would like to
21 say?

22 I will entertain a motion to approve.

23 TRUSTEE WALSH: I'll make a motion.

24 MAYOR STRAUSS: Motion by Trustee Walsh.

25 Do I have second?

1 TRUSTEE CUSATO: I second that.

2 MAYOR STRAUSS: Second by Trustee Cusato.

3 Mr. Scalero, poll the Board.

4 MR. SCALERO: Yes.

5 Deputy Mayor Pereira.

6 DEPUTY MAYOR PEREIRA: Yes.

7 MR. SCALERO: Trustee Walsh?

8 TRUSTEE WALSH: Yes.

9 MR. SCALERO: Mayor Strauss?

10 MAYOR STRAUSS: Yes.

11 MR. SCALERO: Trustee Cusato?

12 TRUSTEE CUSATO: Yes.

13 MAYOR STRAUSS: Congratulations. Best of luck
14 to you.

15 Ma'am, don't run too far, the president of the
16 Chamber of Commerce is here as is some of the former
17 presidents and members of the executive board. I ask
18 that you stay close to our Building Department
19 regarding signage and Village Code and any renovations
20 you're going to do with the building and reach out to
21 the Chamber of Commerce. They're a great networking
22 team, and I'm sure they will be able to support you and
23 your endeavors. Congratulations. Welcome to Mineola.

24 MS. WANG: Thank you.

25 MAYOR STRAUSS: Mr. Scalero, next one.

1 You need some time to set up?

2 MR. MARTINS: We're ready.

3 MR. SCALERO: Legal notice, public hearing,
4 Incorporated Village of Mineola. Please take notice
5 the Board of Trustees of the Incorporated Village of
6 Mineola will hold a public hearing on Wednesday, July
7 14, 2021 at 6:30 p.m. in Village Hall, 155 Washington
8 Avenue, Mineola, New York 11501 or at some other
9 location hereinafter designated by the Board of
10 Trustees in order to receive public comments upon the
11 following:

12 Application of Lost Farmer Brewing Company to
13 amend the special use permit decision dated September
14 16, 2020 and filed in the Village Clerk's office on
15 November 24, 2020, for the property known as 63A East
16 Second Street, Mineola, New York, known and designated
17 on the Nassau County Land and Tax Map as Section 9,
18 Block 437, Lots 454, 471.

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

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

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

6 By order of the Board of Trustees and the
7 Incorporated Village of Mineola, Joseph R. Scalero,
8 Village Clerk. Dated June 24, 2021.

9 MAYOR STRAUSS: Thank you. Mr. Gibbons,
10 report on mailings?

11 MR. GIBBONS: Yes, Mayor, all of the mailings
12 have been done and an affidavit of mailing notice filed
13 with the Village Building Department. I recommend a
14 SEQRA Type II determination.

15 MAYOR STRAUSS: Motion?

16 TRUSTEE WALSH: Motion.

17 TRUSTEE CUSATO: Second.

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

20 DEPUTY MAYOR PEREIRA: Aye.

21 TRUSTEE CUSATO: Aye.

22 TRUSTEE WALSH: Aye.

23 MAYOR STRAUSS: Opposed?

24 Carried.

25 MR. GIBBONS: Mayor if I could.

1 MAYOR STRAUSS: Sure.

2 MR. GIBBONS: This application is being
3 brought on pursuant to Section 550-55 of the Mineola
4 code. The criteria this Board will have to consider
5 hearing this application is set forth in length in this
6 section. I will just read some examples of the
7 criteria.

8 Whether the proposed use is of such character,
9 size, location, design and site layout as to be in
10 harmony with surrounding properties;

11 Whether it provides a desirable service;

12 Whether it will be hazardous, conflicting or
13 incongruous to the immediate neighborhood;

14 Whether the use will be objectionable to
15 nearby residential dwellings by reason of noise,
16 lights, vibration, odor, size, color or other factors
17 of impact.

18 Now, prior to tonight's hearing, I had
19 occasion to speak with Mr. Nathan who represents the
20 landlord and Mr. Martins who represents the tenant, and
21 it's my understanding that there's some issues that
22 those two parties are trying to work out.

23 Obviously, we're not a landlord and tenant
24 court; we can't resolve those issues, and as far as the
25 Board is concerned, we're going to confine ourselves to

1 the criteria set forth in the Village Code.

2 Thank you, Mayor.

3 MAYOR STRAUSS: Thank you. As previous, the
4 format for this evening's hearing will be the applicant
5 will make their presentation, and we would like to hear
6 from the public, and then there will be an interaction
7 with the Board after that.

8 Mr. Martins.

9 MR. MARTINS: Good evening, Mayor.

10 MAYOR STRAUSS: Good evening.

11 MR. MARTINS: Members of the Board, Mr.
12 Gibbons. My name is Jack Martins. I'm the attorney
13 for the Lost Farmer Brewing LLC. I'm with the firm
14 Harris Beach, LLP. We're at 333 Earl Ovington
15 Boulevard, Uniondale, New York 11553.

16 Our application is to amend the conditions
17 placed on the Board's granting of special use permit
18 under Application No. 20-149. The initial application
19 was heard and decided on December 16th, 2020, and filed
20 with the Clerk's office back in November on November
21 24, 2020.

22 As a brief narrative, Mayor, if you'll permit
23 me, in the height of COVID, a little over a year ago,
24 four friends had the idea to open a brewery and tasting
25 room. They chose Mineola as their location. The

1 owners of the brewery are with us today. We have Don
2 Petrallia, Brad Gunn, and Dan Venditto.

3 Unfortunately, John Strohm, who has a family
4 commitment out of state, was actually going to change
5 his flight so he could be here today. We advised him
6 not to, but it is that commitment that we're talking
7 about.

8 We prepared a packet for each member of the
9 Board. You have it before you. Included in the packet
10 is a copy of the application, our request for this
11 hearing, letters in support from neighbors in and
12 around East Second Street, around this property as well
13 as photos. If it would help, some of the photos we
14 also placed on boards, but for the sake of convenience
15 we've also incorporated these photos in the packet that
16 you received.

17 The location is on East Second Street at 63A.
18 We're all familiar with East Second Street. It's zoned
19 M or industrial here in the Village of Mineola. The
20 property is actually located at the rear of the
21 premises, and we took this Google satellite photo
22 simply for ease. It's at the rear of the property and
23 completely surrounded by other buildings. For a
24 different view, this is the view from the sidewalk,
25 which includes a picture of the driveway. There is a

1 tenant in the front of the building, 5T, a fencing
2 company and then the rear portion of the building is
3 the brewery.

4 So these four friends, all in their mid 30s
5 found a location on East Second Street in Mineola.
6 They signed a lease sometime at the end of July 2020,
7 about a year ago, and they decided to build out the
8 space. They spent a bit over \$500,000 in building out
9 the space and we have some photos showing the work that
10 was done inside. Between the work that they did on the
11 facility itself and the work that they did in brewery
12 equipment, a significant investment and certainly a
13 great investment for a bunch of young adults who chose
14 Mineola as their site for this brewery and tasting
15 room.

16 Included in your package are photos of this
17 site preconstruction. You can see bare walls,
18 cinderblock walls, and you can also see the finished
19 product. Obviously, a significant expense.

20 As we previously mentioned, they applied for
21 and received approval from this Board back in September
22 2020 for a special use permit to operate a brewery and
23 a tasting room.

24 And I think it's important that we chat at
25 least briefly about the difference between a brewery

1 and tasting room and a bar. Because I know sometimes
2 people will confuse the two. They are two completely
3 different licenses from the State Liquor Authority.
4 The license for a bar is, as we would expect, for a bar
5 and, typically, would involve the sale of various types
6 of alcohol and some entertainment and music and the
7 like.

8 A tasting room is more akin to a winery where
9 you produce the product on-site. In this case the
10 product is not wine; it's beer, and it's more of a
11 destination. It's a tasting room and you will see, I
12 think, from the photos and, perhaps, from your own
13 experiences and maybe some people who have been to the
14 site that this is a site that attracts families. It's
15 adults, it's children and, quite frankly, it's not of a
16 caliber or kind as a bar.

17 If it was being used as a bar, there would be
18 violation issues from the State Liquor Authority.
19 There have been no violations or enforcement actions
20 from the State Liquor Authority at all, and I can tell
21 you that they have used and operated this brewery
22 consistent with its licensing as a brewery and a
23 tasting room.

24 Mr. Gibbons, thank you for having reviewed the
25 conditions of 550-55 of the Village Code. I know the

1 Board is aware of them, but, essentially, it is a
2 measure of certain types of uses that would require the
3 board to take a closer look, as the Board did in its
4 original grant back in December of 2020, in determining
5 whether or not this is the kind of use that would fit
6 within an M zone, would fit on East Second Street,
7 would fit in this location at the rear of what has
8 historically been an industrial or manufacturing
9 building in the Village of Mineola and is segregated
10 and enclosed as it is at the rear of this property,
11 whether or not that would create a hardship or create
12 an undue nuisance to the neighboring community.

13 The Board decided in its grant back in
14 September of 2020 that it would not, and we would urge
15 the Board after we are done here today to consider,
16 with certain changes to conditions that were imposed
17 back in September of 2020, consider equally granting
18 the special use permit and allow this applicant to
19 continue to operate as they had.

20 In its September 2020 decision, the Village
21 board determined, among other things, that the proposed
22 use is harmonious to the M district, that it will
23 conform to the general character of the neighborhood
24 and that the public health, morals, safety and general
25 welfare of the neighborhood will be secured by the

1 granting of the requested special use permit.

2 In addition, the Board determined that the
3 special use permit will provide a desirable facility to
4 the area and will not be incongruous to the area
5 neighborhood by reason of excessive traffic.

6 It is my understanding that there have been no
7 complaints with regard to this application other than,
8 from what I understand, a single commercial tenant that
9 happens to be from the adjoining property immediately
10 adjoining to the Lost Farmer brewery. I'm sure we will
11 hear from others today either in support or against,
12 but my understanding is the Village has not had any
13 complaints from property owners, from tenants, from
14 commercial tenants or from residential property owners
15 of a kind that would raise any issues with regard to
16 this application.

17 The business has grown since its application.
18 Grown organically and, you know, if you would recall
19 back -- and I believe, obviously, everybody who is on
20 the Board was also on the Board back in September of
21 2020 -- there were some representations made to the
22 Board with regard to use, size, density, the number of
23 people that would be on-site. Perhaps that was their
24 expectation at the time, and maybe it was a bit more
25 conservative than they knew. This was a new venture

1 for them as well, and so they under projected the
2 number of people that would be going to the site. It
3 has accommodated more than that, and as a result, we're
4 here today with this application.

5 I think it's important to note we're not
6 asking that the conditions be removed all together. We
7 do understand that there is a place and there is a need
8 for conditions for special use permits. We're asking
9 that the conditions be modified to reflect the reality
10 of the use of this site, this business, and in light
11 of, again, the fact that there have been no significant
12 impacts or complaints to the Village as a result of
13 their use, just reflect what they're doing currently,
14 and we'll get into those numbers shortly.

15 At the end of May, the Village's Building
16 Department issued a notice of violation to Lost Farmer.
17 Amongst the notice of violation, there was a
18 description of the use as a bar, and, again,
19 respectfully, it was not used as a bar, it has not been
20 used as a bar, and the difference between bar and
21 tasting room is important and significant and they
22 continue to operate consistent with their licensing
23 from the SLA.

24 The premises are also in compliance with all
25 applicable codes and regulations because their

1 licensing and permitting was from the Building
2 Department itself. All of the work that was done
3 there, the significant work, and, again, we'll get to
4 those photos in a moment, was all done through permits
5 and duly inspected and approved through the permitting
6 process from the Village of Mineola.

7 Mostly in reliance on that notice of violation
8 that was issued by the Building Department, the
9 landlord for the property issued a notice of default to
10 Lost Farmer. So less than a year after having signed
11 the lease, the landlord put the tenant on notice that
12 they were going to hold them in default if they did not
13 cure several issues that were delineated in that notice
14 of default.

15 By and large, many of those issues have to do
16 with the notice of violation that came from the
17 Village. That's one of the reasons that we're here
18 today so that those issues can be, hopefully, cleared
19 up and clarified. But there are also issues having to
20 do with the use of the outside area immediately
21 adjacent to the premises. That is the area on this map
22 in here and as depicted here.

23 It was the landlord's and is the landlord's
24 position, and I want to be clear and fair, that this
25 area outside has not been leased to Lost Farmer. It

1 was not part of the leased premises, and, therefore,
2 that they're using it inappropriately.

3 As a result of the notice of default that was
4 issued to Lost Farmer, they were given until July 13th
5 to clear up any defaults that were mentioned in the
6 letter. July 13th being yesterday. We reached out to
7 the attorneys for the landlord and asked for additional
8 time understanding that we were going to be here before
9 the Board today and, therefore, we would not be able to
10 comply by the 13th and needed additional time in order
11 to keep the lease viable and so that it wouldn't
12 terminate. They refused to allow us more time, and,
13 therefore, we had to go to Nassau County State Supreme
14 Court and seek a temporary restraining order. We
15 appeared before Judge Marber on Monday, and Judge
16 Marber issued the TRO so that the lease continues in
17 effect while we try and resolve these issues.

18 But, as I said, and as we explained to Judge
19 Marber, a good portion of our issues with regard to our
20 continued use of this property has to do with resolving
21 our special use permit conditions with the Village
22 Board.

23 As I mentioned earlier, included in our
24 application, our letters of support from neighbors that
25 speak to the quality of the business that these four

1 gentlemen begun. There was a relationship built with
2 the neighborhood and generally supported but for this
3 one tenant, and I'm sure we will hear from them tonight
4 as well. The letters are there.

5 The symbiotic relationship between Lost
6 brewery and some of the adjoining businesses is also, I
7 think, worth commenting on.

8 Lost Farmer doesn't cook on premises. That
9 was prohibited as part of the grant of the special use
10 permit. They do heat up pretzels. They do heat up
11 frozen pizzas for consumption on-site, but there is no
12 preparation or cooking on-site, and I think it's
13 important that we clarify the difference between that
14 as well. They have no intentions of cooking on-site.
15 That's not what they do, but to the extent that they're
16 serving a beverage, sometimes it's helpful to have
17 something to accompany that beverage, and, in this
18 case, the pretzels and the pizzas have been somewhat
19 popular.

20 They also have allowed for businesses in
21 Mineola to deliver food to the site for on-site
22 consumption, which I think is, frankly, remarkably
23 creative, but I also think it's important because we
24 have had struggles, certainly during COVID, with some
25 of our businesses, and the opportunity of those

1 businesses to continue to operate and to benefit from
2 having a draw like this has been significant, and you
3 will see that in your packet you also have a letter
4 from the owners of Bisquits & Barbeque where they thank
5 Lost Farmer for the opportunity to continue to serve
6 them and to provide food. Food doesn't come to them.
7 They simply leave the menus available for people to
8 place orders, and Bisquits & Barbeque will send
9 somebody down to deliver, and they will consume it
10 there as they're having their beverage as well. So it
11 has turned out to be a really win-win for businesses in
12 the community.

13 Just as a reflection, this was the work that
14 was done and as it appears inside the premises now.
15 You'll see in your packets that you have pictures of
16 the inside beforehand, cinderblock walls basically.
17 This is obviously a significant improvement and a
18 significant investment in a venture here in Mineola.

19 Lastly, this is a picture of the rear of the
20 premises. Again, far from being a bar. You have
21 families, you have stroller, you have people who are
22 participating, you know. This isn't a scene that you
23 would see at a bar, but, typically, a scene that you
24 would see at a tasting room, and that is complementary
25 to what their purpose is. Again, we can call it

1 whatever we want at the end of the day. It's a tasting
2 room, and it is precisely what they represented it to
3 be when they appeared before this Board originally.

4 You know, I mentioned the immediate neighbor,
5 and I think it's important that we just speak to that
6 just for a moment. They have a shared wall, as we
7 mentioned. The neighbor occupies the space closest to
8 East Second Street. The brewery and tasting room
9 occupy the space in the rear, so they have a dividing
10 wall. And the owners of Lost Farmer have approached
11 the tenant next door, asked to work things out, offered
12 to even, if necessary, soundproof the wall, which would
13 be the wall immediately dividing the two premises, to
14 try and minimize whatever impact or concerns there may
15 be. They have been rebuffed.

16 Now, the previous tenant in this space was a
17 gym. They had been there for five years, and it turns
18 out that the gym owner is also a patron of the Lost
19 Farmer and has shared stories of having occupied the
20 space, that the music that they had when they were
21 operating it as a gym was louder and significantly
22 louder than the music that's there now. That they
23 would throw medicine balls against that same wall
24 without a complaint, that they would exercise outside
25 and carry weights up and down the driveway and do

1 exercises outside in the back and use that back area
2 and the driveway area without complaint. And, yet,
3 here we are with a business that is and has been,
4 frankly, successful and it has been, from what I
5 understand, the sole complaint with regard to this use
6 has been that tenant. I would like the Board to keep
7 that in mind because if this were a widespread issue,
8 the residential community immediately on the other side
9 of the tracks would have complained. If this were an
10 issue, the businesses along East Second Street would
11 have complained as well as the residential community
12 immediately to the north, and that hasn't been the
13 case.

14 So we respectfully request that the conditions
15 be adjusted to conform with the Village Code
16 requirements generally and, obviously, the prevailing
17 conditions in the neighborhood. Specifically, Lost
18 Farmer requests that the conditions be amended to amend
19 their hours of operation from noon to midnight, allow
20 them to have no more than six employees on-site at any
21 given time, and those employees are both for the
22 manufacturing brewery as well as for the tasting room.
23 So at any given time there could be -- they could be
24 brewing beer and have three or four people there and at
25 the same time have people in the tasting room assisting

1 patrons, and we're not suggesting that that's going to
2 be the case all the time, but I don't want them to be
3 caught up in a game of gotcha as we move forward where
4 people are counting employees and say you had more than
5 three. Because if they have three in the back dealing
6 with the brewery and manufacturing and they have
7 another three up front, that's six, and I certainly
8 don't want to make any kind of misrepresentations to
9 this Board or to allow them to have people counting
10 heads, unfortunately, and trying to use it against
11 them, as it appears to have been the case to this
12 point.

13 We would like to have occupancy adjusted to 75
14 as the Building Department's notice of violation
15 indicated they have, according to the Building
16 Department's notice, have had more than 60 people
17 on-site at a time. If that is the case, then let's
18 reflect what's there and, again, to avoid people coming
19 and going and having somebody with a counter counting
20 heads as people come and go, we're requesting
21 respectfully that it be allowed to go to 75. That is a
22 number that we think is reflective of the operation as
23 it has been operated over the course of the last few
24 months.

25 I didn't mention this earlier, but as this

1 Board knows, this business had a soft opening in April.
2 Their formal grand opening was in May. So we are right
3 at the beginning of this, and to be able to maintain
4 and control its operations going forward, we believe
5 that this number is reflective of their operations to
6 this point. It is certainly reflective of the fact
7 that there haven't been any complaints with numbers
8 like this from the neighborhood and allows for a level
9 of sustainability.

10 They have originally said back in September of
11 2020, twenty, and in keeping with that, that has
12 certainly not been reflective of the outpouring of
13 support that they have gotten, and that is probably a
14 good thing, generally, that they have been successful
15 and people have come to the business, but we also want
16 to make sure that the rules and regulations and
17 conditions imposed by the Board are reflective of what
18 is sustainable for the business. Twenty is not what we
19 believe that this number is sustainable.

20 We would ask that they be allowed to heat
21 food. As I mentioned earlier, pretzels and pizza.
22 That is the mainstay. No cooking. There will be no
23 other cooking or food preparation on-site, that they be
24 allowed to continue their relationship with businesses
25 in the community like Bisquits & Barbeque so that

1 patrons there can order. They can have food delivered
2 and, you know, just as they have to at this point.
3 Nothing beyond that, but that we would reflect the use
4 that has been consistent over the course of the last
5 couple of months and without incident.

6 And to the extent that the Board would be
7 willing to consider it, that from time to time, they be
8 allowed to bring a food truck on-site as long as they
9 comply with all Village Code requirements. Food
10 trucks, aside from being a food truck, some of these
11 food trucks have become, you know, almost a source of
12 novelty for the site as well. The idea of having a
13 certain food truck brings people to the site in
14 addition to the fact that they're coming to taste the
15 beverages that are prepared on-site and, again, not to
16 push the envelope, but if the Board is willing to
17 consider it from time to time, as long as the food
18 truck complies with all of the requirements of the
19 Village Code, that they be allowed to do that as well.
20 As we're thinking of the issues that may come up and it
21 may cause people to complain and it may cause people to
22 complain to the Building Department and cause the
23 Building Department to issue a further notice of
24 violation, and we would like to get ahead of it before
25 that happens so I'm trying to check all of the boxes.

1 Also, lastly, the opportunity for them to have
2 acoustic music on-site. Acoustic.

3 TRUSTEE WALSH: Say that again.

4 MR. MARTINS: To have acoustic music on-site.
5 That is not a band with full amplifiers and speakers
6 where we would potentially offend the neighborhood and
7 the residential neighborhood but something in keeping
8 with the ambience that you would want in a place like
9 this. It would be helpful. It adds another dimension.
10 It's different than just piping music through a system,
11 and as long as it's kept within those confines as I
12 showed before.

13 This location happens to be quite unique.
14 It's in the back of a building surrounded by other
15 buildings up against the tracks, and in light of that,
16 there may be an opportunity to be flexible with regard
17 to the kinds of uses that they -- or music that they
18 can have, I would asked that the Board consider that as
19 well.

20 The conditions of the Village Code are very
21 specific with regard to noise and the like that the
22 impact is to the residential community, and, to my
23 knowledge, I have not heard that there has been any
24 complaints from any residential property owner or
25 residents either on the south side of Long Island Rail

1 Road or north of East Second Street with regard to any
2 noises from this site.

3 So we respectfully request that you amend the
4 conditions of the special use permit to reflect the
5 Lost Farmer and its experiences since its opening and
6 allow these young men and their families continued
7 success in these difficult times. Again, as reflected
8 in the letters in support and the materials we
9 provided, Lost Farmer has been a good neighbor to those
10 in the area, and, as reflected in the Village's own
11 experience, there have not been complaints at all
12 from -- other than from that singular tenant
13 immediately adjacent to the site.

14 Your initial determination still applies in
15 that the proposed use is harmonious to the M district,
16 will conform to the general character of the
17 neighborhood and that the public health, morals, safety
18 and general welfare of the neighborhood will be secured
19 by the granting of the request of the special use
20 permit.

21 Further, this amendment to the special use
22 permit will continue to provide a desirable facility to
23 the area and will not be incongruous to the
24 neighborhood by reason of excessive traffic. And,
25 Mayor and members of the board, at a time when we've

1 probably gone through the most difficult period in the
2 history of our country and certainly in our area in
3 regard to its impact on our downtowns. The fact that a
4 business has chosen to open up here in Mineola, has had
5 more success than they actually anticipated, has still
6 been able to maintain their conduct in conformity with
7 the Village Code, although we acknowledge not in
8 conformity with the conditions that this Board imposed,
9 but, certainly, not without those complaints from the
10 resident neighbors in the surrounding areas, but in
11 conformity with the code itself, let's allow them to
12 survive; let's allow them to succeed; and let's allow
13 them to continue to succeed right here in Mineola.

14 Thank you.

15 MAYOR STRAUSS: Thank you.

16 Anybody from the public wishing to speak?

17 Yes, sir.

18 MR. NATHAN: I'm actually not the public. I
19 am the owner.

20 MAYOR STRAUSS: Come up, you're considered the
21 public. Approach.

22 MR. NATHAN: Members of the board, thank you
23 very much for your time, and I must say that, Mr.
24 Martins, that was a very eloquent opening. I am just
25 surprised he didn't ask you to have dancing to also be

1 allowed at the space, but certainly asked for quite a
2 bit.

3 MAYOR STRAUSS: If you can speak into the
4 microphone and state your name and your affiliation and
5 your address for the reporter that would be great.

6 MR. NATHAN: My name is Nathan Nathan. I am a
7 member of M and T Properties which is the owner of the
8 property. We have owned this property for about 21
9 years. It was owner-occupied for about 14 years, so we
10 were the sole tenants for 14 years in Mineola before we
11 moved our shipping operations to the West Coast and we
12 started leasing the space.

13 What I would like to start is, you know,
14 essentially, how the present business has been
15 characterized, how the present proprietors have been
16 running the business and what type of complaints we've
17 had. There's actually quite a bit of inaccuracy here.

18 What started, you know, how this started was
19 Dominick, who is actually sitting here, came to me and
20 told me they would like to open a brewery and I asked
21 them a lot of questions about the business. I was a
22 bit apprehensive knowing it was going to have alcohol.
23 He essentially, you know, assured me that this is a
24 business that is a hobby. It's currently working out
25 of the garage from one of his partners and they're

1 doing very well. And he -- his intent is to sell beer
2 to restaurants and bars in the immediate area and to
3 build their brand. He did not want to operate a bar.
4 He explained to me that he's looking to have \$30,000
5 sales per month and that was enough. They wanted to
6 build the brand.

7 I asked him about the taproom. The taproom
8 issue came up a number of times, and, essentially, I
9 was told that the taproom is made for the restaurants
10 and the other businesses that are going to be buying
11 the beer. He told me they would have a handful of
12 people in the place -- four or five at maximum. They
13 would be tasting the beer, and they will buy it and
14 take it home to consume.

15 He actually showed me a machine which canned
16 the product and that's how it would sell.

17 To go forward a bit a few months --

18 Well, let me give you a copy, please.

19 So, essentially, the representations that were
20 made to this Board to obtain the permit were the same
21 that were made to me. With a number of other
22 inaccuracies that were basically given to this forum.
23 I think Lost Farmer represented that they have four to
24 seven parking spots and they do not. I was not here at
25 that meeting. I was not aware that the meeting was

1 being held, and I actually read the transcript after we
2 started to have some issues. But they represented that
3 they have four to seven parking spots. That Nathan,
4 the landlord, is a great guy and has no problem with us
5 using the parking lot. They represented that they will
6 not have any food, not have any music and they will
7 only have three staff members at any given time.

8 From the onset, actually, from the start, when
9 they were having their soft opening, the problems
10 started. They started to cordon off the parking lot.

11 The parking lot is a shared parking lot for
12 all our eight tenants. We actually have some spots
13 against the perimeter and some spots against the walls
14 where they currently have their space.

15 They started to cordon it off with metal
16 barricades, and they cordoned off the parking lot so
17 the cars could no longer turn.

18 On the first day that I was there, there were
19 people that were smoking between the cars, between the
20 walls on the side. I was irate. I came home and
21 Dominick called me and assured me, he said, This will
22 not happen again. These were all his family members.
23 They're going to be containing the crowds and they're
24 going to be, basically, maintaining the brewery.

25 That never happened. That never happened.

1 Essentially, what they have been doing is running a
2 business out of our parking lot.

3 I think Mr. Martins made the representation
4 that there's been no complaints, and he is mistaken. I
5 have had a number of tenants complain -- various type
6 of complaints; essentially, not very happy with this
7 use or questioning whether this use is going to be
8 ongoing or not.

9 They were cited for violations for violating
10 practically every condition that this Board had told
11 them that they're not allowed to do. And this wasn't a
12 one day thing, and it wasn't something that developed,
13 contrary to what Mr. Martins told you it's not how the
14 business started. This existed from day one. We were
15 actually -- I was duped and I believe, quite honestly,
16 this Board was duped as well.

17 When we started having these problems, this
18 was during their soft opening, I called for a meeting,
19 and all four partners came, and what they told me was
20 staggering. They told me that they have been very
21 successful. They were expecting to have 300 people
22 there that night. I told them that 300 people is not
23 acceptable. They said, Well, what are we gonna do? We
24 have this business. We're gonna have 300 people there,
25 and they did. They had several hundred people. They

1 used the entire parking lot.

2 We had one accident a few days later when we
3 had a roofer doing some work, and he backed out and he
4 hit one of the metal balusters.

5 And I had complaints after complaints. There
6 were people that were drinking in the parking lot,
7 being served in the parking lot, which no one would
8 allow.

9 What we have and what I have leased to others
10 is a commercial space. If this was a brewery running
11 as a brewery, we would have absolutely no problem. But
12 what has happened is we've had someone that has tricked
13 us. They started this thing knowing that they wanted
14 to have a bar. They have not told us the truth. They
15 came in, and they told you something and they did
16 otherwise. We have been complaining for two months and
17 they have not yet started to make any changes.

18 What Mr. Martins just said that, you know, my
19 attorney did not, basically, grant them the time, this
20 has been going on for two months. We have sent
21 certified letters. We, basically, wanted them to stop,
22 and they simply have not. They just come to us on the
23 last minute and asked to have more time. In fact, my
24 attorney called me about a week ago and said they did
25 receive a call and they told me they would be happy to

1 grant them the time if they would give us a proposal on
2 how they wish to remedy these things.

3 So not only have they not followed the rules
4 that this body gave them, they actually are coming to
5 this body and asking them to change the rules so they
6 can be in compliance.

7 We have the right, as property owners, to
8 lease our property for the use that we see fit. I do
9 not wish to be the landlord of a bar. I do not wish to
10 hear of people that are drunk in the parking lot. I do
11 not wish to get a call from my tenant telling me
12 there's people smoking weed in the parking lot. I did
13 not lease it to them that way. That is a different
14 operation. It needs a different type of a supervision
15 and it needs someone who is going to charge them the
16 right rate for what they're doing.

17 I leased them less than 2,000 square feet. It
18 has so much machinery in there that they probably would
19 not meet code, fire code, if they had more than 30 or
20 40 people.

21 I have a space in Manhattan that is 2,000
22 square feet, entirely open with the exception of a
23 small bar, and the occupancy is 72. So although I am
24 not familiar with this code, I certainly don't see it
25 safe to have the number of people that they're now

1 asking you to have.

2 Anyway, they have currently created a
3 dangerous situation. During this time they brought in
4 heat lamps, and they put heat lamps outside, and they
5 have been serving people with food and drinks and
6 continues even though they knew they are not supposed
7 to be doing. I asked them to remove the heat lamps,
8 and the reason I asked them is really very simple. One
9 door down there is a person that has chemicals,
10 cleaning chemicals. I'm not telling you they're
11 flammables, but they have chemicals. The door next to
12 that next tenant is Meltzer Lippe. They have
13 documents. The last thing I want is to have one of
14 these heat lamps fall and create a fire. I was not
15 able to get them to stop. They actually removed them
16 when the heat came on and they didn't need them, and
17 they still continuously, brazenly, to have the heat
18 lamps.

19 What they have now done is they've gone to the
20 exterior of the building and put in a 240 volt outlet
21 that they're probably attempting to use when it's
22 wintertime to have heat lamps that are electric.

23 So everything that we have done, every request
24 that I have put as the landlord has gone entirely
25 ignored. So this is not a tenant that's going to abide

1 by your rules. It's a tenant that's come here to ask
2 you to change the rules so they can basically live with
3 what they asked for. As a property owner, I do not
4 want this type of use. I did not sign up for this type
5 of use.

6 If you look at the application, the package
7 that I gave you has the application, and the
8 application says the microbrewery was a small tasting
9 room. What you see here is not a microbrewery with a
10 small tasting room. This is a bar. It looks like a
11 duck, it walks like a duck, a quacks like a duck. I do
12 not want a bar on my property. I was fooled to take
13 him on as a taproom tenant. But I think that is where
14 I want them to remain a tenant that is actually brewing
15 and selling their product and not bringing in the
16 general public.

17 Just to let you know a little bit more about
18 the infractions. When they first started, your special
19 use permit allowed them to have three people. They had
20 more than three people that was stopping cars entering
21 the parking lot. Just their security detail was more
22 than that. I asked them why they have these people.
23 They said, Well, they don't want to have a commotion in
24 the parking lot. So every car pulling in the parking
25 lot was being stopped, and they would ask the person

1 driving why are you coming here, who are you coming to
2 see. They have no right to do that. I objected, and
3 they did stop that after a while but, occasionally,
4 they still have a security detail.

5 The point being is this property is not made
6 for this type of a use. It's true that this is in the
7 back of the building, but it is precisely the problem.
8 You have no idea what goes on there in the back. The
9 stories I have heard, actually, are somewhat scary, and
10 I do have a tenant who has gotten some of this to show
11 you. It's not meant to be a bar. It is not supervised
12 and, actually, I can tell you definitive that the
13 proprietors are not capable of running this business,
14 are not capable of running a bar. They don't know what
15 they're doing, and it is only a matter of time that
16 we're going to have an accident, a big accident. This
17 space is not meant to be this way.

18 Yes, you might see this picture with a
19 stroller. There are other pictures where you have
20 drunk people. There are other pictures where you can
21 see people smoking in the parking lot and harassing all
22 of the other tenants. So as a property owner, that's
23 not what I signed up for, and it's not what they're
24 allowed for by lease.

25 The number of infractions on the lease,

1 actually, I counted them. I didn't really look to see
2 exactly what they are, but there are 39.

3 They certainly do not have use of the parking
4 lot. The lease is very clear, and you all have it.
5 Please take a look, and not only that, there's a
6 provision in the lease that gives us the option to
7 terminate anyone's use of the yard if they don't follow
8 our rules. They have brazenly continued to use this
9 yard even under that condition. So regardless of any
10 argument that we may have, Lost Farmer cannot be using
11 this space.

12 And let me tell you a little bit about this
13 space. When they were doing their work, if you see
14 this concrete slab here, this wasn't there. There was
15 a small concrete slab roughly about there maybe three
16 or four feet out. I was there one day and I saw this
17 concrete floor and they said, Well, Mr. Landlord, look
18 how much better it looks. Well I was duped. They did
19 do that, and the next thing they did they asked me for
20 an awning, and the awning came out to the same size and
21 they put a pole and now this became their space.

22 It's almost like what the Chinese are doing in
23 the South China Sea, slowly, slowly they're trying to
24 take it over.

25 So you see this space here that was a parking

1 spot in the parking lot, and now it is their space.
2 This space here is another space they have taken, and,
3 quite frankly, quite frankly, this is actually nothing.
4 There are times that I have come to this parking lot,
5 and all of these metal railings -- and you see these
6 four or five extra ones are actually swung this way and
7 they are using two or 3,000 square feet of parking lot.
8 It has, and I have seen it, been an amusement park.

9 The day I was there when they first opened,
10 there was on the other side of the parking lot there
11 were cars parked, and there was four or five people
12 sitting behind the cars and smoking.

13 When I was a child, there was someone that was
14 run down in my street, and it was someone who fell
15 asleep behind the car and the car backed up. I'm not
16 telling you that this is what's gonna happen here
17 tomorrow, but if you have this type of loose
18 supervision or you have someone who believes they can
19 do everything they want, and they can come to you and
20 tell you it's good for the area, we can take food from
21 there, and it's good for their business, and we can do
22 this, and we can do that, you are opening the door to a
23 huge problem.

24 A special use -- you know, I'm not a lawyer
25 here so I'm not arguing this from the legal

1 perspective. I am telling you as a landlord and just
2 generally someone who has common sense. This is --
3 this type of a setup cannot remain in an industrial
4 space. It has to be supervised. There are reasons why
5 these things are the way they are. This is an accident
6 waiting to happen. I think that this Board should
7 consider everything and how it's unfolded and how
8 genuine this tenant is before they actually look at
9 this.

10 I can't understand how the tenant would come
11 here and try to amend rules they haven't abided by for
12 one day since they have been opened. Not one day.
13 They walked out of here, told you what you wanted to
14 hear, you granted them a permit. I was dumb enough to
15 give them a lease, and this is where I am, and I'm
16 having a problem with the tenant that just started
17 operating.

18 It's almost unheard of. How many times have
19 you had a landlord stand in front of you and,
20 basically, telling you to please deny their tenant a
21 special use permit? It simply doesn't happen. It only
22 happens under rare circumstances when you actually see
23 something that is so wrong.

24 I am sorry, I have been duped. I hope you are
25 not. I hope that you see this for what it is. If this

1 is good for the community, they need to find the
2 appropriate spot. My warehouse, my property under my
3 supervision is not the right place for them. I do not
4 want to be the owner of a property that is licensed to
5 a bar. I want to have tenants that care for the other
6 tenants. Not someone who basically has utter disregard
7 for anyone else.

8 Their forum, the way they have been operating
9 this business, it's nothing other than what's good for
10 them. From the very start, this was the plan. They
11 never intended to operate a brewery. They always
12 intended to operate a bar. And now they're here in
13 front of you telling you that they want you to give
14 them more rights, so it's a bar. This business did not
15 grow to where it is today in three months. It started
16 out that way. From the very start this was a bar.

17 So I just want to point out a number of
18 things. You know -- and the tenants, quite honestly --

19 Let me give you a few more things. I was
20 there this morning, and I saw that they hung TV screens
21 outside, so we now have TV screens. It's a sports bar.
22 Not only is it a bar, it's a sports bar. I looked at
23 their website a few nights ago, they're basically
24 trying to attract people to come and watch the game.

25 And they want you to allow them to bring in

1 food because they're not cooking it. It's a silly
2 difference. It really is a silly difference. It's a
3 bar. It looks like a bar. They want to serve food.
4 They want to serve drinks, and they want to do it
5 without consent from the landlord. They want to tell
6 me that I am not right to object.

7 This is the 30-day notice that we gave them,
8 if you would take a look at the packet, and the list,
9 the first six or seven pages just lists what they have
10 done incorrectly, what they have not abided by the
11 lease.

12 The violation that the City of Mineola, the
13 Village of Mineola levied on them basically speaks
14 volume. It says that the building is not in compliance
15 for this use. They have music. The occupancy is
16 limited to 20 people. They should close at 8:00 p.m.
17 There should be no cooking or food on the premises.

18 Well, I can tell you the first week that they
19 started, I don't think there was a single day that they
20 closed before midnight. About a month ago, I actually
21 drove by. It was a few minutes to 12 o'clock. It was
22 like 11:45 or close to midnight, and I just drove by.
23 I didn't see that there was people in the back. The
24 lights were still on. There was three girls straggling
25 out -- two girls holding one of them up -- at that

1 hour.

2 And this is supposed to be a brewery. So not
3 only is it not a brewery. It's an unsupervised bar,
4 and what I request is that they comply by their lease,
5 and I request that this Board, basically, gives the
6 landlord the credibility and backing to have a tenant
7 comply with what they already agreed with, not only
8 with me, but, also, with you. And so I, respectfully,
9 deny any of it, and I cannot even understand how this
10 word can be used that we're hear amending something
11 when they have never been in compliance. The truth of
12 the matter is they have not complied, and they are
13 coming here to change the rules. Please do not let
14 them change the rules.

15 Thank you.

16 MAYOR STRAUSS: Thank you. Anyone else in the
17 second row? Third row? Fourth row? Fifth row?
18 Six --

19 Yes, ma'am.

20 MS. TIOMKIN: Hello, my name is Vivian
21 Tiomkin. I am here on behalf of myself, my husband and
22 all of the families of the children that we teach at
23 our fencing school, so we are the tenant that we keep
24 hearing about. We're adjacent. Obviously, there's
25 been a lot said. Forgive me, I didn't prepare that

1 much. I didn't think we were going back to day one, so
2 I will do my best to fill in. I'm not a lawyer. I'm
3 not the previous Mayor of Mineola, so that's a bit
4 intimidating, and if he doesn't mind, maybe I can use
5 his tripod as well for some additional photographs.

6 I'll just tell you a little bit about
7 ourselves first. We stood right here before you about
8 seven years ago asking for the special permit use for
9 our fencing club that you very appreciatively granted.
10 We have been very happy. We hoped to stay for another
11 ten, twenty years, hopefully. Our business has been
12 doing very well, even during COVID. By well, I mean I
13 think we're providing a wonderful service. The kids
14 that we have stay with us usually for maybe eight until
15 they graduate to college. Many of them get into
16 college because of their fencing. Many of them are
17 recreational fencers. Many of them just find a second
18 home. Most of our kids come to the club, I would say,
19 five, six days a week four. They're usually there for
20 about a couple of hours, so this is their second home.
21 We work very hard to ensure that they have a proper
22 nurturing and caring environment.

23 Lost Farmers Brewery is making that
24 impossible. I, as I said, run the business. My
25 husband, who is in the back row, he is a 2004 olympian

1 who represents the U.S., and we train the kids. We do
2 have kids who are top in the country. We have kids
3 representing the U.S. internationally. We have kids
4 who are Nassau County champions, and, as I said, we
5 have some strictly recreational but still a wonderful
6 place for them to be.

7 Dominick first came to us during COVID. We
8 were closed for four months, like most people were, so
9 I didn't go into money, but if you guys would like to
10 know, obviously, they invested their money and we
11 invested all of our money into our business. We don't
12 make a lot. Our hourly rate is nothing compared to
13 them. We stay there to give one lesson at a time.
14 What we produce in an hour is not that much, but we do
15 it because it's correct.

16 During the COVID, we were closed. Dominick
17 did stop in one day. I believe it was probably April,
18 I don't know the exact date, but I do know we were
19 closed. He did come in, introduced himself. He told
20 me the same thing that Mr. Nathan said he told him, and
21 the same thing I read in the transcript. That they
22 wanted to open a brewery, that they were going to sell
23 to restaurants.

24 My husband and I immediately said, This is
25 COVID. Is this a good idea?

1 He said, No, no, no, we have a lot of friends.
2 They're dying to bring us in, same thing, I've been
3 doing it in the garage with my friends. Everyone loves
4 it. We've got them signed on board. This is going to
5 be great. We're not worried. He said, Do you have any
6 concerns.

7 My husband and I, of course, said, Yes. So
8 are you saying this is a bar?

9 He's like, No, this is not a bar. We're not
10 selling to the public. People can come and have a
11 sample, but they're going to buy it to go. Maybe once
12 in a while on a Sunday we will put out a table for some
13 friends and family with an umbrella.

14 And we're like, Okay. We said -- we actually
15 warned him, we said, Look, sound might be an issue. I
16 can tell you hear everything we do. We hear everything
17 you do, and they did bring up the previous guys, which
18 were relentless, and I think it actually speaks to our
19 favor that we did not complain about them for five
20 years, and, yes, they do use some exercise in the
21 parking lot. For the most part, we never had any
22 problem with any of the tenants in the seven years that
23 I have been there prior to Lost Farmer Brewery. Yes
24 they would exercise. It was harmless. They are doing
25 something productive. It's one or two guys. No one

1 cared. They did play music. It wasn't as loud as what
2 Lost Farmer is doing.

3 I don't know why they say that, but the noise
4 from Lost Farmer's Brewery is not just music. It is
5 people. Bar. Just picture a full-blown bar.

6 I will show a video in a few minutes.

7 So I'm not sure, I don't think that's
8 relevant, but if you guys wanted to hear, yes, so I
9 think it actually speaks to our favor that for seven
10 years we did not complain at all about any tenant in
11 any way.

12 Going back to Dominick who came in, I, again,
13 we expressed our concern with the noise.

14 He said, We're gonna build a soundproof wall
15 on our side. It's going to be awesome. It's going to
16 be high-end. It's not going to be a problem.

17 I said, Okay. That was pretty much what we
18 heard of it.

19 He started his build-out. He started with the
20 jackhammer. I said it was very offensive. I called
21 him he said, You're right. It sounds like a helicopter
22 in your space. No worries. He did take care of it.
23 We worked that out.

24 So other than that, we really didn't cross
25 paths till, I would say, I think it was late March, and

1 the tenant came in --

2 Now, the parking lot, as you saw, it fits --
3 it's a bit narrow, especially our parents, you know,
4 they have big cars; they have a lot of kids. So it's
5 hard to back in, so most of them go to the end to turn
6 around and come back. Well, that day a parent came in
7 and said, What's going on in the back? It's completely
8 cordoned off with that metal barricades. I can't turn
9 around. I'm not sure. I said, Okay, I'll go back and
10 look.

11 And then Dominick was in the back with -- I'm
12 not sure -- someone else. They were smoking cigar.
13 There was a baby inside by itself in a stroller, around
14 a two year old or maybe younger.

15 I said, What's going on?

16 They're like, Well, this is what we're gonna
17 do.

18 I said, Well, that really doesn't make sense
19 because this space is common area. This is a parking
20 lot. Our families need this to turn around.

21 He says, Well, no, we're going to have music.
22 We're going to have people. It's going to be great.

23 Well, you're describing a party to me.

24 No, no, no, no. It's not a party. It's just
25 people are gonna come. It's going to be great, a lot

1 of people.

2 I said, I got to be honest with you, and I've
3 been honest with Dominick and anyone I've spoken to
4 from Farmer from day one. I said, This really doesn't
5 make sense. It doesn't really fit. You're going to
6 have people out here drinking while we have children
7 over here coming to fence. Either way, I objected. I
8 had written to Mr. Nathan and objected, and,
9 eventually, they took that down temporarily.

10 This is pretty much what it was from the
11 beginning. I believe this date is April 23rd. So this
12 is their soft opening. So for their attorney to stand
13 there and say brew incident, no, this is not the first
14 week, the second week.

15 Again, I went out to take pictures. Dominick
16 and John, who is not here, approached me. We chatted
17 for a little bit. Dominick walked away. I talked with
18 John for probably 30, 40 minutes. I explained to him
19 my concerns about what was going on. He said, Okay, I
20 get it.

21 I said, What I need you to do, I'm having
22 sound issues. The sound was a problem. We can't hear
23 anything in our space. We're trying to give lessons to
24 small children who are completely distracted by what's
25 outside. What's that music what's? What's that

1 cheering?

2 Forget the people coming back and forth, I'll
3 discuss that. Either way I spoke to John. He said,
4 you know, we got to work this out, whatever. I'm going
5 to need this. I'm like, Look, I understand. This is
6 my business too. You're protecting your business; I'm
7 protecting my business, but the reality is not what you
8 told us. This is not what you told the Board when you
9 got your special use permit.

10 He's like, I got a new special use permit.

11 I said, No, you didn't. I checked it. You
12 didn't.

13 He said, No, no, no, no. I did.

14 Like, either way, if you did, then you don't
15 have an issue, do you? I don't believe you do, so this
16 is the thing. This is not the business you asked to
17 run. I'm comfortable with the business that you asked
18 to run. Definitely sound is going to be an issue.

19 He said, We will work together.

20 I said, Look, I'm being honest with you. I'm
21 not comfortable with a bar next to the children in our
22 company. There is a variety of reasons why they won't
23 put bars next to schools, but if you have some ideas,
24 I'm happy to hear them.

25 The next morning my husband and I have gone

1 back because he hadn't seen it. We start up on
2 Saturdays. Again John approached us. He had to go
3 give the lessons. We chatted some more about the whole
4 thing, and I said to him, you know, again, I'm just
5 being honest with you. I'm happy to talk to you, but
6 we, you know, you need to find a way to get back to the
7 business you promised.

8 His response to me was, I can't do that.
9 That's not gonna make me any money.

10 I was like, Well, I think we're going to have
11 an issue because this is not working for me. My
12 parents are already complaining saying what on earth is
13 going on back there? What is that a party? Is that a
14 one-day thing? Is that staying here? Either way, I
15 didn't know what was happening. I was just trying to
16 quell people.

17 P.S. we agreed to have a meeting with Dominick
18 and John. We go to their space, my husband and I.
19 You're right, he did start with the wall saying this is
20 what I want to do. I did say, John, listen, I'm
21 appreciative of the wall, but let's get to some of the
22 other more sticky points because I don't really see the
23 point of discussing a wall if we can't get passed the
24 other things.

25 He said, Okay, he said, You know, what do you

1 want? I told I would like you to run the business that
2 you said you were going to run. He says that's not
3 possible. I'm not doing that. I said, Okay. I'm
4 willing to follow this and go to any party that I need
5 to because this is a hazard to our children.

6 To which he said, Well, you're going to have a
7 problem because the Board loves us. The Mayor calls me
8 every week to check on us.

9 I said, Okay, well, I will take my chances.

10 He said, Well, what are you going to do? I
11 can tie you up for two years in court. I have endless
12 funds, quote-unquote.

13 I says, Well, I guess that's what we have to
14 do.

15 He says, What if you get nothing?

16 I go, I guess you won. I don't know what to
17 tell you.

18 Then he got very belligerent and screamed at
19 me that I was not letting my husband talk, who was just
20 not just interested in talking at the moment, and
21 actually said and I do mean screamed at me and told me
22 to stop and let him talk.

23 At which point, we got up and left.

24 Later on, Dominick apologized for that
25 incident.

1 A little bit more back and forth, more
2 pictures which I will go over.

3 Eventually, they had the security guard who
4 had came in to introduce themselves to the club. I
5 missed it. When I came back -- I'll show you.

6 This gentleman was the security guard who came
7 to introduce himself.

8 TRUSTEE CUSATO: Say that again.

9 MS. TIOMKIN: This gentleman is one of the
10 security guards who came to introduce himself when they
11 first opened.

12 I had not been there when he came in, and I
13 went to the back to say, What's going on?

14 He said, Oh, we've been hired full-time
15 security for Lost Farmers. We will be here on a daily
16 basis and we were hired here till 10.

17 Okay, then, as Mr. Nathan mentioned, they
18 proceeded to start stopping the cars as they went in,
19 asking them where [sic] they are, who [sic] they are
20 going. I spoke to them. I said, I can't have a
21 security guard.

22 Either way, P.S., that all resulted in them
23 sending me a cease and desist letter from an attorney,
24 full of lies, saying that I refused to speak to them
25 and simply uttered, I want you out of business. I have

1 never said those words. I have repeated ad nauseam to
2 please run the business you promised us all.

3 They also said that I was harassing their
4 employees, that I was contacting people. I have a copy
5 if you would like. Again, we can -- I didn't make a
6 copy of that for the packet, but I do have a copy.

7 Later on, Dominick, again, apologized for that
8 behavior because it was full of lies.

9 Anyway, moving forward to our last meeting
10 that Dan and Dominick, I said they wrote me texts,
11 which, again, I can provide, I, again, explained to
12 them I would be happy to talk to you, but, please,
13 let's have some genuine honest discussion here because
14 if you're gonna come with your stories of strollers and
15 babies, that doesn't help me. I agree you have a
16 stroller at 2 o'clock on a Saturday, but that's not
17 what you keep having.

18 That was in May, May 1st.

19 This is May 14th. I can go like this every
20 week. And he says to me, We have strollers and babies.

21 I said, Again, this is what I mean about your
22 obfuscations and your lie. Yes, at 2 o'clock you have
23 a baby, but you know what, they leave, and this is what
24 replaces it on a constant basis.

25 We left that meeting with Dan who, again, told

1 me that you, Mr. Mayor, were helping them find a new
2 building for their business.

3 I said, Well, that sounds a bit strange to me,
4 but no problem, either way, the reality is even if you
5 are looking for new space, it's going to take you about
6 eighteen months. I said, Look, if you came here today,
7 showed me a lease, signed, you're gonna go, I won't
8 complain. I will leave you alone. I'm happy to have
9 you have your business. Clearly, it's doing well.
10 It's well received. This is just not the location for
11 it.

12 We left that saying they were going to try to
13 make some amendments. They were not gonna be open so
14 early and there weren't going to cordon it off.

15 I said, Great, no problem. First step is to
16 get it in writing. We'll move forward. I'll talk to
17 my husband. I reached out to them, Who is going to be
18 the lead person. This is supposed to be in writing.
19 Nothing happened.

20 I left Dominick a voicemail that following
21 Monday --

22 This is the weekend after the conversation, by
23 the way, where they promised me they were going to do
24 better.

25 I left Dominick a voicemail. He, again, just

1 sent me the contact for Dan. Dan, in that meeting,
2 which I have subsequently found out that they have
3 tape-recorded, so if anyone needs confirmation of any
4 of this, they have it on tape. When I said --

5 They said, It was Mr. Nathan's fault.

6 I said, Hold on, guys. You bare the
7 responsibility. You bare the responsibility for
8 misleading people and lying and this -- you should not
9 be here, and you guys knew that we were here.

10 Dan answered, and, again, this is on tape, he
11 answered, I wasn't very involved in the selection of
12 the location. Maybe I would have thought differently
13 had I been involved.

14 At that beginning meeting -- at that
15 particular meeting also Dan came in and said, No, we
16 have a new special use permit already.

17 Again, I said, No.

18 He said, No, no, no, no, you pulled the wrong
19 one. You pulled the wrong one off of the site.

20 No, no, that's the one they had.

21 Either way, they're constantly lying. They're
22 constantly misdirecting. They sent a cease and desist
23 letter which was full of inaccuracies and lies because
24 I go and take a picture.

25 Now I promise you, as you can see, I stand to

1 the furthest point possible at the fence and take a
2 picture, and I said to them that night, Guys, you know
3 I have to document it. It's not personal, but I have
4 to document.

5 Either way, that was the breakdown. We have
6 had no discussions since then. It's gotten a bit more
7 contentious. It really got to the point where I do not
8 go to the back to take pictures because, again, John,
9 who is not here, became very belligerent. At one point
10 he started threatening me and screaming at me that he
11 hopes it's going to be worth it for me. That was the
12 last time I went back to take pictures.

13 I don't even go in that space, which is
14 ridiculous because we pay for that common area just
15 like they do.

16 I do have some more pictures right before I
17 stopped, and then the video that I'm going to show
18 you -- the first two videos were taken by me. The next
19 one are from what they have been posting on social
20 media because I do not go back there, but you can see
21 what they're posting.

22 This one is, just so you have it for your
23 reference, and I'm really surprised that no one says to
24 them whose violation have you been complying because
25 they have not. Actually, after their violation, they

1 expanded their hours, they're currently opened at 12
2 p.m. every day, which I will go over in my packet, and
3 they do have loud music and they have food.

4 And that one is from 6/25 from their social
5 media.

6 I apologize I only have a computer, and I can
7 kind of put it up here, and you guys can see it. Where
8 is the best place to put the video?

9 MAYOR STRAUSS: What's the video on?

10 MS. TIOMKIN: What's going on in the bar on a
11 regular basis.

12 MAYOR STRAUSS: I think we have a pretty good
13 indication.

14 MS. TIOMKIN: No. I would appreciate it
15 because I don't think you get the full scope without
16 the sound and the time.

17 MAYOR STRAUSS: Okay.

18 MS. TIOMKIN: Thank you, I appreciate it.

19 There are some things that pictures just can't
20 quite capture.

21 (Whereupon, a video was played.)

22 MS. TIOMKIN: That's what we listen to and
23 that's what our children have to listen to.

24 MAYOR STRAUSS: What time does your business
25 close, ma'am?

1 MS. TIOMKIN: During the week, we close at
2 approximately 8:30.

3 Mine was much shorter, but in an effort to
4 sort of address everything else that's been said, I
5 have had to kind of expand it. As I said, I don't have
6 videos because the same thing going on earlier, but I
7 just don't go back there, but at this point this is
8 just what they're posting. But the sounds that you
9 hear, we hear them basically exactly the same way, and
10 the children are also treated to this.

11 Again, I would characterize their behavior as
12 irresponsible, selfish and definitely demonstrating a
13 complete disregard for any rules including the ones
14 that you have set.

15 And, again, just to go to the folder to help
16 you a little bit understand, because, obviously, to
17 give you a sense of what's going on, but just so you
18 understand how it affects us and why it affects us the
19 way it does, you have this first page in your folder.
20 You have seen the layout.

21 The problem here is that it's not only about
22 coming in and going out and seeing these people and
23 doing this, right? It's also the sound, but, also,
24 this is where the children train. There's thirty feet
25 of window going right into the hundred fifty foot long

1 parking lot to which all of their intoxicated patrons
2 come and go. They're loitering. They're smoking. I
3 have had parents come in complaining that there's
4 people smoking marijuana in the parking lot as they're
5 bringing their eight-year-old in to pick up their
6 13-year-old and have to go back to that. There's
7 people dancing. There's people arguing. There's
8 anything that is going on in a bar, that's what's going
9 on full-time outside, thirty feet of window. Children
10 are there, two hours on a daily basis, watching that.
11 That is unsafe. That is unsafe. It's unethical and it
12 is not appropriate.

13 I mean, obviously, there's a lot of other
14 stuff that was covered but, basically, my thing what
15 I'm saying is that we, obviously, vehemently oppose any
16 amendment to their special use. We actually feel there
17 should be a consideration to revoke the one they have
18 because they have not complied with it from day one.
19 When they got their notice of violation, the next day
20 or maybe a week later they expanded their hours till
21 twelve.

22 In your file, your gonna see them advertising
23 for people to come at all hours of the day for all
24 sorts of events. So, for instance, the fight starting
25 at 10 o'clock at night, come watch it with us.

1 Live music on a Sunday 4 to 7. They're
2 supposed to be closed, and I didn't bring a tape, but I
3 can tell you everything she played because we hear it
4 just acoustically wonderfully in our space.

5 Here is advertising to come at noon for a
6 game. They're supposed to currently open at 4.

7 Here's more advertising for 8 for a game.

8 I think you get the picture. Because I can
9 bring tons more, but you get the idea. There's no even
10 attempt at compliance. There's complete disregard for
11 any set of rules. Their business presents a danger and
12 a disruption to ours. We actually had had students
13 leave. We've had multiple students leave. A few were
14 kind enough to request a different lesson time, which
15 we didn't know we couldn't accommodate because now
16 they're opening at noon. So that doesn't even help me
17 anymore. People who would normally recommend their
18 friends are not recommending their friends because
19 their friends say, Are you crazy? You're sending me
20 next to that place? What on earth is going on here?

21 They have a huge brewery flag that they have
22 stopped putting out, but they put it out for a long
23 time.

24 And you have a copy, also. It becomes a
25 lovely piece for garbage, and it is a hazard. Some

1 metal thing sticking out of the cement for no reason.

2 Anyway, my bottom line is their business is a
3 danger and a problem for the safety and the welfare of
4 the children because children cannot be exposed to this
5 and should not be exposed to this morally and
6 ethically. That does not belong next to a place that
7 teaches children full-time. They knew that, and they
8 knew that when they came here, and the reason they told
9 you guys a different story is because they can't sell
10 this one. But this was their intention from the
11 beginning. As you can see, that's what they started
12 from day one. It didn't grow into that; it started
13 with that.

14 And any time they tell you I refused to talk,
15 it is a complete lie. I spent at least three hours
16 talking to them. Yes, I refused to accept the business
17 they run, absolutely, 100 percent, I did refuse to
18 accept that, but I gave them suggestions.

19 Dan is, at one point, what do you want me to
20 do? Too many people are coming.

21 I'm like, Look, you can do this. You can do
22 the start time later. I'm not there. That's between
23 you the board the landlord. I'm not there. This is up
24 to you. So this is not personal. This is not about I
25 don't like you. This is not about what I have to say.

1 This is about their business is disrupting our
2 business, and it is not ethically and morally correct
3 for the children and our club to be subjected to what
4 they're being subjected to.

5 So I not only completely hope and ask that you
6 do not consider any special amendments because they're
7 already past 75. So their lawyer Mr. Martins is going
8 to stand here tell you 75 is going to be good enough,
9 but it's not. You can count past 75, past a hundred
10 people, past a hundred fifty. So 75 can't begin to cut
11 it, and if they can't meet the rules that were placed
12 upon them in the beginning, what makes you think
13 they're going to meet these rules?

14 If you take -- give them this much, they take
15 this much. If you give them this much, they're gonna
16 take this, and that is a problem, and it is --

17 There are cars zooming in and out, in and out
18 at very high speed. They have not followed one single
19 rule and have created a dangerous environment.

20 You saw the video. They're in there at
21 midnight on some heavy forklift playing, playing.
22 That's not a toy.

23 They demonstrated complete disregard for you,
24 for me, for the landlord. They lie, and they have
25 misrepresented their way into something we shouldn't

1 have, and I hope you will take that into consideration
2 when assessing what your decision is for their request.

3 I appreciate your time, thank you.

4 MAYOR STRAUSS: Thank you very much for your
5 time and your effort.

6 Anybody else wishing to -- sixth row? Seventh
7 row?

8 Yes, sir.

9 MR. ARN: Hello, my name is Anthony Arn. I am
10 a customer at Lost Farmer Brewing and I am a good
11 friend of Mr. Gunn. I'm a submarine veteran for twelve
12 and a half years, and I don't say this to seek
13 attention but to bring to light the fact that I am not
14 a stranger of establishments that serve alcohol. I
15 drank around the world and in various places in
16 America.

17 And from the several times that I have gone to
18 Lost Farmer, at no point did I personally ever witness
19 any of this belligerency that has been talked about.
20 At no point have I ever considered going there to
21 overindulge in alcohol. I have gone there, had a few
22 drinks, enjoyed a tasting of the beverages that they
23 have to offer, and even though I take the LIRR home to
24 go back to Sunnyside Queens, I am, for the most part,
25 very sober. I have not personally witnessed an

1 overpacking at this establishment. It's always been
2 people coming to, in very civil manner, enjoy some
3 beverages from a local brewery and sometimes they even
4 bring their dogs, and it is just a very nice
5 environment.

6 Personally, I very much so enjoy this
7 establishment and I hope to see it succeed and to be
8 honest, if I wanted to become belligerent I don't think
9 I would ever even consider going there because the
10 environment that they have, they are painstakingly
11 going to lengths to create, is, as you're familiar, is
12 retro '80s theme, which is very novel, but, overall, at
13 no point has Lost Farmer seemed to entice me to want to
14 overindulge and do pretty much any of these things that
15 they're being accused of. And that is all I have to
16 say.

17 MAYOR STRAUSS: Thank you very much for your
18 time.

19 Anyone else wishing to make public comment?

20 Mr. Martins.

21 Anybody from the board want to say anything?
22 Deputy Mayor, do you want to say anything?

23 DEPUTY MAYOR PEREIRA: My comments are for the
24 conclusion of the presentation by the applicant, but I
25 will say there are several things at play here. One

1 clearly is that we have to look at the use that was
2 permitted and the request they are making and that's
3 one part of this.

4 The other part is clearly a landlord/tenant
5 tenant issue and the forum for that will probably be a
6 different place other than this. There are courts for
7 that. The State Liquor Authority, which should be the
8 establishment that permits you to serve the alcohol
9 also regulates that, so there are several issues here
10 that we have to look at, but, certainly, litigating a
11 lease between a landlord and a tenant or a disagreement
12 between two tenants, that is really, in my opinion, is
13 for a different venue and there are different avenues
14 for a landlord to seek relief, and I am sure he is
15 pursuing those as there are different avenues for the
16 tenant to seek relief as well.

17 What I see here is what we have had before
18 applicants come before us to reconsider conditions or
19 to change conditions, and sometimes they have been
20 granted, sometimes they haven't, and sometimes there
21 are problems. So that's where I see this, but
22 certainly, I don't want the Village Board to become a
23 place where documents such as a lease and we become the
24 arbiter of those documents that were made and signed
25 without our knowledge and where we certainly have no

1 standing to any side.

2 So Mr. Nathan enters into an agreement. He
3 entered into that agreement. If he wants to break that
4 agreement or terminate that agreement, that's not up
5 for us to decide.

6 For us to decide is whether or not these
7 applicants are following the rules and clearly are not
8 and that's why they are here and we will take that look
9 at that but other than that I would like to hear -- and
10 I would also like to do some research on what was there
11 previously. Even previously to the fencing company
12 because as we know it was an M district, manufacturing.
13 We have a building supply place next door. We have
14 other shops heavy industry down the street. We had
15 dust and certainly I think in terms of environmental
16 impact this has certainly less than an impact of things
17 that could go into that space on an as of right issue.
18 They have light issue there. You can have mechanic
19 welding machinery, things like that.

20 So, before I certainly make any decisions, I
21 would like to do some more research on my own. Thank
22 you, Mayor.

23 MAYOR STRAUSS: Thank you.

24 Trustee Cusato?

25 TRUSTEE CUSATO: You know, what we have a ton

1 of paperwork here. I just wish that maybe this could
2 have gotten to us last week because I'm flying blind
3 here. I have a ton of stuff each guy claiming
4 something, so I wish I would have gotten this maybe
5 last week so I could understand what was going on.

6 Thank you.

7 MAYOR STRAUSS: Trustee Walsh.

8 TRUSTEE WALSH: Thank you, Mayor, thank you
9 all for coming out.

10 You know, I see this partially as a
11 landlord/tenant issue. And as the Deputy Mayor said,
12 that's not going to be resolved here, and we do have a
13 stack of paperwork to look through, and there won't be
14 a decision made tonight. My question would be what
15 food do you prepare there? I know you have frozen
16 pizza, but other than froze pizza, what food do they
17 personally prepare to sell?

18 MR. MARTINS: Nothing but the frozen pizza
19 that's heated and pretzels that are heated.

20 TRUSTEE WALSH: That they heat?

21 MR. MARTINS: Yes.

22 TRUSTEE WALSH: And this food truck, the food
23 truck is a different issue. It is not their issue, but
24 it's certainly not a licensed truck. There are only
25 two vehicles that are licensed in the Village of

1 Mineola, and that one is not one of them. So that's
2 another issue that has to be addressed. Not being your
3 issue but it's an issue.

4 And other than that, we have some research to
5 do, and that's all. Thank you.

6 MAYOR STRAUSS: Thank you.

7 Mr. Martins.

8 DEPUTY MAYOR PEREIRA: I have another
9 question, I'm sorry to interrupt, but I do remember and
10 I believe as was presented by the two people that just
11 spoke, I would like to ask the question: Does the Lost
12 Farmer currently have any customers, any commercial
13 customers for their product as they presented when they
14 originally applied? Do they have -- do they sell to
15 any bars or restaurants wholesale at this time? And if
16 they can elaborate on that.

17 And, certainly, you know, someone's entitled
18 to open a business with one business model and then
19 pivot because the market has changed and they're
20 seeking relief for that by coming here, perhaps, and
21 one can argue they're only here a year and because of
22 the complaints and because of the notice of violation
23 and certainly I'm sure they wouldn't be here if that
24 had not happened, but having said that, they also have
25 the right, as the landlord mentioned that he has

1 certain rights within his lease, of course, he does,
2 and as I said, he has relief for that. The businesses
3 also have a right to, you know, pivot and to reinvent
4 themselves, of course, within the purview of the permit
5 that was granted to them. So my question would be does
6 Lost Farmer have that part of their business as a
7 business -- is it still part of their business model?

8 MR. MARTINS: Deputy Mayor, my understanding
9 is that it is part of their business model. I will get
10 those details, and I believe they made clear there
11 isn't going to be a decision today. I will forward
12 that information for the Board's reference as well.

13 Mayor, if I may --

14 I'm sorry.

15 TRUSTEE WALSH: To that question, what
16 percentage of your business is selling beer to other
17 establishments?

18 MR. MARTINS: I will --

19 TRUSTEE WALSH: And what percent of the beer
20 that you sell is your product compared to other
21 products that you sell from other people?

22 MR. MARTINS: We'll get you those details as
23 well, Trustee, thank you.

24 MAYOR STRAUSS: Any other comments from the
25 board?

1 TRUSTEE CUSATO: No, I'm fine.

2 MR. MARTINS: Thank you. And I want to thank
3 the Board for what has turned out to be a rather late
4 night, and certainly later than we probably would have
5 expected when we came here today. I would say that
6 there are a couple of issues that are disappointing --
7 I use the word disappointing instead of another term as
8 part of this process, a landlord tenant --

9 What we didn't hear today is a single Village
10 resident that came up and complained about noise, use
11 and impact to the community. What he didn't hear is
12 any of other businesses in the area come in and
13 complain about this particular use.

14 When we look at the standards under the
15 Village Code when it comes to granting and considering
16 the amended special use permit, those conditions are
17 there, and they don't speak to the individual wants or
18 needs of another tenant dictating how another tenant is
19 going to operate on premises. It doesn't speak to the
20 relationship between a tenant and a landlord. It
21 speaks to the relationship between this particular use
22 which this Board has already found to be conforming,
23 within limits, and whether or not those limits should
24 be expanded and whether or not the history of this use
25 is appropriate to this area.

1 So we can sit here and talk about, you know,
2 who did what, when and what the individual impacts were
3 to an adjoining neighbor. The question is what is the
4 impact to the community and whether it is in conformity
5 with the use in that area. I think we're clear it has
6 been or else, Mayor, members of the board, you would
7 hear from residents of this Village here today
8 complaining about it and not just a landlord who made
9 his intentions more than clear when he said he didn't
10 charge the right rate for this use.

11 This isn't about how they're using the
12 property. It's the fact that the landlord thinks that
13 he should be charging more for this use, and that's an
14 issue that we're going to resolve in court.

15 But the issue for us today is what is the
16 impact to this community, to that M district and to the
17 surrounding residential communities. That's what we're
18 asked to consider and that's what this application is
19 about. I have not heard of a single complaint that has
20 been made by anyone, a resident or another business in
21 this Village other than the people who were here today
22 and, obviously, came loaded for bear and made some very
23 disappointing comments in regard to the owners of Lost
24 Farmer -- they don't know what they're doing, they're
25 not competent, they're liars. We have heard all kinds

1 of things today. I have known them to be anything but
2 those things they're accused of. They're earnest,
3 they're trying their best. They have a business that
4 actually exceeded their expectations, and they're
5 asking this Board to give them some leeway in an area
6 where it's not going to impact, and I think it's clear
7 that it's not going to impact the community.

8 You saw videos today, you saw photos today,
9 you saw and heard representations from a cotenant and
10 from a landlord, and if any of those things that they
11 said were true, you would have complaints from
12 residents from this community here asking you to shut
13 this place down. You don't have that. If they had
14 people leaving this place drunk, you have police down
15 there shutting them down, if people were stumbling out
16 of here. We know that. We have seen establishments in
17 this Village and in other places that have actually
18 suffered under those circumstances and the police have
19 actually got involved. I have not heard of a single
20 incident nor do I think this Board or this Village has
21 heard of a single incident where the police had been
22 called there because people were acting unruly, were
23 drunk or breaking the peace.

24 That's the standard we're talking about. The
25 standard of this Village is whether or not to grant the

1 special use permit should not be whether 5T agrees with
2 the use. Remember that. This isn't about them. This
3 is about a business in this Village that invested in
4 this Village, has a lease that a landlord says that he
5 was duped, signed, allowing them to open a microbrewery
6 with a tasting room.

7 I invite the Board to do a simple Google
8 search on what a tasting room is, and we can sit here
9 and look at the boards, and he can claim that it is a
10 bar, but if you look at what a tasting room looks like,
11 just a simple Google search, you will see very similar
12 to that. It's a tasting room, that's how it's being
13 used.

14 I haven't heard anybody and, frankly, if the
15 board had and if the Building Department had heard
16 about people leaving this place drunk or unruly
17 behavior, that would be here. We would have that. It
18 would be part of this discussion today, but it's not.

19 So I would ask you to consider allowing for
20 the expansion of those terms for the special use
21 permit.

22 We have members here of the Chamber of
23 Commerce who came down tonight. Nobody wants to get
24 involved in a dispute between a landlord and a tenant
25 or two tenants in the same building, and I'm not asking

1 anybody to do that. We'll deal with that.

2 But the standard here is different. What's
3 the impact to the community? And are we going to
4 punish a business for its success because another
5 business doesn't like it? Are we going to allow
6 somebody to dictate the terms by which a business
7 conducts itself when it's conducting itself pursuant to
8 its license, and, in its mind, pursuant to the terms of
9 its very lease?

10 Again, I'm not asking the Board to get
11 involved. We'll deal well that in court.
12 Unfortunately, it's come to that.

13 But I will ask you to consider this: This
14 business was started a year ago under those
15 circumstances. Nobody lied to this Board. They told
16 you the truth, as they understood it at the time. And
17 circumstances have changed, so here we are again. That
18 happens. That's not a lie. That's a change of
19 circumstances, and they're asking for your help.

20 So who's here? Who's complaining? Who's
21 asking you not to allow what has become a successful
22 business in Mineola to continue to be successful? The
23 landlord? The cotenant, who else? We have given you
24 letters from business owners in the area. You have
25 them in your packet. Tenants in this very building.

1 It's in your packet. I'm not gonna give you a copy of
2 the lease. I'm not asking you to interpret my lease.
3 If these were actual issues that involved a public
4 nuisance, someone would have called the police.
5 Somebody would have intervened. They would have had
6 other circumstances. This is personal and,
7 unfortunately, it's been brought before this Board in a
8 way that is distasteful. But all we're asking for is
9 the opportunity to continue to do business in this
10 Village. And we're not asking for unfettered use.
11 We're asking for an expansion, and we're very specific
12 as to the numbers we are asking for, and, yes, if they
13 do go beyond those numbers, you will enforce them and
14 they will face the consequences. We're not asking for
15 a blank check, and I don't think we're being
16 unreasonable given where it's located, given the fact
17 that there has not been a single complaint. And,
18 remember, you were shown videos, pictures, all kinds of
19 things going on here. One of them being the Euro 2021
20 final. Okay, people cheered. Did you get any
21 complaints from that cheering? Did this Village get
22 calls from residents complaining about noise, music?
23 Intoxicated people walking out of this establishment on
24 to East Second Street and then going along their
25 business? Have you gotten a single complaint? The

1 answer is no. So under the standards that very Village
2 Code requires, they're entitled to this. The impact is
3 to the residential community. It's in the code, and
4 they're not here to complain nor have they complained.
5 So, please, don't allow one tenant to be pitted against
6 another and allow this Board as the leverage to do
7 that. Respectfully, that's not your role. They
8 deserve to have an answer.

9 As I mentioned earlier when I made my
10 presentation, we're in court. We have to go back to
11 court. We have to be able to represent to a judge of
12 the Supreme Court here in Nassau County that we came
13 before this Board and we have a decision from this
14 Board. I was hoping for a decision tonight, and I know
15 we're not getting one tonight. Hopefully, soon we will
16 have one. Cause not only do we have to deal with the
17 realities of keeping this business going and keeping
18 this lease going and dealing with the troubles we are
19 having with the landlord and, obviously, the cotenant,
20 but we have to go do it down in a court of law, so I
21 just ask, to the extent that the Board is inclined to
22 consider this request and this application or not, that
23 you give us a decision, and, if not today, in the near
24 future so that this business knows what its future
25 actually is.

1 I'm more than happy to answer any questions
2 any of you have and I know these issues aren't going to
3 be resolved tonight, but, please, it's not about an
4 individual tenant and it is not about the landlord. It
5 is about the impact to the community, and we haven't
6 heard anything tonight that changes that other than
7 unsubstantiated accusations of some wrongdoing and some
8 nefarious people got duped. They are sorry.

9 MAYOR STRAUSS: It's arguable the level of
10 impact and the level of community. When you talk about
11 the Village of Mineola as a whole, yeah, probably the
12 impact -- the negative impact to the community by Lost
13 Farmer is none. But the community around that
14 building, obviously, it's impacting someone, so,
15 obviously, that needs to be taken into consideration as
16 well, and when it's said that, well, nobody's
17 complained about people drunk walking out in the street
18 drunk, intoxicated, carrying on, somebody's complaining
19 about it. We don't have multiple complaints because it
20 is not on the corner of Mineola Boulevard and Jericho
21 Turnpike. It is not on the corner of Willis Avenue and
22 Jericho Turnpike, but it's obviously impacting someone.

23 So we have to take all of that into
24 consideration as well as the voluminous paperwork
25 that's here, and we will render a decision.

1 Any other comments from the Board?

2 MR. NATHAN: Can I speak one more time?

3 MAYOR STRAUSS: Sure, Mr. Nathan.

4 MR. MARTINS: I'm sorry, your Honor, before
5 Mr. Nathan, I would just say that unsubstantiated
6 accusations of drunk people are exactly that and to the
7 extent the Board wishes to consider that, I can't prove
8 a negative nor could they.

9 MAYOR STRAUSS: We totally understand that.

10 MR. NATHAN: Yes, your Honors. I think the
11 violation that the Village issued, the last one, there
12 was six different items.

13 TRUSTEE CUSATO: Can you bring the microphone
14 closer, please?

15 MR. NATHAN: That better?

16 TRUSTEE CUSATO: Yes, thank you.

17 MR. NATHAN: I'm referencing the notice of
18 violation that was levied. It had six things,
19 basically, Lost Farmer had not abided by, I believe,
20 any of the conditions that this Board had imposed. The
21 last item No. 6 says, Applicant's proposed use subject
22 to the conditions imposed by the Board will provide the
23 desirable service for convenience to the Village.

24 At this time it does not. So an inspector
25 here essentially said that this is not providing what

1 they thought that it would to the Village. What does
2 speak volumes, I mean the reason that we're here, why a
3 landlord is opposing his tenant -- any landlord would
4 want the success of his tenant -- is because the tenant
5 is not really genuine. The idea that this business has
6 evolved and it can pivot and their plans have changed,
7 is patently false. What you have to take into account
8 is how they started from day one.

9 MAYOR STRAUSS: We understand what we need to
10 take into account, and is there anything new that you
11 would like to bring up?

12 MR. NATHAN: The only other thing that I will
13 bring up is if Mr. Martins said don't believe the
14 pictures. When you see someone become lifted on a
15 forklift, drunk in the back, this will not even happen
16 in a bar. They would be shut down, let alone a
17 brewery. It's really the moral character of who has
18 come in front of you and what they're telling you that
19 they're going to be doing and what they have done.

20 I'm a property owner. I pay taxes here for 21
21 years. I have not done anything wrong. I have taken
22 maybe fourteen, fifteen permits out in this Village to
23 do the most minor of work. I have done everything by
24 the book.

25 Here you have someone who's reputation is in

1 front of you. From day one they never intended to
2 follow your rules. They are giving a problem not only
3 to me and the tenants, they are a danger.

4 MAYOR STRAUSS: Mr. Nathan, anything new?

5 MR. NATHAN: No, this is not new. I just want
6 to reiterate it because Mr. Martins come up here and
7 says these photographs, the this and that, it all
8 speaks for itself. Please look at the lease, look at
9 the provision. This is someone coming and telling you
10 they want to take us to landlord tenant court. I
11 understand that this is not that forum, and I'm not
12 here to litigate. I'm not an attorney, but just take a
13 look at that lease. Look at the number of infractions
14 that we have had. Look at the warped character of the
15 person who has the audacity to come and stand in front
16 of you and ask for more. See what they have done. The
17 record speaks for itself.

18 Thank you.

19 MAYOR STRAUSS: Any other comments from the
20 Board?

21 TRUSTEE CUSATO: No.

22 MAYOR STRAUSS: All right. Deputy Mayor?

23 DEPUTY MAYOR PEREIRA: No. I stand by my
24 earlier comments so there was no additional information
25 there, so there's really nothing additional for me to

1 add.

2 MAYOR STRAUSS: Mr. Martins, anything new?

3 MR. MARTINS: No, Mayor. We appreciate the
4 Board's time tonight. I thank you for your
5 consideration, and certainly we will follow up on those
6 requests that have been made. We will forward that
7 information, I expect, as early as tomorrow and,
8 certainly, if there are any other questions or issues
9 the Board has with regard to this application, I'm
10 happy to follow up. Again, thank you for the time
11 tonight.

12 MAYOR STRAUSS: Thank you.

13 I'll entertain a motion to close the hearing
14 and reserve decision.

15 TRUSTEE WALSH: I'll make the motion.

16 MAYOR STRAUSS: Motion by Trustee Walsh.

17 TRUSTEE CUSATO: I'll second.

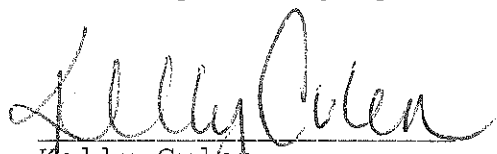
18 MAYOR STRAUSS: Seconded by Trustee Cusato.

19 All in favor? Opposed? Carried.

20 [Time Noted: 8:22 p.m.]

21 * * * * *

22 I hereby certify that the foregoing is a true
23 and accurate transcription of my stenographic notes in
24 the captioned matter.

25 
Kelly Cullen
Official Court Reporter