

INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE  
BOARD OF TRUSTEES

March 13, 2019  
6:30 o'clock p.m.

B e f o r e:

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

\* \* \*

PETER TRENTACOSTE, ESQ.  
Village Attorney

\* \* \*

JOSEPH R. SCALERO,  
Village Clerk

LINDA PARDO  
Deputy Village Clerk

DANIEL B. WHALEN,  
Supt. Of Buildings

\* \* \*

PATRICIA A. TAUBER, RPR  
Official Court Reporter

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

5 MAYOR STRAUSS: Good evening, ladies and  
6 gentlemen. We have a hearing this evening.

7 Mr. Scalero?

8 MR. MARSHALL: Yes, sir.

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

11 "Please take Notice that the Board of Trustees  
12 of the Incorporated Village of Mineola will hold a Public  
13 Hearing on Wednesday, March 13, 2019 at 6:30 p.m. at the  
14 Village Hall, 155 Washington Avenue, Mineola, New York  
15 11501, or at some other location to be hereafter  
16 designated by the Board of Trustees, in order to receive  
17 public comment upon the following:

18 "Application of Dennis Marshall for a Special  
19 Use Permit pursuant to Chapter 550 of the Code of the  
20 Incorporated Village of Mineola, entitled 'Zoning',  
21 Section 550.12, entitled 'B-1 Districts', Subsection (B),  
22 entitled 'Special Uses', and Section 550-16, entitled  
23 'M Districts', to establish a gym/training studio upon  
24 the property known as 180 East Second Street, Mineola,  
25 New York, known and designated on the Nassau County Land

1 and Tax Map as Section 9, Block 300, Lot 26.

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

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

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

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

16 "Dated February 8, 2019."

17 MAYOR STRAUSS: Thank you.

18 Mr. Whalen, report on mailings?

19 MR. WHALEN: Yes, Mayor.

20 We have the Affidavit of Mailing. It has been  
21 signed and notarized.

22 MAYOR STRAUSS: Thank you.

23 Mr. Trentacoste, anything?

24 MR. TRENTACOSTE: Yes, Mayor.

25 At this time I ask the Board to entertain a

1 resolution declaring this a Type II action pursuant to  
2 SEQRA.

3 MAYOR STRAUSS: Motion?

4 MR. PEREIRA: Motion.

5 MAYOR STRAUSS: Motion by Trustee Pereira.  
6 Second?

7 MR. WALSH: Second.

8 MAYOR STRAUSS: Second by Trustee Walsh.  
9 All in favor?

10 MR. DURHAM: Aye.

11 MR. PEREIRA: Aye.

12 MR. CUSATO: Aye.

13 MR. WALSH: Aye.

14 MAYOR STRAUSS: Aye.

15 Any opposed?

16 Carried.

17 MR. TRENTACOSTE: Thank you, Mayor.

18 MAYOR STRAUSS: Thank you.

19 Ladies and gentlemen, this will be the format  
20 for this evening's hearing: We'll have the applicant  
21 make their presentation. There will be an interaction  
22 with the Board, and then we'll open it up to public  
23 comment.

24 Please, anybody coming to the podium, I ask  
25 that you please speak clearly and slowly, state your name

1 and your address, so the court reporter can properly  
2 record.

3 Who's up?

4 MR. MARSHALL: Good evening, everyone.

5 My name is Dennis Marshall. I reside at 110  
6 Gordon Boulevard, in Floral Park, New York.

7 MAYOR STRAUSS: Good evening. Thanks for  
8 coming to Mineola.

9 MR. MARSHALL: Yes. Thank you, gentlemen. I  
10 appreciate the opportunity to be here tonight. Thank you  
11 for reviewing our application and considering the  
12 application.

13 I'm the owner of the gym. We currently operate  
14 a facility in Garden City. It's the town next door. I'm  
15 looking to relocate. I'm excited about the opportunity  
16 to join this particular community. The location that  
17 we've found and that we're looking to operate out of  
18 really suits our needs from a business standpoint. We're  
19 excited about the potential to move there.

20 Our facility, the way that we operate our gym  
21 is, the nature of it is a group training sort of format.  
22 So we offer group classes throughout the day. It's not a  
23 typical or traditional health club model where members  
24 just come in and work out on their own but, rather, we  
25 offer training services for the people that come through

1 to our classes.

2 The classes are anywhere from five to ten,  
3 sometimes 15 people on average, and our members come in  
4 and they work out under the supervision of one of our  
5 coaches.

6 MAYOR STRAUSS: What are the hours you're going  
7 to have?

8 MR. MARSHALL: We open up at 5:00 a.m. Our  
9 last class closes up at 9:30 p.m. Our busiest times are  
10 generally early in the morning. 5:00 to 7:00 a.m. is our  
11 busiest time. And in the evening again from 5:00 to 8:00  
12 is our busiest time as well.

13 MAYOR STRAUSS: Five days a week? Six days a  
14 week?

15 MR. MARSHALL: That's our schedule five days a  
16 week, Monday through Friday, and then on the weekends  
17 we're open in the mornings generally. We open up at 7:00  
18 a.m. on Saturday and Sunday and offer classes up until  
19 noon.

20 MAYOR STRAUSS: How many employees do you  
21 expect to have on the site?

22 MR. MARSHALL: At any time it's usually about  
23 two or three. We'll have one coach running a class.  
24 Typically we'll have a front desk person. Myself and my  
25 wife, we're the day-to-day general managers of the

1 facility. So we're generally there all day long,  
2 starting from, like, 9:00 a.m. to 9:00 at night, 10:00 at  
3 night. But at any given time one person running a class  
4 and then, again, one or two other staff members.

5 MAYOR STRAUSS: How many people is the gym  
6 going to be able to hold? How many people are in a class  
7 or, you know, separate classes? How is that going to  
8 work?

9 MR. MARSHALL: Yes. So the classes are hourly.  
10 So at any given time there's one class going on.  
11 Sometimes we have two classes that overlap a little bit.  
12 But generally the class size, on average, is about ten  
13 people. So that's typically the number of people that  
14 will be in the facility, a couple of staff members and on  
15 average about ten of our members, give or take.

16 MAYOR STRAUSS: OK.

17 Deputy Mayor?

18 MR. PEREIRA: Thank you.

19 And thank you, Mr. Marshall, for choosing  
20 Mineola. You chose wisely. Moving up.

21 MR. MARSHALL: Thank you.

22 MR. PEREIRA: I assume that you're going to  
23 vacate your previous or current business and move it over  
24 here. So you're going to bring that client base with you  
25 for the most part.

1 MR. MARSHALL: That's correct.

2 MR. PEREIRA: I don't have much to add. I  
3 think you picked the perfect community and the perfect  
4 place, a place where there's really no residential within  
5 earshot of anything. So you really have free reign to do  
6 a lot of the stuff that I'm sure you would like to do.

7 MR. MARSHALL: Yes.

8 MR. PEREIRA: I would just, you know, remind  
9 you to continue to work with our Building Department  
10 should you have any issues in terms of any interior  
11 changes, signage, so on and so forth.

12 MR. MARSHALL: Sure. Yes. They've been great.  
13 They've been great thus far.

14 MR. PEREIRA: This is in the M District,  
15 manufacturing district. I would much prefer to have you  
16 there than a machine shop or anything like that. And  
17 your customers won't be fighting for parking at that  
18 time --

19 MR. MARSHALL: Yes.

20 MR. PEREIRA: -- and conflicting with the  
21 residents, or putting our residents out.

22 So we like to see all of our businesses  
23 occupied and, as the Mayor always mentions as well, we do  
24 have a very vibrant Chamber of Commerce. You know, when  
25 the time comes you can certainly reach out to them and



1 work with them. It's a good way to network.

2 And we have another pretty successful gym down  
3 there -- I think their model is a little different -- on  
4 the corner there. But they've been there for several  
5 years. So I think there's a lot of health-conscious  
6 people here in Mineola.

7 MR. MARSHALL: Good. Good.

8 MR. PEREIRA: So thanks again for choosing  
9 Mineola.

10 MR. MARSHALL: Yes. Thank you.

11 MAYOR STRAUSS: Trustee Cusato?

12 MR. CUSATO: Good evening, sir.

13 MR. MARSHALL: Good evening.

14 MR. CUSATO: So you have a parking area on the  
15 east side and a slot on the west side?

16 So I'm thinking the east side parking is yours,  
17 like 12 cars?

18 MR. MARSHALL: Correct. Correct. Yes. That  
19 slot on the west side is just a sidewalk.

20 MR. CUSATO: Yes. Because there's a ramp. So  
21 that ramp is not part of this. It's the next business on  
22 your west side?

23 MR. MARSHALL: Correct.

24 MR. CUSATO: OK. All right.

25 And I guess that boat is going to be removed?

1 MR. MARSHALL: Yes. Yes. That's not our boat.  
2 That's the owner of the building's boat. He's just using  
3 it for temporary parking there.

4 MR. CUSATO: All right. So I'm guessing that  
5 your clients will be parking there?

6 MR. MARSHALL: Correct.

7 MR. CUSATO: And your staff will be parking  
8 there, or somewhere else?

9 MR. MARSHALL: Yes. I mean, in order to free  
10 up the spots for our members, we would likely ask our  
11 staff members to park on the street in the available  
12 street parking.

13 MR. CUSATO: Because you're aware that on  
14 Senate Street there's no parking on that.

15 MR. MARSHALL: Correct.

16 MR. CUSATO: You're aware of that, right?

17 MR. MARSHALL: Correct. Yes.

18 MR. CUSATO: OK. Thank you.

19 Nothing else, Mayor. Thank you.

20 MAYOR STRAUSS: Thank you.

21 Trustee Durham?

22 MR. DURHAM: Thank you.

23 I was going to talk about the parking also  
24 because I saw from your photos and your information  
25 online that there's, like, 40 people in the gym in the

1 photos and I was, like, I think that's a large number.

2 MR. MARSHALL: Sure.

3 MR. DURHAM: And you're saying there's only  
4 going to be, like, ten.

5 Was that a special event that those photos were  
6 from, or is that just advertising with all your members,  
7 or how are you doing that online?

8 MR. MARSHALL: Yes. So most of the photos that  
9 are taken that are on our web site and -- those were  
10 taken at a special event. We would hold a competition  
11 for our members who come through, and it's like -- how do  
12 I explain that? It's like an in-house sort of little  
13 competition where they come, and it's an exception rather  
14 than the rule. It's something that we do once a year.  
15 It's an annual event. Our members come in and they all  
16 work out together. So something like that -- it was held  
17 on a weekend -- that's not something that regularly  
18 occurs. Yes. That's not our normal operation for sure.

19 MR. DURHAM: OK.

20 MR. MARSHALL: Yes.

21 MR. DURHAM: Is it geared for older people,  
22 younger people? Do you have kids?

23 MR. MARSHALL: Everything in between. Yes. So  
24 we have a kid's program that starts at six years old.  
25 That's for six to twelve year-olds, kids classes. We

1 offer programs for teenagers, high school kids. And then  
2 adults, obviously.

3 So our primary membership base, on average, is  
4 30 to 50 years old, but then we offer programs for  
5 younger kids, and then we offer programs, of course, for  
6 older adults as well. So we have what we call a vitality  
7 program, which is for 55 years and up. So our oldest  
8 member is 75.

9 MR. DURHAM: Team training?

10 MR. MARSHALL: Not really. No. No. We've  
11 dabbled in that a little bit in the past, but it's not  
12 something that we really have had much success with and  
13 haven't really pursued. So just mostly individuals.

14 MR. DURHAM: Thank you.

15 MAYOR STRAUSS: Trustee Walsh?

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

17 And thank you, Mr. Marshall, for coming down.

18 And I also believe that that's a good place to  
19 have a gym. You know. And I'm also glad that you've  
20 already owned a business because we sit here many, many  
21 times and people open up businesses and then shortly  
22 thereafter go out of business. I always feel sorry for  
23 these people. They spend a tremendous amount of money,  
24 you know, their plans for the future, for their life, and  
25 they don't make it.

1                   So, having said that, how many customers do you  
2                   currently have?

3                   MR. MARSHALL: We currently have about 300.

4                   MR. WALSH: You have about 300 customers --

5                   MR. MARSHALL: Yes.

6                   MR. WALSH: And you're hoping to take that.

7                   That's a good number. So that gives you a good start.

8                   MR. MARSHALL: Yes.

9                   MR. WALSH: Are you going to be self-contained?

10                  In other words, are you going to be inside? There's not  
11                  going to be any running on the street, or flipping tires  
12                  on the street, or anything like that?

13                  MR. MARSHALL: So we're self-contained. On  
14                  occasion, about once a week, we will run on the streets,  
15                  just out and back for like a couple minutes, generally  
16                  like as part of a workout we're doing that day. But it's  
17                  not like we're taking hordes of people out and running  
18                  around the town.

19                  MR. WALSH: OK. And when you say running on  
20                  the streets, you're talking about running down to the end  
21                  of Second Street and coming back down.

22                  MR. MARSHALL: Yes. Exactly.

23                  MR. WALSH: You're not running through the  
24                  neighborhood.

25                  MR. MARSHALL: Yes. Right.

1 MR. WALSH: OK. Because in the past people  
2 have had these things and they run through the  
3 neighborhood.

4 MR. MARSHALL: Yes.

5 MR. WALSH: And I wouldn't have a problem with  
6 somebody running past my house, but some people would.

7 MR. MARSHALL: Sure.

8 MR. WALSH: Will you be selling or serving any  
9 type of food at your place?

10 MR. MARSHALL: We don't prepare food. We have  
11 snacks that we sell that's in a vending machine at the  
12 front desk. Little food items.

13 MR. WALSH: So you have a vending machine. So  
14 the garbage would just be regular garbage that comes out  
15 of a vending machine, no refrigeration or storing  
16 anything.

17 MR. MARSHALL: Correct.

18 MR. WALSH: You'll sell drinks, I guess.

19 MR. MARSHALL: Yes. Drinks --

20 MR. WALSH: Do you sell canned drinks, or do  
21 you sell, like -- do you have health drinks that you  
22 sell?

23 MR. MARSHALL: Yes. They're canned drinks and  
24 waters, you know, bottled waters and coconut water and  
25 stuff like that, yes.

1 MR. WALSH: Not that it would have any  
2 influence on my decision at all, but approximately what  
3 does it cost to go to one of your classes?

4 MR. MARSHALL: Are you going to join up?

5 MR. WALSH: Am I going to join up?

6 No.

7 MR. CUSATO: I think you may.

8 MR. WALSH: I'm over the hill.

9 MR. CUSATO: I think you and I are over the  
10 hill. We need to join.

11 MR. MARSHALL: So, it's about \$200 a month --

12 MR. WALSH: OK.

13 MR. MARSHALL: -- on average.

14 MR. WALSH: That's all the questions I have.  
15 Thank you, Mayor.

16 And I think this is a good application.

17 MR. MARSHALL: Thank you. I appreciate it.

18 THE COURT: Thank you.

19 Anything else, Mr. Marshall?

20 MR. MARSHALL: No. I really appreciate it,  
21 guys. Thank you so much.

22 MAYOR STRAUSS: Don't go too far. Have a seat.  
23 We're going to open up to public comment.

24 MR. MARSHALL: Yes. OK. Thank you.

25 MAYOR STRAUSS: Anybody in the first row?

1 Second row? Third row? Fourth row? Fifth row? Sixth  
2 row? Seventh row? Anybody at all?

3 Come on back up, Mr. Marshall.

4 MR. MARSHALL: OK.

5 MAYOR STRAUSS: Any other comments from the  
6 Board?

7 MR. CUSATO: Mayor?

8 So you mentioned your 70-plus program.

9 MR. MARSHALL: We have that too. We have that  
10 too. That's actually one of our most -- at this time our  
11 fastest growing program is our vitality program.

12 MR. CUSATO: All right.

13 MR. MARSHALL: Which is great. It's great to  
14 see.

15 MR. CUSATO: Thank you.

16 MR. MARSHALL: Yes. Thank you.

17 MAYOR STRAUSS: Excellent.

18 I'll entertain a motion to approve.

19 MR. CUSATO: I'll make that motion.

20 MAYOR STRAUSS: Motion by Trustee Cusato.  
21 Second?

22 MR. WALSH: Second.

23 MAYOR STRAUSS: Trustee Walsh.

24 Mr. Scalero, poll the Board.

25 MR. SCALERO: Yes, sir.



1 Trustee Durham?

2 MR. DURHAM: Yes.

3 MR. SCALERO: Trustee Pereira?

4 MR. PEREIRA: Yes.

5 MR. SCALERO: Trustee Cusato?

6 MR. CUSATO: Yes.

7 MR. SCALERO: Trustee Walsh?

8 MR. WALSH: Yes.

9 MR. SCALERO: Mayor Strauss?

10 MAYOR STRAUSS: Yes.

11 Congratulations, gentlemen.


12 MR. MARSHALL: Thank you.

13 MAYOR STRAUSS: Please, as Deputy Mayor Pereira  
14 mentioned, stay close to our Building Department as far  
15 as signage and anything else you might need.

16 MR. MARSHALL: Of course.

17 MAYOR STRAUSS: If you could, get involved with  
18 the Chamber of Commerce. They're a great group. They  
19 can certainly help you. Thank you for choosing Mineola.

20 \* \* \*  
21 This is to certify that the within and foregoing is a  
22 true and accurate transcript of the stenographic notes as  
recorded by the undersigned Official Court Reporter.

23 \* \* \*  
24   
25 PATRICIA A. TAUBER, RPR  
OFFICIAL COURT REPORTER