

INCORPORATED VILLAGE OF MINEOLA

HEARING OF THE

BOARD OF TRUSTEES

September 18, 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.

\* \* \*

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

\* \* \*

LINDA PARDO,  
Deputy Village Clerk

DANIEL B. WHALEN,  
Supt. Of Buildings

\* \* \*

PATRICIA A. TAUBER, RPR  
Official Court Reporter

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1 MS. PARDO: 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.

6 Ms. Pardo, if you could?

7 MS. PARDO: "Legal Notice, Public Hearing,  
8 Incorporated Village of Mineola.

9 "Please take Notice that the Board of Trustees  
10 of the Incorporated Village of Mineola will hold a Public  
11 Hearing on Wednesday, September 18, 2019, at 6:30 p.m. at  
12 the Village Hall, 155 Washington Avenue, Mineola, New  
13 York 11501, or at some other location to be hereafter  
14 designated by the Board of Trustees, in order to receive  
15 public comment upon the following:

16 "Application of Head Injury Association, Inc.  
17 for a Special Use Permit pursuant to Chapter 550 of the  
18 Code of the Incorporated Village of Mineola, entitled  
19 'Zoning', Section 550.12, entitled 'B-1 Districts',  
20 Subsection (B), entitled 'Special Uses', to establish a  
21 day habilitation center upon the property known as 72  
22 Jericho Turnpike, Mineola, New York, known and designated  
23 on the Nassau County Land and Tax Map as Section 9, Block  
24 38, Lots 702, 716.

25 "The Village of Mineola does not discriminate

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

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

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

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

14 "Dated August 28, 2019."

15 MAYOR STRAUSS: Thank you.

16 Mr. Whalen, report on mailings?

17 MR. WHALEN: Yes, Mayor.

18 We are in possession of the Affidavit of  
19 Mailing Notice. It's signed and notarized.

20 MAYOR STRAUSS: Thank you.

21 Mr. Gibbons?

22 MR. GIBBONS: Motion for a resolution to  
23 declare this a Type II Action under SEQRA.

24 MAYOR STRAUSS: Motion?

25 MR. PEREIRA: Motion.

1 MAYOR STRAUSS: Second?

2 MR. WALSH: Second.

3 MAYOR STRAUSS: All in favor?

4 MR. DURHAM: Aye.

5 MR. PEREIRA: Aye.

6 MR. CUSATO: Aye.

7 MR. WALSH: Aye.

8 MAYOR STRAUSS: Aye.

9 Opposed?

10 Carried.

11 Ladies and gentlemen, this will be the format  
12 for this evening's hearings: The applicant will make  
13 their presentation, call its witnesses. We'll hold all  
14 questions until the presentation is completed. There  
15 will be an interaction with the Board. After that  
16 interaction, we'll open up to public comment.

17 I ask anyone that's coming to the podium to  
18 please speak slowly for the reporter, state your name and  
19 your address, or your affiliation.

20 Gentlemen?

21 MR. STEIN: Good evening, everyone. My name is  
22 Seth Stein.

23 MAYOR STRAUSS: Excuse me. What was your last  
24 name?

25 MR. STEIN: Stein, S-T-E-I-N, from the firm of

1 Moritt, Hock and Hamroff, 400 Garden City Plaza, Garden  
2 City, New York. I represent the Head Injury Association.

3 Also here tonight are Robert Lawrence, our  
4 architect. Also Ms. Giordano, the CEO, is also available  
5 to answer any questions with regard to the program that's  
6 being operated here.

7 As stated, Head Injury Association is a New  
8 York not-for-profit charitable organization recognized  
9 under 501(c)(3) by the IRS and provides programs and  
10 services for individuals with intellectual and  
11 developmental disabilities, including traumatic brain  
12 injury. It has historically primarily operated in  
13 Hauppauge, New York, where it has its corporate  
14 headquarters and also operates a day habilitation program  
15 at that location in the Hauppauge Industrial Park, for  
16 those who are acquainted with that. As well, Head Injury  
17 Association operates numerous residential programs  
18 licensed by the New York State Office for People With  
19 Developmental Disabilities -- group homes, as they're  
20 often called -- located, again, in both Nassau and  
21 Suffolk counties which have been developed over the last  
22 several years. As I said, until now they only operated a  
23 day habilitation program in Hauppauge. However, because  
24 of several factors, the need for establishment of a  
25 similar program in Nassau County has arisen.

1 I think there's basically three groups of  
2 individuals who the agency seeks to serve at this new  
3 location for a day program. Just to give you a little  
4 background, a day program is not a residential program.  
5 It's not a medical facility. No medical care and  
6 treatment is provided as part of the day program. It's a  
7 program for adults with developmental disabilities who  
8 come from where they reside permanently, either they are  
9 family homes in some instances or from a group home.  
10 They travel to this proposed location on Jericho  
11 Turnpike. They usually arrive between 9:00 and 10:00 in  
12 the morning. It's only open Monday through Friday,  
13 excluding legal holidays. And then they leave usually  
14 between 3:00 and 4:00 o'clock in the afternoon by the  
15 same buses that brought them in the morning.

16 Obviously -- I don't think it's obvious but, I  
17 mean, they don't have a driver's license. They don't  
18 drive. So they don't have vehicles that they would bring  
19 to the site. The only vehicles that will be on the site  
20 are the staff that work with the individuals.

21 The activities during the day are a range of  
22 activities including, I guess, music, arts and crafts,  
23 some use of computers. And again, these individuals have  
24 -- because the program is certified by the State OPWDD,  
25 Office for People with Developmental Disabilities --

1 their maximum IQ is only 70, and the typical range in  
2 this program is probably around 50, the average IQ. Many  
3 of the individuals are non-verbal, many of the  
4 individuals are non-ambulatory, many of the individuals  
5 require assistance with activities of daily living,  
6 feeding, clothing, toileting.

7 As I said, the day program is a key component  
8 of the program, with the notion of saying that  
9 individuals with disabilities, to the extent possible,  
10 shouldn't sit home all day and watch television but have  
11 an opportunity to get out and to engage in some  
12 meaningful activities. So that that's what the day  
13 program does.

14 It's financed, and has been ever since it's  
15 been in existence over 30 or 40 years, through the New  
16 York State Medicaid program, and all the individuals who  
17 attend the program usually are funded through the  
18 Medicaid program, as will be the case here.

19 And the staffing includes usually in each of  
20 the activity rooms -- and there will be six in the  
21 proposed site -- there are two staff there that work with  
22 the individuals, usually about ten individuals per  
23 classroom, and then there's additional -- a couple of  
24 supervisors.

25 There's a medication room, because many of the

1 individuals are on medications, but they can't administer  
2 themselves, throughout the day. So there's a medication  
3 room with a medication closet that's locked. So  
4 medication is stored there till they have to take a pill  
5 at noon. There's somebody who goes to the cabinet, takes  
6 out the pill, puts it with a cup of water and gives it to  
7 the person so they can take the pill. Also, they have  
8 nurses available to train the staff in that activity, and  
9 perhaps on occasions provide first aide, but there's no  
10 other medical service. There's no MDs that work there.  
11 There's no other, you know, there's no occupational  
12 therapy, no physical therapy of any kind that's provided  
13 there.

14 So, as I said, the people that are going to be  
15 served in this proposal are in three distinct groups.  
16 There's a group of individuals now at the Hauppauge  
17 program who live in Nassau County, either they live in  
18 group homes in Nassau County or they live with their  
19 families in Nassau County as adults. So they haven't  
20 left their family home, but they are entitled to go to a  
21 day program every day, you know, Monday through Friday.

22 These people are currently traveling from  
23 Nassau County to Hauppauge and, as you heard, they're  
24 traveling essentially often during rush hour, and they've  
25 encountered trips in excess of an hour each way. And for

1 an individual with a developmental disability who is  
2 non-verbal, and has toileting issues and sometimes some  
3 behavioral issues, it's very, very difficult. So that we  
4 wanted to have a program located in Nassau County to  
5 shorten their trip every day back and forth. That's one  
6 group of individuals.

7 The second group of individuals are children,  
8 Nassau residents, perhaps from Mineola and around here,  
9 who have graduated from their special education program.  
10 Children are entitled to a special education program from  
11 their school district through the year in which they turn  
12 21. Thereafter they're no longer eligible for special  
13 education services. So many of the children that we're  
14 considering for this program have graduated or attended  
15 BOCES, Board of Cooperation Educational Services, and  
16 they've graduated and they no longer have an entitlement  
17 for a day program. They can't go to school any longer.  
18 So there's a hole, a gap.

19 Many of these children that we're looking at  
20 for this program are on the spectrum. They have  
21 autism-spectrum disorders. And these kids have a  
22 significant -- even on the spectrum, if you're aware of  
23 that, there's a range of level of disabilities, but these  
24 are children that are at the more severe end of the  
25 disability. These are not children or adults who could

1 go to work or that kind of activity. They're usually,  
2 for the most part, those individuals in our program are  
3 non-verbal at all, they have no expressive receptive  
4 language skills, very minimal language. So the prospect  
5 of employment or any kind of volunteer activity is  
6 limited.

7 Then the third group of individuals are  
8 individuals, children also, whose needs are even greater  
9 than the individuals who are in the BOCES program, who  
10 are in residential programs as children. These are  
11 either in-state or out-of-state. There are in-state  
12 residential programs for children with disabilities and  
13 unfortunately, because of lack of resources, many  
14 children also from New York go to out-of-state  
15 placements. But again, when they turn 21 that placement  
16 ends and they have to return to their families. And  
17 these are families who have had to make that difficult  
18 decision that they couldn't manage their children in  
19 their home and therefore look for a residential  
20 placement. So when they come back they may go into a  
21 group home, hopefully, or they may go home with their  
22 parents until they can go into a group home, but they  
23 need a day program.

24 So those are the three kinds of groups of  
25 individuals that will be drawn from there. But as I

1 said, the capacity of the program is controlled by the  
2 State of New York. It's not -- we are not at liberty to  
3 take as many people as we like. It's a certified  
4 capacity, and we estimate that it will be about 60,  
5 right, Liz?

6 MS. GIORDANO: 30.

7 MR. STEIN: 30 to start with, and then the  
8 maximum will be 60 in six classrooms of approximately ten  
9 individuals each. And that's as -- we can't go any  
10 further than that because there's a square foot  
11 requirement that the state imposes for the size of the  
12 activity rooms, and we can't go beyond that. So that's a  
13 licensure.

14 Not only is it licensed by the State of New  
15 York, but it's subject to annual recertification and  
16 inspection. So the facility is annually inspected by the  
17 State of New York, you know, to determine whether to  
18 renew or extend its operating certificate, much like a  
19 hospital or a nursing home. It's the same kind of  
20 situation. And if there's a problem, then the state  
21 expects it to be corrected and ultimately -- though,  
22 knock on wood, we've never had that problem -- but the  
23 state could take away an operating certificate if it felt  
24 that the program failed to comply with the applicable  
25 standards that apply to it.

1                   So that's really -- I mean, I could go on  
2 longer, but that's an overview of what we're doing. I  
3 would ask, Bob, if you want to come up and just give an  
4 idea what the floor plan is going to look like, OK?

5                   MR. LAWRENCE: OK.

6                   MR. STEIN: I would just say: This was an  
7 existing office building that was used, I think, as a law  
8 office and actually was a medical office, I think, as  
9 well previously. But Bob will explain what we're  
10 proposing to do at the location.

11                  MR. LAWRENCE: Robert Lawrence, from Fusion  
12 Architecture.

13                  These are the plans you already have, but  
14 basically we're creating a central corridor. There's a  
15 skylight there that we'll be replacing. The layout as it  
16 is now doesn't really work particularly well for this  
17 program. So we have six individual activity rooms, a  
18 multi-purpose room, some minor office space for  
19 administrative staff. We had to put an interior ramp in  
20 this building because the -- I don't know if anyone  
21 noticed that sidewalk there, that tremendous slope so by  
22 the time you get to Jericho Turnpike you're about four  
23 feet off the ground.

24                  This building started out as, I think, a  
25 newspaper originally. It's been offices. It's been many

1 things. So this is -- I mean, I don't know if anyone has  
2 any questions about the layout.

3 MR. STEIN: As I said, the parking spaces that  
4 are -- how many parking spaces are available? 28, 29, as  
5 I recall.

6 MR. LAWRENCE: The proposed plan actually has  
7 17 spaces, where we were creating just a drive-through  
8 there.

9 MR. STEIN: Right. And 17, the question  
10 presumably asked is: 17 will be more than adequate  
11 because, as I said, the only people who will be parking  
12 are the, you know, the individuals who are working there  
13 every day. None of the individuals participating in the  
14 program will be parking there at all. They will arrive  
15 by mini bus typically. We estimate that between four and  
16 five buses -- what happens is that Head Injury has a  
17 transportation service and they travel around and they  
18 pickup the people from home to home and they bring them  
19 in a bus that holds six or seven --

20 MS. GIORDANO: 15 passengers.

21 MR. STEIN: -- 15 passengers, right, some in  
22 wheelchairs, and then they drop them off and they depart.  
23 They won't park on the street. They won't park --  
24 there's adequate parking on the premises for the people  
25 who are there. So there should be no on-street parking.

1 The buses will depart and return between 3:00 and 4:00,  
2 load up and drive off.

3 So as I said, it's not an intense use. It's  
4 not a program that gets many visitors. Typically, in  
5 other words, people, individuals who live in group homes,  
6 their families visit in the group home. They don't visit  
7 in the day program. Like any -- you know, where the  
8 people live.

9 MR. LAWRENCE: The previous -- when this was  
10 the previous owner, there was an immense amount of street  
11 parking. People parked all the way back into the  
12 neighborhood, and there will be far less of that.

13 MR. STEIN: It shouldn't be. As I said, in  
14 terms of people coming to the site, all the employees  
15 will park on the site. We told them that. No one can  
16 park on the street. And there's no need for it. We have  
17 adequate parking. Perfectly adequate parking.

18 MAYOR STRAUSS: All right. Thank you.  
19 Anything else?

20 MR. STEIN: No. I don't think so, unless you  
21 have any questions.

22 MAYOR STRAUSS: You covered the questions I  
23 had. I just want to thank you for selecting Mineola. It  
24 seems like a low impact on the community.

25 MR. STEIN: Very low.

1 MAYOR STRAUSS: Virtually no impact.

2 And if you're successful tonight, I ask that  
3 you stay close to the Building Department with your  
4 renovations and any kind of signage.

5 MR. STEIN: Absolutely.

6 MAYOR STRAUSS: Deputy Mayor?

7 MR. PEREIRA: Thank you, Mayor.

8 Thank you, as well, for coming here tonight. I  
9 think that with the last comment you hit it on the head  
10 in that this is going to not be an intense use, and it's  
11 obviously a needed use. And we're glad that you picked a  
12 central location with easy accessibility for those  
13 clients that you already have, as well as any new clients  
14 that you may be getting. And this is important work that  
15 should be done. And I think that the neighbors will be  
16 glad that people won't be parking in front of their  
17 streets. And we're glad that we're having a building  
18 that has been vacant for some time that is going to be  
19 occupied, and occupied by someone doing something that is  
20 needed in the community here and at large.

21 So, thank you very much.

22 MR. STEIN: Thank you.

23 MAYOR STRAUSS: Thank you.

24 Trustee Cusato?

25 MR. CUSATO: Thank you.

1 Good evening, Mr. Stein?

2 MR. STEIN: Yes.

3 MR. CUSATO: This may be a stupid question, but  
4 are you going to redo the outside of the building?

5 MR. STEIN: Yes.

6 MR. LAWRENCE: Yes.

7 MR. CUSATO: And, you know, you're doing great  
8 work. It's just a question, sir.

9 MR. STEIN: No. We're going to -- Bob, why  
10 don't you answer it.

11 MR. LAWRENCE: Yes. I mean, we have --

12 MAYOR STRAUSS: If you can speak to the  
13 microphone.

14 MR. LAWRENCE: Yes. We did some preliminary  
15 elevations that slightly changed now. But we are redoing  
16 the siding to kind of freshen up the building and bring  
17 it into the next century instead of where it is just back  
18 stuck in the '80s.

19 MR. CUSATO: Again, I'm in favor of this. Just  
20 a question. Thank you.

21 MR. LAWRENCE: Sure. Thank you all.

22 MAYOR STRAUSS: Thank you.

23 Trustee Durham?

24 MR. DURHAM: Thank you.

25 I just have one question. With the meds that

1 you mentioned, is it a registered nurse or somebody  
2 that's providing it?

3 MR. STEIN: Well let me explain that. Under  
4 OPWDD rules -- I use that acronym, Office for People with  
5 Developmental Disabilities -- direct care staff are  
6 permitted to administer medications if they're properly  
7 trained by a nurse. So in the nurse's room that's on the  
8 thing they will be trained in what's called medication  
9 administration training. MAT, medication administration  
10 training. With that training and certification they are  
11 permitted to go -- and there will be one person with a  
12 lock, there will be only one person that can open up the  
13 medication cabinet, take the medication out, and the  
14 staff can do that. And then, you know . . .

15 So there will be, I would say, the significant  
16 number of individuals will have medication that's  
17 administered to them during the day for various reasons.  
18 Some of these people have seizure disorders and other  
19 conditions that are treated. So we have to have a way of  
20 administering medication during the day but fortunately,  
21 from an economic perspective, we don't have to have a  
22 nurse there the whole time. We just have to certify that  
23 they're properly trained in medication administration.

24 MR. DURHAM: And that's regulated by the state.

25 MR. STEIN: Absolutely. That's under state

1 | regs that we have to follow.

2 | MR. DURHAM: I think it's a good program.

3 | Thank you.

4 | MAYOR STRAUSS: Thank you.

5 | Trustee Walsh?

6 | MR. WALSH: Yes. Thank you.

7 | Good evening. How are you tonight?

8 | Just a few questions. How many square feet is  
9 | the entire building, the inside.

10 | MR. LAWRENCE: Approximately 10,000 square  
11 | feet.

12 | MR. WALSH: Ten thousand square feet, OK.

13 | Approximately how many people do you think will  
14 | be occupying it at a maximum, including staff.

15 | MR. STEIN: 60 -- let's see. Six by two is 12,  
16 | and how many --

17 | MS. GIORDANO: Two people to a room.

18 | MR. STEIN: Yes. Two people in a room. So  
19 | that's 12, plus 60 program participants, and then we have  
20 | administration.

21 | MS. GIORDANO: Our director and --

22 | MR. STEIN: An assistant director. Right. So  
23 | that's it. So it would be 12, 14 times 6 is 74  
24 | individuals. 75, let's say.

25 | MR. WALSH: Yes.

1 MR. STEIN: As I said, we looked high and low,  
2 I have to say for a building. This wasn't -- you know,  
3 it was difficult to find a building that wasn't too  
4 small, that wasn't too large, that was well-located in  
5 terms of access and, as you said, centrally located so  
6 that people could travel. It wasn't way on the north  
7 shore. It wasn't way on the south shore.

8 MR. WALSH: So how are these unfortunate young  
9 people transported to and from this place, and do you  
10 ever consider using NICE or Able-Ride, or NICE bus?

11 MR. STEIN: No. We could, but it's not -- and  
12 I'm familiar with that. It's not reliable. Candidly,  
13 it's not reliable.

14 MR. WALSH: It's not.

15 MR. STEIN: People have to be picked up -- it's  
16 like a bus schedule for your kids at school. You know,  
17 they have routes. We have multiple routes that will go  
18 from location to location, starting at 9:00 o'clock, you  
19 know, or even earlier, right, 8:30, 8:45, and they pick  
20 up and they drop off. And then we figure as -- you can  
21 say we have a 15-person van and the maximum of 60 people,  
22 about four to five vans, only because of route issues.  
23 So we have to get a functional route, but that cost is  
24 included in the -- the cost of the van and the  
25 transportation is part of the cost of running the

1 program, which the state provides us, both the  
2 acquisition of the vans and the staff to drive the vans.

3 MR. WALSH: OK. And so, if there are people in  
4 Nassau County that have to go out to Suffolk County for  
5 this, this is a good service for those people. And I  
6 don't know of any service like this in the area.

7 We're actually here for land use. So, you have  
8 the state watching what you do. You have -- if there's  
9 any fire issues, fire suppression, the Fire Marshal  
10 watches what you do in that regard. We have our Building  
11 Department watching what you do.

12 In my opinion this is an excellent land use for  
13 that property, and I have no further questions. Thank  
14 you.

15 MR. STEIN: Thank you very much.

16 MAYOR STRAUSS: Thank you.

17 Anything else, gentlemen?

18 MR. STEIN: No.

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

21 MR. DURHAM: The vans or buses unload on the  
22 property?

23 MR. STEIN: Yes. Absolutely.

24 MR. DURHAM: Nobody on Jericho Turnpike.

25 MR. STEIN: No. No. We'd never permit the bus

1 to be unloaded off premises. It would be unsafe to do  
2 so.

3 MR. DURHAM: OK.

4 MAYOR STRAUSS: Anything else, gentlemen?

5 MR. STEIN: No. I think we're done.

6 MAYOR STRAUSS: All right. Great. So if you  
7 can just have a seat. Don't go too far. We'll open up  
8 to public comment.

9 Again, I ask anybody wishing to make public  
10 comment to approach the podium, state your name, address,  
11 and please speak slowly and clearly for the reporter.

12 Anybody in the first, second, third, fourth  
13 row, fifth row, sixth row.

14 Yes, sir?

15 MR. BARBOSA: Antonio Barbosa, B-A-R-B-O-S-A,  
16 297 Pennsylvania Avenue, Mineola.

17 How you doing, Mayor?

18 MAYOR STRAUSS: Good evening, sir.

19 MR. BARBOSA: How you doing, Board? Nice to  
20 see all of you. You guys haven't seen me in a while,  
21 right, since the parade.

22 MR. WALSH: I've seen you.

23 MR. BARBOSA: I just got a couple of questions  
24 and something that's on my mind puzzling me a little bit.

25 I live right across the street from this place.

1 It's nice for them to come in. At least the place will  
2 get cleaned up. The sidewalk won't have no grass growing  
3 through the joints. The parking lot might get cleaned  
4 up.

5 They mentioned drive-through. Is the bus going  
6 to come through one gate and leave through another gate?  
7 Are they going to make another gate there?

8 MAYOR STRAUSS: We'll ask.

9 You can answer at the end, but thank you.

10 MR. BARBOSA: All right. That was one of the  
11 questions I got.

12 The other question is: They got 28 or 29  
13 parking spaces. They just said they had 17. Right now  
14 what's there is 28 or 29.

15 The last tenants that were there, they promised  
16 they won't park on the street, but they had their  
17 employees park on the street first thing in the morning.  
18 You know, I leave early the house. I come late. But  
19 there's days I come early. I used to come early. I  
20 didn't have a parking space. I have to shift cars to get  
21 in, to get out, meanwhile their parking lot was half full  
22 and everybody was parked outside. They even went halfway  
23 down the block. All right?

24 The next one: With the construction that's  
25 going to go on, it's inside the building, I understand.

1 Where are they going to park all their equipment to do  
2 the demolition and everything? Is it going to stay on  
3 the property? Is it going to be outside on Pennsylvania  
4 Avenue? Where is it going to be? All right?

5 They got a big parking lot. When they do  
6 construction I think they can keep it in-house.

7 I heard they're doing the parking lot again.  
8 Good. You know, I think it needs it a little bit. When  
9 they come and do construction, what time are the hours  
10 going to be? Is it going to be 7:00 o'clock in the  
11 morning? You know, to me it's not a problem. I get out  
12 at 6:00 o'clock. I don't come back sometimes until nine,  
13 ten clock at night, but there's days I come early. But  
14 there's other people, you know, that live there. They  
15 don't like that noise. Even though we're in halfway  
16 commercial, halfway residential, we like to get our peace  
17 too.

18 We want to be good neighbors. So they can be  
19 good neighbors to us. All right? And that's all I got  
20 to say.

21 MAYOR STRAUSS: Great. Thank you very much,  
22 sir. All valid questions. Thank you, sir.

23 MR. STEIN: I'll let Bob --

24 MAYOR STRAUSS: No, sir, we're going --

25 MR. STEIN: I'm going to have to remember the

1 questions.

2 MAYOR STRAUSS: No. I got them.

3 MR. STEIN: I wasn't taking notes.

4 MAYOR STRAUSS: No problem. It's OK, sir.

5 Anybody else in the sixth row? Seventh row?

6 OK. Sir, come on up. Mr. Stein.

7 MR. STEIN: OK.

8 MR. LAWRENCE: I want to show them --

9 MR. STEIN: Yes.

10 MR. LAWRENCE: -- the site plan.

11 MAYOR STRAUSS: So the first question is about  
12 the drive-through.

13 MR. LAWRENCE: Right.

14 MAYOR STRAUSS: The question is: How will the  
15 buses navigate the lot?

16 MR. STEIN: I just want to say, there are 28  
17 lawful spaces on the lot today. Right. In terms of  
18 designing ingress and egress, we're giving up some of the  
19 spaces in order to accommodate ingress and egress. So,  
20 Bob -- that's why. There are 28, but we don't need 28.

21 MR. LAWRENCE: And, I mean, the spaces there  
22 are kind of substandard. There's no handicapped spaces  
23 available now. Spaces are right up against the building,  
24 which is kind of just not -- it's not laid out very well.  
25 I mean, you can technically say, yes, there are lines for

1 27 spaces, but if you try and go in there and park 27  
2 cars you'd have a hard time.

3 But anyway, so we basically are opening up a  
4 curb cut that was closed up when this office building  
5 filed for their permit 20 years ago, or longer ago, I  
6 forget how long ago, and creating a drive-through.  
7 Otherwise the vans would have to pull into a spot, back  
8 out and turn around. So it just makes sense to do that.

9 MR. CUSATO: I'm sorry, Mayor.

10 MAYOR STRAUSS: Sure.

11 MR. CUSATO: So you have an in and then you  
12 have an out.

13 MR. STEIN: Yes.

14 MR. CUSATO: In there and out there.

15 MR. STEIN: Yes. One way.

16 MR. CUSATO: OK.

17 MR. STEIN: Both one way.

18 MAYOR STRAUSS: How many vans do you expect?

19 MR. STEIN: I said it depends on variables I  
20 can't entirely control, but I would say four to five vans  
21 and there may be some individuals who live at home whose  
22 parents drop them off. It's possible too. It's  
23 variable. I can't anticipate all the -- I only know  
24 about 30 people that are going there now, right, who are  
25 the relocation people. That's about two vans. And then

1 the others, we don't know where they're coming from or  
2 where they live just now. We haven't identified them yet  
3 because we're going to do this in phases. We won't open  
4 up at 60. We'll open at 30, and then we'll see how it  
5 goes. So we might go 30, 40 to 60 over a period of a  
6 year to year-and-a-half.

7 MAYOR STRAUSS: OK.

8 MR. STEIN: So we're not going to go to full  
9 capacity from day one when we open the program.

10 MAYOR STRAUSS: You mentioned earlier in your  
11 presentation that you have enough parking on site the way  
12 this is depicted for your employees.

13 MR. STEIN: Absolutely.

14 MAYOR STRAUSS: And they will park in the lot.

15 MR. STEIN: Yes. It will be mandatory. I  
16 mean, you know, we don't want to -- we want to be a good  
17 neighbor. There's no reason why anybody who is working  
18 at this location needs to park on the street. It's  
19 unnecessary, right, who is working there.

20 Will someone who is coming there for some other  
21 purpose or, you know, whatever park on the street? It's  
22 possible. But for people -- and we will even have  
23 visitor parking. We have enough parking to have some  
24 visitor parking, theoretically, perhaps, right. But the  
25 people who work there will park on the property, period.

1 MAYOR STRAUSS: OK.

2 MR. STEIN: And there will be no vans.

3 And on construction, yes. I mean, obviously  
4 it's interior. There's no expansion of the footprint of  
5 the building. It's all interior renovation, and the  
6 construction vehicles, to the greatest extent -- you  
7 know, I can't say that, you know, at any one time someone  
8 might, you know, an electrician or a plumber or somebody,  
9 might not park on the street. But we're going to tell  
10 them, get off the street, get on the site.

11 If we repave the entire lot, there may be a  
12 point in time in which we have to keep everybody off, but  
13 we paved the whole thing.

14 MAYOR STRAUSS: That's temporary.

15 MR. STEIN: Temporary. And so within -- and of  
16 course the hours of operation, I assume the Village has  
17 rules on hours of operation and we'll comply with the  
18 hours of operation.

19 MR. WALSH: If I can just ask you now: About  
20 what time do these vans arrive?

21 MR. STEIN: I said between 9:00 or 10:00 in the  
22 morning.

23 MR. WALSH: So it's not like they're coming at  
24 5:00 in the morning, and when they exit --

25 MR. STEIN: No.

1 MR. WALSH: Let me finish.

2 It's not like they're coming at 5:00 in the  
3 morning and when they exit the lights will be shining on  
4 the houses.

5 MR. STEIN: No.

6 MR. WALSH: Because I'm very familiar with the  
7 area too and, you know.

8 MR. STEIN: No one will get -- as I said, it's  
9 a five-hour program.

10 MR. WALSH: Right.

11 MR. STEIN: It's a five-hour program that runs,  
12 and vans gets there at different times. So the program  
13 -- their five hours is from 10:00 to 3:00; right? Am I  
14 right?

15 MS. GIORDANO: It's 9:00 to 3:00.

16 MR. STEIN: 9:00 to 3:00, but they have an hour  
17 for lunch, right, and then -- so that's how it works.

18 MR. WALSH: And we're talking about five vans  
19 at the most.

20 MR. STEIN: Probably. Right. That's all. So  
21 there's ample -- there should be no backing up. You know  
22 what I mean. The vans can come, unload and leave.  
23 There's not going to be backing up. It's not like a  
24 school program where you may have, you know, 30 buses  
25 coming to an elementary school. They're not going to

1 back up, you know, back up onto the street. They'll all  
2 come in, go off the street, unload, you know, on the  
3 thing, unload, and they won't come all at the same time  
4 too. They're staggered because, you know, getting the  
5 people off the van isn't as simple an issue as unloading  
6 a school bus where the kids jump off and run off to the  
7 building. There are kids in wheelchairs that have to be  
8 put onto a ramp that is lowered. They need assistance.  
9 They need supervision. So that they stagger them. They  
10 don't want four vans there at once, you know, waiting to  
11 unload. That's not how they run the program. They  
12 stagger them so they can get off one at a time to the  
13 greatest extent possible because, you know, you can't  
14 predict traffic all the time. So two vans could arrive  
15 at the same time.

16 The goal here is that -- and it will be a lot  
17 of non-ambulatory wheelchair-bound individuals in this  
18 program. Significant number. Significant number.

19 MAYOR STRAUSS: Thank you.

20 MR. PEREIRA: And no Saturdays and Sundays.

21 MR. STEIN: No Saturdays and Sundays. It  
22 doesn't work on evenings. No legal holidays.

23 MR. PEREIRA: And I think, and this is just an  
24 observation from the explanation from the architect:  
25 Maybe one of the problems Mr. Barbosa had where the

1 workers were parking on the street is because it was so  
2 tight that they didn't want to pull in or get their car  
3 dinged, and now you're essentially expanding it. And if  
4 you only have 12 to 14 employees, and you have 17 or 18  
5 spots, it should be OK. Theoretically it should be good.

6 MR. STEIN: And we have a handicap accessible  
7 spot, which they didn't have. So we'll be able to comply  
8 with that.

9 MR. LAWRENCE: Yes.

10 MR. STEIN: So we'll do all those things that  
11 should be done, you know, properly.

12 MAYOR STRAUSS: OK. Thank you.

13 Any other comments from the Board?

14 MR. WALSH: Just a question from Mr. Barbosa  
15 was: What time are you going to start the construction?

16 MR. STEIN: Well, you mean in terms of the time  
17 of day?

18 MR. PEREIRA: No. No. The construction.

19 MR. WALSH: What time will you start? Are you  
20 going to start at 7:00 or 8:00?

21 MR. STEIN: No. What's your ordinance?

22 MAYOR STRAUSS: We have a code. I think it's  
23 8:00 o'clock.

24 MR. GIBBONS: 8:00 o'clock.

25 MR. STEIN: We'll comply with the ordinance.

1 MAYOR STRAUSS: Thank you.

2 MR. STEIN: Absolutely. 8:00 to 5:00,  
3 something like that. Whatever it is, it is.

4 MAYOR STRAUSS: Appreciate that.

5 Any other comments from the Board?

6 MR. PEREIRA: I have one more question.

7 If you -- best case scenario -- are approved  
8 this evening, when would you anticipate opening? When  
9 would you like to open? When would you like to get the  
10 ball rolling?

11 MR. STEIN: Well, if we get approval now, and  
12 we're finalizing our building plans . . . We actually  
13 have a contractor already identified to do the work, and  
14 that contractor is ready to go as soon as we get a  
15 building permit. And we figure it's, what, six months?

16 MR. PEREIRA: Six months?

17 MR. LAWRENCE: Probably six months.

18 MR. STEIN: Six-month construction period.

19 MR. PEREIRA: But all your stuff with the state  
20 is ready to go. So only --

21 MR. STEIN: No, we've -- well, I said, the  
22 certification follows completion of the work, issuance of  
23 the -- we have to present a Certificate of Occupancy. We  
24 have to have a Fire Marshal inspection. And the state  
25 has to come down and do a physical plant inspection

1 before they give us --

2 MR. PEREIRA: Would you like to open sometime  
3 in the spring of 2020?

4 MR. STEIN: Yes, easily.

5 I mean, this is an approved project. The state  
6 has given us a go ahead. We have the funding to run the  
7 program. That's all been approved already.

8 MR. PEREIRA: Excellent. Thank you.

9 MAYOR STRAUSS: Trustee Durham?

10 MR. DURHAM: Mr. Whalen?

11 MR. WHALEN: Yes, sir.

12 MR. DURHAM: Question: They mentioned opening  
13 the driveway onto Pennsylvania; do they need a permit for  
14 that or is that included with the process if approved?

15 MR. WHALEN: No, that requires a permit.

16 MR. DURHAM: That requires a permit.

17 MR. WHALEN: It's probably in the site plan in  
18 the first -- there may be some changes. So I'll probably  
19 be in contact with the architect. But the curb cut will  
20 require Board approval and a separate permit.

21 MAYOR STRAUSS: Any other comments from the  
22 Board?

23 MR. STEIN: We're trying to make this as simple  
24 as possible. We thought the curb cut was a good idea for  
25 everybody, right?

1 MAYOR STRAUSS: I agree.

2 MR. STEIN: We don't need to do it. We can  
3 manage without it, but we thought it was a prudent  
4 measure to do.

5 MR. DURHAM: I was just trying to speed up the  
6 process.

7 MR. STEIN: We'd like to speed up the process.  
8 Yes, we would. We will move as expeditiously as we can.

9 MR. LAWRENCE: These plans are what was  
10 submitted to the Building Department originally. It was  
11 a smaller scale set of plans that had a full-blown  
12 construction set. I was trying to get an idea as to any  
13 kind of issues because the parking as it is does not  
14 comply with the zoning. So I wanted to make sure that  
15 there was no initial issues with anything, and we ended  
16 up with --

17 MAYOR STRAUSS: Thank you. That's fine.

18 Any other comments?

19 MR. STEIN: No.

20 MAYOR STRAUSS: All right. I'll entertain a  
21 motion to approve.

22 MR. PEREIRA: Motion.

23 MAYOR STRAUSS: Motion by Trustee Pereira.

24 Second --

25 MR. WALSH: Second.

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MAYOR STRAUSS: -- by Trustee Walsh.

Ms. Pardo, please poll the Board.

MS. PARDO: Trustee Durham?

MR. DURHAM: Yes.

MS. PARDO: Trustee Pereira?

MR. PEREIRA: Yes.

MS. PARDO: Trustee Cusato?

MR. CUSATO: Yes.

MS. PARDO: Trustee Walsh?

MR. WALSH: Yes.

MS. PARDO: Mayor Strauss?

MAYOR STRAUSS: Yes.

Congratulations, gentlemen.

MR. STEIN: Thank you very much.

MAYOR STRAUSS: Stay close with our Building  
Department for signage and any kind of renovations you  
have.

Congratulations. Thank you again for selecting  
Mineola.

\* \* \*

1 MAYOR STRAUSS: Ms. Pardo?

2 MS. PARDO: "Legal Notice, Public Hearing,  
3 Incorporated Village of Mineola.

4 "Please take Notice that the Board of Trustees  
5 of the Incorporated Village of Mineola will hold a Public  
6 Hearing on Wednesday, September 18, 2019, at 6:30 p.m. at  
7 the Village Hall, 155 Washington Avenue, Mineola, New  
8 York 11501, or at some other location to be hereafter  
9 designated by the Board of Trustees, in order to receive  
10 public comment upon the following:

11 "Application of William J. Morgan for a Special  
12 Use Permit pursuant to Chapter 550 of the Code of the  
13 Incorporated Village of Mineola, entitled 'Zoning',  
14 Section 550.12, entitled 'B-1 Districts', Subsection (B),  
15 entitled 'Special Uses', to establish a small studio gym  
16 upon the property known as 461 Jericho Turnpike, Mineola,  
17 New York, known and designated on the Nassau County Land  
18 and Tax Map as Section 9, Block 28, Lots 43-44.

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.

25 "At this scheduled meeting of its Board of

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

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

5 "By Order of the Board of Trustees of the  
6 Incorporated Village of Mineola. Joseph R. Scalero,  
7 Village Clerk.

8 "Dated August 19, 2019."

9 MAYOR STRAUSS: Thank you.

10 Mr. Whalen, report on mailings?

11 MR. WHALEN: Mayor, we're in possession of the  
12 Affidavit of Mailing Notice. It has been signed and  
13 notarized.

14 MAYOR STRAUSS: Thank you.

15 Mr. Gibbons?

16 MR. GIBBONS: I'd ask for a resolution  
17 declaring this a Type II Action under SEQRA.

18 MAYOR STRAUSS: Motion?

19 MR. PEREIRA: Motion.

20 MAYOR STRAUSS: Second?

21 MR. WALSH: Second.

22 MAYOR STRAUSS: Second by Trustee Walsh.

23 All in favor?

24 MR. DURHAM: Aye.

25 MR. PEREIRA: Aye.

1 MR. CUSATO: Aye.

2 MR. WALSH: Aye.

3 MAYOR STRAUSS: Aye.

4 Opposed?

5 Carried.

6 Folks, again, this will be the format for this  
7 evening's presentation, hearing: Applicants will make  
8 their presentation. They'll interact then with the  
9 Board, at which time we'll open it up for public comment.

10 I ask anybody approaching the podium to speak  
11 to please speak slowly for the stenographer, state your  
12 name and your address.

13 MR. MORGAN: William J. Morgan, 176 Woodfield  
14 Road, West Hempstead, New York.

15 MAYOR STRAUSS: How are you, sir?

16 MR. MORGAN: How are you doing tonight?

17 Good evening.

18 MS. SACHDEV: Hi. Kavita Sachdev. I live at  
19 132 Spring Street, Massapequa, New York 11758.

20 MAYOR STRAUSS: Fire away.

21 MR. MORGAN: Well we're here to open up a gym,  
22 Personal One-to-One Fitness. We were with Personal 1  
23 Fitness, which was located at 460 Jericho Turnpike. The  
24 owner of that gym decided to move to Lynbrook. We were  
25 trainers at that facility. Between the both of us we

1 have 40 to 50 clients, and we decided to go out on our  
2 own because we've been in -- Personal 1 Fitness has been  
3 in Mineola for eight years, and we have a nice rapport  
4 with the clients. We've been in Mineola, so we just  
5 wanted to stay in Mineola. So we found a location right  
6 across the street, 461. It's a little bit smaller. I  
7 believe PTI, Personal 1 Fitness, was 3,000 square feet  
8 and this is like 1,200 square feet, but all we do is  
9 one-to-one training. We are not a gym. We're more of a  
10 studio. There's not -- there's no more than myself -- no  
11 more than four people in the studio --

12 MS. SACHDEV: At any given time.

13 MR. MORGAN: -- at any given time. And like I  
14 said --

15 MS. SACHDEV: We offer clients one-to-one  
16 training sessions, strength training sessions. And we  
17 also provide flexibility and strength training to our  
18 clients as well. Most of our clients range between the  
19 ages of 30 through I'll say 70, 75 around. Eighty-five  
20 percent of that is women and 15 percent is adult male.  
21 All of our clients come from around the Mineola area and  
22 they all live less than five to ten minutes from our gym.  
23 And we invested into our clients and we wanted to  
24 continue to help them and provide a facility that gives  
25 health education and wellness to have a good quality of

1 life. And we've invested in our clients. We know their  
2 families, their relationships, and we've given them so  
3 much and they've given us so much. So it's like a  
4 give-and-take relationship.

5 MAYOR STRAUSS: What are the hours you're going  
6 to be open?

7 MR. MORGAN: Well right now we will be open  
8 from -- our first client in the morning, or my first  
9 client in the morning, is 5:00 o'clock in the morning and  
10 to, like, 9:00 a.m.

11 MS. SACHDEV: We're open Monday through Friday  
12 from 5:00 a.m. to 9:00 a.m. We close the gym at 9:00,  
13 9:30. We reopen around 3:00 o'clock till about 8:30.

14 MAYOR STRAUSS: What did you say? 3:00  
15 o'clock?

16 MS. SACHDEV: 3:00 o'clock Monday through  
17 Friday. Saturday and Sunday we are open -- Saturday and  
18 Sunday we are open from about 5:30 --

19 MR. MORGAN: No. 7:00 to 11:00.

20 MS. SACHDEV: To 11:00 a.m.

21 MR. MORGAN: 7:00 a.m. on Saturday, 7:00 a.m.  
22 on Sunday, till about 11:00 o'clock. We close after our  
23 last client. So we open up at 7:00. Our last client is  
24 at 9:00 o'clock.

25 MS. SACHDEV: That's when we close. We don't

1 stick around.

2 MR. MORGAN: We're in and out. We just need a  
3 place to train.

4 MAYOR STRAUSS: Any other staff, other than the  
5 two of you?

6 MR. MORGAN: No. Just the two of us.

7 MAYOR STRAUSS: Great. All right. Thank you  
8 for selecting Mineola.

9 MR. MORGAN: Excuse me?

10 MAYOR STRAUSS: Thank you for selecting  
11 Mineola, and to stay.

12 MR. MORGAN: We have been here. We've been  
13 here eight years.

14 MS. SACHDEV: We love the community. We love  
15 everything around here.

16 MR. MORGAN: Only he just decided to move.

17 MR. WALSH: She's having a hard time.

18 MR. MORGAN: I'm sorry.

19 Only he just decided to move and we decided --

20 MS. SACHDEV: We decided to continue to help.

21 MAYOR STRAUSS: Thanks for staying.

22 MR. MORGAN: OK. Thank you.

23 MAYOR STRAUSS: Deputy Mayor?

24 MR. PEREIRA: Thank you.

25 And I echo the Mayor's comments. I remember

1 like it was yesterday. I can't believe it's been eight  
2 years. I remember that application and the owner coming  
3 here and he was catering to a more mature crowd and it  
4 wasn't your typical box gym mentality. And I'm glad that  
5 you were able to, in that time, build relationships with  
6 your clients to the point where now, although that  
7 business has not succeeded, or has decided to move on,  
8 that you've had enough and created enough to be able to  
9 open up your own business across the street in a building  
10 that is essentially vacant. So it's great.

11 Again, low impact. You're going to have less  
12 people than you did across the street. And it's going to  
13 be the two of you. And you're going to be here for a  
14 couple of hours in the morning, a couple of hours in  
15 the -- now, when it's the two of you, there will only be  
16 two other people?

17 MS. SACHDEV: Two clients, yes, because we  
18 train one-on-one.

19 MR. PEREIRA: So at max four people at any  
20 given time.

21 MR. MORGAN: Maybe five, because somebody may  
22 come in to do a cardio before they --

23 MR. PEREIRA: Right, but you're not running  
24 classes of 20 or 30.

25 MR. MORGAN: That's right.

1                   There's four spaces behind the building.

2                   MS. SACHDEV: And there's a lot across the  
3 street.

4                   MR. PEREIRA: Right. And they're going to be  
5 in and out in an hour, hour-and-a-half.

6                   MS. SACHDEV: Within less than an hour.

7                   MR. MORGAN: We do half hour sessions.

8                   MR. PEREIRA: OK. Excellent.

9                   30 to 70, Mr. Cusato. So you just make the  
10 cut. They'll grandfather you in.

11                   MR. CUSATO: And with that being said, I have  
12 no questions.

13                   MAYOR STRAUSS: You're not going to ask them  
14 how much they charge?

15                   MS. SACHDEV: Maybe I have a question.

16                   Will you join?

17                   MR. CUSATO: You know what, I live like four  
18 blocks away. I could actually walk to your place.

19                   MS. SACHDEV: I'll be honest, some of our  
20 clients, like I said, live around the area and sometimes  
21 in the summertime, when the weather is nice, they do walk  
22 to the gym and they do come --

23                   MR. CUSATO: Because, you know, I'm looking for  
24 a one-on-one. I really am.

25                   MS. SACHDEV: This is what we provide for the

1 community.

2 MR. MORGAN: Most of our clients do not like  
3 the big box gyms.

4 MS. SACHDEV: They don't like that.

5 MR. MORGAN: They get lost inside. We keep it  
6 personal.

7 MS. SACHDEV: We like to give them that  
8 attention and then be able to provide that kind of  
9 training to help better them for what their needs are.

10 MAYOR STRAUSS: Great.

11 MR. MORGAN: Most personal trainers have  
12 clients that stay for years. Our clients have been here  
13 for ten years.

14 MR. STEIN: Four or five years.

15 MR. MORGAN: We build that rapport.

16 MAYOR STRAUSS: Great.

17 Trustee Durham?

18 MR. DURHAM: Thank you.

19 My question: From the layout, you purchased  
20 the right half of the building, or you're renting the  
21 right half of the building?

22 MR. MORGAN: Yes.

23 MR. DURHAM: And there's offices on the --

24 MR. MORGAN: Opposite side.

25 MR. DURHAM: -- opposite side that are pretty

1 much unoccupied. There's one or two.

2 MR. MORGAN: Right. They both are occupied,  
3 those offices.

4 MR. DURHAM: So they are occupied?

5 MS. SACHDEV: Yes, they are.

6 MR. DURHAM: And I believe they have no issues  
7 with you guys.

8 MS. SACHDEV: No.

9 MR. MORGAN: We have bathrooms.

10 MR. DURHAM: And where the free weights are, in  
11 the back, there are mats and stuff so that they're sound  
12 deafening?

13 MR. MORGAN: Yes.

14 MS. SACHDEV: Yes.

15 MR. DURHAM: I have no other questions.

16 MAYOR STRAUSS: Thank you.

17 Trustee Walsh?

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

19 Thank you. How are you tonight?

20 MS. SACHDEV: Fine.

21 MR. WALSH: You know, I was in your gym today.  
22 I take it that the room in the back is the room that the  
23 gentleman takes care of, right --

24 MS. SACHDEV: Yes, he does that. I'm --

25 MR. WALSH: -- with the weights. You're in the

1 front with the yoga mats. I thought maybe -- I didn't  
2 think he was the yoga mats, but. . .

3 MS. SACHDEV: You picked up very well.

4 MR. WALSH: It seems like a very small space.  
5 Now that you say that it's one-on-one, I understand,  
6 because I was thinking it was more, you know.

7 You have a small space in the front and you  
8 have a small space in the back. Next to you is the  
9 gentleman who, at the end, he saw me looking in the  
10 windows and he says, You want to come in?

11 MS. SACHDEV: Yes.

12 MR. WALSH: And he seems to occupy just the  
13 front office.

14 MR. MORGAN: Just that office.

15 MR. WALSH: And behind that everything looked  
16 to be vacant. There's not much in there. There used to  
17 be -- I mean, we sit here. Many different applications  
18 come before us. That used to be a place that rented  
19 luxury vehicles, Lamborghinis and such, and they were  
20 parked in the back. They're gone. There's so much space  
21 on the other side. And I just think that, you know, it  
22 seems to be an operation, especially one-on-one, that's a  
23 good use for that particular space and, you know, I don't  
24 see any problem with it personally.

25 MS. SACHDEV: Thank you.

1 MAYOR STRAUSS: Any other comments from the  
2 Board?

3 Folks, I'll ask you to have a seat. We're  
4 going to open up to public comment. Don't go too far.

5 Anybody in the fourth row, fifth row, sixth  
6 row, seventh row?

7 Come on back up.

8 I'll entertain a motion to approve.

9 MR. DURHAM: Motion.

10 MAYOR STRAUSS: Motion by Trustee Durham.

11 Second?

12 MR. PEREIRA: Second.

13 MAYOR STRAUSS: Trustee Pereira.

14 Ms. Pardo, poll the Board.

15 MS. PARDO: Trustee Durham?

16 MR. DURHAM: Yes.

17 MS. PARDO: Trustee Pereira?

18 MR. PEREIRA: Yes.

19 MS. PARDO: Trustee Cusato?

20 MR. CUSATO: Yes.

21 MS. PARDO: Trustee Walsh?

22 MR. WALSH: Yes.

23 MS. PARDO: Mayor Strauss?

24 MAYOR STRAUSS: Yes.

25 MS. SACHDEV: Thank you.

1 MAYOR STRAUSS: Congratulations. Stay close to  
2 our Building Department if you're going to do any kind of  
3 renovations and things. And get involved with our  
4 Chamber of Commerce. It's a great networking team. They  
5 have a street fair coming up on this Sunday. Get  
6 involved with them. You'll probably get more clients out  
7 of that.

8 MS. SACHDEV: I'll give you my card.

9 MR. CUSATO: When is your intent to open up?

10 MS. SACHDEV: Say that again?

11 MR. CUSATO: Your intent to open up?

12 MS. SACHDEV: We already opened.

13 MR. CUSATO: OK.

14 MS. SACHDEV: We did open.

15 A Building Inspector did come by and he did  
16 tell us to file and we filed immediately.

17 MR. CUSATO: OK. Thank you.

18 MAYOR STRAUSS: Thank you very much. Have a  
19 great night.

20 MR. MORGAN: You do the same.

21 \* \* \*

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1 MAYOR STRAUSS: Ms. Pardo?

2 MS. PARDO: "Legal Notice, Public Hearing,  
3 Incorporated Village of Mineola.

4 "Please take Notice that the Board of Trustees  
5 of the Incorporated Village of Mineola will hold a Public  
6 Hearing on Wednesday, September 8, 2019, at 6:30 p.m. at  
7 the Village Hall, 155 Washington Avenue, Mineola, New  
8 York 11501, or at some other location to be hereafter  
9 designated by the Board of Trustees, in order to receive  
10 public comment upon the following:

11 "Application of Jose Fernando Garcia for a  
12 Special Use Permit pursuant to Chapter 550 of the Code of  
13 the Incorporated Village of Mineola, entitled 'Zoning',  
14 Section 550.27, entitled 'Open Storage', Subsection (c),  
15 to install a metal storage container upon the property  
16 known as 362 Willis Avenue, Mineola, New York, known and  
17 designated on the Nassau County Land and Tax Map as  
18 Section 9, Block 329, Lots 760-762.

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.

25 "At this scheduled meeting of its Board of

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

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

5 "By Order of the Board of Trustees of the  
6 Incorporated Village of Mineola. Joseph R. Scalero,  
7 Village Clerk.

8 "Dated August 19, 2019."

9 MAYOR STRAUSS: Thank you.

10 Mr. Whalen?

11 MR. WHALEN: Yes, Mayor.

12 We're in possession of the Affidavit of Mailing  
13 Notice. It has been signed and notarized.

14 MAYOR STRAUSS: Thank you.

15 Mr. Gibbons, anything?

16 MR. GIBBONS: Yes. A motion to declare this a  
17 Type II Action under SEQRA.

18 MAYOR STRAUSS: Motion?

19 MR. PEREIRA: Motion.

20 MR. WALSH: Second.

21 MAYOR STRAUSS: By Trustee Pereira. Second by  
22 Trustee Walsh.

23 All in favor?

24 MR. DURHAM: Aye.

25 MR. PEREIRA: Aye.

1 MR. CUSATO: Aye.

2 MR. WALSH: Aye.

3 MAYOR STRAUSS: Aye.

4 Opposed?

5 Carried.

6 Again, the format for this evening's hearing:  
7 The applicant will make its presentation, and there will  
8 be an interaction with the Board, after which we will  
9 open up to public comment.

10 I ask anybody who is approaching the podium to  
11 please speak slowly for the stenographer, state your name  
12 and your address.

13 Who is up? Who is making the application for --

14 MR. GARCIA: I am.

15 MAYOR STRAUSS: I'm sorry. Come on up.

16 MR. GARCIA: Hi. Good evening. My name is  
17 Jose Garcia. I'm the owner of 362 Willis Avenue.

18 I'm here seeking a variance to keep my storage  
19 container in the back of my property. Actually, I do run  
20 a construction business from that location. I actually  
21 purchased the property back in March of this year, and  
22 soon after I realized that I have to deal with an  
23 easement for my adjacent neighbors north and south. I  
24 kindly approached both of them and I asked them if I can  
25 place a storage container to keep my tools for my company

1 in to keep working every day. Both of them were actually  
2 OK with it, and I went ahead and I placed a container.  
3 Soon after I received a notification from the Village of  
4 Mineola which I addressed the very next day into the  
5 Department of Buildings. I filed and I present every  
6 paperwork that was necessary to obtain my variance, and  
7 here I am.

8 MAYOR STRAUSS: OK. So you're keeping  
9 equipment in there?

10 MR. GARCIA: Yes, sir.

11 MAYOR STRAUSS: Do you own the whole property?

12 MR. GARCIA: I do.

13 MAYOR STRAUSS: OK. What kind of construction  
14 business do you have there?

15 MR. GARCIA: Commercial construction, and we  
16 work in the City of New York.

17 MAYOR STRAUSS: OK. How far is it off the  
18 property line?

19 MR. GARCIA: How far?

20 MAYOR STRAUSS: How far is -- is it right up  
21 against the fence, or is it --

22 MR. GARCIA: It's right up against the fence,  
23 and the fence is about seven feet high.

24 MAYOR STRAUSS: Deputy Mayor?

25 MR. PEREIRA: What is the size of your lot?

1 MR. GARCIA: It is, if I'm not mistaken --

2 MR. PEREIRA: Probably 40 or --

3 MR. GARCIA: 50 by --

4 MR. PEREIRA: 100?

5 MR. GARCIA: -- 100, or something like that.

6 MR. DURHAM: 90 by 40.

7 MR. PEREIRA: So it's probably 40 by 90.

8 MR. GARCIA: Right.

9 MR. PEREIRA: And there is no garage on the  
10 premises?

11 MR. GARCIA: There was no garage. There used  
12 to be a garage, many years ago, but it's no longer there.  
13 It was an open parking lot.

14 MR. PEREIRA: It's an open parking lot in the  
15 back.

16 MR. GARCIA: Yes, sir.

17 MR. PEREIRA: I know the building. I remember  
18 seeing the for sale sign on the outside from the real  
19 estate.

20 And you have the driveway that goes to the  
21 back, and that's zoned as commercial, I guess?

22 MR. GARCIA: B-1.

23 MR. PEREIRA: All right. B-1.

24 And what kind of material? Do you just have  
25 tools stored in there?

1 MR. GARCIA: It is construction tools.

2 MR. PEREIRA: Just tools. Nothing flammable.

3 No chemicals.

4 MR. GARCIA: Not at all.

5 MR. PEREIRA: No liquids.

6 MR. GARCIA: No.

7 MR. PEREIRA: Nothing like that.

8 And you are seeking to have us give you  
9 permanent relief, or are you looking to have it for six  
10 months, for a year? You're looking to make this storage  
11 -- because I've seen -- I actually just pulled up  
12 pictures of it.

13 You're looking to make it permanent?

14 MR. GARCIA: Yes, sir?

15 MR. WALSH: I didn't hear what you said.

16 MR. PEREIRA: I asked if he's looking to make  
17 it --

18 MR. WALSH: No, I didn't hear what he said.

19 MR. PEREIRA: Oh. He said, yes, sir.

20 OK. Thank you.

21 MAYOR STRAUSS: Trustee Cusato?

22 MR. CUSATO: Mayor, the one question I had, Mr.  
23 Pereira asked about combustibles.

24 So there's no combustible materials inside this  
25 container, correct?

1 MR. GARCIA: Not at all, sir.

2 MR. CUSATO: That's it.

3 Thank you, Mayor.

4 MR. PEREIRA: I have one more question.

5 The fence that you say is about seven feet, is  
6 that your fence or is that the neighbor behind you?

7 MR. GARCIA: It's actually our fence. If I'm  
8 not mistaken, the neighbors from the north and south --

9 MR. PEREIRA: They told you that --

10 MR. GARCIA: At one point they put it up.

11 MR. PEREIRA: OK. Thank you.

12 MAYOR STRAUSS: Trustee Durham?

13 MR. DURHAM: When you're saying that you're  
14 looking to keep this there permanently, rather than  
15 building a garage to store your stuff, you said that you  
16 spoke to your neighbors and you had your neighbors'  
17 approvals when you put this there? So all your neighbors  
18 agreed to allow you to do this first?

19 MR. GARCIA: Both of my neighbors on the north  
20 and the south, I spoke to them prior to the placement of  
21 the container and they were OK with it.

22 MR. DURHAM: And now, what's behind your  
23 property?

24 MR. GARCIA: Two houses.

25 MR. DURHAM: Did you talk to them?

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MR. GARCIA: No, sir.

MR. CUSATO: What was the answer? I'm sorry.

MR. PEREIRA: No, sir.

MR. GARCIA: No.

MR. DURHAM: I have no further questions.

MAYOR STRAUSS: Thank you.

Trustee Walsh?

MR. WALSH: Yes. Thank you, Mayor.

How long has the container been there?

MR. GARCIA: Excuse me?

MR. WALSH: How long has the container been

there?

MR. GARCIA: Since, I believe, late March.

MR. WALSH: Eight months, you said?

MR. GARCIA: Late March. Late.

MR. PEREIRA: Late March.

MR. GARCIA: End of March.

MR. WALSH: OK.

And you spoke to the person on each side of you  
on Willis. You didn't speak to the person around the  
corner at 141, that's immediately behind the container.

MR. GARCIA: No, sir, I didn't. And I was  
under the impression, as a commercial property, I was  
able to place the container and later realized, when I  
was notified by the Village of Mineola, and that's when I

1 actually came to address the situation.

2 MR. WALSH: Do you know the dimensions of that  
3 container?

4 MR. GARCIA: 20 feet wide by --

5 MR. WALSH: I'm sorry. Say it again. 20  
6 feet --

7 MR. GARCIA: 20 feet wide or long by, I  
8 believe --

9 MR. WALSH: How high?

10 MR. GARCIA: It's eight feet high, and the  
11 width of it is about six feet, if I'm not mistaken. It's  
12 six or seven feet, something like that. I'm not 100  
13 percent sure.

14 MR. WALSH: OK. That's close enough.

15 MR. GARCIA: And I actually have provided  
16 pictures with my application. I'm sure you probably have  
17 it with you.

18 MR. WALSH: Yes. Well, just for the purpose of  
19 this hearing I'm asking these questions.

20 (Off the record discussion ensued between Mr.  
21 Walsh and Mr. Gibbons.)

22 MR. WALSH: I did hear that, but I'm looking at  
23 pictures I took today of the same thing.

24 And the fence that's immediately behind that,  
25 it's an almond-colored fence, whose fence, who does that

1 belong to?

2 MR. GARCIA: I think that belongs to my  
3 neighbors and I.

4 MR. WALSH: You did not erect it, right?  
5 Did you put that --

6 MR. GARCIA: No. That was there already. That  
7 was there when I purchased the property.

8 MR. WALSH: OK. And I -- to be perfectly  
9 honest, your property does look nice. You keep it clean,  
10 other than having a garbage container there.

11 MR. GARCIA: Thank you.

12 MR. WALSH: You know, you keep after  
13 everything. I see that, and I have no further questions  
14 at this time. Thank you.

15 MAYOR STRAUSS: Thank you.

16 MR. DURHAM: May I?

17 MAYOR STRAUSS: Yes, Trustee --

18 MR. GARCIA: I'd like to make a note, actually,  
19 on your comment.

20 I actually -- I also brought -- I put up my  
21 company sign and I apply for the permit, and as well as  
22 the gas conversion, which I apply for my permit for the  
23 plumbing with the Village of Mineola. And I have tried  
24 to comply with everything that I was able, but I was not  
25 fully aware about the container and variance that I

1 needed. But again, the very next day that I got the  
2 notification I came to the Department of Buildings to  
3 address the issue.

4 MR. WALSH: Let me ask you another question, if  
5 you don't mind.

6 What time -- you have equipment in there, you  
7 said, right?

8 MR. GARCIA: Yes.

9 MR. WALSH: What time do you take the equipment  
10 out in the morning?

11 MR. GARCIA: We usually don't take any  
12 equipment unless it's necessary, because we bring that to  
13 the job site. Our job sites are actually eight months to  
14 two years in length of time and, if we do take some  
15 tools, it's probably on Saturdays or in the morning, like  
16 6:30 a.m. --

17 MR. WALSH: When you say equipment or tools,  
18 can you describe a few things that are in there now?

19 MR. GARCIA: Well, I have a concrete sprayer.

20 MR. WALSH: OK.

21 MR. GARCIA: I have compressors, electrical  
22 compressors. I have jackhammers, tool boxes.

23 MR. WALSH: OK. Thank you.

24 MAYOR STRAUSS: Trustee Durham?

25 MR. DURHAM: You stated that you put it there

1 in late March, and I just wanted for the record that you  
2 received the Notice of Violation on April 8th. So it was  
3 right away. So --

4 MR. GARCIA: Yes, it was right away. Almost,  
5 like --

6 MR. DURHAM: So one of the neighbors for some  
7 reason complained. So one of your neighbors complained  
8 about this. So it's probably somebody that was behind  
9 you --

10 MR. GARCIA: I'm fully aware of that.

11 MR. DURHAM: -- that you should have talked to  
12 before you put it there against their property behind  
13 you.

14 No further questions.

15 MAYOR STRAUSS: Thank you.

16 Anything else, Mr. Garcia?

17 MR. GARCIA: No, sir.

18 MAYOR STRAUSS: All right. Great. Have a  
19 seat, and we're going to open up to public comment.

20 Again, anybody approaching the podium, please  
21 speak slowly and clearly, and state your name and your  
22 address for the stenographer.

23 Anybody in the fifth row, sixth row? Sixth?

24 MR. REGENSTREIF: Yes.

25 MAYOR STRAUSS: Yes, sir.

1 MR. REGENSTREIF: Herbert Regenstreif, 358  
2 Willis Avenue, Mineola, New York. Paul Pereira, 360  
3 Willis Avenue, Mineola, New York. And I'm going to speak  
4 for both of us.

5 MR. PEREIRA: No relation to me. Not me. Yes,  
6 there is another Paul Pereira.

7 You confused the stenographer. She's like, now  
8 what am I going to do?

9 I think, Paul, you should speak and I'll speak,  
10 and you speak and I'll speak.

11 MR. REGENSTREIF: I'm speaking in support of  
12 this application. I want to make it clear that neither I  
13 nor Mr. Pereira to my left have any prior friendship, or  
14 business relationship, or current relationship, with the  
15 applicant, other than being his neighbor.

16 We have no objection to the container being  
17 there. Since he's moved in we found that he has been an  
18 excellent neighbor. He's kept up his property. And he  
19 has a driveway, and the driveway is used by 358, 360 and  
20 364 Willis Avenue. We all share that driveway. And he  
21 has gone out of his way to make sure that we've had  
22 access to that driveway.

23 Most contractors are very careless in how they  
24 park their stuff or leave their stuff. They leave tools  
25 around. They block your entrances. He's been extremely

1 considerate, and we deeply appreciate his consideration  
2 to us.

3 I notice this because many times I get up early  
4 in the morning. He comes early in the morning. You  
5 hardly hear him. During the day he's rarely there.  
6 They're out on jobs. They come back the end of the day.  
7 They put their stuff away and they leave like little  
8 mice, don't make any problems and go along.

9 We're very happy that he bought the building  
10 because this building was vacant for over three years,  
11 and it was a tough building and very few people were  
12 willing to touch this building. So we're happy not only  
13 that he bought it, but that he has been a good neighbor  
14 to us.

15 Now, a couple of -- so, 358, 360 is on one  
16 side, 364 is on the other side of his building. Now he  
17 took -- now, you raised questions about the fence in the  
18 back. You mentioned that you have pictures of the fence.  
19 Now, if you notice that the fence is a solid fence and it  
20 blocks the neighbors in the rear pretty much from looking  
21 into our side of the property, which is very helpful  
22 because most fences you can see right through.

23 Now also, a question was raised as to how close  
24 the container is to the fence. In consideration to me  
25 and to the other neighbors he moved the container as

1 close to the fence as possible in order to help us with  
2 parking, because parking is so tight for three of us to  
3 share this space and to go in and out. So he parked it  
4 as close as he could to help us. He didn't have to do  
5 that. He could have just plotted the thing down five,  
6 six, feet away from the fence, but he was considerate for  
7 us, not for himself. For him it didn't make a  
8 difference, it could have been closer or further away.  
9 It was for our benefit, more than his benefit, and we  
10 appreciate that.

11 Now the building on the south corner, next to  
12 358 where I am, is a landscaper and he has trucks in  
13 there because there were trucks -- now, he doesn't own it  
14 since 1943, but back to 1943 there was an oil company and  
15 people who subsequently owned it continue parking trucks  
16 there. So they're allowed to park trucks. So they park  
17 heavy landscaping and other trucks there all the time and  
18 they come and they go. And as nice as they are, it's  
19 still a little noisy and whatever it is, not like him who  
20 you don't even know he's there.

21 Now the container is closed during the day. It  
22 opens up on the side facing 358. The container is closed  
23 during the day and nobody during the day, while I've been  
24 around, has been there to open or close it. They're  
25 gone, and there's no noise, which is very, very helpful.

1                   So the corner building on the south side is  
2                   356. I'm 358. Then there's 360. Then there's him and  
3                   there's another one. I have here a petition that I  
4                   prepared and I asked all the people if they had any  
5                   objections to this container. Now, of course, if there  
6                   was no container, that would be perfection. But  
7                   considering what alternatives that would have been in  
8                   this building if it continued to remain empty, and who  
9                   knows who would have taken it, and who knows who would  
10                  have gone in there to make parking even worse, we're more  
11                  than satisfied the way things are at this particular  
12                  time.

13                 Now the neighbor behind him, behind the fence,  
14                 the front of his property goes into the adjoining street  
15                 and that's where his house is and his garage is in the  
16                 back. And his garage is basically facing sideways, the  
17                 container. So between the fence and the garage being  
18                 there, it's a minimal visual impairment for the guy  
19                 behind him. And there's no noise. There's no trucks or  
20                 cars or anything affecting his property. It's a slight  
21                 visual thing. And to force a man who is trying to make a  
22                 living and has taken a property that's been empty for  
23                 three years off the market is a plus for Mineola, not a  
24                 minus. It's a plus. And I'm saying thank you for buying  
25                 that property because it could have been worse.

1 Now, I have a petition here signed by 356, 358,  
2 360 and 364 saying it's OK and they have no objection to  
3 the container.

4 (Same handed up to the Board.)

5 MR. REGENSTREIF: Again, I repeat, I have no  
6 financial, social or other relationship with this  
7 gentleman. I never saw him before he bought the  
8 building, and since he's there I have no social or  
9 financial arrangement, nor do I know of any of the  
10 neighbors that have any such arrangement with him. We're  
11 just happy to have him as a neighbor and hope that he's a  
12 success in his business, which helps Mineola.

13 Thank you, gentlemen.

14 MAYOR STRAUSS: Thank you, sir. Thank you very  
15 much for your time.

16 Anybody else in the sixth row, seventh row?

17 MR. DeSTEFANO: Mike DeStefano, 131 Wheeler  
18 Avenue, the property directly behind where this gentleman  
19 has a business.

20 I did take a couple of pictures, which I'm sure  
21 you don't have, one of them being from my bedroom window  
22 and the other one being from my backyard showing the  
23 container.

24 (Same handed up to the Board.)

25 MR. DeSTEFANO: The container is an eyesore.

1 In the short time it's been there, which I made my first  
2 complaint on March 21st, it's already rusting on the top.  
3 I know my color printer is a little off, as you can see  
4 it's a little orangey, but the top of it is already  
5 rusting. OK?

6 But I didn't come without a possible solution,  
7 and it was mentioned earlier. There was a garage on the  
8 property. If he puts a nice garage up where it was  
9 originally and that, you know, it complies with all the  
10 Building Department regulations, I wouldn't have an issue  
11 with that. But looking at that from my bedroom window  
12 and from my backyard, it's quite ugly, and if you just  
13 take a look at that and see.

14 Now I know there was a petition just submitted.  
15 He got -- he had signatures from the businesses on Willis  
16 Avenue, with the exception of one. One business is not  
17 on there. 368 Willis Avenue did not sign, from what I  
18 heard. So -- and in speaking to some of my neighbors,  
19 they are not happy with it either. In fact, some of the  
20 people on the other side of Willis Avenue are not happy  
21 coming out of some residences on Elderberry Road.

22 So I'm just hoping that the Village can see  
23 that this is not a -- it's a quality of life issue. And  
24 quite honestly, when I purchased my house 30-something  
25 years ago, OK, those were all residences. So now the

1 Village changed the code. I'm not sure how many years  
2 ago, at least 15 years ago or so. They made them  
3 businesses. So that hinders my property, now bordering  
4 businesses, where before it was all residences.

5 So no, I am not in favor of it. The container  
6 is right up against the fence. There's already stuff  
7 coming under the fence, whatever base he put there,  
8 stones and stuff like that are now coming under the fence  
9 onto my side of the property.

10 And that fence, just to clarify, was put up and  
11 is all of theirs, those three properties. It's their  
12 fence. They had put it up before he had taken over the  
13 property.

14 MR. PEREIRA: Is it six feet or seven feet, Mr.  
15 DeStefano?

16 MR. DeSTEFANO: It is six feet.

17 MR. PEREIRA: Six feet.

18 MR. DeSTEFANO: Yes.

19 MR. PEREIRA: So I think it's allowed to be  
20 seven, correct?

21 MR. GIBBONS: Correct.

22 MR. PEREIRA: So it's allowed to be seven.  
23 That --

24 MR. DeSTEFANO: The fence I don't mind.

25 MR. PEREIRA: No. I'm saying if we go up

1 another foot maybe it would further block.

2 MR. DeSTEFANO: No, because that container is  
3 at least eight-foot high.

4 And so, you know, like I said, maybe if the  
5 container -- I mean, I would still see it from my bedroom  
6 window, OK, and I spend a lot of time at home now, as you  
7 all know. So like I said, it's just an eyesore to  
8 everybody. So I'm just hoping that the Board will see it  
9 that way.

10 MAYOR STRAUSS: Thank you.

11 MR. REGENSTREIF: May I say something?

12 MAYOR STRAUSS: Of course you can.

13 MR. REGENSTREIF: Thank you.

14 The fence was put up by a prior owner. And  
15 what happened was all the neighbors got together, and  
16 it's the same exact fence, and was constructed at one  
17 time from 364 to 362 to 358, and it was done in one  
18 erection, at one time, and it's the same material, the  
19 same everything, and it was done at one time with all the  
20 neighbors agreeing to it so it would match, you know, and  
21 it would be neat and clean, because the old fence was  
22 very, very old and decrepit.

23 But the main reason I wanted to address you was  
24 about the mention of a garage. A garage would be  
25 wonderful, but there's a problem for myself, at 358, for

1 the neighbor at 360 and for 364. A garage would -- right  
2 now when you go -- at the dumpster, it's sideways, and  
3 the opening is on the side. So it minimally blocks the  
4 parking for all of us.

5 If you build a garage, the garage has to go  
6 straight, facing the street. So if you build a garage,  
7 it's going to stick out and it's going to make us have  
8 less parking and harder to get in and out. For all three  
9 of us it's going to be a hindrance and make it more  
10 difficult for us to get in and out. And as you know, the  
11 parking is at a premium in Mineola, and it's tough enough  
12 when I get out of the driveway and go onto Willis Avenue,  
13 with the parked cars on both sides, it's tough enough to  
14 get out on the street, and this would even make it  
15 tougher. Especially for a guy like me that's disabled  
16 and has a disabled parking sticker, it would make an  
17 additional difficulty for me to get out, and also would  
18 affect the other neighbors as well because the garage  
19 would be -- going out it would only have one opening  
20 going towards the street. So it would be harder for me  
21 and harder for the others and take up more space.

22 The garage that was there was probably removed  
23 around 1960, because I knew the old owner, and  
24 unfortunately at that time he ripped it down because it  
25 was falling apart. But that was pulled down around 1960

1 when that previous owner owned the stuff and he wanted to  
2 make more parking and the garage was in bad shape so he  
3 tore it down. So the suggestion of putting up a garage  
4 there would only make it worse.

5 Thank you very much, gentlemen.

6 MAYOR STRAUSS: Thank you, sir.

7 Yes, sir?

8 MR. DeSTEFANO: Like the gentleman had said  
9 before, the garage was directly behind there. The house  
10 faces north, but the garage faces east on Seward Avenue.  
11 So why couldn't the garage be put near the fence facing  
12 south? I'm sorry -- facing south, right. The garage can  
13 be put that way and that's where the opening could be and  
14 he could put it to the back of the property right where  
15 the ugly container is right now.

16 MR. REGENSTREIF: And it would take up more  
17 space and make it harder to get in and out.

18 MAYOR STRAUSS: Thank you. We got the idea.

19 MR. REGENSTREIF: It would make it worse.

20 MAYOR STRAUSS: Thank you.

21 Anybody else wishing to make public comment?

22 Any other comments from the Board?

23 MR. PEREIRA: The only question I have for

24 Mr. Garcia: Is there any possibility to move the

25 container further south on the property so it's further

1 shielded by the garage? In other words, would you be  
2 able to move it south at all?

3 MR. DURHAM: If you reversed it, if you  
4 switched it around the other way, can you move it south  
5 so that the doors open up -- because the doors open up on  
6 the other side, the side that we see in the photos, where  
7 the edge of his garage is, is the back and there are no  
8 doors there. So the container opens on the other end.  
9 So if it was flipped around facing the other way and  
10 moved across the property to the other corner, so it's  
11 out of view and behind his garage with the doors opening  
12 in the other direction.

13 MR. REGENSTREIF: Then you block me. The  
14 further south you move that garage, you're going into me.  
15 And I have -- if I'm parked in the back, I have to back  
16 up. It would be harder for me to get out. It would make  
17 it worse.

18 There's -- what I'm trying to say is, there's  
19 no perfect solution to satisfy everybody. You have to do  
20 the best you can with what you got.

21 MAYOR STRAUSS: And we try to do that.

22 MR. REGENSTREIF: I know that, and I respect  
23 that, and you're trying to be fair.

24 MAYOR STRAUSS: Right.

25 MR. REGENSTREIF: But there's no 100 percent

1 solution here. You do the best you can with what you  
2 got.

3 MR. DURHAM: If he moved it to the opposite  
4 corner of the property, how does it block you from coming  
5 through?

6 MR. REGENSTREIF: I'm on the right of his  
7 property and I'm on the south of him. Let me see now.  
8 Yes, south of him. So if you move it further south --  
9 right now I park the car in the back against my garage  
10 and I go out his driveway. The further south that you  
11 move his container makes it more difficult for me to get  
12 out that way. It makes it -- because you got to back up.  
13 I have to back up to make a turn to get out, and if you  
14 do that then I can't -- it's harder for me to get out.

15 He put the container the best he could not to  
16 block me and to keep it as far away from other people as  
17 possible. That's the best he could do. And also, the  
18 container doesn't have an opening facing the street. The  
19 opening is on the side facing me. That's the opening  
20 that he opens up every morning. It's the side of the  
21 container facing me on the south. He did the best he  
22 could with what he had to work with.

23 MAYOR STRAUSS: Any other comments from the  
24 Board?

25 Mr. Garcia, anything? Would you like to add

1 anything?

2 MR. GARCIA: I do understand the concerns from  
3 my neighbor in the back. I can actually -- I know it is  
4 an eyesore for him from his bedroom, and I understand  
5 that. What I can possibly do is perhaps paint the top of  
6 the container and the back of the container and the side  
7 that he sees the same color as the fence so it would  
8 minimize the impact on his house. I thought about it,  
9 and I'm sharing the thought, and I don't know if that's  
10 something that he would be willing to accept.

11 MAYOR STRAUSS: Thank you.

12 Any other comments from the Board?

13 MR. PEREIRA: What about -- and again, because  
14 you know, as this gentleman mentioned, you're trying to  
15 make a go of it in business. I drive by that house a  
16 lot. It looks great. You've cleaned up the property.  
17 You look like you run a good business.

18 I totally see Mr. DeStefano's point. As I look  
19 at these pictures, I wouldn't want to look at that and  
20 you probably wouldn't want to look at that either. But  
21 we're not here to kill young businesses coming into the  
22 Village that are investing a significant amount of money  
23 in the Village. And we're also not here, obviously, to  
24 create a problem for our residents. And again, I'm just  
25 thinking about this from the way that we can try to

1 please everybody. And I don't even know if this would be  
2 permitted, but this would be -- I don't feel comfortable  
3 approving this tonight. I'd have to research it some  
4 more. But what about putting up some kind of gazebo or  
5 shed above it, you know, that would cover it. So it  
6 wouldn't be a full-fledged garage, but it would  
7 essentially look like a roof from Mr. DeStefano's.  
8 Because really, it's only Mr. DeStefano's property that  
9 is affected. But essentially building almost like a  
10 pavilion over this thing that would protect it from the  
11 elements, right, so it wouldn't rust and you can make a  
12 roof to look like a normal roof. Now, you're not running  
13 electricity, you're not putting sides on it, you're not,  
14 you know, you're not building a structure like a garage.  
15 But obviously you'd still have to be to code, and it  
16 would have to be anchored and probably in cement pilings  
17 and things like that, but very similar to like what we  
18 have at the pool. You know, kind of like a structure  
19 that would be open on the sides but covered on the top,  
20 and then you wouldn't see it.

21 MAYOR STRAUSS: You mean a large shed.

22 MR. PEREIRA: Right.

23 MR. REGENSTREIF: Excuse me.

24 MAYOR STRAUSS: Yes. It's OK. If you please,  
25 come to the podium.

1 MR. REGENSTREIF: Are you talking about taking  
2 away the container and putting up another structure?

3 MR. PEREIRA: No. No. Leaving the container  
4 where it is but essentially camouflaging the container  
5 and hiding it underneath a structure that would be open  
6 on the sides, and from the top it would be just putting a  
7 roof over it.

8 MR. REGENSTREIF: So would that -- on the front  
9 of the storage container, would that mean that the  
10 structure would go further out from the container?

11 MR. PEREIRA: No.

12 MR. REGENSTREIF: Solely on top of the  
13 container.

14 MR. PEREIRA: It would be the same size as the  
15 container. Think of it like a carport.

16 MR. REGENSTREIF: So it would be on top of the  
17 container?

18 MR. PEREIRA: Well, it wouldn't be sitting on  
19 top of the container, but it would be above the  
20 container. It would be like a carport.

21 MR. REGENSTREIF: So it wouldn't extend the  
22 front of the --

23 MR. PEREIRA: No, it would be --

24 MR. REGENSTREIF: -- container, because then it  
25 would make parking and turning cars -- that's all I'm

1 asking.

2 MR. PEREIRA: No.

3 MR. REGENSTREIF: So it would be solely  
4 something erected on top of it to make it a little bit  
5 more --

6 MR. PEREIRA: Pleasing to the eye.

7 MR. REGENSTREIF: -- pleasing to the eye.

8 MR. PEREIRA: So essentially all you would see  
9 is a roof.

10 MR. REGENSTREIF: You're really talking about  
11 -- you know, a lot of times when you have like a phony  
12 thing above a structure --

13 MAYOR STRAUSS: A facade.

14 MR. REGENSTREIF: -- a facade type of thing  
15 above the thing that just makes it look a little more  
16 pleasurable to the eye, that's what you're talking about?

17 MR. PEREIRA: Something like that.

18 MR. REGENSTREIF: I thought you were trying to  
19 build out, and that would make it worse.

20 Thank you.

21 MAYOR STRAUSS: Thank you.

22 Yes, sir?

23 MR. DeSTEFANO: Do you want me to come up  
24 again?

25 MAYOR STRAUSS: Yes, because we're on TV.

1 MR. DeSTEFANO: Oh.

2 I could live with something like that; however,  
3 I would like just a little bit of the sides covered too  
4 so I don't have to look at the whole side of the trailer.  
5 You don't have to come all the way down to the bottom,  
6 but as long as you go fence high I don't have an issue  
7 with that.

8 MAYOR STRAUSS: All right. Thank you.

9 MR. DURHAM: And from the photos of his house,  
10 you're talking about ten feet worth on the 20-foot  
11 structure from what he can see from his house.

12 MAYOR STRAUSS: Any other comments?

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

15 MR. WALSH: Motion.

16 MR. CUSATO: Second.

17 MAYOR STRAUSS: Motion by Trustee Walsh.  
18 Second by Trustee Cusato.

19 All in favor?

20 MR. DURHAM: Aye.

21 MR. PEREIRA: Aye.

22 MR. CUSATO: Aye.

23 MR. WALSH: Aye.

24 MAYOR STRAUSS: Aye.

25 Opposed?

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Carried.

Thank you very much. You'll be hearing from  
us. Thank you very much for your time, everybody, and  
your comments.

MR. REGENSTREIF: Thank you. Good night.

MAYOR STRAUSS: Thank you, sir.

\* \* \*

1 MAYOR STRAUSS: Ms. Pardo?

2 MS. PARDO: "Legal Notice, Public Hearing,  
3 Incorporated Village of Mineola.

4 "Please take Notice that the Board of Trustees  
5 of the Incorporated Village of Mineola will hold a Public  
6 Hearing on Wednesday, September 18, 2019, at 6:30 p.m. at  
7 the Village Hall, 155 Washington Avenue, Mineola, New  
8 York 11501, or at some other location to be hereafter  
9 designated by the Board of Trustees, in order to receive  
10 public comment upon the following:

11 "Proposed Local Law amending Chapter 381 of the  
12 Municipal Code of the Incorporated Village of Mineola,  
13 entitled 'Peddling and Soliciting.'

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

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

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

25 "By Order of the Board of Trustees of the

1 Incorporated Village of Mineola. Joseph R. Scalero,  
2 Village Clerk.

3 "Dated August 19, 2019."

4 MAYOR STRAUSS: Thank you.

5 We're looking to adjust our code, in  
6 relationship to peddling and soliciting, to the code  
7 that's already in there.

8 Mr. Gibbons?

9 MR. GIBBONS: Yes, Mayor.

10 MAYOR STRAUSS: The floor is yours.

11 MR. GIBBONS: Back in 1994 the Village of  
12 Mineola adopted a peddling and soliciting law aimed at  
13 regulating solicitors and peddlers within the Village  
14 boundaries. The law has remained substantially the same  
15 for the past 25 years. Since the enactment of our law,  
16 cases have been litigated in the federal courts and in  
17 the Supreme Court concerning first amendment rights which  
18 have had an affect on laws of this nature. The proposed  
19 amendment tonight is intended to make our law consistent  
20 with those decisions.

21 Some of the amendments necessitated by changes  
22 in the case law are as follows.

23 1. We have removed subjective criteria, such  
24 as to require proof of good character, and left in  
25 objective criteria, such as allowing the Village to deny

1 an application based upon past criminal convictions which  
2 would render the applicant unfit to operate in the  
3 Village of Mineola.

4 2. We removed the requirement to post the  
5 thousand dollar bond, which would have the effect of  
6 silencing those who could not afford a bond.

7 3. We have extended the time for solicitation  
8 from 7:00 p.m. to 9:00 p.m., since the Supreme Court has  
9 held that not allowing solicitation during daylight hours  
10 is an abridgement of first amendment rights.

11 In all other respects our peddlers and  
12 solicitation law remains as it has been since 1994, and  
13 that's it.

14 MAYOR STRAUSS: Thank you.

15 Any questions or comments from the Board?

16 MR. PEREIRA: No.

17 MAYOR STRAUSS: I'll entertain a motion to  
18 approve.

19 MR. PEREIRA: Motion.

20 MAYOR STRAUSS: Motion by Trustee Pereira.

21 Second?

22 MR. CUSATO: Second.

23 MAYOR STRAUSS: By Trustee Cusato.

24 Ms. Pardo, poll the Board.

25 MS. PARDO: Trustee Durham?

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MR. DURHAM: Yes.

MS. PARDO: Trustee Pereira?

MR. PEREIRA: Yes.

MS. PARDO: Trustee Cusato?

MR. CUSATO: Absolutely, yes.

MS. PARDO: Trustee Walsh?

MR. WALSH: Yes.

MS. PARDO: Mayor Strauss?

MAYOR STRAUSS: Yes.

Thank you.

\* \* \*

1 MAYOR STRAUSS: Ms. Pardo, the next one?

2 MS. PARDO: "Legal Notice, Public Hearing,  
3 Incorporated Village of Mineola.

4 "Please take Notice that the Board of Trustees  
5 of the Incorporated Village of Mineola will hold a Public  
6 Hearing on Wednesday, September 18, 2019, at 6:30 p.m. at  
7 the Village Hall, 155 Washington Avenue, Mineola, New  
8 York 11501, or at some other location to be hereafter  
9 designated by the Board of Trustees, in order to receive  
10 public comment upon the following:

11 "Proposed Local Law amending Chapter 256 of the  
12 Municipal Code of the Incorporated Village of Mineola,  
13 entitled 'Electricians', to create Section 256-3A,  
14 entitled 'Permit Required.'

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

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

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

1 "By Order of the Board of Trustees of the  
2 Incorporated Village of Mineola. Joseph R. Scalero,  
3 Village Clerk.

4 "Dated August 19, 2019."

5 MAYOR STRAUSS: Thank you.

6 Mr. Gibbons?

7 MR. GIBBONS: Yes, Mayor.

8 At present in the Village of Mineola plumbers  
9 are required to apply for and obtain a plumbing permit  
10 from the Village Building Department to perform plumbing  
11 work; however, the corollary to that requirement does not  
12 exist in our code applicable to electricians, although it  
13 has always been a requirement that electricians apply for  
14 and obtain a permit from the Village Building Department.  
15 This proposed Local Law closes that loophole and puts in  
16 our code a requirement that has always existed.

17 MAYOR STRAUSS: Thank you.

18 Any comments from the Board?

19 I'll entertain a motion to approve.

20 MR. PEREIRA: Motion.

21 MAYOR STRAUSS: Motion by Trustee Pereira.

22 Second?

23 MR. CUSATO: Second.

24 MAYOR STRAUSS: Trustee Cusato.

25 Ms. Pardo, poll the Board.

1 MS. PARDO: Trustee Durham?  
2 MR. DURHAM: Yes.  
3 MS. PARDO: Trustee Pereira?  
4 MR. PEREIRA: Yes.  
5 MS. PARDO: Trustee Cusato?  
6 MR. CUSATO: Yes.  
7 MS. PARDO: Trustee Walsh?  
8 MR. WALSH: Yes.  
9 MS. PARDO: Mayor Strauss?  
10 MAYOR STRAUSS: Yes.  
11 OK. That concludes the hearings for this  
12 evening.  
13 I'll entertain a motion to close the hearings.  
14 MR. PEREIRA: Motion.  
15 MAYOR STRAUSS: Motion by Trustee Pereira.  
16 Second?  
17 MR. WALSH: Second.  
18 MAYOR STRAUSS: Trustee Walsh.  
19 All in favor?  
20 MR. DURHAM: Aye.  
21 MR. PEREIRA: Aye.  
22 MR. CUSATO: Aye.  
23 MR. WALSH: Aye.  
24 MAYOR STRAUSS: Aye.  
25 Opposed?

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Carried.

\* \* \*

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

\* \* \*



PATRICIA A. TAUBER, RPR  
OFFICIAL COURT REPORTER

- Board of Trustees Hearing of 9/18/2019 -

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