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THE VILLAGE OF MINEOLA
HEARING OF THE

BOARD OF TRUSTEES

October 14, 2015
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

* * *

DANIEL WHALEN
Superintendent of Buildings

JOSEPH R. SCALERO
Village Clerk

* * *

PATRICIA A. TAUBER, RPR
Official Court Reporter

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

5 MAYOR STRAUSS: Evening, ladies and gentlemen.
6 Before we get on with tonight's hearings I just want to
7 make mention that we have a Searing Avenue project
8 regarding the Corpus Christi school scheduled to be on
9 the hearing calendar for next Monday night. There was an
10 issue with the mailings. So they're not going to be on
11 for next Wednesday, on the 21st. We're going to put them
12 off for November 4th. So November 4th, here, 6:30 p.m.,
13 we're going to look to have the Searing Avenue project
14 hearing take place. However, they will be down here, the
15 applicant will be down here, next Wednesday at 6:30 to
16 introduce themselves, go through a couple of things, but
17 it will not be a hearing. So if anybody was planning to
18 attend that hearing, please readjust your calendars and
19 come on down on November 4th. We'd love to have you.

20 Mr. Scalero?

21 MR. SCALERO: Yes.

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

24 "Please take Notice that the Board of Trustees
25 of the Incorporated Village of Mineola will hold a Public

Hearing on Wednesday, October 14, 2015 at 6:30 p.m. at the Village Hall, 155 Washington Avenue, Mineola, New York 11501, or at some other location to be hereafter designated by the Board of Trustees, in order to receive public comment upon the following:

"Application of Metro Capital Holdings, LLC for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled 'Zoning', Section 550.12, entitled 'B-1 Districts', Subsection (B), entitled 'Special Uses', for the purpose of establishing a burger restaurant with the sale of beverages and food upon the property known as 526 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lot 45.

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

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

"At the aforesaid time and place all interested

1 persons will be given an opportunity to be heard.

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

5 "Dated September 9, 2015."

6 MAYOR STRAUSS: Thank you.

7 Mr. Whalen, report on the mailings?

8 MR. WHALEN: The Affidavit of Mailing is in
9 order here. 130 mailed, 78 returned, and none went
10 unclaimed.

11 MAYOR STRAUSS: Thank you.

12 Mr. Gibbons, anything?

13 MR. GIBBONS: Nassau County Planning Commission
14 has reviewed this application and has recommended local
15 determination. And under SEQRA this is an unlisted
16 action with a negative declaration, and I would ask for
17 that resolution.

18 MAYOR STRAUSS: I'll entertain a motion.

19 MR. PEREIRA: Motion.

20 MAYOR STRAUSS: Motion by Trustee Pereira.

21 MR. CUSATO: Second.

22 MAYOR STRAUSS: Second by Trustee Cusato.
23 Everybody in favor?

24 MR. DURHAM: Aye.

25 MR. PEREIRA: Aye.

1 MR. CUSATO: Aye.

2 MR. WALSH: Aye.

3 MAYOR STRAUSS: Aye.

4 Anyone opposed?

5 Carried.

6 Ladies and gentlemen, this will be the format
7 for tonight's hearings. The applicant will make a
8 presentation to us. They will have questions and answers
9 from the Board, at which time, when those are satisfied,
10 we'll open it up to public comment.

11 I ask anybody that's approaching the podium to
12 please speak clearly, state your name, your address, for
13 the stenographer, and we will move through the process.

14 Is there anyone here for the applicant for the
15 first hearing?

16 MR. PANTELIS: Thomas Pantelis, 170 Old Country
17 Road, Mineola, New York. I'm here on behalf of the
18 applicant, Metro Capital Holdings, LLC.

19 Good evening, Mayor Strauss and Members of the
20 Board.

21 Before I begin my presentation I would like to
22 hand up to the Board -- actually, it's a two-sheet
23 drawing. One is a larger version of the very small site
24 plan which had been included as the first page of the
25 application, and the second is a copy of a floor plan.

1 I'm not certain if the Board has it. We had submitted it
2 last week. What it did was make some revisions, which I
3 will explain, none of which increase the application but
4 actually to some degree decrease it. So if I may hand up
5 enough, I believe, for the Board and for the Clerk.

6 As indicated by the notice, this is an
7 application for a Special Use Permit for a food use as
8 required in B-1 Districts under the zoning code. The
9 subject property is located at 530 Jericho Turnpike. It
10 is a shopping center, which I'm sure the Board is
11 familiar with. It contains a number of uses: TD Bank, a
12 Harmon drugstore, a Chipotle restaurant, a Panera
13 restaurant, Luigi's.

14 The shopping center has been under the
15 ownership of the applicants, actually, for approximately
16 ten years. I think the Board, or most of the members of
17 the Board, would agree that it is a well-maintained,
18 well-operated center. We have first class tenants, both
19 of the national and of a local nature.

20 In this particular case what we've done is a
21 little bit of rearranging of the spaces. If I may refer
22 to the site plan, what we're showing as a vacant
23 restaurant space is adjacent to the Luigi's Pizzeria.
24 Luigi's Pizzeria had originally been in what is
25 approximately that vacant space. And there were two

1 other tenants. There was a Chill Yogurt and a Verizon
2 store. So what we want is to move Luigi's over to the
3 adjacent space and what is now vacant is proposed to be
4 the location of the burger restaurant.

5 Based on the Building Department's
6 calculations, we have adequate parking. We do not
7 require a parking variance.

8 The plan that we submitted -- and that is the
9 second page of what I just handed up to the Board --
10 shows a total of what would be 68 seats. Fifty-eight of
11 those seats are disbursed at tables and ten of those
12 seats would be around a bar area.

13 Let me just clarify. We would be serving wine
14 and beer, but this is not intended to be a regular bar.
15 It would not serve hard liquor. That type of license is
16 not being sought, and will not be sought, in connection
17 with the operation of the establishment.

18 The first plan which we had submitted had 80
19 seats. So this is actually a reduction of 12 seats,
20 again, with a total of 68.

21 The proposed restaurant, the best way to
22 describe it -- since it is an original concept that the
23 applicants are proposing -- would be somewhat akin to a
24 Smashburger, where a customer comes into the
25 establishment, goes to a counter, places an order, and

1 then the food is brought to the table by a waiter or
2 waitress. So we have that type of operation. It's not
3 going to be full-service, where you sit down and get
4 waited on directly at the tables. This is a rather newer
5 concept. It seems to work very well with some of the
6 more up-scale, say, eateries

7 In this particular case we're going to have a
8 general menu: Burgers, chicken, lobster roll, salads,
9 hand cut fries. Along those particular lines. As I
10 indicated, we would also be serving wine and beer.

11 We expect that this will be, as most
12 restaurants, a seven-day operation from 11:00 in the
13 morning till 11:00 at night, possibly, if customer demand
14 is there, till 12:00 on the weekends. But more likely, I
15 think we find from general experience that 11:00 is
16 usually adequate. This will not be a late-night
17 operation. And again, this is not seeking to operate as
18 a bar, but purely as a restaurant.

19 Garbage would be refrigerated, picked up by
20 Jamaica Ash. That is the system that we use in the
21 center now. Both Panera and Chipotle employ that, as
22 well as Luigi's. As far as we know there have been no
23 problems with trash being generated at the center. And
24 my experience, in visiting there often, is that it is
25 generally spotless.

1 We will have approximately seven to eight
2 employees on staff at one time. Of course, you'll have a
3 larger complement to account for the fact that there will
4 be full-time and part-time employees. Typically, with an
5 operation like that we hope that most, if not all, of the
6 employees will be local residents.

7 That would actually cover the points which I
8 would like to present to the Board. And certainly we're
9 available for questions.

10 MAYOR STRAUSS: Thank you, sir.

11 Are you going to have live music there? Are
12 there any plans for it?

13 I see there is no area for it right now. You
14 have tables there. But it does look like you can
15 accommodate it by moving some tables.

16 MR. PANTELIS: No. We would not. We're not
17 seeking a cabaret.

18 MAYOR STRAUSS: All right. I don't have any
19 other questions.

20 Mr. Pereira?

21 MR. PEREIRA: Good evening.

22 Well, you covered just about everything.
23 Obviously, as most people know, those stores were
24 existing food uses. So we're essentially just shuffling
25 the deck a little bit, moving Luigi's over one and

1 putting a burger place where there used to be Luigi's,
2 which is now where the frozen yogurt place used to be.

3 MR. PANTELIS: Yes.

4 MR. PEREIRA: So we're just shuffling things
5 around. It's essentially a commercial area. I think you
6 answered all the questions we may have.

7 The only comment I will make, your introduction
8 about the applicant, who is also the landlord of the
9 shopping center?

10 MR. PANTELIS: Yes.

11 MR. PEREIRA: There's a clock on the corner
12 there that hasn't worked in years. And he sat here
13 before us and he promised us the last time he was here,
14 seeking probably something for Luigi's, he promised us
15 that he would do it, that he would fix the clock. And
16 that clock was put there as a condition for him to get
17 relief the first time that he knocked down Gensels. We
18 do have long memories, and we remember those things.

19 MR. PANTELIS: Gensels is correct. It is a
20 while ago. And I had represented the applicant way back
21 then.

22 MR. PEREIRA: So, yes. Listen, I work up
23 there. Impeccable. It's clean. It's nice. It's
24 obviously very popular. And we wish it success. But
25 just to set the record straight . . .

1 MR. PANTELIS: Without punning: It is time,
2 and it will be fixed.

3 MR. PEREIRA: Well said. Thank you.

4 MAYOR STRAUSS: Thanks for pointing that out,
5 Mr. Pereira.

6 Mr. Cusato?

7 MR. CUSATO: Thank you.

8 Yes. I will agree it is a very well-maintained
9 area. I frequent Luigi's many times. However, I notice
10 on your floor plan you've got stairs there, going up or
11 down? I've never seen them in Luigi's right now. So
12 what's going on?

13 MR. PANTELIS: There's actually a basement
14 area. The shopping center does have a full basement
15 below. So there are basements which are used for storage
16 purposes. In our particular case we have a storage area
17 below it. So that's not an up indication, but it should
18 be a down indication. It will not be used for public
19 purposes. None of those spaces are.

20 MR. CUSATO: OK. So it's strictly a one-level
21 operation.

22 MR. PANTELIS: Yes.

23 MR. CUSATO: Level with the parking lot level.

24 MR. PANTELIS: Grade level. First floor.

25 MR. CUSATO: Grade level. OK.

1 Thank you, Mayor. That's it.

2 MAYOR STRAUSS: Thank you, Mr. Cusato.

3 Mr. Durham?

4 MR. DURHAM: You said it's going to be a
5 Smashburger-type operation. Is it a franchise, or is it
6 just an individual operation, a new project, something
7 that they're trying?

8 MR. PANTELIS: It is a new operation. A single
9 location. It is not a franchise. It does not have any
10 other locations at this time.

11 MR. DURHAM: Most of the questions were
12 answered.

13 You said the bar is just strictly beer and
14 wine?

15 MR. PANTELIS: Yes. And it would be just if
16 someone wants to sit at the counter and eat. Sometimes
17 people are alone and sometimes people like the ambience.
18 But it would not be any alcohol other than beer and wine.

19 MR. DURHAM: And no takeout of the alcoholic
20 beverages.

21 MR. PANTELIS: Absolutely. We would not be
22 permitted, and we're not seeking that type of a takeout
23 license.

24 MR. DURHAM: Nothing else.

25 MAYOR STRAUSS: Mr. Walsh?

1 MR. WALSH: Thank you, Mayor.

2 Good evening, Mr. Pantelis. How are you?

3 MR. PANTELIS: Very good, sir.

4 MR. WALSH: Just a few questions. One point,
5 just from Mr. Cusato's pointing out the staircase there.
6 In the past Harmon's had rented their basement to
7 Maryland Kitchen and Bath (phonetic), which is no longer
8 there. I know those basements. I'm very familiar with
9 that shopping mall there. And you're willing to say that
10 at no time in the future will they rent that out to
11 another entity?

12 MR. PANTELIS: I'm going to defer that question
13 to my clients.

14 MR. OTTO: The --

15 THE COURT: Sir, if you could please come up to
16 the podium. State your name and address, please, for the
17 record.

18 MR. OTTO: My name is Jonathan Otto. I'm the
19 owner of the shopping center, and hopefully the
20 successful operator of the restaurant.

21 First, I'd like to say that Michael, who is my
22 partner, Michael Korff, who is my partner and manages it,
23 I have told him on many occasions that that clock should
24 work. And I can't be 100 percent sure, but I'm 98
25 percent sure if you go there tomorrow morning it is

1 working.

2 MR. PEREIRA: That's a lot of pressure.

3 MR. OTTO: So I agree with you. And it
4 disturbed me when it wasn't working. But I'm fairly
5 certain that the last six months it's been working.

6 MR. PEREIRA: Well it's right twice a day.

7 MR. OTTO: OK. In any event, the plan for the
8 basement, that portion of the basement, is to forever be
9 part of the hamburger restaurant for storage.

10 MR. WALSH: So you won't be renting it out to
11 someone.

12 MR. OTTO: No.

13 MR. WALSH: Thank you very much.

14 Excuse me, sir. I didn't get your name. I'm
15 sorry.

16 MR. OTTO: Jonathan Otto, O-T-T-O.

17 MR. WALSH: Mr. Otto, your father owned that
18 property also?

19 MR. OTTO: No.

20 MR. WALSH: Mr. Otto, that property has come
21 along quite a bit. I remember when it was Gensels
22 Furniture, and TJ Poole's, and Rock Bottom, and the
23 restaurants. Thank God Clarissa Road was never sold,
24 otherwise we wouldn't have the situation that we have
25 today. And I think that you're doing very well with

1 those restaurants.

2 MR. OTTO: Thank you very much.

3 MR. WALSH: Thank you, sir.

4 MAYOR STRAUSS: Anything else, Mr. Walsh?

5 MR. WALSH: That's it. Thank you.

6 MAYOR STRAUSS: Anything else from the Board?

7 Mr. Durham?

8 MR. DURHAM: Deliveries.

9 MR. PANTELIS: Yes, sir. Deliveries would be
10 by box truck. No tractor trailers involved. Deliveries
11 would probably -- for a restaurant like this -- be two to
12 three times a week and most, if not all of the
13 businesses, do get their deliveries through the front
14 there, in the parking lot, except for possibly Harmon,
15 which may get its deliveries from behind. But for our
16 purposes we would have them through the front.

17 MR. DURHAM: Because I know that parking lot is
18 jam-packed 90 percent of the time.

19 The employee parking is the one that's around
20 the back, or are the employees on the opposite side of
21 Clarissa Road?

22 MR. PANTELIS: Generally we encourage employees
23 to park on the other side of Clarissa. As the Board
24 knows, there's approximately 100 spaces there. And you
25 are correct that the spaces in front of the stores are

1 heavily utilized. But the nice thing about it is you
2 have a very well-maintained parking lot directly across,
3 pedestrian walkways that are striped. I was just there a
4 little while ago. And that's what we would do as well.

5 MAYOR STRAUSS: Anything else, Mr. Durham?

6 MR. DURHAM: No.

7 MAYOR STRAUSS: Thank you.

8 Anything else from the Board?

9 Mr. Gibbons, anything?

10 MR. GIBBONS: No, Mayor.

11 MAYOR STRAUSS: Anything else, sir?

12 MR. PANTELIS: No.

13 MAYOR STRAUSS: Sir, if you could have a seat.

14 I will open up to general public comment. I
15 ask anybody wishing to make a comment, please state your
16 name and your address for the stenographer, and speak
17 clearly.

18 Anybody in the second row? Third row? Fourth
19 row? Fifth row? Sixth row? Seventh row?

20 Mr. Pantelis, come on back up.

21 I'll entertain a motion to approve.

22 MR. WALSH: Motion.

23 MAYOR STRAUSS: Motion by Trustee Walsh.

24 Do I have a second?

25 MR. PEREIRA: Second.

1 MAYOR STRAUSS: Second by Trustee Pereira.

2 Mr. Scalero, poll the Board.

3 MR. SCALERO: Yes, sir.

4 MR. SCALERO: Trustee Durham?

5 MR. DURHAM: Yes.

6 MR. SCALERO: Trustee Pereira?

7 MR. PEREIRA: Yes.

8 MR. SCALERO: Trustee Cusato?

9 MR. CUSATO: Absolutely yes.

10 MR. SCALERO: Trustee Walsh?

11 MR. WALSH: Yes.

12 MR. SCALERO: Mayor Strauss?

13 MAYOR STRAUSS: Yes.

14 Sir, congratulations. Congratulations to
15 Mr. Otto. We wish you the best of luck. Fix the clock.
16 And we're looking forward to being partners with you.

17 MR. PANTELIS: Thank you again.

18 MAYOR STRAUSS: Good luck.

19 * * *

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1 MAYOR STRAUSS: Mr. Scalero, would you please
2 proceed with the next hearing?

3 MR. SCALERO: Yes, sir.

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

6 "Please take Notice that the Board of Trustees
7 of the Incorporated Village of Mineola will hold a Public
8 Hearing on Wednesday, October 14, 2015 at 6:30 p.m. at
9 the Village Hall, 155 Washington Avenue, Mineola, New
10 York 11501, or at some other location to be hereafter
11 designated by the Board of Trustees, in order to receive
12 public comment upon the following:

13 "Application of Anthony S. Di Properzio for a
14 Special Use Permit pursuant to Chapter 550 of the Code of
15 the Incorporated Village of Mineola, entitled 'Zoning',
16 Section 550.12, entitled 'B-1 Districts', Subsection (B),
17 entitled 'Special Uses', for the purpose of establishing
18 a car rental business upon the property known as 461
19 Jericho Turnpike, Mineola, New York, known and designated
20 on the Nassau County Land and Tax Map as Section 9, Block
21 28, lots 43 to 44.

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

1 compliance with non-discrimination requirements of the
2 Federal Revenue Sharing regulations.

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

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

8 "By Order of the Board of Trustees of the
9 Incorporated Village of Mineola. Joseph R. Scalero,
10 Village Clerk.

11 "Dated September 9, 2015."

12 MAYOR STRAUSS: Thank you, Mr. Scalero.

13 Mr. Whalen, report on the mailings.

14 MR. WHALEN: Affidavits of Mailing are in
15 order, Mayor. 83 mailed, 49 returned, and there was an
16 additional half a dozen or so subsequent to that.

17 MAYOR STRAUSS: Thank you, Mr. Whalen.

18 Mr. Gibbons?

19 MR. GIBBONS: Nassau County Planning Commission
20 reviewed the application and recommended a local
21 determination. And under SEQRA this is an unlisted
22 action with a negative declaration. I ask for that
23 resolution.

24 MAYOR STRAUSS: Motion?

25 MR. WALSH: Motion.

1 MAYOR STRAUSS: Motion by Trustee Walsh.

2 MR. CUSATO: Second

3 MAYOR STRAUSS: Second by Trustee Cusato.

4 All in favor?

5 MR. DURHAM: Aye.

6 MR. PEREIRA: Aye.

7 MR. CUSATO: Aye.

8 MR. WALSH: Aye.

9 MAYOR STRAUSS: Aye.

10 Anyone opposed?

11 Carried.

12 OK, folks. As in previous hearings, we're
13 going to ask the applicant to present his application.
14 Then we'll hear from the Board. Then we'll open to
15 public comment.

16 Sir?

17 MR. Di PROPERZIO: Good evening, Mr. Mayor,
18 Members of the Board. Anthony S. Di Properzio,
19 Architect, with offices at 499 Jericho Turnpike, Mineola.

20 We're here before you tonight on the
21 application for a Special Use Permit to permit an auto
22 rental establishment located at 461 Jericho Turnpike.

23 The existing building is a one-story masonry
24 structure. It was constructed in 1957, under permit 942,
25 which was approved for sales and warehouse for radio and

1 TV repair. There were subsequent tenants in the building
2 from that time.

3 In May of 2000 the premises was purchased by
4 Edward Karnig and Karnig Auto Devices. Previous to that
5 Mr. Karnig had a similar business at 39 West Jericho
6 Turnpike from 1987 until 2000. The primary use of the
7 business was to install alarm systems and telephones in
8 automobiles, in new cars and used.

9 Over the years, over the past several years,
10 the car manufacturers are now installing the alarms and
11 telephone systems themselves and Mr. Karnig's business
12 has experienced a decline as a result of that.

13 In 2001, after he took title to the premises,
14 he filed a permit with the Building Department to
15 construct offices, petitioned for offices, and the use
16 was listed as office/retail, automobile alarm
17 installations.

18 Currently Mr. Karnig has one employee, himself.
19 He works alone at the premises, mainly installing
20 electric starting devices in automobiles.

21 In February of this year Mr. Karnig was
22 approached by AutoSource 1, who is a satellite car rental
23 establishment, to rent out part of the premises.
24 Basically, again, it's a satellite operation. Although
25 the parking for the building is existing nonconforming,

1 there is a rear yard to the building that can legally fit
2 four cars in accordance with the Village Code. So that
3 two of the cars right now are used for the two principles
4 of both businesses and it leaves two cars left over that
5 would be available for storage of cars for rental
6 purposes in the event of a walk-in customer or for
7 emergency purposes.

8 I have Mr. Wendell Raphael here tonight, who is
9 the principle of AutoSource 1, who will explain the
10 operation of his business, but primarily they are in
11 contract with several auto body shops. They store
12 automobiles at the auto body shops. And they also have
13 two other premises, similar locations, satellite stores.
14 One is located at 1401 Jerusalem Avenue, in North
15 Merrick, another at 1225 Franklin Avenue, in Garden City.
16 And there's a premises at 581 Nassau Road, in Uniondale,
17 where they store the fleet of cars that they have
18 available for rental. They store between 60 and 70 cars.

19 So basically the operation is: Once the auto
20 body shop calls to reserve a number of cars for any day
21 in particular, those cars are transported from the Nassau
22 Road address, delivered to the body shop directly.
23 Mr. Wendell goes there, fills out the paperwork with the
24 person who is going to be renting the car. They take the
25 car. When their car is ready they bring the rental back,

1 and at that time Mr. Wendell picks it up and has it
2 brought back to Uniondale.

3 May 22nd of this year five appearance tickets
4 were issued against the property. Two of those
5 appearance tickets were for the auto rental establishment
6 not being permitted, and the second being that it
7 required a conditional use permit. And there was also a
8 series of sign violations that were cited, which have
9 been cleared up. And they went before Judge O'Shea and
10 paid the respective fine that was levied against them.

11 At this point I would like to have Mr. Wendell
12 come up and give a further description of the operation
13 of the AutoSource 1 operation.

14 MR. RAPHAEL: Good evening. It's Wendell
15 Raphael, 1517 Warwick Road, Hewlett New York 11557.

16 So I'm the Chief Strategy Officer for
17 AutoSource 1 and I'm here to explain any questions that
18 you guys might have regarding the operation.

19 MAYOR STRAUSS: Why don't you explain to us the
20 operation.

21 MR. RAPHAEL: Basically the rental car
22 business, in a local edition aspect of it, is that it's
23 just like the role. When you go into a dealership, you
24 bring your car for repair, and they pull out a loaner and
25 give you. So now the whole operation for most of the

1 rent a car business locally is that once you have -- you
2 know, God forbid someone gets into an accident, they take
3 their car to the body shop. So a rental is automatically
4 at that location based on a reservation that we get into
5 a system so that this customer wouldn't have to wait, or
6 anything like that, so they could get their rentals.

7 So the majority of the operation is handled
8 through telephones and computer systems, and we have a
9 few contracts. For example, Barron auto body on Sagamore
10 and we have B & R on Herricks. We have Alpha Collision.
11 So, you know, they will let us know when the customer is
12 coming in for repair, or for their cars to be taken into
13 a body shop, and we will make sure that at that
14 particular time the cars are there and ready to go.

15 MAYOR STRAUSS: Anything else, sir?

16 MR. RAPHAEL: I mean, you know, as perfect
17 example, if you look at Enterprise down the block, they
18 pretty much handle the same operations. Yes, they have a
19 few walk-ins there, but 90 percent of the business is
20 being done at body shops.

21 MAYOR STRAUSS: What hours are you going to be
22 operating?

23 MR. RAPHAEL: We operate from 7:00 to 6:00 p.m.

24 MAYOR STRAUSS: Six days a week, seven days a
25 week?

1 MR. RAPHAEL: Monday through Friday 7:00 a.m.
2 to 6:00 p.m., and Saturday from 8:00 a.m. to 3:00 p.m.

3 MAYOR STRAUSS: Closed on Sunday?

4 MR. RAPHAEL: Closed on Sunday.

5 MAYOR STRAUSS: You have two staff members
6 working, you said?

7 MR. RAPHAEL: At this location it's usually
8 two. It's me and the driver. And the driver just
9 brought me to a different location. And then we have
10 Garden City, which have someone else there also. That's
11 on the telephone. And we have Merrick, 1401 Jerusalem
12 Avenue, which have about four people within that
13 location.

14 MAYOR STRAUSS: How many people will you have
15 working at 461 Jericho Turnpike?

16 MR. RAPHAEL: Just pretty much me and another.

17 MAYOR STRAUSS: Are you going to be working on
18 doing any kind of work, other than car alarm
19 installations, on vehicles?

20 MR. RAPHAEL: No. Hundred percent of our cars
21 are 2016 and 2015. So they're all under factory warranty.
22 So everything has to be done by the dealer, you know, for
23 us to be in compliance

24 MAYOR STRAUSS: So you're not fixing bumpers,
25 dents, spray painting vehicles?

1 MR. RAPHAEL: No, sir.

2 MAYOR STRAUSS: Is this a franchise, this
3 business?

4 MR. RAPHAEL: No. It's not.

5 MAYOR STRAUSS: It's your own?

6 MR. RAPHAEL: No. I'm the Chief Strategy
7 Officer. My wife is the Chief Operating Officer.

8 MAYOR STRAUSS: What assurances can you give us
9 that you're not going to park and store your vehicles on
10 the streets of the Village or in municipal lots?

11 MR. RAPHAEL: When I was made aware of the
12 situation that we had cars overflow into the streets and
13 so forth, from that minute on we made sure we let anybody
14 that comes in -- like one of our runners that comes in --
15 to let them know it's not permitted. Our cars have
16 specific markers on the corners of the windows which have
17 the numbers there. So, you know, you guys are welcome to
18 go by there.

19 MAYOR STRAUSS: Oh, we will.

20 MR. RAPHAEL: There will be no -- specifically,
21 we run Chevy, Hyundai and Volkswagen. And there's
22 specific markers in the windows. So it's like you can't
23 miss them.

24 MAYOR STRAUSS: So those are the only types of
25 vehicles you rent?

1 MR. RAPHAEL: That's the brands that we carry.

2 MAYOR STRAUSS: OK. Thank you.

3 Mr. Pereira?

4 MR. PEREIRA: I have a few questions for
5 Mr. Raphael.

6 Raphael is the last name, right?

7 MR. RAPHAEL: Yes. That's correct.

8 MR. PEREIRA: It's a great explanation of
9 AutoSource 1. However, you explained how this works with
10 body shops. And I've personally done that as well.
11 Where my car was hit. I went to a body shop and I rented
12 a car right from the body shop. But this is not a body
13 shop. Right? So people aren't bringing cars there. So
14 why do you need this place? Why don't you operate at a
15 body shop? Why don't you operate out of Barron, or why
16 don't you operate out of Alpha Collision, or B & R?

17 MR. RAPHAEL: Because, number one, Barron or
18 B & R don't want to be responsible for the car itself.
19 But this place here is mainly like, how I call it, it's
20 more like an operation center. So most of the business
21 is pretty much done through --

22 MR. PEREIRA: Off site.

23 MR. RAPHAEL: Off site.

24 MR. PEREIRA: So this is just logistics.

25 MR. RAPHAEL: Just logistics. Exactly.

1 MR. PEREIRA: So people aren't walking in off
2 Jericho Turnpike, walking into the storefront, and
3 saying, I want to rent a car, and they can rent a car.

4 MR. RAPHAEL: No.

5 MR. PEREIRA: Everything is spoken for.

6 MR. RAPHAEL: Yes. Because, number one, based
7 on our insurance policies, we can only rent to someone
8 who is having their car repaired. It's called insurance --

9 MR. PEREIRA: So you're not a retail --

10 MR. RAPHAEL: No.

11 MR. PEREIRA: You're not retail.

12 MR. RAPHAEL: No.

13 MR. PEREIRA: OK. So if I'm going to, you
14 know, the Hamptons for the weekend, I can't rent a car
15 from you, just walk in and rent a car, where I can at
16 other places.

17 MR. RAPHAEL: Yes.

18 MR. PEREIRA: You mentioned the makes of the
19 cars but, you know, we've heard that you've had some
20 high-end cars there. Are those the other part of the
21 business?

22 MR. RAPHAEL: The --

23 MR. PEREIRA: Ferraris and Hummers, and all
24 that. That's the other part of the business?

25 MR. RAPHAEL: No Hummers. But Ferrari is

1 Mr. Karnig's personal car. And the van is the company's
2 personal car.

3 MR. PEREIRA: OK. But those aren't for rent.

4 MR. RAPHAEL: No.

5 MR. PEREIRA: Now AutoSource in Garden City,
6 that's down by all the car dealerships?

7 MR. RAPHAEL: No. That's right behind
8 Fairchild and Son. So -- we have the 1225 Franklin,
9 1325, which is all the grey buildings. So that's mainly
10 corporate.

11 MR. PEREIRA: OK. But do you store cars there?

12 MR. RAPHAEL: No. Same situation. We have
13 about two cars, maximum, just in case it's a customer,
14 for example, out of Garden City Jeep that needs a loaner.
15 So we would run it from there.

16 MR. PEREIRA: OK. And the 1401 Jerusalem, in
17 Merrick, is that near a residential area?

18 MR. RAPHAEL: That's near a residential area
19 also, and that's the same concept.

20 MR. PEREIRA: The same concept.

21 MR. RAPHAEL: The same concept. That covers
22 the south shore, which is, like, the Performance Auto
23 Body. Within that area.

24 MR. PEREIRA: So how many cars at Nassau Road
25 in Uniondale? Give or take, how many cars in your fleet

1 altogether, or what's your inventory?

2 MR. RAPHAEL: Inventory is about 100 cars.

3 Nassau Road would hold 100 cars.

4 MR. PEREIRA: So you have 100 cars, but at any
5 of those other satellite places, Merrick, Garden City,
6 Mineola, you have two or three cars.

7 MR. RAPHAEL: Two cars max usually.

8 MR. PEREIRA: And those don't stay long-term.
9 Those, they're going somewhere.

10 MR. RAPHAEL: They're going somewhere or -- I
11 mean, there are even times where, like, I deliver a car
12 to a shop and just walk back, like B & R over by me.

13 MR. PEREIRA: So these cars are not staying
14 there for days and weeks.

15 MR. RAPHAEL: No. They alternate. You might
16 have two cars there today, which they say is like a Chevy
17 Cruze and a Chevy Impala, but those went to a shop. So
18 we might have another two cars that might come in and
19 just stay there.

20 MR. PEREIRA: And those would stay. So there's
21 four spots, one is for the gentleman who operates the
22 business and other one is for you, and the other two
23 spots are for the rentals.

24 MR. RAPHAEL: Yes.

25 MR. PEREIRA: OK. That's it for now.

1 MAYOR STRAUSS: Thank you, Mr. Pereira.

2 Mr. Cusato?

3 MR. CUSATO: I'm still confused here. You
4 know, I've been to the back of your store on multiple
5 occasions and I've seen five, six, seven cars in the back
6 lot.

7 So what are those cars?

8 MR. RAPHAEL: You have Great Neck Electric --
9 which one --

10 MR. CUSATO: In your lot. I've seen four,
11 five, six, seven cars parked in the back of your lot when
12 you said there are only two there.

13 MR. RAPHAEL: That was before we were aware of
14 the problem and the architect let us know that we
15 couldn't do that no more. So before that, yes.

16 MR. CUSATO: I'm talking Monday night. I'm
17 talking two days ago. There were five cars in your lot
18 Monday night. Two days ago. So -- yes. So where are
19 those -- what are those five cars? Who do they belong
20 to?

21 MR. RAPHAEL: I mean, the most probably would
22 be it's maybe two cars, our cars, maybe someone that came
23 in. But we have the building right next to us, which is
24 the two buildings between Zalytron and I think -- between
25 Mineola Bicycle --

1 MR. CUSATO: You have your store, you have
2 Zalytron, and the bicycle store.

3 MR. RAPHAEL: In instances we let -- there's a
4 tenant right in between Zalytron.

5 MR. Di PROPERZIO: If I can. The two cars that
6 are rental cars -- we have room for four cars --

7 MR. CUSATO: Yes.

8 MR. Di PROPERZIO: -- on the site. Two of the
9 cars are the rental cars and Mr. Karnig, who installs
10 auto devices, also has parking for two cars on the site
11 as well.

12 MR. CUSATO: OK.

13 MR. Di PROPERZIO: Plus there is storage inside
14 the building.

15 If there was more than four cars in that lot --
16 because I've been monitoring them during the day because
17 my office is a block-and-a-half away.

18 MR. CUSATO: OK.

19 MR. Di PROPERZIO: If there's more than four
20 cars in the lot at night, then somebody else is parking
21 there illegally.

22 We can put a gate across. If the Village would
23 allow, we'd be happy to put a gate cross.

24 MR. CUSATO: I just want to make sure that
25 you're not going to have parking on the street.

1 So you are going to install devices in the
2 garage?

3 MR. Di PROPERZIO: That's what the permitted
4 use has been since 2000, 2001.

5 MR. CUSATO: So you can install a burglar
6 system in a car in that location?

7 MR. Di PROPERZIO: Yes.

8 MR. CUSATO: And that siren can be blaring, if
9 you want to test it out. So people would hear that
10 siren?

11 MR. Di PROPERZIO: Well, they don't install
12 radios and things of that nature.

13 MR. CUSATO: You're going to install a car
14 alarm. So the car alarm --

15 MR. Di PROPERZIO: That business has dried up.
16 It's gone. People who buy cars today buy them with the
17 alarm in the car, or they order it and the manufacturer
18 has to --

19 MR. CUSATO: So what are you, then, going to
20 do?

21 MR. Di PROPERZIO: Automatic starters.

22 MR. CUSATO: Just remote starters. That's all
23 you're going to do, remote starters?

24 MR. Di PROPERZIO: That's all he's doing right
25 now.

1 MR. CUSATO: And that's for a fact? You're
2 only going to do that, remote starters?

3 MR. KARNIG: Good evening, gentlemen. And I
4 also --

5 MAYOR STRAUSS: Please approach the podium and
6 state your name and address for the record.

7 MR. Di PROPERZIO: State your name.

8 MR. KARNIG: Ed Karnig, the owner of the
9 property, 461 Jericho Turnpike.

10 And I also have customers, auto car dealers,
11 that I deliver to. We very rarely install there. Maybe
12 we do one installation a month over there, and the rest
13 of the business is delivered to a car dealer, such as
14 Millennium Toyota, Westchester Toyota.

15 MR. CUSATO: And installation just of automatic
16 starters? There's no --

17 MR. KARNIG: Very seldom do we install
18 anything. Matter of fact, my last employee passed away
19 and I never replaced him.

20 The car business, I started out in 1968 and it
21 was like selling candy to a kid in a candy store. They
22 were selling alarms, 5,000 of them a month. I used to be
23 also at 39 West Jericho Turnpike. And as the years went
24 by, after 2000, it just slowly deteriorated because the
25 manufacturers put it in the car.

1 MR. CUSATO: OK.

2 MR. KARNIG: So I'm just surviving. Taking it
3 to the end. I offer a lifetime warranty to all my
4 customers, and I want to uphold that.

5 MR. CUSATO: I'm just concerned with the alarm
6 sounding.

7 MR. KARNIG: There's no sirens going. If a
8 siren was to go off, I would house it in the garage and
9 close the garage door.

10 MR. CUSATO: That's my --

11 MR. KARNIG: I don't install -- I wouldn't
12 install outside because all the tools and everything are
13 inside.

14 MR. CUSATO: OK.

15 MR. KARNIG: To be honest with you, if we
16 install one remote start a month it's a lot. I never
17 replaced the employee.

18 MR. CUSATO: OK. Thank you.

19 THE COURT: Mr. Karnig, if you could stay.

20 So you're principally renting vehicles, renting
21 cars that are going to be brought in from off site to
22 that site?

23 MR. PEREIRA: Not him.

24 MR. KARNIG: That's not my business. That's
25 Mr. Raphael's. I rent the space.

1 MR. DURHAM: So two businesses are running out
2 of the same building.

3 MR. KARNIG: Exactly. And mine is just about
4 kaput.

5 MAYOR STRAUSS: OK. Thank you.
6 Anything else, Mr. Cusato?

7 MR. CUSATO: That's fine.

8 MAYOR STRAUSS: Mr. Durham?

9 MR. DURHAM: When you said that you have --
10 actually, Mr. Raphael.

11 When you stated you have basically 100
12 vehicles, just trying to understand your business, how
13 many are out --

14 MR. RAPHAEL: We keep about 90 percent out,
15 because we are in the vehicle rental business. If the
16 cars --

17 MR. DURHAM: But I'm just saying: So, you said
18 that you have runners. So the runners are coming,
19 picking up cars that are coming back, taking them back to
20 someplace to clean them. Are they going to be cleaned
21 here at this location?

22 MR. RAPHAEL: We have a contract with a car
23 wash, you know, over on Jericho Turnpike and Herricks.
24 So that's one of the locations that we have a lot of cars
25 getting cleaned there. And we have another contract in

1 the Uniondale side, which is another car wash that gets
2 most of the cars clean.

3 MR. DURHAM: How many runners do you basically
4 have, if you're going to all these body shops. I'm just
5 trying to figure out how many employees you have on the
6 road.

7 MR. RAPHAEL: At the Merrick location we have
8 two runners. In Uniondale we have two runners. And then
9 from this location here, on Jericho Turnpike, one runner.

10 MR. DURHAM: So here's my question: OK. So,
11 the Mineola guy -- you call the Mineola person, leaves
12 the car at Jericho Auto Body. The runner takes and goes
13 to the field where you have the 100 cars, grabs the car
14 and goes there?

15 MR. RAPHAEL: He grabs the car -- 90 percent of
16 the time these shops already have two cars on their
17 premises.

18 MR. DURHAM: OK. So you leave cars on each of
19 the body shops.

20 MR. RAPHAEL: Yes.

21 MR. DURHAM: OK. So they're just replacing a
22 number of cars.

23 MR. RAPHAEL: Just replacing.

24 MR. DURHAM: So you have one guy following the
25 other guy with a car to take and bring him back, or you

1 go into the body shop to pick him up after one of those?

2 MR. RAPHAEL: Most of the time, after the
3 runner goes, I have to go follow them to get the
4 contracts, the bills from there or the girls from the
5 office.

6 MR. DURHAM: So you have to go to do the
7 paperwork at the body shop for each car?

8 MR. RAPHAEL: Yes. Or sometimes they do the
9 paperwork, if you have fax, back and forth. And, you
10 know, out of the Jericho location we will do all the
11 contracts there and send the contract back.

12 MR. DURHAM: So if you send it electronically
13 to the body shop, they just have to sign it and -- so you
14 don't physically have to be at the body shop, whatever.
15 They just give the person the keys.

16 MR. RAPHAEL: Yes. I don't know if anybody is
17 familiar with Tip-Top Auto Body, for example, on Denton
18 Avenue. Like, they're one of the locations that have
19 Enterprise inside the office. So it's something similar
20 to that. And, you know, they sign paperwork from there
21 and the customer leaves with the car.

22 MR. DURHAM: I have no further questions.

23 MAYOR STRAUSS: Mr. Walsh?

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

25 Good evening. How are you?

1 MR. RAPHAEL: Yes, sir.

2 MR. WALSH: You know, so now there's going to
3 be two businesses at this location; is that correct?

4 MR. RAPHAEL: Yes. And we have --

5 MR. WALSH: And this big open area, what's
6 going on with that big open area inside the building?

7 MR. RAPHAEL: The big open --

8 MR. WALSH: Yes, please.

9 MR. Di PROPERZIO: When Mr. Karnig's business
10 was very active, that's how much space he was using to
11 install the devices. Right now it's really basically
12 empty except for, I think, two cars?

13 MR. KARNIG: We have the --

14 MAYOR STRAUSS: Yes. Thank you. Please come
15 up to the podium.

16 MR. KARNIG: There's offices in the front for
17 AutoSource 1. And my hobby is cars. Since I don't have
18 too much to do and I'm old and retired and I like cars --
19 that's how I got into the car business -- I like to clean
20 my car, work on my car, wash it in the back, drive it,
21 bring it back.

22 MR. WALSH: So basically that big open area --
23 when the rear doors open up, there's a big open area.
24 That's for you to use basically.

25 MR. KARNIG: Basically, yes.

1 MR. WALSH: OK.

2 MR. KARNIG: I think I saw you drive by today.

3 MR. WALSH: Yes. I saw you. I've been there
4 several times.

5 MR. KARNIG: I said, Jesus, the one time I left
6 the Ferrari outside.

7 MR. WALSH: Yes, sir. I wasn't going to say
8 that. But you also said, this gentleman, the attorney,
9 also said that four cars are parked behind your building
10 and two of them are the owner's cars. However, your
11 first name is Ed and your last name ends with a K. So I
12 imagine that that -- I won't mention the type of vehicle,
13 but the white vehicle that has luxury plates, that must
14 be your vehicle.

15 MR. KARNIG: Yes.

16 MR. WALSH: And that is almost always parked in
17 the parking lot, the Village municipal parking lot.

18 MR. KARNIG: Most of the time I do.

19 MR. WALSH: Which is fine. You are a business
20 owner.

21 MR. KARNIG: That lot is basically taken over
22 by that big building.

23 MR. WALSH: Well, hold on. Just let me finish
24 with my question.

25 You basically park -- you park your car there,

1 and that's fine. You're a business owner. But the
2 gentleman said that two of the cars were your cars and
3 two were vehicles that he rents. However, maybe you can
4 help me. Who owns all the Suburbans that I've seen out
5 there?

6 MR. RAPHAEL: The Suburban was --

7 MR. WALSH: Not one. Three Suburbans.

8 MR. RAPHAEL: We have about 28 Suburbans.

9 MR. WALSH: OK. So prior to the Building
10 Department going over and speaking to you all about the
11 conditions over there, there were a minimum of three
12 Suburbans parked in the municipal parking lot, three or
13 four or more Hyundais parked in the municipal parking
14 lot, as well as this gentleman's car. I saw a Mercedes,
15 I mean a Rolls-Royce, that was speaking with somebody
16 inside. He was parked in the parking lot.

17 So in other words, you were just about to say
18 that that large -- Mr. Ed, you were just about to say
19 that that large building is taking up all the parking
20 spaces in that municipal parking lot but, in fact, up
21 until the Building Department went after you you were
22 using up the parking lot every bit as much as that large
23 building; is that correct?

24 MR. Di PROPERZIO: That's correct.

25 MR. WALSH: OK.

1 MR. Di PROPERZIO: Basically what happened was
2 when Mr. Karnig got the violations he came to my office
3 to inquire as to what was needed to be done in order to
4 clear up the violations. And when we went through the
5 Village Code and we spoke to Mr. Whalen regarding it and
6 confirmed how we were going to proceed with this action,
7 that's when I informed them that you can't have more than
8 four cars in the back.

9 MR. WALSH: Yes.

10 MR. Di PROPERZIO: And to the --

11 MR. WALSH: That's great.

12 MR. Di PROPERZIO: To the best of my knowledge,
13 that's when it stopped.

14 MR. WALSH: And I do see that they have limited
15 to four cars now. However, you're in business for many
16 years and it seems like you're in business for quite some
17 time. So prior to coming down here for a hearing you
18 were really abusing the neighborhood by parking not just
19 in that municipal parking lot but all over the street
20 there in front of residents' houses, and only when the
21 Building Department went to you did the condition get
22 corrected. So we have to look at things that have
23 happened in the past to make a decision on whether we're
24 going to let you go forward, if you can understand that.

25 MR. RAPHAEL: I mean, you know, when we first

1 got in there I didn't understand. You know, the
2 procedures were pretty much -- I thought that the lot was
3 overflow of any businesses, so whichever ones come first.

4 MR. WALSH: Yes, but you had to know that
5 parking three Suburbans and a couple of other cars on the
6 block isn't really acceptable for the neighbors, forget
7 about the parking lot.

8 MR. RAPHAEL: OK. But for the neighbors
9 themselves, like from the houses, I mean, from anywhere
10 going north from our driveways, I've always advised
11 whoever came there, one of our runners, not to park
12 there. But that was also the same time that we had
13 the -- right before school is finished. So we had
14 Chaminade there also. And Chaminade, they all use Jeeps.
15 So that just --

16 MR. WALSH: What do you mean? I'm sorry.
17 You're saying Chaminade students use Jeeps?

18 MR. RAPHAEL: Chaminade students, for some
19 reason, I mean --

20 MR. WALSH: Well, hold on. Let's go back a
21 little bit.

22 I don't know what Chaminade students use,
23 whether they use Jeeps or not. I'm not talking about
24 Chaminade students. Chaminade students park legally in
25 the street. And you, this gentleman, can park his car

1 legally in the street and he can park in the municipal
2 lot. But as a business person you should know, whether
3 it's from north of your property to Jericho Turnpike or
4 not, you can't use the street to conduct business. And I
5 feel that you were using the municipal streets there, and
6 it was in front of people's houses. I think there may be
7 people here that will testify to that. So you really,
8 you know, came in and you started using the streets to
9 store your vehicles, and that really wasn't a good start.

10 MR. RAPHAEL: And we corrected that.

11 MR. WALSH: And you did correct. You did
12 correct it. I said that. And I said you corrected it.
13 But you corrected it -- but you corrected it after you
14 were told. And we just have to think about the future
15 and, you know, take a look at the example for the past.
16 And I'm not saying that you're not going to get a permit
17 but, you know, as a businessman you shouldn't have really
18 put all those vehicles in the street.

19 MR. RAPHAEL: Yes. And I understand that. And
20 to be a good neighbor, I mean, like I said, you guys
21 would be welcome, more than welcome, to go there. To be
22 a good neighbor, we're not here to create any type of
23 enemies on the block. These are the same residents that
24 if they, God forbid, get into an accident that would go
25 to a local body shop. So we will be the same one that

1 goes there. So we wouldn't want to create a problem.

2 MR. WALSH: OK. Thank you.

3 MAYOR STRAUSS: Thank you, Mr. Walsh.

4 MR. WALSH: Thank you, Mayor.

5 MAYOR STRAUSS: So, Mr. Raphael, just to
6 reiterate that you're aware that we don't appreciate or
7 approve of you storing your vehicles on the street or our
8 municipal lots. You can park there from time to time, as
9 Mr. Karnig does, but storage of vehicles is not going to
10 float.

11 MR. RAPHAEL: Yes.

12 MAYOR STRAUSS: Mr. Pereira?

13 MR. PEREIRA: Yes. And I think that once we
14 got this clear that there are, in fact, two businesses
15 operating in that same location, and my problem isn't so
16 much with Mr. Karnig, and I don't have problems with you
17 either. Obviously, Mr. Karnig has been running a
18 business there for 46 years, 47 years. So he's been
19 doing something right. And I presume that he's had
20 relatively a good relationship with the neighbors.

21 As Mr. Karnig himself said, you know, he's
22 looking to retire. He no longer has any employees. I
23 just want to make sure that we're on the record and we're
24 clear that any approval that we give is going to run with
25 the land. So he has a prior nonconforming use, or he has

1 a permitted use. Now you're seeking a permitted use. If
2 Mr. Karnig were to end his business and turn over the
3 building completely to you, the conditions that we put on
4 it today or next week or next month, when we approve it,
5 or don't approve it, that would go with the land. In
6 other words, if Mr. Karnig vacates the property, you're
7 still only entitled to two cars on the property.

8 MR. RAPHAEL: Which would mean that that would
9 be a condition . . .

10 MR. PEREIRA: Exactly. That would be a
11 condition going forward. You know, if we permit the use
12 of a rental car place, just understand that this can not
13 become a retail rental car place in the future. And I
14 want that to be clear, that the conditions that are
15 established now, whether Mr. Karnig is there or not,
16 whether he's running his business in there or not, your
17 business or whatever business goes in there has to adhere
18 to the conditions that are imposed here, you know, or you
19 would have to come back before this Board to seek further
20 relief.

21 MR. RAPHAEL: OK.

22 MR. PEREIRA: Mr. Gibbons, is that correct?

23 MR. GIBBONS: I think you said it correctly.

24 So when you make a statement that you're going
25 to only have two cars, you should know that that

1 statement will end up in the Board's decision if the
2 Board is inclined to grant the application. Just make
3 sure you speak accurately with respect to the number of
4 cars.

5 And also, Trustee Walsh brought up that you
6 maintain all cars on site, not in the municipal lot. So
7 that would be a condition.

8 So if you have a problem with any of those
9 items, you know, you should raise those during the public
10 hearing.

11 MR. Di PROPERZIO: I would just clarify that
12 the two car limit is strictly for rental cars only, but
13 his personal car and Mr. Karnig's personal car would be
14 able to park in the rear.

15 MR. PEREIRA: And I think, as Mr. Walsh said,
16 and I think we all agree that, you know, Mr. Karnig and
17 Mr. Raphael don't forgo their rights to park on public
18 streets their personal cars, or in our lots their
19 personal cars. However, you can't conduct business. You
20 can't store cars as part of a business enterprise on
21 public streets because now you are essentially -- you
22 know, we would all love to run businesses for free. So
23 your personal cars are one thing. The cars associated
24 with the business are completely different, and those
25 have to be stored on site.

1 MR. RAPHAEL: Yes.

2 MR. PEREIRA: OK.

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

5 All right. Gentlemen, I ask you to have a
6 seat. We'll open up to public comment. If there are any
7 questions coming from the public, I ask that you write
8 those down. At the end of the public comment session you
9 come back up and we'll address those questions.

10 Anybody in the second row? Third row? Fourth
11 row? Fifth row? Sixth row?

12 Yes, ma'am.

13 MS. WOJIS: Matilde Wojis, 257 White Road,
14 Mineola.

15 There has been a great improvement. They're
16 not blocking the parking lot. Just their personal cars.

17 I was looking at the web site just now while
18 they were talking. My concern is: Is the entire
19 business only -- as you stated, as Mr. Raphael stated --
20 that it is only for loaner cars, or are they also renting
21 cars? Because I'm not sure that that is the case.
22 Because at one point during the summer, or at some point
23 before they, you know, requested permission, there was a
24 car with a sign parked out front that says, Rent Me. So,
25 you know, I do think that they are renting cars. And on

1 the home page of AutoSource 1 it says: Suppose you're
2 coming to the metro New York area or the Atlanta area for
3 a vacation, or you might live locally but your car is in
4 the shop and you would prefer to rent from a local car
5 rental company. It sounds like if you're coming from out
6 of state, from the Atlanta area on a business trip, you
7 would be renting a car. How is that like if your car is
8 in the shop? How is that the same as what Mr. Raphael
9 described? It sounds to me as if it's just also a car
10 rental place as well. Maybe the company is that way. I
11 don't know.

12 Affordable leisure and accident rental rates.
13 Leisure? I don't know what that means. Leisure to me
14 means if you just want to rent a car and go somewhere.
15 It doesn't mean that your car is in the fix-it shop.

16 Also, I think before we approve it, if we have
17 the ability to, is to kind of find out who are some of
18 these places? He mentioned Barron. They mentioned a few
19 other car dealerships. You know, I'd like to see, you
20 know, who is really, you know, using their business. And
21 I don't know. I just think we should do a little more
22 investigating before we allow it. And, you know, if they
23 keep -- you know, bottom line is we feel that as long as
24 our streets are clear, as you stated, and they're not
25 using it for business, you know, more power to them.

1 They can have their car rental place. But just don't
2 clog up our streets and our parking lot.

3 So my question is: Is it really only for car
4 rental or, you know, car repair, you know, if your car is
5 in the shop, or are they actually renting cars as well?

6 MAYOR STRAUSS: Thank you, Ms. Wojis.

7 Any other comments, questions?

8 MR. WOJIS: Stan Wojis, 257 White Road.

9 My concern is the suburban quality of the
10 Village of Mineola. The Bolla gas station went in there
11 and it creates a lot of traffic, a lot of people turning
12 into that station. The block we live on, White Road, can
13 not really stand any more stress to it.

14 Now, are there going to be any guaranties that
15 Mr. Raphael is not going to be able to put his vehicles
16 on the street once it's approved and we have to go battle
17 with him as far as getting him to not do that?

18 If he's going to operate his business with only
19 two cars there in the back, and not on the street and not
20 in the municipal parking lot, that's not a problem. But
21 I am skeptical that he's going to be able to run the
22 business that way. And you kind of judge people by what
23 they've done in the past. He, I would say, disregarded
24 the Village ordinances and things like that for a period
25 of time operating that way, and he should have known

1 better. Until the neighbors complained, the Village got
2 involved and investigated and found out that he was doing
3 things that he was not supposed to. I'm somewhat
4 skeptical he's going to be able to operate the business
5 the way he says he's going to with just two parking spots
6 there.

7 Again, my concern is for the suburban quality
8 of the Village. I think we deserve, the people on White
9 Road deserve a little bit of peace and quiet. In other
10 words, not having that road, the intersection between
11 Jericho Turnpike and White Road, constantly tied up. The
12 cars going into the Bolla gas station are there on a
13 regular basis. Anybody who looks there knows they're
14 doing very well. There's always cars filling up with
15 gas. We can't use another operation on our block that's
16 going to impact traffic at all.

17 Thank you.

18 MAYOR STRAUSS: Thank you, Mr. Wojis.

19 Anybody else?

20 Yes, sir.

21 MR. HOARE: Frank Hoare, 374 Beebe Road.

22 OK. I'm not going to repeat everything. You
23 pretty much covered it. But one thing annoys me is they
24 come in. They open up a business without checking into
25 things. No permits. Now they want it. They have not

1 been a good neighbor. Enterprise has always, from my
2 knowledge, always been a good neighbor. They say they're
3 not going to do retail. I don't understand why they need
4 the location. They have one in Garden City. They said,
5 too, that they didn't know about all these things. You
6 know Garden City. They just didn't just let them come in
7 there. I'm sure they have the same regulations or even
8 tougher regulations than we do.

9 OK. Why did they stop? How many summonses
10 were issued? How many times did they go there? How many
11 times were these cars on the street? OK?

12 And if they're going to have their car in those
13 body shops -- they have a lot in Uniondale, I think they
14 said, where there's 100 cars. How far is it, ten, 15
15 minutes to bring a car to a body shop if they don't have
16 them? Why do they need cars there in the first place?
17 And why do they have to be there in the first place? It
18 doesn't make sense.

19 MAYOR STRAUSS: Some of it doesn't make sense,
20 but that's not for us to decide.

21 MR. HOARE: I understand that.

22 If they're in Garden City, why do they need
23 Mineola? Ten to 15 minutes away. Well, you know, I
24 won't go on to it. But I just don't like the idea that
25 they came in, did it without any consultations from us.

1 They know darn well what they have to do, especially if
2 they're in Garden City. And they did it, and they
3 continued to do it until we finally had to summons them,
4 subpoena them and everything else. That's when they
5 stopped. OK?

6 Thank you.

7 MAYOR STRAUSS: All right. Thank you,
8 Mr. Hoare.

9 Anybody else wishing to make comment?

10 Gentlemen, come on back up.

11 Can you address those --

12 MR. Di PROPERZIO: I would like to get straight
13 to the floor before Mr. Wendell explains again the
14 operation of his business.

15 We respect residential properties on the
16 street. And I'm sure Mr. Karnig would have no objection
17 if the Board would like to impose a no right turn
18 restriction coming out of the parking area behind the
19 building, similar to what the Bolla gas station has now.

20 MAYOR STRAUSS: Thank you.

21 MR. RAPHAEL: I just want to address what the
22 gentleman said. I mean, we went in there and we went and
23 got, you know, all type of violations from New York State
24 department sales tax. So we have all the permits that's
25 required to run a rental office. So we have licenses

1 from the department of financial services.

2 So we approached Mr. Karnig because of the fact
3 that Garden City rent is a lot higher than being in
4 Mineola. And as the business requires -- 90 percent of
5 the business is clerical. So we need an office building.
6 It's not so much as far as the places where you put the
7 cars. The customer doesn't care where the car comes
8 from. But it's a matter of a customer gets into an
9 accident. They're, you know, going through, you know, a
10 lot of different, you know, emotional aspects. So they
11 just want to be in and out of the shop as fast as
12 possible. So if a customer is sitting at Barron auto
13 body, you know, coming from Garden City it's going to
14 take 20 minutes easily from Franklin Avenue, between
15 Winthrop, you know. So from here it's basically, like,
16 less than ten minutes.

17 MAYOR STRAUSS: What about Ms. Wojis' concerns
18 about -- or question, I should say -- about the retail
19 end of the car rental business? So it's not just a
20 loaner car service.

21 MR. RAPHAEL: This was initially when we
22 started the business in 2012. The web site was -- we had
23 a location in Atlanta. So it said: If you are coming
24 into the metro Atlanta area. So that's what this had
25 covered.

1 Also, you know, we have run sometimes out of
2 certain airports that would have a customer that would
3 come in and, you know, once in a while we cover that.
4 But it's not so much the retail area. I mean, the web
5 site has to be updated. Like a lot of businesses, the
6 web site is not as accurate as what the business really
7 does. I mean, we would correct that. I mean, if we have
8 to remove anything from the signage to make it not, you
9 know, have anything to do with retail, we will do that.

10 MAYOR STRAUSS: So the web site is basically
11 for the Atlanta-based operation.

12 MR. RAPHAEL: Yes.

13 MAYOR STRAUSS: Not for what you have here.

14 MR. RAPHAEL: Yes.

15 MR. PEREIRA: Are you still in Atlanta?

16 MR. RAPHAEL: No. We closed up in Atlanta.

17 MR. PEREIRA: You closed up Atlanta.

18 What about the Rent Me signs on the cars?

19 MR. RAPHAEL: That one was pretty much testing
20 the water in the beginning, but we took that out. I
21 mean, how many people? You know. Once we had that, we
22 make sure we put money in the meters. Meter was running
23 for I guess how long? The minutes we parked the car for
24 one week, he came there three times to empty out the
25 meter. So I think that's some sort of revenue. But we

1 stopped that. We stopped that right away because there
2 was nothing coming out of that. Traffic is so high,
3 customers are not stopping.

4 MAYOR STRAUSS: To Mr. Wojis' question, and
5 something that we've talked about already, but I just
6 want to reiterate that we would like to maintain the
7 quality of life that's on that block and not have you use
8 the block, the streets in front of our residents' homes,
9 our neighbors' homes, for storage of your vehicles and
10 your product. So we'd like that assurance if this is
11 approved.

12 MR. RAPHAEL: I mean, you know, I've seen them
13 numerous times. I mean, if they have any problem they're
14 more than welcome to come to me to say -- if they feel
15 like this is one of our cars, like, you know, by mistake
16 or somewhat, we're here to be a good neighbor. I mean
17 usually, you know, I mean, I will say it's like 99.9
18 percent we never park over there.

19 MAYOR STRAUSS: There was a question about how
20 many summonses you were issued.

21 I don't know, Mr. Gibbons, is that something
22 that should be answered or --

23 MR. GIBBONS: That information is with the
24 Court, Mayor. I don't have that.

25 MAYOR STRAUSS: OK. So we don't know how many

1 summonses.

2 MR. PEREIRA: I believe you said five.

3 MR. KARNIG: Four.

4 MR. Di PROPERZIO: Five.

5 MAYOR STRAUSS: And they've all been cleared up
6 and rectified and satisfied.

7 MR. Di PROPERZIO: Except -- there were five
8 appearance tickets issued. One was for not having a CO
9 for a car rental establishment. The second was the car
10 rental establishment needed Special Use Permit. And then
11 the other three were for swapping out the signs on the
12 building to include the car rental establishment.

13 The sign violations have been cleared. The
14 signs were corrected. They appeared before Judge O'Shea
15 and they paid a fine. So the sign issues have been
16 addressed. It's just the two issues now of obtaining the
17 Special Use Permit and getting the new Certificate of
18 Occupancy to include the car rental use on the site and
19 to continue to maintain the Karnig auto device
20 installations as well.

21 MAYOR STRAUSS: All right. Thank you.

22 Any other comments from the Board?

23 MR. WALSH: Just, the 100 vehicles that you
24 own, are they all New York plates, license plates, or do
25 some have Connecticut plates?

1 MR. RAPHAEL: Just New York plates.

2 MR. WALSH: All New York plates.

3 MR. RAPHAEL: Connecticut plates are from a
4 customer.

5 MR. WALSH: OK. Thank you.

6 MAYOR STRAUSS: Gentlemen, I'll entertain a
7 motion to reserve decision.

8 MR. WALSH: Motion.

9 MAYOR STRAUSS: Close the hearing, reserve
10 decision.

11 Motion by Trustee Walsh.

12 Do I have a second?

13 MR. PEREIRA: Second.

14 MAYOR STRAUSS: Second by Trustee Pereira.
15 All in favor?

16 MR. DURHAM: Aye.

17 MR. PEREIRA: Aye.

18 MR. CUSATO: Aye.

19 MR. WALSH: Aye.

20 MAYOR STRAUSS: Aye.

21 Anyone opposed?

22 Carried.

23 Thank you, gentlemen. You'll be hearing from
24 us.

25 * * *

1 MAYOR STRAUSS: Mr. Scalero, can you read the
2 next hearing?

3 MR. SCALERO: Yes, sir.

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

6 "Please take Notice that the Board of Trustees
7 of the Incorporated Village of Mineola will hold a Public
8 Hearing on Wednesday, October 14, 2015 at 6:30 p.m. at
9 the Village Hall, 155 Washington Avenue, Mineola, New
10 York 11501, or at some other location to be hereafter
11 designated by the Board of Trustees, in order to receive
12 public comment upon the following:

13 "Application of Rock Your Body Fitness for a
14 Special Use Permit pursuant to Chapter 550 of the Code of
15 the Incorporated Village of Mineola, entitled 'Zoning',
16 Section 550.16, entitled 'M Districts', Subsection (A),
17 for the purpose of establishing a personal fitness
18 training facility upon the property known as 224 East
19 Second Street, Mineola, New York, known and designated on
20 the Nassau County Land and Tax Map as Section 9, Block
21 366, Lot 93.

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

1 compliance with non-discrimination requirements of the
2 Federal Revenue Sharing regulations.

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

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

8 "By Order of the Board of Trustees of the
9 Incorporated Village of Mineola. Joseph R. Scalero,
10 Village Clerk.

11 "Dated September 9, 2015."

12 MAYOR STRAUSS: Thank you.

13 Mr. Whalen, would you come to the podium,
14 please?

15 MR. WHALEN: Dan Whalen, Superintendent of
16 Buildings for the Village of Mineola.

17 Mayor, Members of the Board, Mr. Gibbons, at
18 the applicant's request he has asked that we suspend the
19 hearing for this evening for this application. They were
20 unprepared as far as their mailings were concerned and
21 have requested that this be adjourned to a later date.

22 MAYOR STRAUSS: OK. Thank you.

23 I'll entertain a motion to close the hearings?

24 MR. PEREIRA: Motion.

25 MR. WALSH: Second.

1 MAYOR STRAUSS: Motion by Trustee Pereira,
2 second by Trustee Walsh.

3 All in favor?

4 MR. DURHAM: Aye.

5 MR. PEREIRA: Aye.

6 MR. CUSATO: Aye.

7 MR. WALSH: Aye.

8 MAYOR STRAUSS: Aye.

9 Any opposed?

10 Carried.

11 Folks, thank you very much. We're going to
12 take a brief recess and come out for a work session only.

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

17 * * *
18 
19 PATRICIA A. TAUBER, RPR
20 OFFICIAL COURT REPORTER
21
22
23
24
25

- Board of Trustees Hearing of 10/14/2015 -

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