Minutes - Board Meeting – 10/15/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 15, 2014 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Deputy Village Attorney Benjamin J. Truncale Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Village Treasurer Giacomo A. Ciccone Superintendent of Public Works Thomas J. Rini Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	16 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:50 PM

A Public Hearing was held 6:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

> **APPLICATION OF FLY HIGH DANCE AND FITNESS, INC. 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 DANCE AND FITNESS STUDIO UPON THE PROPERTY KNOWN AS 111 E. JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 268, LOTS 6-12;**

No Speakers addressed the Board

Resolution No. 290-14

Resolved to declare the application of Fly High Dance and Fitness, Inc. for a special permit at 111 E. Jericho Turnpike, Mineola NY as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 291-14

Resolved to approve the application of Fly High Dance and Fitness, Inc. for a special permit at 111 E. Jericho Turnpike, Mineola NY.

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
----------X
In the Matter of the Application of

FLY HIGH DANCE AND FITNESS, INC.

For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 111 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 268, Lots 6-12.
----------X

DECISION

NAME OF APPLICANTS:	Fly High Dance and Fitness, Inc.
SUBJECT PROPERTY:	Section 9, Block 268, Lots 6-12
STREET LOCATION:	111 East Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a dance and fitness studio
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	October 15, 2014
APPEARANCES:	James Nicolazzi, Architect Gitangalie Palombo, Owner Rosemary Spitaleri, Owne

DECISION:

Fly High Dance and Fitness, Inc. (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.12.B of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a dance and fitness studio upon the property known as 111 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 268, Lots 6-12) (hereinafter, the "Property").

By Notice of Disapproval, dated July 29, 2014, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the

Village's zoning regulations. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to establish a dance and fitness studio upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

1) Applicant is seeking a special use permit to establish a dance and fitness studio upon the property known as 111 East Jericho Turnpike, Mineola, New York;

2) The Property is serviced by twenty (20) off-street parking spaces. However, Applicant will not have access to all spaces;

3) The hours of operation will be 5:00 P.M. to 10:00 P.M. Monday-Friday and 9:00 A.M. to 4:00 P.M., Saturday-Sunday;

4) Classes will be for one (1) hour and with eight (8) to ten (10) to individuals at a time;

5) The Applicant will not be selling, preparing or cooking food upon the Property; and

6) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-1" District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

1) The operation of the facility shall be self-contained within the interior of the building;

2) Music, if any, shall be played at a low volume and shall not be audible outside of the building;

3) Applicant shall encourage its members to utilize the municipal parking;

4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or it successors

to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;

5) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and

6) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
October 15, 2014

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes	**No**	**Abstain**
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		
Mayor Scott P. Strauss		

Mayor Scott P. Strauss requested a motion to close the Public Hearing at 7:10 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

William A. Barrett, CPA of Rynkar, Vail & Barrett, LLP presented the annual financial statement for the fiscal year ending May 31, 2014.

Mayor Scott P. Strauss called the Public Meeting to order at 7:35 PM.

PRESENT:
Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT:
Deputy Village Attorney Benjamin J. Truncale
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo A. Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer:
Mineola American
Williston Times

Sunshine Observers: 12 Observers

Mayor Scott P. Strauss commented on a Letter to the Editor that was sent to the Williston Times by Mineola School Board President Artie Barnett and stated that his rebuttal of Mr. Barnett's comments will be printed in full in the following edition of the Williston Times. Mayor Strauss reminded residents of the annual children's Halloween party on Friday October 24; congratulated Valerie and Nick Passarella on being recognized by the Mineola Knights of Columbus as the "Italian Couple of the Year", and thanked the Irish American Society for honoring Veterans on October 12.

Trustee Paul A. Pereira congratulated Valerie and Nick Passarella on being recognized as the "Italian Couple of the Year", encouraged residents, especially those with children, to come to the Halloween party on October 24 commenting that it is a fun night; reminded residents to practice safety for themselves and their children during the Halloween season; and also reminded residents that they should replace their smoke detectors every 5 years, as a precaution.

Trustee Paul S. Cusato stated that the Town of Hempstead is having its Firematic Awards ceremony on October 16 and congratulated Lieutenant Kevin Nichol from Company 1 on receiving this award; congratulated Valerie and Nick Passarella on being named "Italian Couple of the Year"; and reiterated the importance of changing the batteries and maintaining your smoke detectors.

Trustee George R. Durham reported on his recent trip to Washington, D.C. with Boy Scouts of America Troop 45 commenting that it was very educational, and congratulated Mineola High School on winning their Homecoming football game.

Trustee Dennis Walsh reported that he attended the past Nassau County Village Official Association (NCVOA) meeting featuring guest speaker Eric Alexander, President of Vision LI, commenting that Mr. Alexander used the Village of Mineola as a good example of some of the smart growth projects underway. Trustee Walsh further commented on the letter from Mineola School Board President Artie Barnett, referring to economic studies by Dr. Pearl Kamer which were shared with the Mineola School Board at the time and stated that he believes Mr. Barnett's article to be inaccurate and misleading.

2 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 7:52 PM.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 7:53 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Deputy Village Attorney Benjamin J. Truncale
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo A. Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 12 Observers

Resolution No. 292-14

Resolved that the Board of Trustees accepts and adopts the audit report of the Justice Court for the fiscal year ended May 31, 2014 as prepared and submitted by independent outside auditors.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 293-14

Resolved that the Board of Trustees accepts and adopts the audit report relative to the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Village for the fiscal year ended May 31, 2014 as prepared and submitted by independent outside auditors.

Motioned by Trustee George R. Durham
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 294-14

Resolved to approve payments totaling $1,391.16 from Development Incentive Bonus Funds in FY 2014-2015:

Vendor	Amount	Project
Dvirka & Bartilucci Consulting Engineers	$1,391.16	Memorial Park Project

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 295-14

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 296-14

Resolved to amend the Village Code authorizing the installation of two "Stop" signs on Albertson Place at its intersection with Croyden Road. The Stop sign on the south side of Alberston Place to control eastbound traffic and the Stop sign on the north side of Alberston Place to control westbound traffic.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 297-14

Resolved to amend the Village Code authorizing the installation of two Stop signs and crosswalks on Clarissa Road. The Stop sign on the south side of Clarissa Road shall be located 368 feet west the south curbline of Beebe Road, controlling eastbound traffic. The Stop sign on the north side of Clarissa Road shall be located 304 feet west of the north curbline of Beebe Road, controlling westbound traffic.

Additionally, "Crosswalk Ahead" signs shall be installed no less than 100 feet in advance of the new Stop signs and crosswalks.

Motioned by Trustee George R. Durham
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 298-14

Resolve to award Items 1 - 6 of the public bid for the 2014 Tree Planting Program to the low bidder Louis Barbato Landscaping, Inc. based upon their low bid as follows:

Item #1 – 1-50 – Acer Campestre "Queen Elizabeth" Hedgemaple:$133.00 ea.
Item #2 – 51-100– Acer Campstre"Queen Elizabeth" Hedgemaple:$193.00 ea.
Item #3 – 1-50 – Acer Ginnala "Flame" Maple Trees: $ 193.00 ea.
Item #4 – 51-100 – Acer Ginnala "Flame" Maple Trees: $ 193.00 ea.
Item #5 – 1-50 Pyrus Calleryana "Chanticleer" Pear Trees: $ 143.00 ea.
Item #6 – 51-100 Pyrus Calleryana "Chanticleer" Pear Trees: $ 133.00 ea.

Funding from 2014/2015 Budget.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 299-14

Resolved to authorize a hydraulic modeling survey of the Village of Mineola Water Treatment and Distribution System by Village engineers, D & B Engineers and Architects, at a cost of $49,000.00. Funding provided from Development Incentive Bonus Funds.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:02 PM

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		