Minutes - Board Meeting 09/18/2013

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 18, 2013 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:	John M. Spellman Village Attorney Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Superintendent of Public Works Thomas J. Rini
Press Observers:	*Mineola American* *Newsday* *Williston Times* *Patch.com*
Sunshine Observers:	29 Observers

Mayor Scott P. Strauss called the Public Meeting to order at 6:45 PM.

Mayor Scott P. Strauss presented an overview as to the history, the legal requirements, and the village's current elections structure. In addition, Mayor Strauss presented arguments both for and against amending the terms of office for the Mayor and the Board of Trustees and for adopting Biennial Elections. Mayor Strauss stated that this change could be made by a vote of the current Board of Trustees, but instead, he and the Board of Trustees called for this Public Meeting so the opinions of the residents could be heard.

Proposal to amend terms of office for Mayor and Village Trustee from 2-year to 4-year terms and to set Biennial Elections.

12 Speakers addressed the Board

Resolution No. 242-13

WHEREAS, after a public meeting held on Wednesday, September 18, 2013, the Board of Trustees of the Incorporated Village of Mineola duly enacted Resolution #242-13. The resolution provided the following:

WHEREAS, the Board of Trustees has heard and considered the proposed Resolution setting a four (4) year term of office for Mayor and Trustees effective December 31, 2014, and

WHEREAS, Board of Trustees has heard and considered the proposed Resolution setting Village Elections on a biennial basis in even number years effective December 31, 2015, and

NOW, THEREFORE, BE IT RESOLVED, that effective December 31, 2014, the term of office for Mayor and Trustees shall be four (4) years, and

BE IT FURTHER RESOLVED, that effective December 31, 2015, the Village Election shall be held biennially in even number years, and

BE IT FURTHER RESOLVED, that Resolution #242-13 is subject to a permissive referendum in accordance with New York State Village Law §3-302(5)(a) and will become

effective thirty (30) days from the date of publication of this Notice of Adoption unless a referendum petition shall have been filed prior to said date, and

BE IT FURTHER RESOLVED, that in order to achieve four (4) year terms of office and biennial Village Elections in even number years the following shall be implemented:

ID	Next Election	Term		Term	Next Election	Term	Next Election
Mayor	March 2015	3 YRS	March 2018	4 YRS	March 2022	4 YRS	March 2026
Trustee 1	March 2015	3 YRS	March 2018	4 YRS	March 2022	4 YRS	March 2026
Trustee 2	March 2015	3 YRS	March 2018	4 YRS	March 2022	4 YRS	March 2026
Trustee 3	March 2014	2 YRS	March 2016	4 YRS	March 2020	4 YRS	March 2024
Trustee 4	March 2014	2 YRS	March 2016	4 YRS	March 2020	4 YRS	March 2024

BE IT FURTHER RESOLVED, that Village Elections for four (4) year terms of office for Mayor and Trustees held biennially in even number years shall be fully implemented in March 2018.

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 Meeting at 8:30 PM.

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 P. Strauss called the Work Session to order at 8:50 PM

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

ALSO PRESENT: John M. Spellman Village Attorney
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Public Works Thomas J. Rini

Press Observers: *Mineola American*
Newsday
Williston Times
Patch.com

Sunshine Observers: 15 Observers

Resolution No. 243-13

Approval of bills and payroll

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

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. 244-13

Resolved to approve a request by Senator Jack M. Martins for the use of the Community Center auditorium on Tuesday September 24, 2013 from 7:00 PM – 9:00 PM to conduct a seminar on "Parents with Children with Special Needs".

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

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. 245-13

Resolved to approve the membership of the following candidate as recommended by the Mineola Fire Department:

Conor LaCamera Company #2

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. 246-13

Resolved to approve a request of The Irish American Society of Nassau, Suffolk & Queens, Inc. for the use of village roads to conduct a St. Patrick's Day Parade on Sunday March 2, 2014 at 1:00 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

Vote:

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

Village Clerk Joseph R. Scalero presented a Justice Court Report for August 2013.

Resolution No. 247-13

Resolved to award the contract for the 2013 Road Rehabilitation Contract to the lowest bidder, Pratt Brothers, at the bid amount of $767,000.00.

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		

Superintendent of Public Works Thomas J. Rini reported on the Bruce Terrace Flood Mitigation project.

Resolution No. 248-13

Resolved, that the Incorporated Village of Mineola, an Involved/Interested Agency under SEQRA, concurs with the New York State Home and Community Renewal (HRC) assumption of Lead Agency status for the coordinated environmental review for the Recreate NY Home Buyout Program.

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. 249-13

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

MAHRAZ DARSHAN DAS CHARITABLE TRUST

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 115 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lot 232.
----------X

DECISION

NAME OF APPLICANTS:	Mahraz Darshan Das Charitable Trust
SUBJECT PROPERTY:	Section 9, Block 450, Lot 232
STREET LOCATION:	115 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 for the purpose of a religious education and community outreach upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 14, 2013
APPEARANCES:	Avtar Singh Matharoo

DECISION:

Mahraz Darshan Das Charitable Trust (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 for the purpose of religious education and community outreach upon the property known as 115 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 232) (hereinafter, the "Property").

By Notice of Disapproval, dated June 13, 2013, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that religious education and community outreach upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

A referral of the application was made to the Nassau County Planning Commission on August 19, 2013. By letter, dated August 26, 2013, 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 for spiritual practice upon the first floor of the property known as 115 Jericho Turnpike, Mineola, New York;

2) Applicant is a registered not-for-profit entity in California and is a part of organization that started in India in 1971 that works for peace in humanity;

3) Applicant has applied for not-for-profit status with New York State;

4) Applicant proposes spiritual practice on Friday (for children in English), Saturday and Sunday for adults in either Hindi or Punjabi;

5) Applicant currently has between 35-40 members;

6) Applicant will only be preparing tortillas and lentil soup in the second floor kitchen for consumption by the congregation;

7) Applicant is not proposing any drug treatment programs upon the Property;

8) Mr. Matharoo will reside at the Property in the second floor apartment with his wife and two (2) daughters.

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 Applicant will not rent, lease or permit the property to outside individuals/groups;

2) Applicant shall be the exclusive occupant of the leased premises;

3) Applicant shall encourage its members to utilize the municipal parking lot between Willis Avenue and Nassau Boulevard on Hopkins Avenue;

4) All cooking equipment maintained shall be in compliance with the New York State Fire Prevention and Building Code and the Rules of all agencies having jurisdiction;

5) 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;

6) 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

7) 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.

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

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		

Resolution No. 250-13

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

BONNIE L.S. PARENTE, P.C.

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 500 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lots 32, 131.
----------X

DECISION

NAME OF APPLICANTS:	Bonnie L.S. Parente, P.C.
SUBJECT PROPERTY:	Section 9, Block 19, Lots 32, 131
STREET LOCATION:	500 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 second floor house of worship upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 14, 2013
APPEARANCES:	Bonnie Parente, Esq.

DECISION:

Bonnie Parente, Esq., on behalf of Luiz and Ana Abru of Agape Ministries (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 second floor House of Worship upon the property known as 500 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lots 32, 131) (hereinafter, the "Property").

By Notice of Disapproval, dated May 30, 2013, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that the establishment of a second floor House of Worship upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

A referral of the application was made to the Nassau County Planning Commission on August 19, 2013. By letter, dated August 26, 2013, 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:

9) Applicant is seeking a special use permit to establish a second floor House of Worship upon the property known as 500 Jericho Turnpike, Mineola, New York;

10) Applicant currently has 60 individual members and does not anticipate membership to grow;

11) There is a private parking lot that services the property with nineteen (19) parking spaces;

12) The Applicant will not prepare or cook food upon the Property;

13) Applicant's lease prohibits subleasing and Applicant will not rent space out for non-church related activities;

14) Applicant's hours of operation will be Monday 7:30 p.m. to 9:00 p.m., Wednesday 7:45 p.m. to 9:30 p.m. and Saturday 6:30 p.m. to 9:00 p.m.;

15) The Applicant is a non-for profit church. The Premises will be utilized as such and no for-profit business will be conducted on Premises;

16) 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:

8) The Applicant will not rent, lease or permit the property to outside groups for any non-church service or non-church related activities;

9) Applicant shall be the exclusive occupant of the leased premises;

10) The Applicant will not prepare or cook food upon the Property;

11) 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;

12) 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

13) 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.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

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 go into Executive Session at 9:05 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		

Mayor Scott P. Strauss requested a motion to come out of Executive Session at 9:15 PM.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss stated that no action was taken in Executive Session.

Resolution No. 251-13

Resolved to confirm the Order of the Superintendent of the Building Department vacating the rear occupancy of 40 Roselle Street.

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 P. Strauss requested a motion to close the Work Session at 9:20 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		