Minutes - Board Meeting – 12/11/2013

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 11, 2013 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Clerk Joseph R. Scalero Peter Trentacoste Esq. for Village Attorney Deputy Village Clerk Cora T. Kelly Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times* *Patch .com*
Sunshine Observers:	21 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:40 PM

A Public Hearing was held 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF JEREMIAH O'CARROLL 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 NUTRITION HEALTH SHAKE STORE UPON THE PROPERTY KNOWN AS 212 STATION PLAZA, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 422, LOT 111; and

Resolution No. 295-13

Resolved to declare the application of Jeremiah O'Carroll for a special permit at 212 Station Plaza, Mineola NY as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

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 George R. Durham		
Trustee Dennis J. Walsh		

No Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close this hearing and reserve decision at 7:10 PM.

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 George R. Durham		
Trustee Dennis J. Walsh		

A Public Hearing was held 7:15 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF WING H. LAW 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 AN AUTO BODY REPAIR SHOP/ HAND CAR WASH AND DETAILING/USED CAR SALES UPON THE PROPERTY KNOWN AS 70 E. JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 366, LOT 93;

Resolution No. 296-13

Resolved to declare the application of Wing H. Law for a special permit at 70 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 Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

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

5 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close this hearing and reserve decision at 8:15 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 George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 8:40 PM.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Clerk Joseph R. Scalero Peter Trentacoste Esq. for Village Attorney Deputy Village Clerk Cora T. Kelly Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Patch .com*
Sunshine Observers:	8 Observers

Resolution No. 297-13

Resolved to approve 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. 298-13

Resolved to approve the listing of 2014 tow-car license applicants:

TOW CAR BUSINESS NAME	STREET ADDRESS	TOWN, STATE, ZIP
AAA-1	34 Charlotte Avenue	Hicksville, NY 11801
A1 Grand Auto Body Inc.	105 Herricks Road	Garden City Park, NY 11040
A-1 Nassau Inc.	127 Bedell Street	Hempstead, NY 11550
Albert Zolezzi Auto Body,Inc.	432 Willis Avenue	Williston Park, NY 11596
Always Towing Inc.	79 Herricks Road	Garden City Park, NY 11040
Barron Body Works	381 Sagamore Avenue	Mineola, NY 11501
C & N Collision	96 Jericho Turnpike	Floral Park, NY 11001
Cross Island Wrecker Service, Inc.	635 Commercial Avenue	Garden City, NY 11530
Frame Auto Collision, Inc.	71 Denton Avenue	New Hyde Park, NY 11040
Global Auto Recycling	534 Main Street	Westbury, NY 11590
Grand Auto Body, Inc.	98 Denton Avenue	Garden City, NY 11040
Garden City Auto Body	91C Commercial Avenue	Garden City, NY 11040
July Auto Wrecking ,Inc.	20 First Avenue	Garden City Park, NY 11040
Nationwide Towing	2044 Jericho Turnpike	New Hyde Park, NY 11040
Nuzzi Brothers Auto Collision, Inc.	77 Jericho Turnpike	New Hyde Park, NY 11040
Sunset Towing Service	103 Harbor Road	Port Washington, NY 11050
T&D Towing Corporation	162 Sea Cliff Avenue	Glen Cove, NY 11542
Tip Top Auto Body, Inc.	150 Denton Avenue	Garden City Park, NY 11040

Motioned by Trustee Paul S. Cusato
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. 299-13

Resolved to approve a request by the Evening Star Quilters for use of a general purpose room for a workshop session on Saturday, January 4, 2014 from 9:00 AM – 3:30 PM.

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. 300-13

Resolved to approve a request by Winthrop University Hospital for the use of the Community Center auditorium for its free community wellness education program series from 6:00 PM – 9:00 PM on the following dates:

Wednesday, February 26, 2014	Tuesday, April 29, 2014
Wednesday, March 26, 2014	Tuesday, May 6, 2014
Thursday, April 17, 2014	Thursday, May 15, 2014
Tuesday, April 22, 2014	Tuesday, May 20, 2014
Thursday, April 24, 2014	

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. 301-13

Resolved to approve a request by the Mineola Athletic Association (MAA) for the use of a Community Center general purpose room on Saturday, January 18, 2014 from 9:00 AM – 12:00 PM and Wednesday, January 22, 2014 from 6:00 PM – 9:00 PM for AED/CPR training sessions.

Motioned by Trustee George R. Durham
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. 302-13

Resolved to approve a contract with A+ Technology & Security Solutions, Inc. for an access control system at Village Hall and the Department of Public Works central garage facility at a cost of $85,836.73.

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		

Village Clerk Joseph R. Scalero spoke about a LIPA Energy lighting audit performed at Village Hall and the potential savings to the Village from this audit. Village Clerk Scalero further stated that based on savings, this program will be expanded to include other village facilities, at no cost to the village.

Resolution No. 303-13

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
----------X

In the Matter of the Application of

BOLLA MANAGEMENT CORP. (449 JERICHO REALTY LLC)

For a Special Permit pursuant to Chapter 550, Sections 550.12 and 550.23 of the Code of the Incorporated Village of Mineola for the purpose of establishing a gasoline dispensing station with a 2,250 square foot convenience store at the property known as 449 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 27, Lot 76.

DECISION

----------X

NAME OF APPLICANT:	Bolla Management Corp.
SUBJECT PROPERTY:	Section 9, Block 27, Lots 76
STREET LOCATION:	449 Jericho Turnpike, Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Permit pursuant to Chapter 550, Sections 550.12 and 550.23.

PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	October 9, 2013 and November 13, 2013
APPEARANCES:	David N. Altman, Esq., Applicant's Attorney
IN SUPPORT:	Chris Tartaglia, High Point Engineering Charles Olivio, Stonefield Engineering & Design Michael Lynch, Lynch Appraisals Harry Singh, Owner

DECISION:

Bolla Management Corp. (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Sections 550.12 and 550.23 of the Municipal Code of the Incorporated Village of Mineola for a special permit to establish a gasoline dispensing station with a 2,250 square foot twenty four (24) hour convenience store at the property located at 449 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 27, Lot 76) (hereinafter, the "Property").

By Notice of Disapproval, dated May 31, 2012, 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 gasoline dispensing station with a 2,250 sq. ft. convenience store on the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

As a result of the application's noncompliance with zoning code regulations, Applicant was also required to seek relief before the Zoning Board of Appeals and the Planning Board/Architectural Review Board. Applicant made the necessary applications and received the required approvals from the above-referenced boards.

Applicant then made an application to the Board of Trustees for the required special use permit. The overall application was previously referred to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Subsequent to the closing of the public hearings on this matter, Applicant, apparently intending to induce this Board to grant the special permit, submitted an offer letter, dated November 19, 2013 to the Village outlining its offer, although not legally required to do so, to limit the hours of operation and to close

both the gasoline station and the convenience store between the hours of 11 p.m. and 5 a.m. seven days per week.

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 intends to establish a gasoline dispensing station with a 2,250 sq. ft. convenience store, (2) 12,000 gallon gasoline storage tanks and six (6) dispensing islands;

2) In approximately 1959, the property was initially improved with a gasoline service station with an automotive repair shop, which service station was completely destroyed by fire on or about 2007;

3) The Applicant appeared before the Village Zoning Board of Appeals and received its necessary area variances;

4) The Applicant appeared before the Village Planning Board/Architectural Review Board and received both architectural and preliminary site plan approvals;

5) The Applicant has sufficient on-site parking available to service the proposed building as per the Village's Municipal Code;

6) The Applicant will own and operate the business on the Property;

7) The proposed use, subject to full compliance with the below-listed 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 granting of the Application, requesting a special permit pursuant to Sections 550.12 and 550.23 of the Village Code for a gasoline dispensing station with a 2,250 sq. ft. convenience store with limited hours of operation as stated below, 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 Permit is **GRANTED** subject to the following conditions:

1) Pursuant to its offer letter, Applicant's hours of operation shall be 5 a.m. to 11 p.m. for both the gasoline service station and the convenience store;

2) Pursuant to its offer at the Public Hearing, Applicant shall install a permanent emergency generator at the property so as to provide the community with functioning gasoline pumps during times of power outages;

3) Pursuant to its offer at the Public Hearing, Applicant shall install a six (6') white PVC fence along the south side of the adjoining municipal parking lot abutting the residential properties;

4) There shall be no public seating at the Property;

5) The ingress/egress curb cut abutting Jericho Turnpike shall be thirty-two (32') feet curb to curb to allow for three (3) access points (one ingress and two egress for left and right turns);

6) Deliveries will not be conducted during the peak hours of traffic activity and will not take place when the business is closed;

7) 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;

8) The site shall be served by a private sanitation carter at the expense of the Applicant, all putrescible waste shall be refrigerated indoors until pick-up and all pick-up shall take place between the hours of seven o'clock a.m. and nine o'clock p.m. only;

9) Applicant shall utilize box trucks for all deliveries except gasoline;

10) Applicant shall install a six (6') foot masonry wall at the rear of the Property along with evergreen plantings;

11) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;

12) Applicant shall replace all damaged sidewalk abutting the Property;

13) All roof mechanicals will be properly screened;

14) No audio messages, signals or announcements emanating from a gasoline pump shall be audible from a point beyond ten (10') foot radius from the pump;

15) 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;

16) The representations made by Applicant on the record in this proceeding and correspondence thereafter 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

17) 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.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein. Failure to so consent shall render this Decision null and void.

Dated: Mineola, New York
December 11, 2013

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		

Mayor Scott R. Strauss requested a motion to close the Work Session at 9:15 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		