Minutes - Board Meeting 03/05/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 5, 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:	Village Attorney John M. Spellman 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:	7 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:40 PM

Resolution No. 45-14

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. 46-14

Resolved to approve the minutes from the meetings of the Board of Trustees of February 5, 2014 and February 19, 2014, as amended.

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. 47-14

Resolved to approve a request by the Mineola Portuguese Center, Inc. for the use of Wilson Field Park and one soccer field for its Carnival, Friday June 6, 2014 through Sunday June 8, 2014.

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. 48-14

Resolved to approve a request by the Knights of Columbus Corpus Christi Council #2502 for the use of the Wilson Park picnic area for a picnic on Saturday, July 26, 2014 from 10:00 AM to dusk.

Motioned by Trustee George R. Durham
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. 49-14

Resolved to approve additional Election Inspectors and Alternates for the March 18, 2014 Village Elections.

Thomas Mahoney	Edward McGuinty	Michael Coniglio	Neil Stuber
Nora Coniglio	Alice McGuinty	Richard Ayers	Margaret Stith
Vincent DeStefano	Michael Vezzi	Sarah Coyne	Warren Marcus
Donald Hammond	Christine Ambrose	Linda Traina	Bob Small
Maryann Iaquinto	Kelen J. Rosier	Kathy Wellenbrink	Christopher Stuber
Marian Kessler	Virginia Reginio	Madeline Piloto	Elizabeth Erdos
Carolina Macedo	Michael Beil	Neil Piloto	Josephine Hardy
Louise Palumbo	Vincent Sansone	Brenda Kennedy	Missy Bergerman
Eugene Rafferto	Patricia E. Santosus	Florence Marcus	Patricia Joaquin
Flore Rowe	Frank Iaquinto	Elizabeth McMahon	Virginia Piloto
Barbara Thompson	Marta DeSousa	Shirley Florio	

Motioned by Trustee George R. Durham
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. 50-14

Resolved to approve a request by the Mineola Fire Department for budget transfers in the amount of $8,556.16 between the following lines:

From:	(Contingency)	$7,000.00
To :	(Repair of Buildings)	$7,000.00
	Total transferred:	$7,000.00

From:	(Defensive Driving)	$ 100.00
	(Fitness Equipment)	$ 700.00
	(Computers)	$ 556.16
	(OSHA Medicals)	$ 200.00
	Total to be transferred:	$1,556.16
To :	(Miscellaneous Supplies)	$1,500.00
	(Turnout Gear)	$ 56.16
	Grand Total transferred:	$8,556.16

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. 51-14

Resolved to authorize the Deputy Village Treasurer to attend the Office of the State Comptroller's Basic Accounting School from March 19, 2014 – March 21, 2014 in Brookhaven, NY.

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		

Superintendent of Public Works presented a report on potholes, repairs, and equipment condition.

Resolution No. 52-14

Resolved to authorize the Superintendent of Buildings to attend the Hudson Valley CEO Educational Conference April 23, 2014 – April 25, 2014 in Poughkeepsie, NY.

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		

Superintendent of Buildings Daniel B. Whalen presented a department financial report for February 2014.

Village Attorney John M. Spellman recommended the following resolutions.

Resolution No. 53-14

Resolved to vacate the bid award to Rudco Plumbing & Heating Contractors for the bathroom conversion at the Irish American Society of Nassau, Suffolk and Queens for handicap accessibility.

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. 54-14

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

JEREMIAH O'CARROLL

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 212 Station Plaza, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 111.
----------X

DECISION

NAME OF APPLICANTS:	Jeremiah O'Carroll
SUBJECT PROPERTY:	Section 9, Block 422, Lot 111
STREET LOCATION:	212 Station Plaza Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to expand the existing restaurant/tavern into an adjoining building and establish a carry-out food establishment (nutrition health shake store) in the remaining portion of the adjoining building upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 11, 2013
APPEARANCES:	Jeremiah O'Carroll
IN SUPPORT:	Emilio Susa, Architect Coleman Meyer, Manager

DECISION:

Jeremiah O'Carroll (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 expand an existing restaurant/tavern into the rear portion of an adjoining building and establish a carry-out establishment (nutrition health shake store) in the remaining portion of the adjoining building 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) (hereinafter, the "Property").

By Notice of Disapproval, dated September 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 expansion of an existing restaurant/tavern into the rear portion of an adjoining building and establishment of a carry-out establishment (nutrition health shake store) in the remaining portion of the adjoining building 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 November 21, 2013. By letter, dated November 27, 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 to expand an existing restaurant/tavern into the rear portion of an adjoining building and establish a carry-out establishment (nutrition health shake store) in the remaining portion of the adjoining building upon the property known as 212 Station Plaza, Mineola, New York;

2) Applicant owns the building located at 212 Station Plaza, Mineola, New York;

3) Applicant owns the business (O'Carroll's Recovery Room) and leases the space located at 210 Station Plaza, Mineola, New York;

4) Applicant proposes to utilize the front of the building for nutritional health shakes and the rear of the building for bar use;

The Property is located in the Village of Mineola's B-2 Business District. Section 550-13 of the Municipal Code of the Incorporated Village of Mineola governs the uses in the B-2 Business District which permits "[a]ny use permitted in the B-1 District as of right or any use permitted in the B-1 District as a special use...." Pursuant to Section 550-12.B, the B-1 District permits as a special use, inter alia, restaurants, taverns and carry-out food establishments. Restaurant is defined

as a "food-service establishment in which at least 60% of gross revenue is derived from seated patrons who dine on premises inside the building occupied with waiter/waitress service." (See Section 550-12.B(1)). A carry-out food establishment is defined as a "food-service establishment in which less than 60% of gross revenue is derived from seated patrons who dine on premises inside the building occupied with waiter/waitress service." (See Section 550-12.B(4)).

Thus, before the Board of Trustees is a determination as to whether a restaurant use is appropriate at the Property, whether a carry-out food establishment is appropriate at the Property and whether a combination of both uses is appropriate there.

The site is on the north side of Station Plaza, between 3rd Avenue and Mineola Boulevard Extension.

Station Plaza is a central transportation hub in Mineola. It abuts the Mineola Long Island Rail Road station to the south. Servicing the main line of the railroad, the station has twenty three (23) train departures daily between the hours of 6:30 a.m. and 10:00 a.m. The Village's Comprehensive Master Plan chronicled that 2,700 commuters utilized the Mineola Station daily in 2005. That number has risen since that time.

Station Plaza experiences significant rush hour traffic in the morning when "kiss and ride" commuters are dropped off for their trains. Numerous taxicabs and shuttle buses also contribute to massive congestion. Furthermore, Station Plaza is the truck route for all deliveries to Winthrop University Hospital which is located to the immediate west of the Property.

On the north side of Station Plaza are a number of retail establishments: two convenience/stationery stores, a restaurant/coffee shop and the restaurant/tavern of the Applicant. Deliveries to all of these establishments are made via Station Plaza. The MTA/LIRR also parks service vehicles in the Plaza.

In a word, Station Plaza is a highly-congested but strategically important traffic circulation route in Mineola, especially during peak railroad travel hours. Preserving and promoting safe passage through this challenging vehicular gauntlet is a major objective of the Village.

Based upon the record, upon research conducted by the Village in formulating its Comprehensive Master Plan, and upon its own keen knowledge of and familiarity with Station Plaza, the Board finds that the proposed carry-out food establishment will have a negative impact on the health, safety and welfare of the community. Although no parking or traffic study has been introduced into the record, Applicant's proposed carry-out food establishment will undoubtedly

increase the number of vehicles attempting to access and park in an area that is already fully congested and woefully deficient as to parking. The area is serviced by pull-in/pull-out metered spaces, the utilization of which routinely blocks traffic flow. Parking restrictions in the area will require patrons to park in unpermitted areas or even double-park. Such a situation would be detrimental to the traffic circulation of the area and would be unsafe. Applicant is unable to provide any off-street parking whatsoever either at the site or elsewhere.

While the Board finds that the establishment of a take-out food establishment at the Property would be contrary to the health, safety and welfare of the Village, it has no objection to the expansion of the existing restaurant/tavern into a portion of the Property or even into the entire Property. The distinction in the Village's Municipal Code between a restaurant and a carry-out food establishment is made for a reason. Patrons of a restaurant generally park their vehicles for a period of time, enter the restaurant and enjoy their meals while dining. It is perceived as reasonable for them to park their vehicles even a distance from the restaurant. Patrons of a take-out food establishment, on the other hand, are ordinarily on-the-run. Their goal is to park their vehicles as close to the site as possible, secure their purchases and get on with their lives. The two types of establishments have totally different impacts upon parking and traffic.

Based upon the entire record and the reasons set forth above, the Board finds the approval of this application for a take-out food establishment at the Property would not be in the best interest of the health, safety and welfare of the community. The proposed use consists of an over-intensification of land use, a mixture of incompatible uses and a recipe for conflict with the traffic circulation of the area. The Board concludes that the Applicant has failed to meet its burden with regard to the legality and propriety of the proposed application for a take-out food establishment. Accordingly, this portion of the application is DENIED.

With respect to the application for expansion of the adjacent restaurant/tavern into the Property, that application is GRANTED. Additionally, if the Applicant so desires, he may utilize the entire space at the Property for the expansion of the existing restaurant/tavern.

Dated: Mineola, New York

March 5, 2014

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

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 Work Session at 7:10 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 called the Public Meeting to order at 7:40 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 Attorney John M. Spellman
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: 15 Observers

Mayor Scott P. Strauss congratulated two new Eagle Scouts, Daniel Gavin and Douglas Llanes; congratulated Ken Cotroneo for being named as Mineola Fire Department Company No. 1 Firefighter of the Year; reported on how great the St. Patrick's Day Parade was; reminded residents of the Mineola Junior Fire Department Pasta Dinner on Sunday March 9 and encouraged residents to attend. Mayor Strauss stated that Daylight Savings Time was this weekend and reminded residents that this is a good time to replace the batteries in their smoke alarms.

Trustee Paul A. Pereira stated that the St. Patrick's Day Parade was a wonderful event; encouraged residents to attend the Mineola Fire Department Pasta Dinner and congratulated Robert Redmond on being named Irish Man of the Year by the Knight of Columbus.

Trustee Paul S. Cusato re-iterated how wonderful the St. Patrick's Day Parade was; reported on the Mineola Historical Society monthly meeting reporting they received a grant for $3,000 from Nassau County for display cases for historical artifacts.

Trustee George R. Durham stated that he attended the Boys Scout of America Troop 45 dinner where it was announced that two additional scouts, Douglas Llanes and Daniel Gavin, have earned the rank of Eagle Scout and congratulated them. Trustee Durham also congratulated Brian Franz,

on being named Boys Scouts of America Troop 45 Scout of the Year. Trustee Durham reported that the St. Patrick's Day Parade was impressive, commenting that it seems to get better every year, and reminded residents to vote in the Village Election on March 18 from 6:00 AM – 9:00 PM.

Trustee Dennis Walsh reminded residents that Daylight Savings Time begins on March 9 and to please remember to change their clocks; requested residents and business owners adhere to the sanitation guidelines and not put garbage out early; and encouraged residents to donate blood as there is a critical shortage.

4 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:15 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		