

Minutes - Board Meeting 05/06/2020

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 6, 2020 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 P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo

Press Observer: None

Sunshine Observers: None

Mayor Scott P. Strauss called the Work Session to order at 5:30 PM.

Mayor Scott P. Strauss made a brief statement prior to the Work Session that the meeting was closed to the public due to the COVID-19 pandemic, but was being televised. Mayor Strauss stated that Village operations continue to be re-evaluated and adjusted as necessary. He reviewed the sanitation schedule, and announced that a phone notification system will be implemented within the next week or two. Mayor Strauss encouraged residents to help neighbors who may have lost their jobs by making a dinner or purchasing a gift card for them. Mayor Strauss mentioned several efforts being made during the pandemic including, the Global Foundation for First Responders bought meals for healthcare workers and first responders at Station Plaza Diner, the Mineola Portuguese Center donated lunch to Village of Mineola essential employees, Arthur J. Gallagher insurance donated face shields for Village of Mineola workers, several residents have been making face masks, and many restaurants have been donating meals.

Resolution No. 93-20

Resolved to approve bills and payroll.

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

Vote:

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

Resolution No. 94-20

Resolved to approve the minutes of the meetings of the Board of Trustees from April 1, April 8, and April 15, 2020.

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. 98-20

RESOLVED, that the Incorporated Village of Mineola agrees to enter into a Reimbursement Agreement with 3rd Track Constructors (3TC) by which 3TC shall reimburse the Village of Mineola for the removal of 17 parking meters along Front Street between Main Street and Willis Avenue.

RESOLVED, that the Mayor is authorized to execute the Reimbursement Agreement on behalf of the Village of Mineola.

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. 99-20

RESOLVED, that the Incorporated Village of Mineola agrees to enter into a Site Access Agreement with 3rd Track Constructors (3TC).

RESOLVED, that the Mayor is authorized to execute the Site Access Agreement on behalf of the Village of Mineola.

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

Resolution No. 100-20

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

DENISE DEODATO

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550.12 of the Code of the Incorporated Village of Mineola, at premises known as 464 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 5, Lots 30-32, 64-68, 130.

-----X

NAME OF APPLICANT:	Denise Deodato
SUBJECT PROPERTY:	Section 9, Block 5, Lots 30-32, 64-68, 130
STREET LOCATION:	464 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 to establish an arts and crafts studio upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 8, 2020
APPEARANCES:	Denise Deodato, Owner

DECISION:

Denise Deodato (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish an arts and crafts studio upon property known as 464 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 5, Lots 30-32, 64-68, 130) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 15, 2019, 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 an arts and crafts studio 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.

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 an arts and crafts studio upon the property known as 464 Jericho Turnpike, Mineola, New York;
- 2) Applicant's hours of operation will be seven (7) days a week, 10:00 am to 10:00 pm;
- 3) Applicant proposes to have fifteen (15) students per class;
- 4) Each class runs approximately two and half (2.5) hours;
- 5) Applicant will not have any catering or food on the premises;
- 6) Applicant will not have parties upon the premises; and
- 7) Applicant will have a retail portion of the business to sell art related crafts.

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 the 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) No food catering events shall be held upon the Property;
- 2) The operation of the facility shall be self-contained within the interior of the building;
- 3) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this agreement shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use 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 decision. Applicant's representations are deemed to be part of the conditions of this special use 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
May 6, 2020

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

Village Clerk Joseph R. Scalero polled the Board:

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. 101-20

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

BALVINDER BAINS

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550.12(B) and 550.13(A)(1) of the Code of the Incorporated Village of Mineola, at premises known as 267 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 397, Lots 83,84.

-----X

NAME OF APPLICANT:	BALVINDER BAINS
SUBJECT PROPERTY:	Section 9, Block 397, Lots 83,84
STREET LOCATION:	267 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Sections 550.12(B) and 550.13(A)(1) for the establishment of a restaurant upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 8, 2020
APPEARANCES:	Balvinder Bains, Owner

DECISION:

Balvinder Bains (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Sections 550.12(B) and 550.13(A)(1) of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the establishment of a restaurant upon the property known as

267 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 397, Lots 83,84) (hereinafter, the “Property”).

By Notice of Disapproval, dated January 22, 2020, 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 restaurant 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.

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 restaurant upon the Property known as 267 Mineola Boulevard, Mineola, New York;
- 2) The property was formerly used as a restaurant;
- 3) The Board of Trustees approved a restaurant use of the Property by Decision, dated February 8, 2012;
- 4) 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-2” 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 entire building shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 2) All putrescible waste shall be refrigerated indoors until pick-up by private carter. The private carter pick-up shall not occur between the hours of 8:00 P.M. and 7:00 A.M. All waste shall be stored upon the premises in sealed containers. All containers shall be promptly returned to the premises following pick-up.
- 3) There shall be no live music upon the premises;
- 4) There shall be no outdoor music of any kind upon the premises;
- 5) There shall be no dancing upon the premises;

- 6) The building configuration shall remain as existing and the occupancy shall not exceed 120 people;
- 7) Outdoor lighting shall be limited to small white lights and designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 8) The premises shall be maintained in a clean condition at all times;
- 9) Deliveries to the premises shall occur during off-peak weekday hours. No delivery vehicles will impede traffic by parking illegally on roads/sidewalks
- 10) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Decision shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 11) The representations made by Applicant on the record in this hearing have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decision. Applicant's representations are deemed to be part of the conditions of this Special Use Permit; and
- 12) 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
May 6, 2020

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Wal		

Resolution No. 102-20

RESOLVED, that the Incorporated Village of Mineola hereby invites proposals for Security Guards/Parking Attendant Services for the Harrison Avenue Parking Garage. The Board of Trustees for the Incorporated Village of Mineola authorizes the Village Clerk to publish the requisite legal notice.

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

Vote:

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

Mayor Scott P. Strauss added that traffic on Willis Avenue will be rerouted in the next few weeks due to the Third Track Project, and he wished residents a Happy Mother's Day.

Mayor Scott P. Strauss requested a motion to close the Work Session at 5:55 PM.

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