

Minutes - Board Meeting – 12/11/2019

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 11, 2019 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
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observers: *None*

Sunshine Observers: 13 Observers

Mayor Scott P. Strauss appointed Steven R. Barnwell Mineola Village Justice to succeed John P. O'Shea who passed away in November. Justice Barnwell was sworn in by Mayor Strauss.

Special presentations were made by village and county officials to members of the Mineola High School Marching Band who recently won a state championship for the second year in a row and to Dr. Michael Nagler who was named 2020 New York State Superintendent of the Year.

Mayor Scott P. Strauss called the Public Hearing to order at 7:25 PM

A Public Hearing was held at 7:25 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF BRITTANY HENDRICKS-ELLIS 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" TO ESTABLISH A WOMEN'S DANCE AND FITNESS STUDIO WITH HEALTH SHAKE STATION UPON THE PROPERTY KNOWN AS 263 HORTON HIGHWAY, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 394, LOT 22.

1 speaker addressed the Board

Resolution 292-19

Resolved to declare the Special Use Application of Brittany Hendricks-Ellis 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 women’s dance and fitness studio with health shake station upon the property known as 263 Horton Highway, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 22, as a Type II action pursuant to S.E.Q.R.A.

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 293-19

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

BRITTANY HENDRICKS-ELLIS

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550 of the Code of the Incorporated Village of Mineola, at premises known as 263 Horton Highway, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 22.
-----X

NAME OF APPLICANT:	Brittany Hendricks-Ellis
SUBJECT PROPERTY:	Section 9, Block 394, Lot 22
STREET LOCATION:	263 Horton Highway Mineola, New York 11501
ZONING DISTRICT:	"B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12 to establish a dance and fitness studio with a health shake station upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 11, 2019
APPEARANCE:	Brittany Hendricks-Ellis, owner

DECISION:

Brittany Hendricks-Ellis (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 a dance and fitness studio with a health shake station upon the property known as 263 Horton Highway, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 22) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 3, 2019, 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 fitness and dance studio with a health shake station 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 with a health shake station upon the property known as 263 Horton Highway, Mineola, New York;
- 2) Each class will be 45 minutes with a class size between 2-10 women;
- 3) The building is serviced by a thirty (30) space parking lot;
- 4) Applicant will serve protein shakes and teas consistent with the operation of the business; and
- 5) 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) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 4) 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
- 5) Violation of a condition set forth in this Special Use Permit 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
December 11, 2019

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

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:40 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 Work Session to order at 8:35 PM.

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

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini

Press Observers: *None*

Sunshine Observers: None

Resolution No. 294-19

Resolved to approve bills and payroll.

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

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. 295-19

Resolved to approve the following 2020 tow car license applicants, and to designate July Auto Wrecking, Inc. as the Village’s authorized tow car agent for abandoned vehicles for 2020 and waive its fees for tow car and operator registration.

TOW CAR BUSINESS NAME	ADDRESS
AAAA-1 Auto & Towing	34 Charlotte Avenue, Hicksville, NY 11801
A1 Grand Auto Body Inc.	105 Herricks Road, Garden City Park, NY 11040
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 Auto Center	96 Jericho Turnpike, Floral Park, NY 11001
County Wide Towing Enforcement	534 Main Street, Westbury, NY 11590
Cross Fire Towing	88 Franklin Avenue, Valley Stream, NY 11580
Cross Island Wrecker Service, Inc.	635 Commercial Avenue, Garden City, NY 11530
Fagans Towing	22 Watermill Lane, Great Neck, NY 11021

Frame Auto Collision, Inc.	71 Denton Avenue, New Hyde Park, NY 11040
Grand Auto Body	98 Denton Avenue, Garden City Park, NY 11040
July Auto Wrecking ,Inc.	20 First Street, 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	6 Carey Place, 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
Vintage Auto Body	81 Urban Avenue, Westbury, NY 11590

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

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. 296-19

Resolved to approve a salary increase adjustment of \$1.00 per hour salary for Meter Laborer Joseph DiMarzo.

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. 297-19

Resolved to authorize the following Service Award payments from the Fire Service Award Fund to the following Mineola Fire Department Volunteer Firefighters, pursuant to the Length of Service Awards Program (LOSAP) effective January 1, 2020:

Christian Danielson	\$640.00 monthly payment
Frank Heinrich	\$400.00 monthly payment
Sean McDermott	\$80.00 monthly payment
Robert Mos, Jr.	\$24,987.00 one-time lump sum payment
Richard Lahey	\$27,891.00 one-time lump sum payment

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. 298-19

Resolved to approve the following payment in the amount of \$198,550.00 from the Water Reserve Fund in FY 2019-2020:

VENDOR	AMOUNT	PROJECT
Web Construction Corp.	\$198,550.00	Well #1

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. 299-19

Resolved to authorize a public bid for the Purchase of Solar/Electronic Parking Meters.

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. 300-19

Resolved to authorize the installation of “No Parking, 3 a.m. to 6 a.m.” restriction on East Second Street as follows:

On the north side of East Second Street, starting at a point 252 feet from the east curb line of Roslyn Road, east to the Dead End of East Second Street.

On the south side of East Second Street, starting at a point 202 feet from the east curb line of Roslyn Road, east to the Dead End of East Second Street.

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. 301-19

Resolved to authorize the installation of “No Parking, 3 a.m. to 6 a.m.” restriction on Union Street as follows:

On the west side of Union Street, starting from the south curb line of Colonial Avenue, south to the intersection of East Second Street.

On the east side of Union Street, starting at a point 238 feet from the south curb line of Colonial Avenue, south to the intersection of East Second Street.

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. 302-19

Resolved to authorize the following parking restriction changes on Senate Street, between East Second Street and Liberty Avenue.

No Parking 3 a.m. to 6 a.m., both sides of the street.

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. 303-19

Resolved to authorize the retirement benefit time pay-out to Patrice Grosskopf in accordance with the Collective Bargaining Agreement.

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

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		

Village Attorney John P. Gibbons, Jr. introduced the following resolution:

Resolution No. 304-19

RESOLVED, to approve the Site Access Agreement between the Village of Mineola and 3rd Track Contractors for use of the 8th Avenue basketball court for the parking of its vehicles for a 6 month period at the rate of \$5,000.00 a month, and

RESOLVED, that Mayor Scott P. Strauss is authorized to sign the Agreement on behalf of the Village of Mineola.

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

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 announced that the December 18 meeting has been cancelled and that a third meeting has been added next month on January 22.

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:50 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