

Minutes - Board Meeting – 12/09/2020

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 9, 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
Superintendent of Public Works Thomas J. Rini

Press Observers: *None*

Sunshine Observers: 5 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:35 PM

A Public Hearing was held at 6:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF BLANCA LIDIA NIETO CRUZ 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” AND SECTION 550-13 ENTITLED “B-2 DISTRICTS” SUBSECTION (A)(1) TO ESTABLISH A NUTRITION CLUB WITH NUTRITIONAL PRODUCTS, WORKSHOPS AND GROUP EXERCISE CLASSES UPON THE PROPERTY KNOWN AS 145 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 414, LOT 119.

No speakers addressed the Board

Resolution 265-20

Resolved to declare the Special Use Application of Blanca Lidia Nieto Cruz 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” and Section 550-13 entitled “B-2 Districts” Subsection (A)(1) for the purpose of establishing a nutrition club with nutritional products, workshops and group exercise classes upon the property known as 145 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 414, Lot 119, as a Type II action pursuant to S.E.Q.R.A.

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		

Resolution 266-20

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

BLANCA LIDIA NIETO CRUZ

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-12(B) and 550-13 of the Code of the
Incorporated Village of Mineola, at premises known
as 145 Mineola Boulevard, Mineola, New York,
known and designated on the Nassau County Land
and Tax Map as Section 9, Block 414, Lot 119.
-----X

NAME OF APPLICANT:	Blanca Lidia Nieto Cruz
SUBJECT PROPERTY:	Section 9, Block 414, Lot 119
STREET LOCATION:	145 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	"B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12 and 550-13 to establish a nutrition club upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 9, 2020
APPEARANCE:	Jonathan Sher, Esq., Applicant’s Attorney

DECISION:

Blanca Lidia Nieto Cruz (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 and 550-13 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a nutrition club with the sale of health foods and smoothies upon the property known as 145 Mineola Boulevard, Mineola, New York (known and

designated on the Nassau County Land and Tax Map as Section 9, Block 414, Lot 119) (hereinafter, the “Property”).

By Notice of Disapproval, dated August 7, 2020, 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 nutrition club with the sale of health foods and smoothies 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 nutrition club with the sale of health foods and smoothies upon the property known as 145 Mineola Boulevard Turnpike, Mineola, New York;
- 2) Applicant will operate 7 days a week, 6:00 a.m. – 8:00 p.m., Monday – Saturday, 7:00 a.m. – 12:00 p.m., Sunday;
- 3) The exercise classes will be 45 minutes with no weights or equipment, a class size between 10-15 people;
- 4) Applicant anticipates 2 employees;
- 5) Applicant will serve protein shakes consistent with the operation of the business; and
- 6) 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 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 9, 2020

Motioned by Trustee Dennis J. Walsh
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

Mayor Scott P. Strauss called the Public Hearing to order at 7:00 PM.

A Public Hearing was held at 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

PROPOSED LOCAL LAW AMENDING CHAPTER 523 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "WATER" SECTION 523-28, ENTITLED "WATER RATES; FEES".

No speakers addressed the Board

Superintendent of Public Works Thomas J. Rini gave a detailed report on the Village of Mineola's water distribution system, including past and future challenges, projects, and costs.

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

Resolution 267-20

Resolved to adopt the proposed Local Law amending Chapter 523 of the Municipal Code of the Incorporated Village of Mineola, entitled "Water", Section 523-28, entitled "Water Rates; Fees".

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

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. Walsh		

Resolution No. 268-20

Resolved to approve a new water rate fee schedule as of January 1, 2021.

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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 hearing at 7:45 PM.

Motioned by Trustee Dennis J. Walsh
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 called the Work Session to order at 7:45 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
Superintendent of Public Works Thomas J. Rini

Press Observers: *None*

Sunshine Observers: 1 Observer

Resolution No. 269-20

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
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		

Mayor Scott P. Strauss thanked the Water Department for responding quickly and repairing last night's water main break at Foch Boulevard and Wilson Boulevard affecting the northwest section of the village.

Resolution No. 270-20

Resolved to suspend parking meter regulations on Saturdays from November 28 through January 2, 2021 on the following streets: Jericho Turnpike, Mineola Boulevard, Willis Avenue, and streets connecting Mineola Boulevard and Willis Avenue, effective November 28, 2020.

Motioned by Trustee George R. Durham
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		

Resolution No. 271-20

Resolved to authorize the Fire Service Award monthly payment of \$320.00 to Anthony Natale pursuant to the Length of Service Awards Program (LOSAP) effective January 1, 2021.

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. 272-20

Resolved to authorize the installation of a “Snow Emergency Route - No Parking Any Time During Snowfall, or 24 Hours After Snowfall Ends” parking restriction on the east and west sides of Third Avenue, between Station Plaza North and First 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

TABLED

Resolved to authorize a “No Stopping or Standing Any Time” restriction on the east side of Third Avenue, between First Street and Harrison Avenue.

Moved by Trustee George R. Durham

Resolution No. 273-20

Resolved to approve the hiring of Tiago Murca and Julio Vigario as Laborers in the Highway Department at the starting salary rate in accordance with the collective bargaining agreement:

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

Resolution No. 274-20

Resolved to appoint existing employees Gabriel Fernandes and Peter Ferreira to the Nassau County Civil Service titles of Tree Pruner with a salary increase of \$1.50 per hour each.

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. 275-20

Resolved to appoint existing employee Nicholas J. Mirando off the Nassau County Civil Service title list of Assistant Supervisor of Water & Sewer Service with a salary increase of \$4.00 per hour.

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 water main break at Foch Boulevard and Wilson Boulevard.

Resolution No. 276-20

RESOLVED, that the Incorporated Village of Mineola agrees to extend the Site Access Agreement with 3rd Track Constructors (3TC) at the Mineola DPW Yard to and including January 16, 2021 upon the same terms and conditions; and it is further

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

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

Mayor Scott P. Strauss requested a motion to close the Work Session at 8:02 PM.

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		