

Minutes - Board Meeting – 01/20/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 20, 2021 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: 10 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:30 PM

A Public Hearing was held at 6:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF MA MING YAN 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 SPA PROVIDING SKIN CARE, FACIAL SERVICES AND TEETHING WHITENING UPON THE PROPERTY KNOWN AS 143 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 101.

1 speaker addressed the Board

Resolution 019-21

Resolved to declare the Special Use Application of Ma Ming Yan 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 spa providing skin care, facial services and teething whitening upon the property known as 143 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 101, as a Type II action pursuant to S.E.Q.R.A.

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 020-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MA MING YAN

DECISION

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 143 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 101.

-----X

NAME OF APPLICANT:	Ma Ming Yan
SUBJECT PROPERTY:	Section 9, Block 405, Lot 101
STREET LOCATION:	143 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	B-1 District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12(B) to establish a spa providing skin care, facial services and teeth whitening upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 20, 2021
APPEARANCE:	Ma Ming Yan, owner

DECISION:

Ma Ming Y (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 for the establishment of a spa providing skin care, facial services and teeth whitening upon the property known as 143 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 101) (hereinafter, the “Property”).

By Notice of Disapproval, 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 for the establishment of a spa providing skin care, facial services and teeth whitening 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 for the establishment of spa providing skin care, facial services and teeth whitening upon the property known as 143 Jericho Turnpike, Mineola, New York;
- 2) Applicant is a New York licensed professional esthetician;
- 3) Applicant would operate the business Saturday-Sunday, 9:30 am to 7:00 pm by appointment only;
- 4) No food shall be sold upon the property; 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 building shall be in compliance with New York State Regulations and any other agencies having jurisdiction with respect to any required licenses;
- 2) 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;
- 3) 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

- 4) 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
January 20, 2021

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

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

A Public Hearing was held at 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 BILLY SHIN 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 PET
BOARDING/DAYCARE/GROOMING CENTER UPON THE PROPERTY
KNOWN AS 107-111 JERICHO TURNPIKE, MINEOLA, NEW YORK,
KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND
TAX MAP AS SECTION 9, BLOCK 450, LOT 236.**

2 speakers addressed the Board

Resolution 021-21

Resolved to declare the Special Use Application Billy Shin 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 pet boarding/daycare/grooming center upon the property known as 107-111 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lot 236, 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:

Yes

No

Abstain

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

Resolution 022-21

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

In the Matter of the Application of

BILLY CHIN

DECISION

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 107-111
Jericho Turnpike, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 450, Lot 236.
-----X

NAME OF APPLICANT:	Billy Chin
SUBJECT PROPERTY:	Section 9, Block 450, Lot 236
STREET LOCATION:	107-111 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	B-1 District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12(B) to establish a pet boarding/daycare/grooming center upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 20, 2021
APPEARANCE:	Billy Chin, owner

DECISION:

Billy Chin (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 for the establishment of a pet boarding/daycare/grooming center upon the property known as 107-111 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lot 236) (hereinafter, the “Property”).

By Notice of Disapproval, 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 for the establishment of a pet boarding/daycare/grooming center 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 for the establishment of a pet boarding/daycare/grooming center upon the property known as 107-111 Jericho Turnpike, Mineola, New York;
- 2) Applicant is proposing a pet supply store with pet grooming and boarding services. Applicant has 2 other locations (Flushing, New York and Edgewater, New Jersey). The name of the business is NY Puppy Club;
- 3) Applicant will not be selling any animals upon the Property;
- 4) The hours of operation shall be 9:30 am to 8:00 pm, seven (7) days per week. Pet owners can drop-off animals at 7:00 am;
- 5) Applicant is assigned ten (10) parking spaces under the lease;
- 6) Applicant's business shall be only for cats and dogs. Applicant shall have the capacity of boarding 40 animals;
- 7) 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 building shall be in compliance with New York State Regulations and any other agencies having jurisdiction with respect to any required licenses;

- 2) The operation of the business shall be self-contained within the interior of the building. There shall be no outdoor activities. In the event that Applicant needs to walk dogs, it shall be limited to no more than 3 dogs at one time;
- 3) Applicant shall ensure that no animal noise shall be heard outside the building;
- 4) Applicant shall utilize a private sanitation service for daily garbage removal which shall not occur before 6:00 a.m.;
- 5) 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;
- 6) 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
- 7) 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
January 20, 2021

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 7:25 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

Mayor Scott P. Strauss called the Work Session to order at 7:30 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

Mayor Scott P. Strauss invited Chamber of Commerce representative, Tony Lubrano, to address the Board, and Mayor Strauss encouraged residents to support local businesses.

Resolution No. 023-21

Resolved to approve bills and payroll.

Motioned by Trustee Dennis J. Walsh
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. 024-21

Resolved to authorize the installation of the following parking restrictions on the south side of Harrison Avenue:

- From the east curb line of Horton Highway and the existing “No Stopping Here to Corner” restriction to the existing “No Stopping Here to Corner” restriction and the west curb line of Third Avenue, “2 Hour Metered Parking from 8 a.m. – 7 p.m., Monday through Saturday”.
- From the east curb line of Third Avenue and the existing “No Stopping Here to Corner” restriction to the existing “No Stopping Here to Corner” restriction west curb line of Mineola Boulevard, “2 Hour Metered and Special Permit Parking from 8 a.m. – 7 p.m., Monday through Saturday”.

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. 025-21

Resolved to authorize the installation of the following parking restrictions on the east and west sides of Third Avenue, between Harrison Avenue and First Street:

- On the west side of Third Avenue, from the south curb line of Harrison Avenue and the existing “No Stopping Here to Corner” restriction to the existing “No Stopping Here to Corner” restriction and the north curb line of First Street, “2 Hour Metered Parking from 8 a.m. – 7 p.m., Monday through Saturday”.
- On the west side of Third Avenue, from the south curb line of Harrison Avenue and the existing “No Stopping Here to Corner” restriction to the existing “No Stopping Here to Corner” restriction and the north curb line of First Street, “No Stopping or Standing Anytime”.

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. 026-21

Resolved to authorize the hiring of Paul Valente as a Laborer in the Sanitary Sewer Division with the starting salary in accordance with the Collective Bargaining Agreement.

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. 027-21

Resolved to approve the Parking Reimbursement Agreement between the Village of Mineola and 3rd Track Contractors for use of Parking Field #7 within the construction zone for a period commencing on September 1, 2020 and expiring on September 1, 2021, and that Mayor Scott P. Strauss is authorized to sign the Agreement on behalf of the Village of Mineola.

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		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:40 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		