

Minutes - Board Meeting – 02/10/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 10, 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
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Building Daniel B. Whalen

Press Observers: None

Sunshine Observers: 5 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 MITCHELL REIFFMAN 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 STARBUCKS COFFEE SHOP WITH WALK-UP WINDOW UPON THE PROPERTY KNOWN AS 199 SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 423, LOT 4.

3 speakers addressed the Board

Resolution 031-21

Resolved to declare the Special Use Application of Mitchell Reiffman 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 Starbucks coffee shop with walk-up window upon the property known as 199 Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 423, Lot 4, 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:

Yes

No

Abstain

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

Resolution 032-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MITCHELL REIFFMAN

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-12(B) and Section 550-13(A)(1) of the
Code of the Incorporated Village of Mineola, at
premises known as 199 Second Street, Mineola, New
York, known and designated on the Nassau County
Land and Tax Map as Section 9, Block 423, Lot 4.

-----X

NAME OF APPLICANT: Mitchell Reiffman

SUBJECT PROPERTY: Section 9, Block 423, Lot 4

STREET LOCATION: 199 Second Street
Mineola, New York 11501

ZONING DISTRICT: "B-2" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550,
Section 550-12(B) and Section 550-13(A)(1) to establish a
Starbucks for the sale of food and drinks with a walk-up
window upon Property

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.

DATE OF HEARING: February 10, 2021

APPEARANCE: Wayne G. Edwards, Esq.

DECISION:

Mitchell Reiffman (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550,
Section 550-12 and Section 550-13(A)(1) of the Municipal Code of the Incorporated Village of
Mineola, for a special use permit to establish a Starbucks for the sale of food and drink with a walk-
up window upon the property known as 199 Second Street, Mineola, New York (known and

designated on the Nassau County Land and Tax Map as Section 9, Block 423, Lot 4) (hereinafter, the “Property”).

By Notice of Disapproval, dated December 28, 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 for the establishment of a Starbucks for the sale of food and drink with a walk-up window upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission 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 Starbucks for the sale of food and drink with a walk-up window upon the Property;
- 2) Applicant proposes to occupy the ground floor commercial space on the westside of the building (approximately 2,000 sq.ft.);
- 3) Applicant proposes outdoor seating (3 tables and 5 chairs);
- 4) The walk-up window is proposed as a result of the COVID-19 Pandemic. It will only be utilized to service customer that placed orders via app when the store is closed. It will not be used when the store is open;
- 5) Applicant proposes interior seating (1 table with 4 chairs and 1 table with 7 chairs);
- 6) Applicant will have 2 public restrooms;
- 7) Applicant will operate 5:00 am to 10:00 pm, 7 days a week;
- 8) Applicant shall be responsible for cleaning all exterior spaces for garbage and debris. Per Applicant’s policy, such policing shall be no less than every 30 minutes;
- 9) Deliveries will be occurring daily by box truck or deliver van. All deliveries shall utilize Front Street; and
- 10) 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) Applicant shall cause all refuse to be removed from the premises by a private carter at Applicant's expense. All refuse shall be stored indoors until pick-up and all putrescible waste shall be refrigerated until pick-up. No dumpster or compactor shall be permitted at the site; All waste pick-ups shall take place between the hours of 7:00 a.m. and 9:00 p.m. only;
- 2) All deliveries to the Property shall be by box-truck or delivery van during non-peak traffic hours. All deliveries shall utilize Front Street only. The Property shall not be serviced by any tractor trailers;
- 3) The premises shall be maintained in a clean condition at all times. Applicant shall police the area at least every 30 minutes for garbage and debris;
- 4) The walk-up window shall only be utilized when the interior store is closed to the public. It will not be used when the store is open;
- 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
February 10, 2021

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

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 7:50 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

Mayor Scott P. Strauss called the Work Session to order at 8:00 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. 033-21

Resolved to approve bills and payroll.

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

Village Treasurer Giacomo Ciccone gave a financial update for 2021-2022, and discussed COVID-19 challenges.

Resolution No. 034-21

Resolved to authorize Change Order Nos. EC-03 and EC-04 to Contract No. 2 – Electrical Construction to the Packed Tower Aeration System at Well No. 1 Project:

Contractor: J.K. Electric

Total Cost of Change Orders EC-03 and EC-04: \$33,085.00*

* Cost of Change Orders EC-03 and paid through Bid Allowance 1 and 2, resulting in no change to the existing total bid price for the Electrical Construction Contract cost.

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		

Resolution No. 035-21

Resolved to authorize the Change Order Nos. 1-5 to Contract No. 1 General Construction for the New Administration Building Project.

Contractor: Irwin Contractors Inc.
Total Cost of Change Orders 1-5: \$277.00*

* Cost of Change Orders 1-5 paid through Bid Allowance 2, resulting in no change to the existing total bid price for the General Construction Contract cost.

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. 036-21

Resolved to award the Request for Proposal for the Drainage Improvements to Parking Field No. 22 to the lowest responsible proposer, Valente Contracting Corp.

Proposal Received:
Valente Contracting Corp: \$28,750.00
Pratt Brothers, Inc.: \$31,369.00
GGG Construction: \$31,850.00

Funding Source: Community Development Block Grant funding and 2020/2021 General Fund Budget and/or the General Fund Unreserved Fund Balance

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

Vote:**Yes**

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

No**Abstain****Resolution No. 037-21**

Resolved to authorize the issuance of floating holiday hours to the following employees required to work on Monday February 1, 2021, when the Village Offices were closed for the day, and also on Tuesday February 2, 2021, when village offices delayed opening until 12 noon, due to snow storm. Such time must be used within one (1) year or be forfeited, and it has no monetary value.

Worked Monday, February 1, 2021 (8 hours)**Street Maintenance**

Casimiro, Diogo
DaSilva, David
Egan, Denham
Fernandes, Gabriel
Ferreira, Peter
Garcia, Jeremy
McCrave, Sean
Padinha, Jorge
Palumbo, Michael
Rusciano, Michael
Savarese, Dylan
Vigario, Julio

Central Garage

Balos, Tiberio
Mikowski, Thomas
Watts, Daniel

Culture/Recreation

Caesar, Carl
Ferreira, Adelino
Pereira, Adelino
Ramalhete, Alex

Water

Gaines, Tom
Symington, Bill
Mirando, Nick
Earley, Ryan

Parking Enforcement

Favas, Helio
DiMarzo, Joseph
Ramalhete, Daniel

Worked Monday, February 1, 2021 (2.5 hours)**Refuse Collection**

Acosta, Dan
Baldasano, Steven
Barbino, Christopher
Boroslawski, Jim
Carlo, Anthony
Deodato, Mark

Escobar, Hector
Faison, Jesse
Gayson, Brian
Giordano, Frank
Kern, Nick
Landini, Bryan

Macchietto, Anthony
Mariani, Joseph
Morris, Terrel
Scully, Philip
Vieira, Rich

Worked Tuesday, February 2, 2021 (3.5 hours)**Street Maintenance**

Casimiro, Diogo
DaSilva, David
Egan, Denham
Fernandes, Gabriel
Ferreira, Peter
Garcia, Jeremy

McCrave, Sean
Padinha, Jorge
Palumbo, Michael
Rusciano, Michael
Savarese, Dylan
Vigario, Julio

Central Garage

Balos, Tiberio
Mikowski, Thomas
Watts, Daniel

Refuse Collection

Acosta, Dan
Baldasano, Steven
Barbino, Christopher
Boroslawski, Jim
Cangemi, Michael
Carlo, Anthony
Ciullo, Louis
Deodato, Mark
Escobar, Hector
Faison, Jesse
Gayson, Brian
Giordano, Frank
Kern, Nick

Landini, Bryan
Macchietto, Anthony
Mariani, Joseph
Morris, Terrel
Scully, Philip
Velazco, Fabian
Vieira, Rich

Culture/Recreation

Caesar, Carl
Ferreira, Adelino
Pereira, Adelino
Ramalhete, Alex

Water

Gaines, Tom
Symington, Bill
Mirando, Nick
Earley, Ryan

Parking Enforcement

Favas, Helio
DiMarzo, Joseph
Ramalhete, Daniel

Building Maintenance

Lodigkeit, John
O'Brien, Thomas
Martone, Nicholas

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

Vote:

Yes

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

No

Abstain

Resolution No. 038-21

Resolved to authorize the installation of a "Handicap Reserved" parking restriction in front of 30 East Jefferson Avenue, Mineola.

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

Vote:

Yes

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

No

Abstain

Resolution No. 039-21

Resolved to accept the retirement resignation from Sanitation Division employee Clinton Morris and authorize the benefit time pay out in accordance with the Collective Bargaining Agreement.

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		

Trustee Paul A. Pereira announced that he will be going to Portugal for several months to care for his parents, but will continue his position on the Board by participating in meetings via teleconferencing, as presently permitted under New York State COVID regulations..

Mayor Scott P. Strauss requested a motion to close the Work Session at 8:15 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		