

Minutes - Board Meeting 06/06/2012

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 6, 2012 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

ALSO PRESENT: Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*

Sunshine Observers: 42 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:35 PM

Resolution No. 151-12

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee George R. Durham		

Resolution No. 152-12

Resolved to authorize the installation of a “Handicap Reserved” parking sign in front of 208 Andrews Road.

Motioned by Trustee George R. Durham
Seconded by Trustee Lawrence A. Werther

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee George R. Durham		

Resolution No. 153-12

Resolved to authorize surface repairs to the water slide at the John S. DaVanzo Community Pool to Commercial Clearwater Company, Inc at the lowest total quote price of \$32,875.00.

Commercial Clearwater Company	\$32,875.00
Fiberglass Services, Inc.	\$33,000.00
Eagle Control Corp.	\$33,280.53

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Superintendent of Public Works Thomas J. Rini presented a status report on the Station Plaza Drainage and Parking Lot Improvement project, outlining conditions discovered after excavations began, which require additional labor and materials to complete the project. Superintendent Rini further recommended adding two additional diffusion wells as the cost would be lower to include the wells now, and the project itself is well within its original budget.

Resolution No. 154-12

Resolved to approve an additional expenditure of \$32,839.00 for additional labor and materials to complete the Station Plaza Drainage and Parking Lot Improvement project and to install two additional diffusion wells.

Motioned by Trustee George R. Durham
Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Resolution No. 155-12

Resolved to approve the hiring of four annual seasonal employees in the sanitation division as budgeted.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Superintendent Thomas J. Rini gave a brief update on the Bruce Terrace Flood Mitigation project and a status report on the community pool preparations for opening day, June 16.

Resolution No 156-12

Resolved to approve the minutes from the meetings of the Board of Trustees of May 2, 2012, May 16, 2012, and May 23, 2012.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Resolution No. 157-12

Resolved to approve a request by the Knights of Columbus for the use of the Wilson Park picnic area for their annual picnic on Saturday, August 4, 2012 from 10:00 AM to 7:00 PM

Motioned by Trustee George R. Durham
Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Resolution No. 158-12

Resolved to approve a salary increase adjustment of \$2.95/hr for Building Inspector John Chilcott to meet the minimum starting salary for building inspectors.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Village Clerk Joseph R. Scalero gave a presentation on the new website design and features.

Resolution No. 159-12

Resolved to approve a request for a 90-Day extension of Building Permit #2630 issued for 19 Shortridge Drive.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

Resolution No. 160-12

Resolved to deny a request to install a third electric meter at 179 Cleveland Avenue for a basement area to be used only by the owner.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee George R. Durham

[Trustee Paul A. Pereira joined the meeting at 7:20 PM]

Superintendent of Buildings Daniel B. Whalen presented a monthly financial report for May 2012.

Village Attorney John M. Spellman recommended the following resolutions:

Resolution No. 161-12

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

BODY IN BALANCE YOGA & PILATES, LLC

DECISION

For a Special Use Permit pursuant to Chapter 30,
Section 30.31(B) of the Code of the Incorporated
Village of Mineola, at premises known as 258B
Herricks Road, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 35, Lots 44-45.

-----X

NAME OF APPLICANTS:	Body In Balance Yoga & Pilates, LLC
SUBJECT PROPERTY:	Section 9, Block 35, Lots 44-45
STREET LOCATION:	258B Herricks Road Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) to conduct classes in pilates, yoga, zumba and administer therapeutic medical massage upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 11, 2012
APPEARANCES:	Susan McGurn Maria Ochakovsky-Gomez

DECISION:

Body In Balance Yoga & Pilates, LLC (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to conduct classes in pilates, yoga, zumba and admisnter therapeutic medical massage upon the property known as 258B Herricks Road, Mineola, New

York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 35, Lots 44-45) (hereinafter, the “Property”).

By Notice of Disapproval, dated February 8, 2012, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that conducting classes in pilates, yoga, zumba and administering therapeutic medical massage 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 conduct classes in pilates, yoga, zumba, and administer therapeutic medical massage upon the property known as 258B Herricks Road, Mineola, New York;
- 2) All fitness instructors will be nationally certified;
- 3) Only licensed massage therapists shall provide services at the site;
- 4) The operation of the facility shall be self-contained within the interior of the building;
- 5) Applicant shall not sell food, beverages and/or supplements upon the Property;
- 6) Applicant will provide adequate on-site parking to meet the needs of the business;
- 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) No food, beverages and/or supplements will be sold upon the Property;
- 2) The operation of the facility shall be self-contained within the interior of the building;
- 3) Only licensed massage therapists shall provide services at the site;
- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or its successors to

enforcement pursuant to the Village’s Municipal Code, including possible revocation of this special 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 decisions. Said representations are deemed to be part of the conditions of this special 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.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Lawrence A. Werther

Village Clerk Joseph R. Scalero polled the Board

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Mayor Scott P. Strauss		

Resolution No. 162-12

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

DUANE VANDERWERF

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 78 Roslyn Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 303, Lot 151.
-----X

NAME OF APPLICANTS:	Duane VanderWerf
SUBJECT PROPERTY:	Section 9, Block 303, Lot 151
STREET LOCATION:	78 Roslyn Road Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) for the establishment of the preparation and sale of food (restaurant) upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 11, 2012
APPEARANCES:	Richard Reers, Esq.

IN SUPPORT:

Duane VanderWerf, Co-Owner
David VanderWerf, Co-Owner

DECISION:

Duane VanderWerf d/b/a Game Master Grill, LLC (hereinafter, “Applicant”) is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the preparation and sale of food (restaurant) upon the property known as 78 Roslyn Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 303, Lot 151) (hereinafter, the “Property”).

By Notice of Disapproval, dated February 21, 2012, 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 preparation and sale of food (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:

- 8) Applicant is seeking a special use permit to prepare and sell food (restaurant) upon the property known as 78 Roslyn Road, Mineola, New York;
- 9) The property was formerly used as a restaurant;
- 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-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:

- 7) All deliveries shall be made to the Property through the rear door of the building during non-peak weekday hours, to wit, between the hours of 9:00 a.m. and 4:00 p.m.;
- 8) All putrescible waste shall be stored within the premises inside a refrigerated unit and all waste and refuse shall be removed by a private carting company;

- 9) Applicant's operation shall be comprised of at least 60% sit-down restaurant with waiter service and no more than 40% take-out business;
- 10) The building configuration shall remain as existing;
- 11) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed away from residential properties. The ventilation/exhaust shall be filtered to prevent the dissemination of cooking odors and 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;
- 12) The premises shall be maintained in a clean condition at all times;
- 13) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 14) 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 decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 15) 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.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Trustee Paul A. Pereira

Trustee George R. Durham

Mayor Scott P. Strauss

Village Attorney John M. Spellman reported on the former Getty Station between Latham Road and White Road and the potential preliminary property line adjustments.

Mayor Scott P. Strauss requested a motion to go into Executive Session at 7:35 PM

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Trustee Paul A. Pereira

Trustee George R. Durham

Mayor Scott P. Strauss requested a motion to come out of Executive Session at 7:55 PM.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee George R. Durham

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

Mayor Scott P. Strauss stated that no action was taken in Executive Session.

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:55 PM.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee George R. Durham

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

Mayor Scott P. Strauss called the Public Meeting to order at 7:55 PM.

PRESENT:

Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT:

Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer:

Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*

Sunshine Observers:

47 Observers

Mayor Scott P. Strauss stated that he attended a walk for Multiple Sclerosis organized for Firefighter Bill DaVanzo of Mineola Fire Department Company 3, adding that it was well attended; attended the Mineola High School Student Service Awards ceremony and congratulated students; attended the Mineola High School senior awards ceremony, presenting the Mayor's Citizenship Award to Christopher Gavin; and attended a dinner honoring Congressman Peter King for his efforts in the Homeland Security area. Mayor Strauss stated that he had the honor of swearing in the officers of the Mineola AARP and wished President David Keefe and his staff the best of luck. Mayor Strauss thanked the American Legion and the Veterans of Foreign Wars for organizing the Mineola Memorial Day ceremony; stated that Mr. Barth, principal of the Mineola Middle School, is retiring this year and thanked him for his dedicated service to the children of Mineola. Mayor Strauss commented on discussions with Federal Railroad Administration investigators who confirmed that some railroad cars were not properly loaded using cargo covers and noted that they have addressed the issue and will continue to do spot checks periodically meet federal standards. Mayor Strauss reminded residents that the pool season begins Saturday June 16 and encouraged residents to make use of the pool and its activities.

Trustee Lawrence A. Werther thanked residents for their support of the Mineola Memorial Day Parade and of our Veterans; announced that the Mineola/Garden City Rotary will be honoring Lucy Gaglione, a Mineola resident and a member of the Williston Park Fire Department at their

annual dinner; and encouraged our Veterans to join the American Legion or the Veterans of Foreign Wars as these organizations provide support to the Veterans. Trustee Werther wished everyone a happy Father’s Day.

Trustee Paul S. Cusato thanked the American Legion, the Veterans of Foreign War, and the residents who took the time to attend the Memorial Day parade and ceremonies; stated that he attended the Mineola High School senior awards breakfast and was happy to see so many students receiving awards and to see so many organizations sponsoring monetary awards for our students. Trustee Cusato reminded residents that the Mineola Fire Department was in the final stages of its annual fund drive and wished a happy Father’s Day to all.

Trustee Paul A. Pereira thanked the Veterans of Foreign Wars and the American Legion for their efforts in organizing Memorial Day events and thanked the residents who participated; stated that he attended the Mineola High School senior awards breakfast and thanked the organizations and businesses for their support in providing awards for our students; congratulated the classes of 2012 from all the local schools; encouraged residents to support the Boy Scout Troop 45 Father’s Day Pancake Breakfast and extended best wishes for a happy Father’s Day.

Trustee George R. Durham congratulated the Veterans of Foreign Wars and the American Legion on the fine event they organized for Memorial Day; encouraged residents to support the Boy Scouts Troop 45 Father’s Day Pancake Breakfast and thanked the businesses for their placemat advertisements and wished everyone a happy Father’s Day.

5 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:40 PM.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		