

**Minutes - Board Meeting – 01/11/12**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 11, 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 Paul A. Pereira  
Trustee George R. Durham

**ALSO PRESENT:** Village Attorney John 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 Observers:** Rich Forestano, *Mineola American*  
Rich Tedesco, *Williston Times*  
Geoffrey Walter, *Patch.com*

**Sunshine Observers:** 29 Observers

**Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM**

*A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF 7 ROSELLE CORP. FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.31 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" AND SECTION 30.51 ENTITLED "M DISTRICTS", SUBSECTION (A) ENTITLED "PERMITTED USES" FOR THE ESTABLISHMENT OF A FITNESS FACILITY UPON THE PROPERTY KNOWN AS 7 ROSELLE STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NAQSSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 349, LOT 985.**

*3 Speakers addressed the Board*

**Resolution No. 06-12**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

-----X  
In the Matter of the Application of

7 ROSELLE CORP.

**DECISION**

For a Special Use Permit pursuant to Chapter 30, Sections 30.31(B) and 30.51 of the Code of the Incorporated Village of Mineola, at premises known as 7 Roselle Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 349, Lot 985.

-----X

NAME OF APPLICANTS: 7 Roselle Corp.

SUBJECT PROPERTY: Section 9, Block 349, Lot 985

STREET LOCATION: 7 Roselle Corp.  
Mineola, New York 11501

ZONING DISTRICT: Business "M" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 30, Sections 30.31(B) and 30.51 establish a fitness facility upon the property

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

DATE OF HEARING: January 11, 2012

APPEARANCES: John C. Farrell, Esq.

**DECISION:**

7 Roselle Corp. (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Sections 30.31 and 30.51 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a fitness facility upon the property known as 7 Roselle Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 349, Lot 985) (hereinafter, the "Property").

The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that the establishment of fitness facility 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.

A referral of the application was made to the Nassau County Planning Commission on December 15, 2011. 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 fitness facility upon the property known as 7 Roselle Street, Mineola, New York;
- 2) Applicant shall not sell food, beverages and/or supplements upon the Property;
- 3) 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 "M" 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 with the exception of periodic scheduled runs;
- 3) 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;
- 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 decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 5) 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.

**Mayor Scott P. Strauss requested a motion to approve the application and close the Public Hearing at 7:20 PM**

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

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

**Mayor Scott P. Strauss called the Work Session to order at 7:30 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 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 Observers:** Rich Forestano, *Mineola American*  
Rich Tedesco, *Williston Times*  
Geoffrey Walter, *Patch.com*

**Sunshine Observers:** 27 Observers

**Resolution No. 07-12**

Resolved to approve bills and payroll.

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

**Vote:**

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

**Resolution No. 08-12**

Resolved to approve the request of a resident of 248 Beebe Road to enter into a four (4) installment payment plan for an outstanding water bill and waive any usual late payment penalties.

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

**Vote:**

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

**Resolution No. 09-12**

Resolved to affix the date and polling location for the 2012 Village Election.

WHEREAS, the third Tuesday in March in each and every year is determined and fixed by the Village Law as the date for the holding of the Annual Village Election, except when this day falls on March 17 (in which it will be held on Wednesday, March 18).

AND, WHEREAS, the said date will be **March 20, 2012**.

NOW, THEREFORE, BE IT RESOLVED that the Annual Village Election for the Village of Mineola shall be held on the third **TUESDAY** in March 2012, namely **March 20**, from 6:00 am to 9:00 pm for the purpose of electing the following officers for the term set opposite thereto respectively:

**VILLAGE TRUSTEE — TWO (2)-YEAR TERM**  
**VILLAGE TRUSTEE — TWO (2)-YEAR TERM**

FURTHER RESOLVED that the Village Election be held in the following designated place:

MINEOLA COMMUNITY CENTER  
Village Hall, 155 Washington Avenue, Mineola, NY

By Order of the Board of Trustees of the  
Incorporated Village of Mineola

Joseph R. Scalero  
Village Clerk

DATED: JANUARY 11, 2012

Motioned by 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 Paul A. Pereira  
Trustee George R. Durham

*Village Clerk Joseph R. Scalero presented a December 2011 Justice Court report.*

*Superintendent of Public Works Thomas J Rini presented a status report on the Bruce Terrace Drainage Improvements Project.*

**Resolution No. 10-12**

Resolved to authorize the property line survey of the “Motor Parkway Property”, north of Westbury Avenue for purposes of a land use agreement with the Town of North Hempstead related to the Bruce Terrace Drainage Improvements Project.

Proposal in the amount of \$6,500.00 from AK Associates, Professional Land Surveyors as a sub-consultant to the village/project engineers, Dvirka & Bartilucci.

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 Paul A. Pereira  
Trustee George R. Durham

**Resolution No. 11-12**

Resolved to approve an engineering service agreement with our village engineer, Dvirka & Bartilucci for the 2012 Roadway Requirements Contract.

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 Paul A. Pereira  
Trustee George R. Durham

**Resolution No. 12-12**

Resolved to approve a public bid for village employee uniforms.

Motioned by Trustee Paul A. Pereira

Seconded by Trustee Lawrence A. Werther

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Trustee Paul A. Pereira

Trustee George R. Durham

**Resolution No. 13-13**

Resolved to approve a public bid for the 2012 Tree Planting Program.

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

*Superintendent of Public Works Thomas J. Rini reminded residents of the upcoming Holiday Sanitation Schedule in observance of Martin Luther King, Jr. Day, January 16, 2012.*

**Mayor Scott R. Strauss requested a motion to close the Work Session at 8:00 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