

Minutes - Board Meeting – 12/21/2011

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 21, 2011 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 M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Public Works Thomas J. Rini

Press Observer: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Geoffrey Walter, *Patch .com*

Sunshine Observers: 12 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:45 PM

Resolution No. 284-11

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
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		

Resolution No. 285-11

Resolved to approve a request from Justice Court to purge old uncollectible parking tickets issued from 2000 through 2002.

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

Resolution No. 286-11

Resolved to approve a request by the Mineola Fire Department for departmental budget transfers in the amount of \$8,000.00 from the following lines:

FROM:	(DUES & CONFERENCES)	\$5,000.00
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TO :	(SUPPLIES MISC.)	\$5,000.00
FROM:	(DEFENSIVE DRIVING)	\$ 500.00
TO :	(EQUIPMENT TURN OUT GEAR)	\$ 500.00
FROM:	(FIRE PREVENTION WEEK)	\$ 500.00
TO :	(SUPPLIES BADGES)	\$ 500.00
FROM:	(DUES & CONFERENCES)	\$2,000.00
TO :	(SCOTT MASKS)	\$2,000.00

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

Resolution No. 287-11

Resolved to authorize a \$500.00 monthly benefit payout from the Fire Service Award Fund to Mineola Fire Department Volunteer Firefighter, Richard Kotowski, pursuant to the Length of Service Awards Program (LOSAP).

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 Paul A. Pereira
 Trustee George R. Durham

Resolution No. 288-11

Resolved to approve the following 2012 tow-car license applicants:

NAME	STREET ADDRESS	TOWN, STATE
AAA-1	34 Charolette Avenue	Hicksville, NY 11801
A1 Grand Auto Body Inc.	105 Herricks Road	Garden City Park, NY 11040
Albert Zolezzi Auto Body,Inc.	432 Willis Avenue	Williston Park, NY 11596
Always Towing Inc.	79 Herricks Road	Garden City Park, NY 11040
Barron Body Works	381 Sagamore Avenue	Mineola, NY 11501
C&N Collision	96 Jericho Turnpike	Floral Park, NY 11001
Cross Island Wrecker Service, Inc.	635 Commercial Avenue	Garden City, NY 11530
Global Auto Recycling	534 Main Street	Westbury, NY 11590
Jason Towing Inc.	403 South Franklin Street	Hempstead, NY 11550
July Auto Wrecking ,Inc.	20 First Avenue	Garden City Park, NY 11040
Nationwide Towing	2044 Jericho Turnpike	New Hyde Park, NY 11040
Nuzzi Brothers Auto	77 Jericho Turnpike	New Hyde Park, NY 11040

Collision, Inc.		
Regal Body Works, Inc.	353 Sagamore Avenue	Mineola, NY 11501
Sunset Towing Service	103 Harbor Road	Port Washington, NY 11050
T&D Towing Corporation	162 Sea Cliff Avenue	Glen Cove, NY 11542
Tip Top Auto Body, Inc.	150 Denton Avenue	Garden City Park, NY 11040

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		

Resolution No 289-11

Resolved to approve the membership of the following candidate as recommended by the Mineola Fire Department:

Thomas Capruso Company #2

Motioned by Trustee Paul S. Cusato
 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		

Resolution No. 290-11

Resolved to authorize an engineering services contract with Dvirka & Bartilucci for the 2012 Concrete Requirements Contract

Cost: \$ 3,920.00

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 Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 291-11

Resolved to authorize an additional inspection fee in the amount of \$12,000.00 to Dvirka & Bartilucci for the new roof at Village Hall, Community Center, and Fire Department Headquarter Building Contract.

Cost: \$ 12,000.00

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

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. 292-11

Resolved to authorize Change Order No. 1 to the Solar Photovoltaic System project at the Central Garage.

Contractor: Roland's Electric
Cost: \$ 8,369.00
Purpose: Trenching and additional conduit installation

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

Resolution No. 293-11

Resolved to authorize July Auto Wrecking, Inc.as the Village's authorized tow car agent for abandoned vehicles.

Motioned by Trustee Paul A. Pereira
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. 294-11

Resolved to approve the hiring of Rocco Redmond as a laborer in the Sanitation Division of the Department of Public Works, with a starting salary in accordance with the Collective Bargaining Agreement

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

Village Attorney John M. Spellman recommended the adoption of the following resolution:

Resolution No. 295-11

Resolved that with respect to affordable senior housing in the Incorporated Village of Mineola, the following definitions shall be in effect:

"**Senior citizen housing unit**" is hereby defined and shall be limited to persons who are 55 years of age or over, with the following exceptions:

- A. A husband and wife under the age of 55 years who is residing with his or her spouse who is 55 years of age or over.
- B. Children and grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or children or grandchild or grandchildren is/are residing is 55 years of age or older, provided that said child or children or grandchild or grandchildren are over the age of 19 years.

“Below Market Rate Dwelling Unit” (BMR) is defined as dwelling units constructed for families and individuals whose annual household income does not exceed 80% of the Nassau County area median income (AMI) for its household size (based on U.S. Census and as updated by the U.S. Department of Housing and Urban Development).

Prior to occupancy, there shall be an annual certification to the Village Board of Trustees that the requisite number of units are affordable and that the residents of said units meet the income guidelines set forth above.

Rental restrictions shall remain in full force and effect for so long as the building or development exists

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 Lawrence A. Werther	
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 296-11

Resolved to approve the application of Jean Yang for a special use permit to establish a semi-private personal training facility at 153A Jericho Turnpike.

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

JEAN YANG

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 153A Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lots 105 & 106.
-----X

NAME OF APPLICANTS: Jean Yang

SUBJECT PROPERTY:	Section 9, Block 405, Lots 105 & 106
STREET LOCATION:	153A Jericho Turnpike 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 establish a semi-private personal training facility upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 14, 2011
APPEARANCES:	Jamie Dwyer

DECISION:

Jean Yang (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 establish a semi-private personal training facility upon the property known as 153A Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lots 105 & 106) (hereinafter, the “Property”).

The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the establishment of a semi-private personal training 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.

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 semi-private personal training facility upon the property known as 153A Jericho Turnpike, Mineola, New York;
- 2) Training sessions are by appointment only;
- 3) Applicant shall not sell food, beverages and/or supplements upon the Property;
- 4) 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) Applicant shall utilize off-site municipal parking for all staff parking and shall direct patrons to refrain from parking on residential streets;
- 3) The operation of the facility shall be self-contained within the interior of the building;
- 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.

Dated: Mineola, New York
December 14, 2011

Motioned by Trustee Paul A. Pereira
Seconded by 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

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:25 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 7:50 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
Superintendent of Public Works Thomas J. Rini

Press Observer: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Geoffrey Walter, *Patch .com*

Sunshine Observers: 14 Observers

Mayor Scott P. Strauss congratulated Village Treasurer Giacomo Ciccone on the birth of his son; commented on an article in the Long Island Business News which was complementary to Mineola and our Smart Growth Initiative; and, reminded residents to remove vehicles from streets in the event of snow. Mayor Strauss reported that he swore in Mineola Firefighter and Ex-Chief Michael DeStefano as President of the Nassau County Fire Chiefs Council, and congratulated Village Clerk Joseph R. Scalero on being sworn in as President of the Long Island Community Development Organization. Mayor Strauss announced that the Mineola Junior Fire Department sponsored a fund raiser for a member of the department and their family and commented on how successful it was and how extraordinarily lucky Mineola is to have such fine young people. Mayor Strauss thanked the Mineola Fire Department for their efforts in conducting “Operation Santa” and wished everyone a Merry Christmas, Happy Hanukkah and a happy healthy New Year.

Trustee Lawrence A. Werther extended his best wished to all residents for a Merry Christmas and a happy healthy New Year.

Trustee Paul S. Cusato reported on the success of the “Toys for Tots” program due to the generosity of our Mineola residents and thanked all who donated toys. Trustee Cusato wished everyone a Happy Holiday Season.

Trustee Paul A. Pereira thanked the Mineola Fire Department for their “Operation Santa” visit and wished everyone a Merry Christmas, Happy Hanukkah and a Happy New Year.

Trustee George R. Durham stated that he, Mayor Scott P. Strauss, and Village Clerk Joseph R. Scalero visited a resident, Mrs. Beatrice Hubbard, to help celebrate her 105th Birthday. Trustee Durham complimented the Mineola Junior Fire Department on their successful fund raiser, and thanked village staff and volunteers within the village for all they do to make Mineola a great place. Trustee Durham also extended his wishes for a Merry Christmas, Happy Hanukah and a happy healthy New Year.

4 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:00PM.

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

Vote:

Yes

Mayor Scott P. Strauss

No

Abstain

Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham