

Minutes - Board Meeting – 04/21/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, April 21, 2021 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira (via teleconference)
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
Superintendent of Building Daniel B. Whalen

Press Observers: None

Sunshine Observers: 20 Observers

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 OAK AND ORANGE HOSPITALITY CORP. 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 FAST CASUAL EATERY AND MARKET UPON THE PROPERTY KNOWN AS 91 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 422, LOT 3.

No speakers addressed the Board

Resolution 105-21

Resolved to declare the Special Use Application of Oak and Orange Hospitality Corp. 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 fast casual eatery and market upon the property known as 91 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 442, Lot 3, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee George R. Durham
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 106-21

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

OAK AND ORANGE HOSPITALITY CORP.

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 91 Mineola Boulevard, Mineola,
New York, known and designated on the Nassau
County Land and Tax Map as Section 9, Block 422,
Lot 3.
-----X

NAME OF APPLICANT:	Oak and Orange Hospitality Corp.
SUBJECT PROPERTY:	Section 9, Block 422, Lot 3
STREET LOCATION:	91 Mineola Boulevard 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 fast casual eatery and market upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 21, 2021
APPEARANCE:	Adam Blankfort, Esq. Sumiti Uppal, Owner

DECISION:

Oak and Orange Hospitality Corp. (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 fast casual eatery and market upon the property known as 91 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 3) (hereinafter, the "Property").

By Notice of Disapproval, dated February 11, 2021, 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 fast casual eatery and market 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 fast casual eatery and market upon the Property;
- 2) Applicant proposes to occupy the space formerly known as the Double H Pub;
- 3) Applicant proposes to operate 7:00 a.m. – 9:00 p.m., 7 days a week;
- 4) Applicant will be performing interior alterations and will be removing the existing bar and installing 10-15 interior seats;
- 5) Applicant anticipates 60% of the business will be take-away dining;
- 6) Applicant will utilize a private carter and store all refuse indoors until pick-up; and
- 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-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. The Property shall not be serviced by any tractor trailers;
- 3) The premises shall be maintained in a clean condition at all times;

- 4) 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;
- 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 decision. Applicant's representations are deemed to be part of the conditions of this Special Use Permit; and
- 6) 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
April 21, 2021

Motioned by Trustee Paul S. Cusato
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

The following hearing was adjourned at the request of the applicant to May 12, 2021 at 6:30 PM.

NOTICE OF HEARING TO REVOKE THE SPECIAL USE PERMIT ISSUED TO FIRST HARTFORD REALTY CORP (CVS) FOR THE PROPERTY KNOWN AS 17 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 342, LOTS 28, 35 AND 36, BY DECISION OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MINEOLA PURSUANT TO MINEOLA VILLAGE CODE CHAPTER 550, SECTION 550-55, ENTITLED "SPECIAL USE PERMITS," SUBDIVISION "H" TO BE HELD ON APRIL 21, 2021.

Mayor Scott P. Strauss called the Public Hearing to order at 7:00 PM

A Public Hearing was held at 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

PUCCIO PROPERTIES, LLC REQUEST FOR AN ADDITIONAL ONE (1) YEAR EXTENSION OF ITS PREVIOUSLY ISSUED SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A FOUR-STORY MIXED USE RESIDENTIAL AND COMMERCIAL RENTAL BUILDING UPON THE PROPERTY KNOWN AS 86-88 MAIN STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 426, LOTS 2 AND 3.

No speakers addressed the Board

Resolution 107-21

Resolved to approve Puccio Properties, LLC’s request for a one (1) year extension of its previously issued Special Use Permit for the construction of a four-story mixed use residential and commercial rental building. The one (1) year extension shall expire May 1, 2022.

Motioned by Trustee Dennis J. Walsh

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 7:10 PM

Sunshine Observers: 30 Observers

A Public Hearing was held at 7:10 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF NYU LANGONE HEALTH FOR FINAL SITE REVIEW AND APPROVAL PURSUANT TO CHAPTER 198 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ARCHITECTURAL AND SITE PLAN REVIEW”, SECTION 198-6 ENTITLED “FINAL SITE REVIEW AND APPROVAL” FOR (1) THE CONSTRUCTION OF A NEW VISITOR PARKING GARAGE AT THIRD AVENUE AND FIRST STREET WITH THREE (3) BELOW GRADE LEVELS AND FIVE (5) ABOVE GRADE LEVELS, (2) THE DEMOLITION OF THE EXISTING VISITORS GARAGE, (3) THE DEMOLOITION OF THE EXISTING PROFESSIONAL RESIDENCE BUILDING, AND (4) OTHER PARKING AND ACCESS IMPROVEMENTS WITHIN THE NYU LANGONE HOSPITAL CAMPUS LOCATED UPON THE PROPERTY KNOWN AS 259 FIRST STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 673, LOT 10.

2 speakers addressed the Board

Resolution 108-21

**PRELIMINARY CLASSIFICATION OF ACTION AND
COMMENCEMENT OF ENVIRONMENTAL REVIEW FOR THE
PROPOSED PROJECT AT 259 FIRST STREET, MINEOLA, NEW YORK**

WHEREAS, the Board of Trustees of the Incorporated Village of Mineola intends to consider an application of NYU Hospital-Long Island for final site review and approval pursuant to Chapter 198 of the Code of the Incorporated Village of Mineola, entitled “Architectural And Site Plan Review”, Section 198-6 entitled “Final Site Review and Approval” for (1) the construction of a new visitor parking garage at Third Avenue and First Street with three (3) below grade levels and five (5) above grade levels, (2) the demolition of the existing visitors garage, (3) the demolition of the existing professional residence building, and (4) other parking and access improvements within the NYU Langone Hospital Campus located upon the property known as 259 First Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 673, Lot 10 (hereinafter, the “Proposed Action”), and

WHEREAS, the Board of Trustees proposes to declare itself Lead Agency for the purpose of the environmental review of the Proposed Action pursuant to the State Environmental Quality Review Act (hereinafter, “SEQRA”).

NOW, BE IT HEREBY RESOLVED, that the Board of Trustees hereby issues a preliminary classification of the Proposed Action as an Unlisted Action under SEQRA; and

BE IT FURTHER RESOLVED, that the Board of Trustees hereby declares itself Lead Agency to conduct the environmental review of the Proposed Action.

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

[A recess was taken from 8:53 PM – 9:00 PM]

Mayor Scott P. Strauss adjourned the hearing to May 19, 2021 at 6:30 PM.

Mayor Scott P. Strauss called the Public Meeting to order at 9:20 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira (via teleconference)
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 Observer: None

Sunshine Observers: 3 Observers

Mayor Scott P. Strauss announced that the CVS revocation hearing was postponed to May 12, 2021; discussed the problem with Amazon trucks travelling through residential streets, adding that the Village is working to rectify the issue; announced that summer concerts are being planned, but are dependent on New York State and Governor’s guidelines; stated that he swore in Mineola Fire Department officers; thanked outgoing Chief Rob Connolly for his leadership; congratulated incoming Chief Andrew Martone; stated that the fire department is like a family where new members are welcome, and discussed the tragic loss of Mineola Fire Department member and Eagle Scout Andrew Desiderio.

Trustee Paul A. Pereira thanked the incoming and outgoing officers of the Mineola Fire Department; congratulated Mayor Strauss on being named “Firefighter of the Year,” and discussed the tremendous loss of Andrew Desiderio, who he had as a student.

Trustee Paul S. Cusato congratulated newly-elected chiefs of the Mineola Fire Department, and extended condolences to the family of Andrew Desiderio.

Trustee George R. Durham extended his condolences to the Desiderio family, adding that he had gone on several scouting trips with Andrew and he was a great scout; thanked Mineola Fire Department Chief Rob Connolly for his service, and congratulated the incoming fire department officers.

Trustee Dennis J. Walsh stated that the pool worked well with restrictions last year, but is hoping not to need restrictions this year; commented that COVID effects are still lingering and causing new cancellations, including the Portugal Day Parade, Portuguese Carnival, Memorial Day Parade, and senior group meetings; commented on the passing of Andrew Desiderio, and thanked Mineola Fire Department volunteers.

1 speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 9:45 PM.

Motioned by Trustee Dennis J. Walsh
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

Mayor Scott P. Strauss called the Work Session to order at 9:45 PM.

PRESENT:

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira (via teleconference)
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 Observer:

None

Sunshine Observers:

2 Observers

Resolution No. 109-21

Approval of bills and payroll

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. 110-21

Resolved to designate 5 spaces under the Mineola Boulevard overpass' southern end as Special Parking Only, and 4 as Handicap Reserved spaces.

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

Yes

No

Abstain

Trustee Dennis J. Walsh

Resolution No. 111-21

Resolved to declare Friday, April 30, 2021, as Arbor Day in the Village of Mineola to be commemorated with the planting of a tree. Location to be determined.

Seconded by Trustee Dennis J. Walsh

Yes

No

Abstain

Trustee Dennis J. Walsh

Resolution No. 112-21

Resolved to authorize the hiring of seasonal personnel for the Leisure Pass Office and Park Attendants for the weekends.

Healey, Bridget	\$11.25
Palumbo, Gabriella	\$11.25
Rodrigues, Michelle	\$11.25
Savarese, Nicholas	\$11.00
Pereira, Kevin	\$10.00
Pereira, Steven	\$10.00

Seconded by Trustee Dennis J. Walsh

Yes

No

Abstain

Trustee Dennis J. Walsh

Resolution No. 113-21

RESOLVED, that the Incorporated Village of Mineola agrees to extend the Site Access Agreement with 3rd Track Constructors (3TC) at the Mineola DPW Yard to and including June 16, 2021 upon the same terms and conditions; and it is further

RESOLVED, that the Mayor is authorized to execute the Site Access Extension Agreement on behalf of the Village of Mineola.

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 Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 114-21

RESOLVED, that the Incorporated Village of Mineola agrees to extend the Site Access Agreement with 3rd Track Constructors (3TC) for the use of the area off of 8th Avenue for the parking of its vehicles for an additional 6 month period through and including November 1, 2021; and it is further

RESOLVED, that the Mayor is authorized to execute the Site Access Agreement Extension Agreement on behalf of the Village of Mineola.

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 Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 115-21

Resolved to approve the Collective Bargaining Agreement between the Village of Mineola and the United Public Service Employees Union; and

RESOLVED, that the Mayor is authorized to execute the Collective Bargaining Agreement with the United Public Service Employees Union.

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		

Mayor Scott P. Strauss requested a motion to close the Work Session at 9:50 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

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		