

**Minutes - Board Meeting 05/21/08**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola  
held Wednesday, May 21, 2008 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:**

Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**ALSO PRESENT:**

Village Attorney John Spellman  
Village Clerk Joseph R. Scalero  
Village Treasurer Giacomo A. Ciccone  
Superintendent of Buildings Daniel B. Whalen  
Superintendent of Public Works Thomas J. Rini

**Sunshine Observers:**

Approximately 10 Observers

Mayor Jack M. Martins was excused from the meeting.

**Resolution No. 109-08**

Resolution adopting the Annual Stormwater Phase II Report as presented.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato

**Resolution No. 110-08**

Resolved to approve bills and payroll.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato

**Resolution No. 107-08**

Resolved to approve the request by the Mustang Run Committee Corp, tabled from 5/14/08, for the use of Village streets and facilities on Sunday, November 16, 2008 for the 24<sup>th</sup> Annual Mustang Run/Walk.

Approval subject to effort by the Mustang Run Committee to coordinate activities to allow residents access to their homes during the run.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato

**Resolution No. 111-08**

Resolved to approve the request by the Mineola Athletic Association for the use of the parking lot adjacent to the Little League field for the day June 14, 2008 (Raindate: June 15) to host a "Family Fun Day" for MAA families.

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Paul S. Cusato

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato

**Resolution No. 112-08**

Resolved to approve the request by the Meadow Drive PTA for the use of Wilson Park June 16, 2008 (Raindate: June 17) from 8:00 am – 2:00 pm for a 5<sup>th</sup> Grade Picnic, on a one-year trial basis.

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

**Vote:**

**Yes**

**No**

**Absent**

**Abstain**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Paul S. Cusato  
Trustee Lawrence A. Werther

**Resolution No. 113-08**

Resolved to approve new members submitted by the Mineola Fire Department:

Thomas McKeon - Company No. 2  
Rodger O'Gara – Company No.1

**Tabled**

Chief Scott Holliday presented the monthly Fire Department report.

**Resolution No. 114-08**

Resolved to approve requests rescinding “Handicap Reserved Parking” in front of the following locations:

1. 90 Searing Avenue, Mineola
2. 129 White Road, Mineola

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Paul A. Pereira

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		

**Resolution No. 115-08**

Resolved to authorize budget transfers.

Account Name	Account Number	Amount	
		<u>Increase</u>	<u>Decrease</u>
Annual Installation & Inspection	10-3410-415-03	487.44	
Supplies - Physical Fitness	10-3410-406-25		487.44
Rental Equipment	10-3410-420-02	289.95	
Supplies - Tools	10-3410-406-32		289.95
Dues & Conferences	10-3410-480-00	977.05	
Supplies - Physical Fitness	10-3410-406-25		477.05
Defensive Driving	10-3410-481-00		200.00
Stationery & Printing	10-3410-404-00		300.00
TOTALS		<u>1,754.44</u>	<u>1,754.44</u>

Account Name	Account Number	Amount	
		Increase	Decrease
Personal Services - Directors	40-7180-100-02	509.67	
Stationery & Printing	40-7180-404-00	127.55	
CPR Training	40-7180-406-02	2,025.00	
Supplies - Cleaning	40-7180-406-05	695.98	
Supplies - Medical	40-7180-406-17	51.78	
Supplies - Miscellaneous	40-7180-406-18	1,886.92	
Supplies - Painting	40-7180-406-21	3,023.07	
Repairs - Planting/Spraying	40-7180-455-33	291.61	
Serial Bonds - Principal	40-7180-680-00	0.17	
NYS Retirement	40-7180-828-00	286.60	
Social Security	40-7180-833-00	1,358.50	
Contingency	40-7180-465-00		10,000.00
Serial Bonds Interest	40-7180-780-00		0.28
Workers Comp Insurance	40-7180-830-00		256.57
TOTALS		10,256.85	10,256.85

Account Name	Account Number	Amount	
		Increase	Decrease
Motor Fuel - Gasoline	20-8310-401-00	1,396.89	
Stationery & Printing	20-8310-404-00	940.69	
Oil Heat Costs	20-8310-405-00	174.60	
Supplies - Chlorine	20-8310-406-05	239.12	
Telephone	20-8310-418-00	6,637.59	
Alarm Systems	20-8310-420-01	3,770.00	
Engineering Services	20-8310-421-00	713.26	
Repairs - Control Panel	20-8310-455-09	419.41	
Repairs - Trucks	20-8310-455-47	2,064.14	
Repairs - Well #4	20-8310-455-52	671.00	
Repairs - Well #7	20-8310-455-55	2,548.70	
Postage	20-8310-471-00	674.05	
Serial Bond Interest	20-8310-780-00	0.33	
NYS Retirement	20-8310-828-00	7,299.00	
Health Insurance	20-8310-836-00	7,966.65	
Liability / Fire Insurance	20-8310-426-00		20,000.00
Contingency	20-8310-465-00		15,515.43
TOTALS		35,515.43	35,515.43

Account Name	Account Number	Amount	
		Increase	Decrease
Audio & Video Recording	30-7410-200-06	3,502.88	
Electronic Databases	30-7410-200-09	2,510.88	
Stationery & Printing	30-7410-404-00	1,054.20	
Supplies - Miscellaneous	30-7410-406-18	2,711.83	
ALIS - Borrowing Charge	30-7410-407-00	236.94	
Utilities - Gas	30-7410-416-01	204.35	
Legal Costs - Library	30-7410-432-00	737.50	
Programs	30-7410-434-00	1,941.05	
Programs - Children	30-7410-434-01	1,402.15	
Repairs - Buildings	30-7410-455-07	7,336.18	
Dues & Conferences	30-7410-480-00	1,132.35	
Serial Bonds - Interest	30-7410-780-00	0.28	
NYS Retirement	30-7410-828-00	6,432.00	
Dental Insurance	30-7410-840-00	461.37	
Workers Compensation	30-7410-830-00		7,662.79
Health & Medical Insurance	30-7410-836-00		386.24
Contingency	30-7410-465-00		21,614.93
TOTALS:		\$ 29,663.96	\$ 29,663.96

Motioned by Trustee Thomas F. Kennedy  
Seconded by Trustee Paul A. Pereira

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		

**Trustee Lawrence A. Werther requested a motion to go into Executive Session at 7:35 PM.**

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		

Mayor Jack M. Martins requested a motion to come out of Executive Session at 8:10pm.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 116-08**

Resolved to approve the application of G. J. S. Restaurant.

For a Special Permit pursuant to Chapter 30, Section 30.104G of the Code of the Incorporated Village of Mineola, at premises known as 348 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 381, Lot 44.

NAME OF APPLICANT: G.J.S. Restaurant.

SUBJECT PROPERTY: Section 9, Block 381, Lot 44

STREET LOCATION: 348 East Jericho Turnpike  
Mineola, New York 11501

ZONING DISTRICT: 'B' District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Section 30.104G of the Village Code to reopen a restaurant for preparation and sale of food where the previous special use permit was extinguished for a period in excess of six (6) months

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

DATE OF HEARING: April 9, 2008

APPEARANCES: Louis Santora, Architect

IN SUPPORT: Joseph DiLorenzo, Tenant

**DECISION:**

G.J.S. Restaurant (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.104G of the Municipal Code of the Incorporated Village of Mineola (the "Code") for a special permit for the interior-exterior alterations of a restaurant in order to reopen the restaurant for the preparation and sale of food upon the

property known as 348 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 381, Lot 44) (hereinafter, the "Property").

By Notice of Disapproval, dated March 6, 2008, Applicant's building permit was denied. The Building Inspector determined that the previous special use permit granted by the Board of Trustees has been extinguished for a period in excess of six (6) months. Therefore, applicant was required to seek a new special use permit from the Board of Trustees. As a result, Applicant applied to the Board of Trustees for a special use permit.

During the public hearing, the following representations were made by Applicant:

Applicant is proposing to reopen a restaurant in the building that was formerly Antolino Grill and before that Spontino Grill.

\* \* \* \*

The scope of the work inside includes new finishes, table and chairs and a renovated bar area. There will be no increase in the occupancy. The existing kitchen will remain.

\* \* \* \*

The scope of the work outside includes a new storefront with mahogany doors, new awning and signage.

\* \* \* \*

The proposed hours of operation are 11:00AM to 10:00PM Sunday through Thursday and 11:00AM to 11:00PM Friday and Saturday.

\* \* \* \*

Garbage will be disposed of in a four-yard dumpster located in the rear of the shopping center. Pickups will be during the week during the middle of the day. All deliveries are made through the back alleyway.

\* \* \* \*

Applicant anticipates approximately fifteen (15) employees.

\* \* \* \*

There are two existing kitchen exhausts. The fire alarm system and sprinkler system will to remain.

\* \* \* \*

Applicant will refrigerate any perishable garbage on premises until pickup.

\* \* \* \*

The restaurant bar will have only ten (10) bar stools.

and decisions. Said representations are deemed to be part of the conditions of this special permit; and

- 8) 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 Thomas F. Kennedy

Village Clerk, Joseph R. Scalero, polled the Board.

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 117-08**

Resolved to approve the application of Angel-Tech, Inc.

For a Special Permit pursuant to Chapter 30, Section 30.31(6) of the Code of the Incorporated Village of Mineola, at premises known as 202 Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 39, Lot 18.

NAME OF APPLICANT:	Angel-Tech, Inc.
SUBJECT PROPERTY:	Section 9, Block 39, Lot 18
STREET LOCATION:	202 Herricks Road Mineola, New York 11501
ZONING DISTRICT:	B-1 Business District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Section 30.31(B)(6) of the Village Code or the expansion of an existing auto repair use
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 9, 2008
APPEARANCES:	Lance Lazzara, Angel-Tech, Inc.
IN SUPPORT:	John Cunha, Architect



**DECISION:**

Angel-Tech, Inc. (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31(B)(6) of the Municipal Code of the Incorporated Village of Mineola (the "Code") for a special permit for the erection of a one-story masonry rear addition for the expansion of an existing auto repair facility upon the property known as 202 Herricks Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 39, Lot 18) (hereinafter, the "Property").

By Notice of Disapproval, dated March 12, 2008, Applicant's building permit was denied. The Building Inspector determined that the proposed application is an expansion of a previously existing special use which requires a special use permit from the Board of Trustees pursuant to Chapter 30, Section 30.31(B)(6).

As a result, Applicant applied to the Board of Trustees for a special use permit.

During the public hearing, the following representations were made by Applicant:

Applicant is proposing to open a Midas Service Station. Midas does mufflers, brakes and shocks, and all regular maintenance; oil changes, all kinds of fluid changes. One thing that is lacking from 202 Herricks is an alignment rack. That's for front end alignments.

\* \* \* \*

In order for us (Midas) to have these complete services, we need to add that lift, as well as storage and have room for stocking of parts.

\* \* \* \*

The typical standard building is a six-bay facility. This particular facility is actually a hair smaller than that.

\* \* \* \*

The facility as it sits today just did not have adequate storage, and hence the need to expand the footprint of the building.

\* \* \* \*

One of the things that the existing operation did not house within the building is automotive tires, which is one of the services we (Midas) offer.

\* \* \* \*

The addition will be single width, 12-inch concrete block wall, the same height as the original addition.

\* \* \* \*

All cars will be entering into the shop from Herricks Road. There is no access to putting a car on a lift from the front bays.

\* \* \* \*

Midas uses pneumatic air tools most of the time for the removal of tires, for bolts that are torqued onto specs where you cannot break them with using a hand tool; with tune-ups and things like hand tools.

\* \* \* \*

The proposal right now is for three (3) mechanics, myself (Lance Lazzara) and a service advisor in the office. That will be a total of five employees.

\* \* \* \*

The average number of cars serviced in one of our shops in the area on a daily basis is between eight and ten.

\* \* \* \*

Waste oil will be picked up biweekly. And when it comes to garbage, we'll (Midas) have three-yard dumpsters in the back, which will be picked up weekly, after 10AM. The dumpsters will be fenced in, so it's not an eyesore.

\* \* \* \*

Applicant is open to some sort of screening along Lincoln Place to prevent residents from seeing the cars parked on the property.

\* \* \* \*

Applicant is open to removing the curb cut on Herricks Road.

\* \* \* \*

There are twelve (12) parking spaces and (1) one handicapped space.

\* \* \* \*

The majority of deliveries occur between 8AM and 5PM. There are no deliveries on Saturday or Sunday.

\* \* \* \*

Applicant is proposing a stockade type fence on the east side of the building wall. There will be no lights and no bright colors on the wall.

\* \* \* \*

The Applicant is proposing to redo the asphalt, sidewalks and landscaping.

\* \* \* \*

The Applicant is flexible with the hours of operation, especially on weekends.

\* \* \* \*

A referral of the application was made to the Nassau County Planning Commission on April 10, 2008. 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:

- 6) The Applicant is seeking a special permit for the erection of a one-story masonry rear addition for the expansion of an existing auto repair facility upon the property known as 202 Herricks Road, Mineola, New York;
- 7) The property is located within the B-1 Business District; and
- 8) The Board finds that the proposed use is of such character, size, location, design and site layout as to be appropriate to and in harmony with the surrounding properties.

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. IT IS THEREFORE RESOLVED, that the Special Use Permit is GRANTED subject to the following conditions:

- 9) The premises shall be maintained in a clean condition at all times;
- 10) Deliveries shall occur during off-peak hours. No deliveries shall occur on weekends;
- 11) The hours of operation shall be 7:30AM to 7:30PM Monday through Friday, 8:00AM to 5:00PM on Saturday and closed on Sunday;
- 12) The garbage dumpster on the premises shall be maintained in a fully-enclosed area and the gates to the dumpster shall be closed at all times except during loading and pick-up. The garbage dumpster and surrounding area shall remain free from debris, odors or litter at all times. No weekend garbage pick-ups;
- 13) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 14) Any vehicles left at the Property over night will be stored in-doors;
- 15) The curb-cut located closest to the corner of Herricks Road and Lincoln Place shall be removed;
- 16) Perimeter fencing on the east side of the property shall be of closed construction, shall be six (6') feet in height. The design of the fencing shall be subject to approval by the Building Department;

- 17) A natural buffer shall be planted along Lincoln Place from the rear property line to the curb cut. Natural plantings shall also be planted in a planting bed in place of the removed curb-cut on Herricks Road;
- 18) The Village shall maintain jurisdiction over the site. In the event that Applicant requires modification, the Applicant shall make further application before the Board of Trustees for an amendment of this approval or the Board of Trustees shall direct such modification;
- 19) 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;
- 20) 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
- 21) 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:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
 Trustee Thomas F. Kennedy  
 Trustee Lawrence A. Werther  
 Trustee Paul S. Cusato  
 Mayor Jack M. Martins

**Mayor Martins opened the Public Meeting at 8:20 pm.**

Mayor Martins reminded residents that the Memorial Day Parade and Observance would be May 26 and urged all residents to participate. Mayor Martins also reminded residents that Jack's Run for Autism Awareness will be held June 7 and encouraged all residents to support the Run.

Mayor Martins reported that he participated in the Chamber of Commerce's Installation of Officers thanking the Chamber officers for their service and congratulated their members on another successful Mineola Fair this year.

Trustee Lawrence Werther congratulated officers of the Chamber of Commerce and discussed the Chamber's vital role in our community.

Trustee Paul Cusato congratulated the Chamber of Commerce officers and announced that the next meeting of the Neighborhood Watch would be May 28, 2008.

Trustee Thomas Kennedy stated that he was looking forward to Jack's Run and urged residents to support the Run.

Trustee Paul Pereira commended the Chamber of Commerce for the success of the Mineola Fair and said that he was looking forward to participating in the Memorial Day Parade as a trustee

Mayor Martins requested a motion to close the meeting at 10:00 pm.

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

Vote:

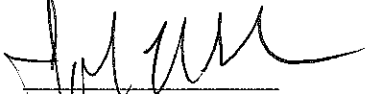
Yes

No

Absent

Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

Respectfully submitted,

  
\_\_\_\_\_  
Joseph R. Scalero  
Village Clerk