

Minutes - Board Meeting – 09/16/2020

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 16, 2020 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
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 Buildings Daniel B. Whalen

Press Observers: *None*

Sunshine Observers: 13 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:32 PM

A Public Hearing was held at 6:32 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF HIGH POINT ENGINEERING 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” TO CONSTRUCT 1,360 SQ.FT. CONVENIENCE STORE FOR THE SALE OF PACKAGED FOOD, SNACKS AND BEVERAGES UPON THE PROPERTY KNOWN AS 91 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 451, LOTS 244-247.

No speakers addressed the Board

Resolution 182-20

Resolved to declare the Special Use Application of High Point Engineering 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” for the purpose of constructing 1,360 sq.ft. convenience store for the sale of packaged food, snacks and beverages upon the property known as 91 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 451, Lots 244-247, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Dennis J. Walsh
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

Mayor Scott P. Strauss requested a motion to close the hearing and reserve decision at 7:00 PM.

Motioned by Trustee Dennis J. Walsh
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

Mayor Scott P. Strauss called the Public Hearing to order at 7:02 PM.

Sunshine Observers: 13 Observers

A Public Hearing was held at 7:02 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF DOMENICO PETRALIA 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 550-16 ENTITLED “M DISTRICT” TO ESTABLISH A MICRO BREWERY WITH A TASTING ROOM UPON THE PROPERTY KNOWN AS 63A EAST SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 437, LOTS 454, 471.

No speakers addressed the Board

Resolution 183-20

Resolved to declare the Special Use Application of Domenico Petralia 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 550-16 entitled “M District” for the purpose of establishing a micro brewery with a tasting room upon the property known as 63A East Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471, as a Type II action pursuant to S.E.Q.R.A.

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

Resolution 184-20

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

DOMENICO PETRALIA

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-12(B) and Section 550-16 of the Code of the Incorporated Village of Mineola, at premises known as 63A East Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471.
-----X

NAME OF APPLICANT:	Domenico Petralia
SUBJECT PROPERTY:	Section 9, Block 437, Lots 454, 471
STREET LOCATION:	63A East Second Street Mineola, New York 11501
ZONING DISTRICT:	"M" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12(B) and Section 550-16 to establish a micro-brewery with a tasting room upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 16, 2020
APPEARANCE:	John Schaum, owner Domenico Petralia, owner Bradley Dunn, owner

DECISION:

Domenico Petralia (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550-12 and Section 550-16 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit for the establishment of a micro-brewery upon the property known as 63A

East Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471) (hereinafter, the “Property”).

By Notice of Disapproval, dated August 5, 2020, 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 micro-brewery upon the Property.

A referral of the application was made to the Nassau County Planning Commission. 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 for the establishment of a micro-brewery upon the property known as 63A East Second Street, Mineola, New York;
- 2) Applicant is proposing to be a micro-brewery manufacturing beer upon the premises with a sample tasting room;
- 3) Applicant would operate the manufacturing business Monday-Friday, 9:00 am to 5:00 pm;
- 4) Applicant would operate the tasting room Tuesday-Friday, 4:00 pm to 8:00 pm and Saturday 12:00 pm to 8:00 pm;
- 5) Applicant will have five fermenters and one brew system with a total of eight (8) tanks;
- 6) No cooking upon the premises;
- 7) Applicant will utilize a private carter for all waste removal;
- 8) Applicant will utilize a business owned transit vehicle for out-going deliveries;
- 9) Applicant anticipates approximately 3 employees for the micro-brewery on Property at one time; and
- 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 “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) The entire building 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;
- 2) There shall be no outdoor music;
- 3) Outdoor occupancy shall be limited to twenty (20) people and shall be closed when the business closes at 8:00 pm;
- 4) All putrescible waste shall be refrigerated indoors until pick-up by private carter;
- 5) All waste pick-ups shall take place between the hours of 7:00 a.m. and 5:00 p.m. only;
- 6) No cooking upon the premises;
- 7) All deliveries shall be by box-truck during non-peak traffic hours;
- 8) 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;
- 9) 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
- 10) 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
September 16, 2020

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

No

Abstain

Mayor Scott P. Strauss called the Public Hearing to order at 7:36 PM.

Sunshine Observers: 13 Observers

A Public Hearing was held at 7:36 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF ALESSANDRO L. ANTONACCI, P.C. FOR A SPECIAL PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “ZONING”, SECTION 550-5.I FOR THE CONSTRUCTION OF A 12 UNIT (ONE-BEDROOMS) APARTMENT BUILDING (TWO FLOORS ABOVE GROUND LEVEL PARKING) UPON THE PROPERTY KNOWN AS 119 CLINTON AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 456, LOT 44.

6 speakers addressed the Board

Resolution 185-20

Resolved to declare the application of Alessandro L. Antonacci, P.C. for the construction of a 12 unit (one-bedrooms) apartment building (two floors above ground level parking) is an Unlisted Action under SEQRA.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

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 hearing and reserve decision at 8:25 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

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 called the Work Session to order at 8:35 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
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

Press Observers: None

Sunshine Observers: No Observers

Mayor Scott P. Strauss congratulated Judge Fairgrieve on election, and Trustees Pereira and Cusato on their re-elections, and announced that they will be sworn in at Organization Night on October 7.

Resolution No. 186-20

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

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. 187-20

Resolved to certify September 15, 2020 election results.

Trustee (elect 2)	Village Justice (elect 1)
Paul A. Pereira – 997	Scott Fairgrieve – 711
Paul S. Cusato – 840	Steven R. Barnwell – 617

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

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. 188-20

Resolved to accept the resignation of Water Operator Thomas Stefanich effective September 25, 2020, and authorize the benefit time payout in accordance with the Collective Bargaining Agreement, and resolved to authorize the posting of a Water Operator.

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		

Resolution No. 189-20

Resolved to approve the hiring of Daniel Ramalhete as Parking Meter Servicer with a corresponding increase in hourly pay as posted in job opening and commensurate with his experience.

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 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 8:40 PM.

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		