

Minutes - Board Meeting 01/09/08

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 9, 2008 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Linda Fairgrieve
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy

ALSO PRESENT: Village Attorney John Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Janet H. Zalkin
Village Treasurer Giacomo A. Ciccone
Superintendent of Buildings Daniel B. Whalen
Superintendent of Public Works Thomas J. Rini
Water Department Supervisor Frederick Booher

Press Observer: Joseph Rizza, *Mineola American*

Sunshine Observers: Approximately 45 Observers

Mayor Martins opened the Work Session at 6:30 PM.

Resolution No. 5-08

Resolved to approve bills and payroll.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Linda Fairgrieve		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

Resolution No. 6-08

Resolved to approve the Board Meeting Minutes September 2007 through November 2007 as amended.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Linda Fairgrieve		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato *		
Mayor Jack M. Martins		

*Trustee Paul S. Cusato abstained from voting on the Minutes of October 026, 2007 as he was unable to attend the meeting.

Resolution No. 7-08

Resolved to approve the Fire Service Award benefit payments as presented for Paul Frasco and John W. Schneider.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Linda Fairgrieve		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

Resolution No. 8-08

Resolved to award the contract for repairs for Engine 166 to Chief Fire & Rescue Sales, Inc. of Port Washington, NY for \$29,689.00 to be paid from the unreserved fund balance.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Linda Fairgrieve		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

Resolution No. 9-08

Resolved to award the contract for the replacement floor for the Truck Room of Company No. 3 to Blendex Industrial Corporation of Lindenhurst, NY for approximately \$29,172.26, to be paid from the unreserved fund balance.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Linda Fairgrieve		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

Resolution No. 10-08

Resolved to approve the installation of a Handicap Reserved parking space in front of 34 Plymouth Avenue.

Motioned by Trustee Paul S. Cusato

Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Absent

Trustee Linda Fairgrieve

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

Mayor Martins requested a motion to close the Work Session at 7:05 PM.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Thomas F. Kennedy

Vote:

Yes

No

Absent

Trustee Linda Fairgrieve

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

A Public Hearing was held at 7:40 PM at the Village Hall, 155 Washington Avenue, Mineola, NY 11501, in order to receive public comment upon the following:

APPLICATION OF POLIMENI INTERNATIONAL, LLC FOR A SPECIAL PERMIT PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED "ZONING", SECTION 30.5 (DEVELOPMENT INCENTIVE BONUS LAW), FOR THE CONSTRUCTION OF A 285 UNIT RESIDENTIAL CONDOMINIUM IN THE B-3 ZONE UPON THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF OLD COUNTRY ROAD AND WILLIS AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 430, LOT(S) 10, 65, 212, 411, 415, 418 AND 419.

Resolution No. 11-08

Resolved to affirm the Village of Mineola's status as the lead agency for this application.

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 Linda Fairgrieve

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

Mayor Martins requested a motion to adjourn the hearing and remain open until February 13, 2008 at 7:00 PM.

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

Vote:

Yes

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

No

Absent

At the departure of the Village Clerk, Village Attorney John M. Spellman recorded minutes of the following motion:

Resolution No. 11A-08

Resolved to grant First Hartford Realty Corp. a special use permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola subject to the following conditions:

- 1) The property shall be maintained in a clean and broom-swept condition at all times. Snow shall be removed promptly from all sidewalks surrounding the property;
- 2) 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. All putrescible waste shall be refrigerated indoors until pick-up;
- 3) Perimeter fencing around the property shall be of closed construction, shall be six (6') feet in height along Washington Avenue and along Royal Avenue and shall be four (4') feet in height along Roslyn Road. The design of the fencing shall be subject to approval by the Building Department;
- 4) No pedestal sign shall be permitted upon the premises;
- 5) A full landscape plan shall be submitted to the Building Department for approval. The plan shall include plantings on the street side of Washington Avenue and Royal Avenue as well as along the interior side of the fence along said streets. The landscaping shall be appropriately irrigated and maintained at all times. A streetscape plan employing the paver, lighting and street furniture design pallet for Roslyn Road, Old Country Road and a wrap-around onto Royal Avenue shall be submitted and, upon approval, implemented;
- 6) A "no left turn" sign shall be installed at the Jericho Turnpike exit.
- 7) The Royal Avenue exit shall be eliminated;
- 8) All employees shall be required to park upon the premises;

- 9) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 10) No telecommunications towers shall be located at the site;
- 11) A mechanical arm or other similar device shall be installed at the northwest portion of the property which will prevent use of the drive-through lane during periods of time when truck deliveries are being made to the store at the loading area on the site plan. A suitable communication system shall be installed in order to advise the public that the drive-through lane is closed during delivery periods;
- 12) The site shall be served by a private sanitation carter at the expense of the applicant;
- 13) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of entrance into and exit from the property. In the event that such entrance/exit shall require modification, the Applicant shall make further application before the Board of Trustees for a amendment of this approval or the Board of Trustees shall direct such modification;
- 14) 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 it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 15) 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
- 16) 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 S. Cusato
Seconded by Trustee Thomas F. Kennedy

Village Attorney John Spellman polled the Board:

Vote:

Yes

Trustee Linda Fairgrieve
Trustee Thomas F. Kennedy
Trustee Lawrence A. Werther
Trustee Paul S. Cusato

No

Recused

Mayor Jack M. Martins

Respectfully submitted,

Joseph R. Scalero
Village Clerk