

Minutes - Board Meeting – 02/16/2022

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 16, 2022 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 Janine Sartori

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observers: *Williston Times*

Sunshine Observers: 7 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:50 PM

A Public Hearing was held at 6:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF MEILE LIN 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 ESTABLISH A TEA STORE WITH FOOD SERVICE UPON THE PROPERTY KNOWN AS 140 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 322, LOT 37.

No speakers addressed the Board

Resolution 027-22

Resolved to declare the Special Use Application of Meile Lin 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 establishing a tea store with food service upon the property known as 140 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 37, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul A. Pereira
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 Janine Sartori

Resolution 028-22

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MEILE LIN

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-12(B) of the Code of the Incorporated
Village of Mineola, at premises known as 142 Jericho
Turnpike, Mineola, New York, known and designated
on the Nassau County Land and Tax Map as Section 9,
Block 322, Lot 37.

-----X

NAME OF APPLICANT:	MEILE LIN
SUBJECT PROPERTY:	Section 9, Block 322, Lot 37
STREET LOCATION:	140 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	"B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12(B) to establish a tea store serving food upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 16, 2022
APPEARANCE:	Meile Lin, Owner

DECISION:

Meile Lin (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550-12 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a tea store serving food upon the property known as 140 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 37) (hereinafter, the "Property").

By Notice of Disapproval, 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 tea shop with the sale of food 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 tea shop with the sale of food upon the Property;
- 2) Applicant will serve Bubble Tea and accompanying fried foods/snacks upon the Property;
- 3) Applicant's hours of operation are 10:00 am to 7:00 pm, seven days a week;
- 4) Applicant anticipates 2 employees to start;
- 5) The Property is serviced by a private parking lot in the rear of the building;
- 6) Applicant will have approximately 5 small tables for customers;
- 7) Applicant will utilize a private carter and store all putrescible waste refuse indoors until pick-up; and
- 8) 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) 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. 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
February 16, 2022

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

Deputy Village Clerk Linda Pardo polled the Board:

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Janine Sartori

Mayor Scott P. Strauss called the Public Hearing to order at 7:05 PM

Press Observers: *Williston Times*

Sunshine Observers: 5 Observers

A Public Hearing was held at 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF SPARKELS & DOREEN BROWN 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 ESTABLISH A RETAIL CANDLES STORE WITH WORKSHOPS AND CLASSES UPON THE PROPERTY KNOWN AS 265 HORTON HIGHWAY, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 394, LOT 223.

No speakers addressed the Board

Resolution 029-22

Resolved to declare the Special Use Application of Sparkels & Doreen Brown 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 establishing a retail candles store with workshops and classes upon the property known as 265 Horton Highway, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 223, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee George R. Durham
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 Janine Sartori		

Resolution 030-22

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

SPARKLES & DOREEN BROWN	<u>DECISION</u>
For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 265 Horton Highway, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 223.	
-----X	

NAME OF APPLICANT:	Sparkles and Doreen Brown
SUBJECT PROPERTY:	Section 9, Block 394, Lot 223
STREET LOCATION:	265 Horton Highway Mineola, New York 11501
ZONING DISTRICT:	"B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a retail shop for the sale of candles with workshops and classes upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 16, 2022
APPEARANCE:	Sparkles Brown, Owner

DECISION:

Sparkles Brown (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a retail shop for the sale of candles with workshops and classes upon the property known as 265 Horton Highway, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 223) (hereinafter, the “Property”).

By Notice of Disapproval, 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 to establish a retail shop for the sale of candles with workshops and classes 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 to establish a retail shop for the sale of candles with workshops and classes upon the property known as 265 Horton Highway, Mineola, New York;
- 2) Applicant runs a business called “Cottage Kind”;
- 3) Applicant’s hours of operation are 12:00 pm to 7:30 pm, three days a week (Friday, Saturday and Sunday);
- 4) Candle making class sessions are approximately 1 hour;
- 5) Applicant proposes to have a maximum number of twenty (20) customers at the Property at one time; and
- 6) 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) The operation of the facility shall be self-contained within the interior of the building;
- 2) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 3) Applicant shall not be preparing, cooking and/or selling food upon the Property;
- 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
February 16, 2022

Motioned by Trustee Janine Sartori
Seconded by Trustee Paul A. Pereira

Deputy Village Clerk Linda Pardo polled the Board:

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 Janine Sartori		

Mayor Scott P. Strauss requested a motion to close the hearing at 7:15 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Janine Sartori

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 Janine Sartori		

Mayor Scott P. Strauss called the Work Session to order at 7:15 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Janine Sartori

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: *Williston Times*
Mineola American

Sunshine Observers: 3 Observers

Resolution No. 031-22

Resolved to approve bills and payroll.

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 Janine Sartori		

Resolution No. 032-22

Resolved to approve a request from the Birchwood Court Owners, Inc. for the use of the Village Hall Community Center auditorium to hold an Informational Meeting Tuesday April 26, 2022 from 6:30 PM to 8:30 PM, and for their Annual Shareholder Meeting Tuesday May 17, 2022 from 6:30 PM to 8:30 PM.

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 Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Janine Sartori		

Resolution No. 033-22

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

Vincent Othman	Company 1
James Raziano	Company 1

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 Janine Sartori		

Resolution No. 034-22

Resolved to authorize the emergency removal and replacement of the 15 ton, electric package/natural gas fired HVAC rooftop unit at the Mineola Memorial Library which provides heating and air conditioning for the Library.

Vendor: Five Star Mechanical, Inc.
Cost: \$28,750.00
Funding Source(s): 2021/2022 Library Fund Budget and/or the
Library Fund Unreserved Fund Balance and/or any capital Improvements Grants

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Janine Sartori

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 Janine Sartori		

Resolution No. 035-22

Resolved to authorize Change Order No. 4 to the Sanitary Sewer Main Replacement Project on Main Street, Mineola. This change order is as a result of a negotiation between the Village, our contractor and Verizon to determine the location of Verizon’s underground telephone ducts that were involved with the existing sewer main location and impacting the replacement of the existing sewer main with new sewer main.

Vendor: Bancker Construction Corp.
Total Cost: \$33,636.03
Funding Source(s): Paid for with Contract Allowances which results in no change in total contract amount.

Motioned by Trustee George R. Durham
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 Janine Sartori

Village Attorney John P. Gibbons, Jr. presented the following resolutions:

Resolution No. 036-22

Resolved to appoint John Donnelly, Esq. as Special Counsel for the Village of Mineola with respect to a grievance filed by UPSEU.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Janine Sartori

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Janine Sartori

Resolution No. 037-22

Resolved to appoint Gerard Loughran as Hearing Officer for the Village of Mineola with respect to a grievance filed by UPSEU.

Motioned by Trustee Paul A. Pereira
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 Janine Sartori

Resolution No. 038-22

RESOLVED, that the Incorporated Village of Mineola is authorized to enter into an Agreement with Davidoff Hatcher & Citron LLP for New York State Lobbying Services, and it is further

RESOLVED, that Mayor Scott P. Strauss is authorized to execute the Agreement on behalf of the Incorporated Village of Mineola.

Motioned by Trustee Janine Sartori
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 Janine Sartori		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:23 PM.

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 Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Janine Sartori		

Respectfully submitted,

Linda Pardo
Deputy Village Clerk