

Minutes - Board Meeting 03/16/2022

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 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
Village Treasurer Giacomo A. Ciccone
Superintendent of Public Works Thomas J. Rini

Press Observer: *Williston Times*

Sunshine Observers: 70 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:35 PM.

Resolution No. 065-22

Resolved to approve bills and payroll.

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 Janine Sartori		

Resolution No. 066-22

Resolved to certify the March 15, 2022 election results.

<u>Mayor (elect 1)</u>	<u>Village Trustee (elect 2)</u>	<u>Village Justice (elect 1)</u>
Paul A. Pereira – 488	Janine Sartori – 469	Scott Fairgrieve – 415
	Jeffrey M. Clark – 470	

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

Abstain

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

Resolution No. 067-22

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

Jose Londono Company 3

Motioned by Trustee Paul S. Cusato
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. 068-22

Resolved to approve a request by the Mineola Union Free School District for the use of the John S. DaVanzo Community Pool July 11 – August 8, 2022 on Mondays from 12:15 PM to 1:15 PM for its special education summer program.

Motioned by Trustee Janine Sartori
Seconded by Trustee George R. Durham

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. 069-22

Resolved to approve a request by the New York Portuguese American Leadership Conference to conduct a Portuguese Day Parade on Sunday, June 12, 2022 starting at 12:00 PM along the following route:

- South Saville Road/Jackson Avenue
- East on Jericho Turnpike to Roslyn Road
- South to Westbury Avenue
- East on Westbury Avenue to Union Street
- South on Union Street ending at Wilson Park

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. 070-22

Resolved to authorize the removal of Saturdays from the “No Parking - Tuesdays, Thursday and Saturdays” parking restriction on the west side of Wellington Road, from Jericho Turnpike north to south side of the intersection of Coolidge Avenue.

Motioned by Trustee Paul A. Pereira

Seconded by Trustee George R. Durham

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. 071-22

Resolved to authorize the Superintendent of Public Works to attend the NYCOM Public Works Training School Planning Committee Meeting in Oneonta, New York on May 26, 2022.

Approximate Cost: \$200.00

Funding Source: 2021/2022 General Fund Budget

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 Janine Sartori

Resolution No. 072-22

Resolved to authorize a public bid for the Uniform Contract for employees.

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. 073-22

Resolved to authorize a public bid for the Handicap Accessibility Restroom Improvements at Village Hall and Community Center – Phase II.

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		

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

Resolution No. 074-22

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

VINCENT VESCOVA

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 90 Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20
-----X

NAME OF APPLICANT: Vincent Vescova

SUBJECT PROPERTY: Section 9, Block 672, Lot 20

STREET LOCATION: 90 Herricks Road
Mineola, New York 11501

ZONING DISTRICT: Business "B-1" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a laundromat upon the Property

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

DATE OF HEARING: November 17, 2021

APPEARANCE: Christian Brown, Esq., Applicant's Attorney
Vincent Vescova, Applicant

DECISION:

Vincent Vescova (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550.12.B of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a laundromat upon the property known as 90 Herricks Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20) (hereinafter, the "Property").

By Notice of Disapproval, dated June 24, 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 required to seek relief before the Board of Trustees for a special use permit to establish a laundromat upon the Property.

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 laundromat upon the property known as 90 Herricks Road, Mineola, New York;
- 2) Applicant operates four (4) additional laundromats in the area;
- 3) Applicant is seeking a 6,818 sq.ft. facility with 62 washers and 44 dryers;
- 4) Applicant will have 14 spaces that are exclusively dedicated to the facility;
- 5) Applicant will have staff on-site during the hours of operation; and
- 6) Applicant will not operate any dry-cleaning upon the Property, washing/drying for individual use only.

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, subject to the conditions below, 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 building shall be in compliance with all Federal and New York State Regulations and any other agencies having jurisdiction with respect to any required permits and/or licenses;
- 2) The operation of the facility shall be self-contained within the interior of the building;
- 3) There shall be no video arcades installed at the Property;
- 4) Applicant shall have the facility staffed during the hours of operation;
- 5) The Property shall be properly maintained at all time;
- 6) 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;
- 7) 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
- 8) 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
March 9, 2022

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

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

Resolution No. 075-22

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

JOHN E. LIZARDOS, PE

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-5(I) of the Code of the Incorporated Village of Mineola, to construct a two-story office building with a roof-top bar/restaurant upon the property known as 133 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 414, Lot 3.

-----X

NAME OF APPLICANT:	John E. Lizardos, PE
SUBJECT PROPERTY:	Section 9, Block 414, Lot 3
STREET LOCATION:	133 Mineola Boulevard, Mineola, New York
ZONING DISTRICT:	“B-2” District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-5(I)
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	March 9, 2022
APPEARANCE:	Jack M. Martins, Esq., Applicant’s Attorney

John E. Lizardos, PE (hereinafter, “Applicant”) appeared before this Board pursuant to Chapter 550, Section 550-5(I) of the Municipal Code of the Incorporated Village of Mineola for a special use permit to construct a two-story office building with a roof-top bar/restaurant upon the property located at 133 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 414, Lot 3) (hereinafter, the “Property”).

Applicant seeks relaxation of the Village's Zoning regulations with respect to building height and parking. Daniel B. Whalen, as Superintendent of the Building Department, issued a zoning code compliance letter to the Applicant, dated April 8, 2021. Applicant was entitled to seek relief before the Zoning Board of Appeals for area variances. In the alternative, Applicant was able to seek the same relief from the Board of Trustees pursuant to Chapter 50, Section 550-5(I) under the Village's development incentive bonus law. This latter course was elected by Applicant.

Applicant made an Application to the Board of Trustees for the required relief pursuant to the Village's development incentive bonus law and presented its Application on March 9, 2022.

A referral of the Application was made to the Nassau County Planning Commission. The Nassau County Planning Commission, by Resolution No. 10469-22, recommended that the Board of Trustees take whatever action it deems appropriate. This Board also assumed jurisdiction over site plan and architectural review.

Thus, now before this Board is a proposal to construct a two-story office building with a roof-top bar/restaurant.

In this application, the Applicant seeks, under the Village's Development Incentive Bonus Law, the relaxation of the Village's zoning laws in several ways:

1. Building height; and
2. Parking.

Applicant also seeks site plan approval for the revised site layout of the building and architectural approval for the building design.

In consideration of the Board's approval of this special use permit, the Applicant has offered a monetary contribution to the Village in lieu of public amenities in the amount of \$20,000.00 which is set forth in a letter to the Board from the Applicant's attorney, Jack M. Martins, Esq., dated March 7, 2022.

FINDINGS

The Project will contribute to the vibrancy and the economic stability of the Village's Downtown.

Implementation of the proposed action will not create a material conflict with the community's current plans or goals. In fact, the overall theme of the Village of Mineola's

Comprehensive Master Plan is to build upon Mineola's strong sense of community among its residents and envisions the Village as an even more desirable, safe and attractive place to live and work.

DECISION

Based upon the above findings, it is hereby determined that the granting of the Application requesting a special use permit pursuant to Section 550-5(I) of the Village Code for development incentive bonuses according to which the Applicant offers certain community benefits and payment in lieu thereof in exchange for the Board of Trustees granting relief from certain zoning code regulations shall advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Master Plan and in coordination with community planning mechanisms and land use techniques. Further, it is hereby determined that the special use permit will provide a desirable facility to the area, will promote the revitalization of the Village's Downtown and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, as follows:

- 1) The Application for a special use permit to construct and maintain a two-story office building with a roof-top bar/restaurant with a building height to the top of the parapet not to exceed a height of 34' ft. is **GRANTED**.
- 2) In the event that Applicant installs the skylight telescopic covering system with motorized motion as depicted on the schematics by L.I.T.R.A. USA Enterprise Corp. submitted by Applicant during the public hearing, that skylight may exceed the 34' ft. height up to a maximum height of 48' ft. height at its peak. In no event shall the building exceed the 34' ft. height limitation should the Applicant not install the skylight telescopic covering system with motorized motion. That portion of the application for a skylight telescopic covering system with motorized motion is **GRANTED**.
- 3) The offer made by the Applicant to provide development incentive payments in the amount of Twenty Thousand (\$20,000.00) Dollars to the Village in lieu of further public amenities is **ACCEPTED**.
- 4) Final site plan approval for the Project is hereby **GRANTED**.

- 5) Architectural approval for the Project is hereby **GRANTED**.
- 6) Applicant shall return to the Board of Trustees for a special use permit to establish a restaurant use at the Property.

ALL OF THESE ENUMERATED GRANTS AND APPROVALS ARE CONDITIONED UPON THE FOLLOWING:

- 1) The payment by the Applicant to the Village for development incentive bonuses awarded in the amount of Twenty Thousand (\$20,000.00) Dollars to be paid upon the issuance of a building permit.
- 2) The roof-top bar/restaurant with skylight enclosure shall not be converted to an additional 3rd floor space.
- 3) 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 use permit.
- 4) 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.

All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein. Failure to so consent shall render this Decision null and void.

Dated: Mineola, New York
March 9, 2022

Motioned by Trustee Paul S. Cusato
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 presented the following resolution:

Resolution No. 076-22

Resolved to appoint Bryan L. Rivera to fill the unexpired term of Village Clerk.

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

Mayor Scott P. Strauss requested a motion to close the Work Session at 6:50 PM.

Motioned by Trustee Paul A. Pereira

Seconded by Trustee George R. Durham

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 Meeting to order at 6:50 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.

Village Clerk Bryan L. Rivera

Deputy Village Clerk Linda Pardo

Village Treasurer Giacomo A. Ciccone

Superintendent of Public Works Thomas J. Rini

Press Observer: *Williston Times*

Sunshine Observers: 70 Observers

Mayor Scott P. Strauss discussed his 11 years serving as Mayor, and thanked everyone who supported him over the years.

Trustee Paul A. Pereira discussed his years serving with Mayor Strauss, and thanked him for his friendship, guidance, and support.

Trustee Paul S. Cusato stated that he has known Mayor Strauss for over 40 years, watching him advance through the ranks in the fire department, and thanked him for his commitment to the Village.

Trustee George R. Durham stated that Mayor Strauss has put the Village in a better place both financially and with its many improvements.

Trustee Janine Sartori stated that everyone in our Village has benefitted from Mayor Strauss’s leadership, and thanked him for his service.

5 speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 7:05 PM.

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 Janine Sartori		

Respectfully submitted,

Linda Pardo
Deputy Village Clerk