

Minutes - Board Meeting – 06/08/2022

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 8, 2022 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

ALSO PRESENT: Village Clerk Bryan L. Rivera
Deputy Village Attorney Peter S. Trentacoste
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: None

Sunshine Observers: 6 Observers

Mayor Paul A. Pereira 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 JOSHUA HEYDEMANN 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 COFFEE SHOP WITH THE RETAIL SALE OF PACKAGED COFFEE UPON THE PROPERTY KNOWN AS 99 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 450, LOTS 242-243.

The application was presented by Joshua Heydemann. No speakers from the public addressed the Board.

Resolution 159-22

Resolved to declare the Special Use Application of Joshua Heydemann 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 coffee shop with the retail sale of packaged coffee upon the property known as 99 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 242-243, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Janine Sartori

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Resolution 160-22

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

JOSHUA HEYDEMANN

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 99 Jericho
Turnpike, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 450, Lots 242-243.

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NAME OF APPLICANT:	JOSHUA HEYDEMANN
SUBJECT PROPERTY:	Section 9, Block 450, Lots 242-243
STREET LOCATION:	99 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 coffee shop with the retail sale of packaged coffee upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 8, 2022
APPEARANCE:	Joshua Heydemann, business owner

DECISION:

Joshua Heydemann (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 coffee shop with the retail sale of packaged coffee upon the property known as 99 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 242-243) (hereinafter, the "Property").

By Notice of Disapproval, dated April 6, 2022, 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 coffee shop with the retail sale of packaged coffee 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 coffee shop with the retail sale of packaged coffee upon the Property;
- 2) Applicant anticipates the business will be shared space between the coffee shop and storage for the retail business;
- 3) The anticipated hours of operation shall be 7:00 am to 5:00 pm, 7 days a week;
- 4) Applicant will utilize a private carter and store all putrescible waste refuse indoors until pick-up;
- 5) Applicant shall utilize its own delivery van for deliveries to the Property;
- 6) Applicant anticipates no more than one (1) shipping service pick-up (Federal Express/UPS) at the Property each day during non-peak traffic hours. Any such shipping service pick-up shall utilize Jericho Turnpike; and
- 7) 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 putrescible waste (if any) shall be refrigerated

until pick-up. All waste pick-ups shall take place between the hours of 7:00 a.m. and 7:00 p.m. only;

- 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.
- 3) All deliveries to the Property shall be private delivery van and/or box-truck during non-peak traffic hours. The Property shall not be serviced by any tractor trailers;
- 4) There shall be no cooking/preparing food upon the Property;
- 5) The premises shall be maintained in a clean condition at all times;
- 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
June 8, 2022

Motioned by Trustee Donna M. Solosky
Seconded by Trustee Jeffrey M. Clark

Village Clerk Bryan L. Rivera polled the Board:

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira called the Public Hearing to order at 7:27 PM

Press Observers: None

Sunshine Observers: 3 Observers

A Public Hearing was held at 7:27 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF HONG CHAU 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 CHILDCARE CENTER
WITH AFTER SCHOOL PROGRAMS AND LANGUAGE CLASSES UPON
THE PROPERTY KNOWN AS 259 JERICHO TURNPIKE, MINEOLA,
NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY
LAND AND TAX MAP AS SECTION 9, BLOCK 394, LOT 123.**

The application was presented by Naz Topcu and Riza Susel. No speakers from the public addressed the Board.

Resolution 161-22

Resolved to declare the Special Use Application of Hong Chau for a Special 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 childcare center with after school programs and language classes upon the property known as 259 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 123, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Jeffrey M. Clark

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira requested a motion to close the hearing at 8:00 PM and keep the record open for 30 days.

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira called the Work Session to order at 8:15 PM.

PRESENT: Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

ALSO PRESENT: Village Clerk Bryan L. Rivera
Deputy Village Attorney Peter S. Trentacoste
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: None

Sunshine Observers: 1 Observer

Resolution No. 162-22

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Jeffrey M. Clark

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 163-22

Resolved to approve a request by the Mineola Leisure Club for the use of the Community Center auditorium and a general purpose room on Tuesdays from 9:00 AM – 3:00 PM from September 13, 2022 – June 5, 2023.

Motioned by Trustee Donna M. Solosky
Seconded by Trustee Janine Sartori

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 164-22

Resolved to approve a request by Corpus Christi Church to use village streets for a devotional procession on Sunday, June 19, 2022 from approximately 12:30 PM – 1:00 PM utilizing the following route:

- Garfield Avenue East to Willis Avenue
- South to Cleveland Avenue
- West to Mineola Boulevard
- North to Garfield Avenue
- East to Garfield Avenue to Corpus Christi Church

Motioned by Trustee Janine Sartori
Seconded by Trustee Paul S. Cusato

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 165-22

Resolved to authorize the installation of one new Backpressure Control Valve at Well #7:

Vendor: Philip Ross Industries
Cost: \$38,180.00
Funding Source: 2022/2023 Water Fund Budget and/or the Water Fund
Unreserved Fund Balance

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Janine Sartori

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 166-22

Resolved to authorize additional work and payment over the original estimated cost for the concrete and road repairs related to the Main Street Sanitary Sewer Main Project:

Vendor: Pratt Brothers, Inc.
Additional Cost: \$41,272.25*
Funding Sources: 2022/2023 General Fund Budget and/or General Fund
Unreserved Fund Balance and/or Existing Project Bond Funding

* 3TC to reimburse the Village \$27,510.50 resulting in a net overall increase cost to the Village of \$13,761.75

Motioned by Trustee Donna M. Solosky
Seconded by Trustee Jeffrey M. Clark

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Resolution No. 167-22

Resolved to authorize the installation of a Handicap Reserved parking space in front of 216 Andrews Road, Mineola.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Donna M. Solosky

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Resolution No. 168-22

Resolved to authorize the acceptance of the resignation of Parking Supervisor Thomas J. Winters, Sr. and authorize the appropriate benefit time pay out.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Janine Sartori

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Resolution No. 169-22

Resolved to authorize the hiring of the following additional seasonal employees for the John S. DaVanzo Community Pool and the Summer Recreation Program.

LIFEGUARDS

Sheinman, Evan	\$15.75
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POOL SUPERVISORS

Mazur, Gary	\$9,000.00
Montgomery, Caroline	\$9,000.00

POOL ATTENDANTS	
Fabiano, Joseph	\$10.00
Agro, Julia	\$10.00
Gloria, Joseph	\$10.00

CAMP COUNSELORS	
Frade, Camron	\$10.00

Motioned by Trustee Donna M. Solosky
 Seconded by Trustee Janine Sartori

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 170-22

Resolved to authorize the following Department of Public Works employee merit salary increases.

Highway:	David DaSilva	\$2.00/hour
	Gabriel Fernandes	\$2.00/hour
	Jorge Padinha	\$2.00/hour
	Julio Vigario	\$2.00/hour
Central Garage Mechanics:		
	Tiberio Balos	\$2.00/hour
	Daniel Watts	\$3.00/hour
	(Non-Union)	
Parks:	Adelino Pereira	\$2.00/hour
	Carl Caesar	\$1.00/hour
Parking Meter:	Joseph DiMarzo	\$2.00/hour
Sanitation:	Christopher Barbino	\$1.00/hour
	Anthony Carlo	\$1.00/hour

Motioned by Trustee Paul S. Cusato
 Seconded by Trustee Jeffrey M. Clark

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Deputy Village Attorney Peter S. Trentacoste introduced the following resolutions:

Resolution No. 171-22

RESOLVED, to approve the renewal of the Parking Reimbursement Agreement between the Village of Mineola and 3rd Track Constructors (3TC) for use of Parking Field #7 within the construction through and including August 2, 2022; and

RESOLVED, that the Mayor is authorized to execute the Site Access Agreement Extension Agreement on behalf of the Village of Mineola

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 172-22

RESOLVED, that the Incorporated Village of Mineola agrees to extend the Site Access Agreement with 3rd Track Constructors (3TC) for the use of the area off of 8th Avenue for the parking of its vehicles through and including August 30, 2022; and it is further

RESOLVED, that the Mayor is authorized to execute the Site Access Agreement Extension Agreement on behalf of the Village of Mineola.

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Mayor Pereira reminded residents that the Portuguese Carnival is this weekend, running Friday, June 10 through Sunday, June 12, and encouraged residents to come out for the Portugal Day Parade on Sunday, June 12 at 11:00 AM.

Mayor Paul A. Pereira requested a motion to close the Work Session at 8:30 PM.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Jeffrey M. Clark

Vote:

Yes

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

No

Abstain

Respectfully submitted,

Bryan L. Rivera
Village Clerk