

Minutes - Board Meeting – 09/21/2022

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 21, 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 Attorney John P. Gibbons, Jr.
Superintendent of Public Works Thomas J. Rini

Press Observer: None

Sunshine Observers: 7 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 6:30 PM

A continuation of the Public Hearing of February 9, 2022 was held at 6:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

CONTINUED REVOCATION HEARING OF THE SPECIAL USE PERMIT ISSUED TO FIRST HARTFORD REALTY CORP (CVS) FOR THE PROPERTY KNOWN AS 17 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 342, LOTS 28, 35 AND 36, BY DECISION OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MINEOLA PURSUANT TO MINEOLA VILLAGE CODE CHAPTER 550, SECTION 550-55, ENTITLED “SPECIAL USE PERMITS,” SUBDIVISION “H”.

The application was presented by Andrea Hellman of Allyn & Fortuna. No speakers from the public addressed the Board.

Resolution No. 251-22

RESOLVED, that the Board of Trustees for the Incorporated Village of Mineola finds that CVS has satisfactorily achieved compliance with the conditions of the Revocation Decision, dated July 14, 2021 and filed in the Village Clerk’s Office on July 15, 2021; and

BE IT FURTHER RESOLVED, that the Revocation set forth in the Board’s Decision is hereby declared null and void.

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

Village Attorney John P. Gibbons, Jr. polled the Board:

Vote:

Yes

No

Abstain

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 6:37 PM

Press Observer: None

Sunshine Observers: 5 Observers

A Public Hearing was held at 6:37 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF DAVID VERA 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 TATTOO STUDIO UPON THE PROPERTY KNOWN AS 282 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 296, LOT 103.

The application was presented by David Vera. No speakers from the public addressed the Board.

Resolution No. 252-22

Resolved to declare the Special Use Application of David Vera 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 tattoo studio upon the property known as 282 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lot 103, as a Type II action pursuant to S.E.Q.R.A.

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. 253-22

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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

DAVID VERA

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 282
Jericho Turnpike, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 296, Lot 103.
-----X

NAME OF APPLICANT:	David Vera
SUBJECT PROPERTY:	Section 9, Block 296, Lot 103
STREET LOCATION:	282 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 tattoo studio upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 21, 2022
APPEARANCE:	David Vera

DECISION:

David Vera (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 tattoo studio upon the property known as 282 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lot 103) (hereinafter, the “Property”).

By Notice of Disapproval, dated July 28, 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 to establish a tattoo studio 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 tattoo studio upon the property known as 282 Jericho Turnpike, Mineola, New York; and
- 2) Applicant will not be serving/selling food upon the Property.

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) 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;
- 4) 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
- 5) 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 21, 2022

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

Village Clerk Bryan L. Rivera polled the Board:

Vote:

Yes

No

Abstain

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 public hearing at 6:46 PM.

Motioned by Trustee Jeffrey M. Clark

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

Mayor Paul A. Pereira called the Work Session to order at 7:50 PM.

PRESENT:

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

ALSO PRESENT:

Village Attorney John P. Gibbons, Jr.

Superintendent of Public Works Thomas J. Rini

Press Observer:

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Sunshine Observers:

18 Observers

The Village's Community Development Coordinator, Tom Savino of Vision Accomplished, discussed the NY Forward grant application process, the survey which was made available to residents, and the vision for the Downtown Revitalization plan.

A presentation was given by Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes, LLC on the potential creation of two overlay zone districts in the Village, one for a section of Jericho Turnpike and the other for a portion of downtown Mineola along Main Street and Second Street.

3 speakers from the public addressed the Board.

Resolution No. 254-22

Resolved to approve bills and payroll.

Motioned by Trustee Donna M. Solosky
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. 255-22

Resolved to authorize the use of Suffolk County DPW Requirements Contract No. ADA-090519-A1 for the surface crack repairs and 4 coat color resurfacing system of the 4 Tennis Courts at Memorial Park.

Contractor: Laser Industries, Inc.
Amount: \$53,000.00
Funding Source(s): 2022/2023 General Fund Budget and/or the General 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. 256-22

Resolved to authorize Change Order No. 2 to the Wilson Improvements contract for the additional work as a result of removal of portions of old concrete footings from the previous Sanitary Sewer Lift Station drying beds in order to install proper footings for the basketball posts and pickle ball posts.

Contractor: Laser Industries Inc.
Amount: \$9,682.88
Funding Source(s): This change order shall be paid from contract Payment Item #7 – Allowance and shall result in no change to the previously adjusted contract price of \$436,000.00.

Motioned by Trustee Janine Sartori
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. 257-22

Resolved to authorize Reconciliation Change Order No. 3 Order to the Wilson Improvements.

Contractor: Laser Industries Inc.

Amount: Decrease of \$317.12 to close out the remaining contract allowance resulting in a total project cost of \$435,682.88.

Motioned by Trustee Donna M. Solosky

Seconded by Trustee Paul S. Cusato

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. 258-22

Resolved to authorize the purchase of 100, Neptune T10 5/8 Inch Water Meters.

Vendor: RIO Supply of New York

Amount: \$17,640.00

Engineers: D&B Engineers & Architects, P.C.

Funding Source: 2022/2023 Water Fund Budget, and/or the Water Fund Unreserved Fund Balance or possible reimbursement from GIGP Funding applied for.

Motioned by Trustee Janine Sartori

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Village Attorney John P. Gibbons, Jr. introduced the following resolution:

Resolution No. 259-22

RESOLVED, that the Incorporated Village of Mineola agrees to enter into the Vehicle Purchase Agreement with the Syosset Fire District for the purchase of a 2007 Pierce Dash 1750/500 Pumper; and it is further

RESOLVED, that the Mayor is authorized to execute the Vehicle Purchase Agreement on behalf of the Village of Mineola.

Motioned by Trustee Jeffrey M. Clark
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		

The Work Session was adjourned at 9:25 PM.

Respectfully submitted,

Bryan L. Rivera
Village Clerk