Minutes - Board Meeting - 09/18/2019

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 18, 2019 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 Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.

Deputy Village Clerk Linda Pardo

Superintendent of Buildings Daniel B. Whalen

Press Observers: Mineola American

Sunshine Observers: 16 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM

A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF HEAD INJURY ASSOCIATION, INC. 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 DAY HABILITATION CENTER UPON THE PROPERTY KNOWN AS 72 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 38, LOTS 702, 716.

1 speaker addressed the Board

Resolution 222-19

Resolved to declare the Special Use Application of Head Injury Association, Inc. 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 day habilitation center upon the property known as 72 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 38, Lots 702, 716, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh Vote:

Yes No Abstain

Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh

Resolution 223-19

Resolved to approve the Application of Head Injury Association, Inc. for a special use permit at 72 Jericho Turnpike, Mineola, New York, pursuant to the application submitted to the Building Department, dated February 12, 2019 and received May 7, 2019.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh

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 Dennis J. Walsh

Mayor Scott P. Strauss called the Public Hearing to order at 7:20 PM

Sunshine Observers: 8 Observers

A Public Hearing was held at 7:20 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF WILLIAM J. MORGAN 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 SMALL STUDIO GYM UPON THE PROPERTY KNOWN AS 461 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 28, LOTS 43-44.

No speakers addressed the Board

Resolution 224-19

Resolved to declare the Special Use Application of William J. Morgan 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 small studio gym upon the property known as 461 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 28, Lots 43-44, 716, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh

Vote:

Yes No Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution 225-19

BOARD OF TRUSTEES INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

WILLIAM J. MORGAN

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550 of the Code of the Incorporated Village of Mineola, at premises known as 461 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 28, Lots 43-44.

-----X

NAME OF APPLICANT: William J. Morgan

SUBJECT PROPERTY: Section 9, Block 28, Lots 43-44

STREET LOCATION: 461 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 to establish a gym upon Property

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

regulations.

DATE OF HEARING: September 18, 2019

APPEARANCE: William J. Morgan, owner

DECISION:

William J. Morgan (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 gym upon the property known as 461 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 28, Lots 43-44) (hereinafter, the "Property").

By Notice of Disapproval, dated June 13, 2019, 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 gym 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 gym upon the property known as 461 Jericho Turnpike, Mineola, New York;
- 2) The facility will be a studio space with approximately 1,200 sq.ft. offering one-to-one training sessions;
- 3) Classes will be for one (1) hour and be scheduled in advance with approximately four (4) individuals at a time;
- 4) Applicant will conduct strength and fitness training at the Property;
- 5) Applicant will not be preparing or cooking food upon the Property; 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) Applicant shall install and maintain reinforced rubber padding to mitigate noise and vibrations in all areas where weight-lifting equipment is located;
- 3) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 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 September 18, 2019

Motioned by Trustee George R. Durham 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 Dennis J. Walsh

Mayor Scott P. Strauss called the Public Hearing to order at 7:35 PM

Sunshine Observers: 7 Observers

A Public Hearing was held at 7:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF JOSE FERNANDO GARCIA FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.27 ENTITLED "OPEN STORAGE", SUBSECTION (C)" TO INSTALL A METAL STORAGE CONTAINER UPON THE PROPERTY KNOWN AS 362 WILLIS AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 329, LOTS 760-762.

2 speakers addressed the Board

Resolution 226-19

Resolved to declare the Special Use Application of Jose Fernando Garcia for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled "Zoning", Section 550.27 entitled "Open Storage", Subsection (C) for the purpose of installing a metal storage container upon the property known as 362 Willis Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 329, Lots 760-762, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh

Vote:

Yes No Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Mayor Scott P. Strauss requested a motion to close the hearing and reserve decision at 8:10 PM.

Motioned by Trustee Dennis J. Walsh 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 Dennis J. Walsh

Mayor Scott P. Strauss called the Public Hearing to order at 8:10 PM

Sunshine Observers: 3 Observers

A Public Hearing was held at 8:10 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

PROPOSED LOCAL LAW AMENDING CHAPTER 381 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "PEDDLING AND SOLICITING".

No speakers addressed the Board

Resolution 227-19

Resolved to adopt the Proposed Local Law amending Chapter 381 of the Municipal Code of the Incorporated Village of Mineola entitled "Peddling and Soliciting".

Motioned by Trustee Paul A. Pereira Seconded by Trustee Paul S. Cusato

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 Dennis J. Walsh

Mayor Scott P. Strauss called the Public Hearing to order at 8:13 PM

Sunshine Observers: 3 Observers

A Public Hearing was held at 8:13 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

PROPOSED LOCAL LAW AMENDING CHAPTER 256 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED "ELECTRICIANS", TO CREATE SECTION 256-3A ENTITLED "PERMIT REQUIRED".

No speakers addressed the Board

Resolution 228-19

Resolved to adopt the Proposed Local Law amending Chapter 256 of the Municipal Code of the Incorporated Village of Mineola entitled "Electricians", to create Section 256-3A entitled "Permit Required".

Motioned by Trustee Paul A. Pereira Seconded by Trustee Paul S. Cusato

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 Dennis J. Walsh

Mayor Scott P. Strauss requested a motion to close the hearing at 8:16 PM.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh

Vote:

Yes No Abstain

Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh

Mayor Scott P. Strauss called the Public Meeting to order at 8:25 PM.

PRESENT: Mayor Scott P. Strauss

Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.

Deputy Village Clerk Linda Pardo Village Treasurer Gicacomo Ciccone

Superintendent of Public Works Thomas J. Rini

Press Observers: Mineola American

Sunshine Observers: 3 Observers

Mayor Scott P. Strauss stated that the Board attended the Grand Opening ceremony of Q'Lex Hair Lounge and Barber Shop and wished them good luck; reported that the 9/11 Remembrance Ceremony was well attended and Reverend Malcolm Burns was a great keynote speaker; stated that he attended the 135th anniversary of the Family and Children's Association at the Willis Avenue little league fields, noting that the property was donated to the Village in the 1950s with the condition that it be used to benefit children; reported that the Third Track Rail Road project is moving along with major work expected in early 2020 and that the Harrison Avenue garage should be open next summer; discussed the Main Street sewer project; reminded residents to come out to the Mineola Street Fair Sunday September 22, and encouraged residents to support businesses by shopping locally.

Trustee Paul A. Pereira thanked residents who attended the 9/11 Remembrance Ceremony, adding that Reverend Burns did a great job as keynote speaker; announced that the Mineola High School Homecoming Parade is Saturday September 21 at 12:30 pm; stated that there are many night games to attend at Hampton Stadium besides football, and encouraged residents to attend the Mineola Street Fair, noting there will be a "celebrity" dunk tank this year for which he has volunteered.

Trustee Paul S. Cusato thanked everyone who attended the 9/11 Remembrance Ceremony; announced that the Mineola Historical Society will have a quilt show September 23 and an Open

House September 29; discussed the many events taking place September 29, including the Tunnel to Towers run/walk, Corpus Christi Church's outdoor mass in Mineola Memorial Park, and a visit by the President of Ireland at the Irish-American Society, and reported that the Mineola Boulevard repaying work will start September 19.

Trustee George R. Durham stated that the 9/11 Remembrance Ceremony was well attended; the Chamber of Commerce Movie in the Park was a nice event; congratulated library employee Linda Guggino on her retirement after 47 years of service, and reported that Mayor Strauss gave a state of the Village address at the Chamber of Commerce meeting. Trustee Durham also wished those celebrating, a happy Rosh Hashanah.

Trustee Dennis J. Walsh reported that about 300 Mineola High School students prepared 800 sandwiches for the Mary Brennan Inn on September 11 before their 9/11 ceremony, and discussed the President of Ireland's visit and the Mineola Street Fair, two events he will be missing due to his upcoming vacation in Ireland.

No speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:35 PM.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh

Vote:

Yes No Abstain

Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh

Mayor Scott P. Strauss called the Work Session to order at 8:35 PM.

PRESENT: Mayor Scott P. Strauss

Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.

Deputy Village Clerk Linda Pardo Village Treasurer Giacomo Ciccone

Superintendent of Public Works Thomas J. Rini

Press Observers: Mineola American

Sunshine Observers: 3 Observers

Resolution No. 229-19

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato 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 Dennis J. Walsh

Resolution No. 230-19

Resolved to approve the following payment in the amount of \$9,499.60 from the Development Incentive Bonus Funds in FY 2019 - 2020:

VENDOR AMOUNT PROJECT

Roland's Electric, Inc. \$9,499.60 Emergency Generator

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 Dennis J. Walsh

Resolution No. 231-19

Resolved to authorize the one month rental of a Vactor 2100 Series Combination Vacuum/Sewer Jet Truck for the purposes of debris removal and cleaning of storm water catch basins for Storm Water Phase II compliance.

Orchid Sewer and Water Contracting Corp.: \$10,000.00 Vacuum Truck Rentals: \$11,375.00 Eastern Environmental Solutions: \$11,750.00

Recommend authorizing the rental from Orchid Sewer and Water Contracting Corp.

Funding: 2019/2020 General Fund Budget

Motioned by Trustee Paul S. Cusato 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

Resolution No. 232-19

Resolved to authorize the 2 Year HVAC Maintenance Contract:

	General Fund	Library Fund
Dynaire Service Corp.:	\$16,350.00	\$3,870.00
Center County:	\$19,765.00	\$4,170.00
Lane Associates:	\$21,790.00	\$4,080.00

Recommend Dynaire Service Corp. for the General Fund and the Library Fund Funding Source: 2019/2020 General Fund and Library Fund Budgets

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 Dennis J. Walsh

Resolution No. 233-19

Resolved to authorize the installation of a "Handicap Reserved" Parking Space at 312 Andrews Road, Mineola.

Motioned by Trustee Paul S. Cusato 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 Dennis J. Walsh

Resolution No. 234-19

Resolved to authorize the asbestos abatement for Well #1 project to Fiber Control Inc., providing the lowest qualified proposal of \$15,250.00.

Fiber Control Inc.: \$15,250.00 Branch Services: \$38,000.00

Funding Source: 2019/2020 Water Fund Budget or the Water Fund Unreserved Fund Balance

Motioned by Trustee Dennis J. Walsh

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 Dennis J. Walsh

Resolution No. 235-19

Resolved to approve the transfer of Jeremy Garcia from the Parks Division to the Highway Division for the 4:00 a.m. – 12:30 p.m. street sweeper shift Monday through Friday.

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 Dennis J. Walsh

Resolution No. 236-19

Resolved to approve the hiring of Michael Rusciano for the Laborer position in the Highway Division at the starting salary as defined in the Collective Bargaining Agreement.

Motioned by Trustee Dennis J. Walsh 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 Dennis J. Walsh

Resolution No. 237-19

Resolved to approve the transfer of Parks Division employee Adelino Pereira from the Laborer position, Tuesday – Friday, 2:00 p.m. – 10:30 p.m. and Saturdays from 8:00 a.m. – 4:30 p.m. to the position of Monday through Friday, from 8:30 p.m. – 4:30 p.m.

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh Vote: **Yes** <u>No</u> **Abstain** Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh Resolution No. 238-19 Resolved to approve the hiring of Enrico Lopes for the Laborer position of Tuesday – Friday 2:00 p.m. - 10:30 p.m. and Saturdays from 8:00 a.m. - 4:30 p.m. in the Parks Division at the starting salary as defined in the Collective Bargaining Agreement. Motioned by Trustee George R. Durham Seconded by Trustee Paul S. Cusato Vote: **Abstain Yes** <u>No</u> Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh Resolution No. 239-19 Resolved to accept the resignation of Highway Division laborer William Wiand of Mineola. Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh Vote: **Yes** <u>No</u> **Abstain** Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh Resolution No. 240-19 Resolved to authorize the posting for a Laborer position in the Highway Division Motioned by Trustee Paul A. Pereira

Seconded by Trustee George R. Durham

Vote:

Yes <u>No</u> **Abstain**

Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh

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

Resolution No. 241-19

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

Motioned by Trustee Paul A. Pereira Seconded by Trustee Dennis J. Walsh

Vote:

Yes No Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh

Mayor Scott P. Strauss requested a motion to close the Work Session at 8:42 PM.

Motioned by Trustee Dennis J. Walsh 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 Dennis J. Walsh