

Minutes - Board Meeting 09/7/2016

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 7, 2016 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.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda D. Pardo
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: *Williston Times*

Sunshine Observers: 9 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:50 PM.

Resolution No. 204-16

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 Dennis J. Walsh		

Resolution No. 205-16

Resolved to approve the minutes from the meetings of the Board of Trustees from March 9, 2016 through August 10, 2016, as amended.

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 Dennis J. Walsh		

Resolution No. 206-16

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

Peter Glavas	Co. 1
Matteo Itri	Co. 1
Neal Ressa	Co. 1

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

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 Dennis J. Walsh		

Village Clerk Joseph R. Scalero reminded residents that the September 11 Memorial Ceremony will be held on Sunday September 11, 2016 at 7:00 pm in Mineola Memorial Park. Also, a concert will be held on Saturday September 17, 2016 at 7:00 pm in Mineola Memorial Park Amphitheater featuring Who’s Next performing Tommy, the Rock Opera.

Resolution No. 207-16

Resolved to ratify Mayor Strauss’ appointment of Linda Pardo as Deputy Village Clerk.

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 Dennis J. Walsh		

Resolution No. 208-16

Resolved to adjust the General Fund Budget, in fiscal year 2015/2016, for increased expenditures in the following accounts:

From: Account Number 1059900 (General Appropriated Fund Balance)	\$ 92,900.00
To: Account Number 10341045507 (Repairs – Buildings)	\$ 83,000.00
To: Account Number 10164045507 (Repairs – Buildings)	\$ 9,900.00

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 Dennis J. Walsh		

Resolution No. 209-16

Resolved to approve the following payment in the amount of \$8,500.00 from the Development Incentive Bonus Funds in FY 2016-2017:

VENDOR	AMOUNT	PROJECT
Web Construction	\$8,500.00	Fire Department
TOTAL	\$8,500.00	

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

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 Dennis J. Walsh		

Superintendent of Public Works Thomas J. Rini gave an update on the 2016 road improvement program.

Superintendent of Buildings Daniel B. Whalen presented a Building Department monthly financial report for August 2016.

Resolution No. 210-16

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

ITA AINGORN

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 258B Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 35, Lots 44-45
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NAME OF APPLICANTS:	Ita Aingorn
SUBJECT PROPERTY:	Section 9, Block 45, Lots 44-45
STREET LOCATION:	258B 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 for the sale and production of food (gelato and sorbet) upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.

DATE OF HEARING: July 13, 2016

APPEARANCES: Ita Aingorn

DECISION:

Ita Aingorn (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 for the sale and production of food (gelato and sorbet) upon the property known as 258B Herricks Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 35, Lots 44-45) (hereinafter, the “Property”).

By Notice of Disapproval, dated May 26, 2016, 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 for the sale and production of food 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 manufacture gelato and sorbet upon the property known as 258B Herricks Road, Mineola, New York;
- 2) Although Applicant initially claimed that there would be a “retail” component to its business, Applicant testified that a customer would not be able to walk into its store and carry out a product. A customer would be required to place an order which could be picked up the following day. Therefore, the proposed use would not be classified as a retail use;
- 3) Applicant’s manufacturing operation would be twenty-four (24) hours per day;
- 4) In the B-1 Zoning District, manufacturing is not a permitted use or special use, but is only allowed in the Village’s M District; and
- 5) The proposed manufacturing use is not permitted in the B-1 Zone.

Based upon the entire record, the Board finds the approval of this application for the twenty-four (24) hour a day manufacturing of gelato and sorbet at the Property is not permitted in the B-1 Zoning District and such a use would not be in the best interest of the health, safety and welfare of the community. The Board finds that the Application will be hazardous, conflicting and incongruous to the immediate residential neighborhood.

The Board finds that the application should be denied for the following reasons:

- 1) Manufacturing is not permitted in the B-1 Zoning District. A twenty-four (24) hour a day manufacturing use would be inconsistent and harmful to the contiguous residential neighborhood.
- 2) The application will generate excessive noise to the neighboring residential community with its anticipated “around the clock” production;
- 3) Applicant proposes to manufacture food products at the Property. Such a use is not in harmony with the “B-1” Zone and will generate additional refuse not contemplated by Applicant.
- 4) The application will generate excessive traffic at an already busy area (Jericho Turnpike and Herricks Road). Applicant testified that deliveries and pick-ups would occur at all hours of the day.
- 5) The combination of services associated with the application will be incongruous with the neighborhood; and
- 6) The proposed use represents an over-intensification of land use, a mixture of incompatible uses and a recipe for conflict with the traffic circulation of the area. The Board concludes that the Applicant has failed to meet its burden with regard to the proposed application.

IT IS THEREFORE RESOLVED, that the special use permit is **DENIED**.

Dated: Mineola, New York
September 7, 2016

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

Vote:

Yes

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

No

Abstain

Trustee Paul A. Pereira

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:05 PM

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

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 Dennis J. Walsh		

Mayor Scott P. Strauss called the Public Meeting to order at 7:35 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.
	Village Clerk Joseph R. Scalero
	Deputy Village Clerk Linda D. Pardo

Press Observer:	<i>Williston Times</i>
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Sunshine Observers:	20 Observers
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Mayor Scott P. Strauss extended condolences to the family of Grace Sanders on her passing. Mayor Strauss stated that the pool season was a success; congratulated Mineola Fire Department Honorary Chief Marty Dawber on 50 years of service; recognized Mineola’s place in history of aviation, adding Historical Society photos will soon be displayed in Village Hall. Mayor Strauss announced the following September events and encouraged residents to attend: weekly car show on Thursdays, 9/11 Remembrance Ceremony at Mineola Memorial Park on Sunday September 11 at 7:00 PM, Grandparents Day on September 11, and the *Who’s Next* will be performing Tommy, the Rock Opera at the Mineola Memorial Park Amphitheater on Saturday September 17 at 7:00 PM. Mayor Strauss stated that the storefront facade program is moving along, and reported on the Jackson Steel Property being released by EPA, and the LIRR expansion update.

Trustee Paul A. Pereira reminded residents to drive carefully now that schools are open; commented that the Zac Brown Tribute Band concert on August 20 was phenomenal despite low attendance; announced that the Mineola High School Homecoming will be Saturday September 24; commended Mineola Fire Department Honorary Chief Marty Dawber and Ex-Chief Joseph Sellitto on their 50 years of service; and encouraged residents to attend the 9/11 Remembrance Ceremony on September 11.

Trustee Paul S. Cusato commented on the busy summer season with block parties, pool season; extended condolences to Lou Sanders and family on the loss of Grace Sanders; congratulated new Deputy Village Clerk Linda Pardo; commented on success of car shows even though many were rained out; encouraged residents to take time out to attend the 9/11 Remembrance Ceremony to remember and reflect.

Trustee George R. Durham commented on the incredible concert performed by the Zac Brown Tribute Band; stated that the park renovations were worth the costs because it’s getting heavily used by residents; recently attended fire school training with the Mineola Fire Department and was very impressed; thanked pool staff; and reminded everyone school is open, drive carefully.

Trustee Dennis Walsh extended condolences to the family of Grace Sanders; stated that the Village received first installment of \$1 million to Development Incentive Bonus Fund for Village Green, with another \$1 million coming in November; seeing results in downtown improvements; Mineola Memorial Library rated as top four libraries on North Shore; reminded residents to attend *Who’s Next* concert on Saturday September 17 and 9/11 ceremony on Sunday September 11 and to always remember the significance of that day.

4 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:25 PM.

Motioned by Trustee Dennis J. Walsh
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 Dennis J. Walsh		