

Minutes - Board Meeting 10/5/2016

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 5, 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
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: None

Sunshine Observers: 6 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:45 PM.

Resolution No. 215-16

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. 216-16

Resolved to approve the minutes from the meetings of the Board of Trustees of September 7, 2016, September 14, 2016 and September 21, 2016.

Motioned by Trustee Paul S. Cusato
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. 217-16

Resolved to approve the purchase and installation of new floor coverings at Village Hall to the lowest-quoted professional services vendor, Carpet, et cetera, Inc. in the amount of \$26,929.15 to be paid from the FY 2016/17 budget.

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 No. 218-16

Resolved to approve a request of Corpus Christi to use village streets for a Devotional Procession on Thursday October 13, 2016 from approximately 9:00 PM – 10:30 PM utilizing following route:

Garfield East to Willis Avenue
South to Cleveland Avenue
West on Cleveland to Mineola Boulevard
North on Mineola Boulevard to Garfield
East on Garfield to starting place at the Church

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. 219-16

Resolved to authorize the Justice Court Clerk to submit a grant application for Justice Court improvements under the 2016-2017 New York State Justice Court Assistance Program (JCAP) Grant.

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 Dennis J. Walsh

Village Clerk Joseph R. Scalero reminded residents that senior tax exemption days will be held on November 5, November 19, December 3 and December 10. Seniors can meet with the assessors at Village Hall to review their village property tax.

Resolution No. 220-16

Resolved to authorize the installation of two on-street “Handicap Reserved” parking spaces at 336 White Road, Mineola.

Motioned by Trustee Paul S. Cusato
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 No. 221-16

Resolved to authorize the posting of two laborer positions available in the Department of Public Works – Highway Division. Starting salary in accordance with the collective bargaining agreement.

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

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 September 2016 and gave an update on the Village Green project.

Village Attorney John P. Gibbons, Jr. recommended the following resolution to the Board:

Resolution No. 222-16

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

BENJAMIN MUSHEYEV

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: Benjamin Musheyev

SUBJECT PROPERTY: Section 9, Block 450, Lots 242-243

STREET LOCATION: 99 Jericho Turnpike
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 dry stream car

wash/detailing use with the sale of pre-packaged food and beverages upon the property

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

DATE OF HEARING: September 14, 2016

APPEARANCES: Ariel Niyazov, Esq.
Jason Lugo, Applicant
Ben Musheyev, Applicant

DECISION:

Benjamin Musheyev (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 dry steam car wash/detailing use with the sale of pre-packaged food and beverages upon 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 May 20, 2016, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the establishment of a dry steam car wash/detailing use with the sale of pre-packaged food and beverages upon the Property requires a special use permit. Therefore, Applicant was required to seek relief before the Board of Trustees for a special use permit.

On August 10, 2016, a referral of the application was made to the Nassau County Planning Commission. By letter, dated August 17, 2016, 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 to establish a dry steam car wash/detailing with the sale of pre-packaged food and beverages upon the property known as 99 Jericho Turnpike, Mineola, New York;
- 2) The hours of operation will be 6:00 am to 10:00 pm;
- 3) Applicant anticipates having twenty (20) employees at the Property;
- 4) The estimated time for a car wash is ten (10) to (20) minutes;
- 5) The business will not be a self-service car wash;
- 6) Applicant will valet vehicles waiting for service upon the Property (maximum of six vehicles at a time); and
- 7) Applicant shall utilize disposable wipes that will be recycled.

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 Property shall be maintained in a clean and broom-swept condition at all times. Snow shall be removed promptly from all sidewalks surrounding the Property;
- 2) Applicant shall not prepare any food upon the Property;
- 3) Applicant shall submit within fifteen (15) days of the date of this decision a traffic circulation plan for the entire Property. The plan shall indicate that the Maple Avenue curb cut is for the ingress of vehicles only and the Jericho Turnpike curb cut is for the egress of vehicles only. The plan shall also demonstrate the designated vehicle waiting area upon the Property;
- 4) Applicant shall install and maintain a “No-Left Turn” sign at the exit along Jericho Turnpike;
- 5) There shall be no auto body work or oil changes/inspections performed upon the Property;
- 6) Pursuant to Applicant’s representation at the Public Hearing, any vehicle not waiting upon the Property for service shall be instructed by Applicant to return at another scheduled time;
- 7) Pursuant to Applicant’s letter, dated September 16, 2016, the hours of operation will be 6:00 am to 10:00 pm;
- 8) Pursuant to Applicant’s representation at the Public Hearing, there will be no food/beverages deliveries to the Property;
- 9) The operation of the business shall be entirely self-contained on the Property. Applicant shall not service (i.e. clean, detail, dry, wax or vacuum) or store any vehicle upon any public roadway within the Incorporated Village of Mineola. Further, Applicant shall not permit any vehicle to stop, stand, wait, idle and/or queue for services at the Property upon any public roadway within the Incorporated Village of Mineola;
- 10) Applicant shall not utilize the municipal storm sewer system for any waste water run-off associated with the operation of the business at the Property;
- 11) All lighting shall be designed such that it shall shine upon the Property only and shall not be directed towards any neighboring residences;
- 12) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of ingress into and egress from the Property. In the event that such entrance/exit shall require modification, the Applicant shall make further application before the Board of Trustees for an amendment of this approval or the Board of Trustees shall direct such modification;

- 13) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the Applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 14) 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; and
- 15) 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 Property to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
October 5, 2016

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

Village Clerk Joseph R. Scalero 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 R. Strauss requested a motion to close the Work Session at 7:05 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 Dennis J. Walsh

Mayor Scott P. Strauss called the Public Meeting to order at 7:30 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:

None

Sunshine Observers:

12 Observers

Mayor Scott P. Strauss reminded residents that October is Breast Cancer Awareness Month and to get regular mammograms; reported that the Portuguese community gave a donation to the Mineola Auxiliary Police Department; stated that the Mineola High School homecoming parade was a success and congratulated the football team on their win; congratulated Mineola Fire Department Ex-Chief Joseph Sellitto on 50 years of service; reminded residents that the rescheduled Mineola Street Fair is Sunday October 9; encouraged residents to sign up on Village of Mineola website to receive texts and emails regarding weather alerts, sanitation schedules and other information; reported that the LIRR will be doing work on the Oyster Bay line this weekend; announced the Village Halloween Party is Friday October 28; reminded residents to be careful driving on Halloween; and stated there is no meeting next week due to Yom Kippur.

Trustee Paul A. Pereira congratulated Mineola Fire Department Ex-Chief Joseph Sellitto on his 50 years of service and recognized the other active senior firemen; stated that the next member to celebrate 50 years will be Trustee Paul S. Cusato; reminded residents to attend the Village Halloween Party on October 28 and to vote on Election Day, Tuesday October 8. Trustee Paul A. Pereira added that on Sunday September 25, 335 people gathered at Chaminade High School to participate in the Tunnel to Towers run.

Trustee Paul S. Cusato commended Mineola Fire Department Ex-Chief Joseph Sellitto on his 50 years of service; stated that he attended a Mineola Historical Society meeting and reported that a book about the history of Mineola is in the works; announced that the annual Mineola High School reunion is Saturday October 8 and the Mineola Athletic Association's 60th anniversary celebration is October 15; thanked residents, first responders, and Boy Scouts for attending the 9/11 Remembrance Ceremony.

Trustee George R. Durham wished residents celebrating Rosh Hashanah a happy new year; reminded residents that it is Breast Cancer Awareness Month; reminded residents to come to the Village Halloween Party and Mineola Street Fair.

Trustee Dennis Walsh recognized Trustee Paul S. Cusato for being an active member of the Mineola Fire Department for almost 50 years; discussed a free show at the Mineola Memorial Library which he recently attended and encouraged residents to take advantage of non-book offerings at our library; encouraged residents to support Hurricane Matthew victims.

5 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:20 PM.

Motioned by Trustee Paul S. Cusato
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