

Minutes - Board Meeting – 12/14/2016

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 14, 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 Clerk Joseph R. Scalero
Peter Trentacoste, for Village Attorney John P. Gibbons, Jr.
Deputy Village Clerk Linda D. Pardo
Superintendent of Public Works Thomas J. Rini
Superintendent of Building Daniel B. Whalen

Press Observers: *Mineola American*

Sunshine Observers: 10 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:40 PM

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF ERIK A. BJORNEBY FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.13 ENTITLED “B-2 DISTRICTS” FOR THE PURPOSE OF ESTABLISHING A BLOOD DIAGNOSTIC CENTER UPON THE PROPERTY KNOWN AS 212 STATION PLAZA, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 422, LOT 111.

No speakers addressed the Board

Resolution No. 264-16

Mayor Scott P. Strauss requested a motion to approve the application of Erik A. Bjorneby for a special use permit upon the property known as 212 Station Plaza, Mineola.

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

ERIK A. BJORNEBY

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-13 of the Code of the Incorporated Village of Mineola, at premises known as 212 Station Plaza, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 111.
-----X

NAME OF APPLICANT: Erik A. Bjorneby

SUBJECT PROPERTY: Section 9, Block 422, Lot 111

STREET LOCATION: 212 Station Plaza
Mineola, New York 11501

ZONING DISTRICT: Business "B-2" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550, Section 550-13 to establish a blood diagnostic center upon the property

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

DATE OF HEARING: December 14, 2016

APPEARANCES: Erik A. Bjorneby, Architect

DECISION:

Erik A. Bjorneby (hereinafter, “Applicant”) is before this Board pursuant to Chapter 550, Section 550.13 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a Quest Diagnostic blood center upon property known as 212 Station Plaza, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 111) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 12, 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 Quest Diagnostic blood center 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.

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 Quest Diagnostic blood center upon the property known as 212 Station Plaza, Mineola, New York;
- 2) The hours of operation will be Monday-Friday 7:00 am to 4:00 pm, Saturday 7:00 am to 12:00 pm and closed Sunday;
- 3) Applicant anticipates having two (2) employees at the Property;
- 4) Applicant anticipates 25-30 patients per day; and
- 5) Applicant anticipates medical courier transportation once per day.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the “B-2” 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 properly dispose all medical waste and shall utilize a private sanitation service for garbage removal;
- 2) 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;
- 3) 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;
- 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 decisions. Said representations are deemed to be part of the conditions of this Special Use Permit; and
- 5) 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
December 14, 2016

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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

Mayor Scott P. Strauss called the Public Hearing to order at 6:53 PM

A Public Hearing was held at 6:53 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF GIUSEPPE RUTA FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.13 ENTITLED “B-2 DISTRICTS” FOR THE PURPOSE OF ESTABLISHING A RESTAURANT WITH FAST-CASUAL DINING, CATERING, CARRY-OUT AND DELIVERY UPON THE PROPERTY KNOWN AS 100 MAIN STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 420, LOT 116.

No speakers addressed the Board

Resolution No. 265-16

Mayor Scott P. Strauss requested a motion to approve the application of Giuseppe Ruta for a special use permit upon the property known as 100 Main Street, Mineola.

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

GIUSEPPE RUTA

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550.13 of the Code of the Incorporated Village of Mineola, at premises known as 100 Main Street Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 116.
-----X

NAME OF APPLICANTS:	Giuseppe Ruta
SUBJECT PROPERTY:	Section 9, Block 420, Lot 116
STREET LOCATION:	100 Main Street Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550.13 for the purpose of establishing a La Bottega restaurant with fast-casual dining, catering, carry-out and delivery upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 14, 2016
APPEARANCES:	Matthew G. White, Esq. Giuseppe Ruta, Owner

DECISION:

Giuseppe Ruta (hereinafter, “Applicant”) is before this Board pursuant to Chapter 550, Section 550.13 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the establishment of a La Bottega restaurant with fast-casual dining, catering, carry-out and delivery upon the property known as 100 Main Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 420, Lot 116) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 27, 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 La Bottega restaurant with fast-casual dining, catering, carry-out and delivery upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

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 La Bottega restaurant with fast-casual dining, catering, carry-out and delivery upon the property known as 100 Main Street, Mineola, New York; and
- 2) 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-2” 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) All deliveries shall occur on-site during off-peak traffic hours and shall not occur before 6am;
- 2) All ventilation/exhaust shall be vented through the building up to the roof and
- 3) shall be directed away from residential properties. The ventilation/exhaust shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 4) Applicant shall utilize a private sanitation service for garbage removal which shall not occur before 6 am;
- 5) 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 permit;
- 6) 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 permit; and
- 7) 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 premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
December 14, 2016

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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

Mayor Scott P. Strauss called the Public Hearing to order at 7:05 PM

A Public Hearing was held at 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

PROPOSED LOCAL LAW REPEALING SECTION 550-24 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "FEES FOR COMMERCIAL PARKING PERMITS".

No speakers addressed the Board

Resolution No. 266-16

Resolved to adopt Local Law amending the Municipal Code of the Incorporated Village of Mineola by repealing Section 550-24 entitled "Fees for Commercial Parking Permits."

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:10 PM.

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

Vote:

Yes

No

Abstain

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

Mayor Scott P. Strauss called the Work Session to order at 7:15 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 Clerk Joseph R. Scalero
Peter Trentacoste, for Village Attorney John P. Gibbons, Jr.
Deputy Village Clerk Linda D. Pardo
Superintendent of Public Works Thomas J. Rini

Press Observers:

None

Sunshine Observers:

4 Observers

Resolution No. 267-16

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. 268-16

Resolved to approve a request by the Knights of Columbus Corpus Christi Council Number 2502 for the use of six metered parking spaces on Jericho Turnpike adjacent to their premises Friday February 17, 2017 to facilitate a charity event.

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. 269-16

Resolved to approve the following 2017 tow-car license applicants:

TOW CAR BUSINESS NAME	ADDRESS
AAAA-1 Auto & Towing	34 Charolette Avenue, Hicksville, NY 11801
A1 Grand Auto Body Inc.	105 Herricks Road, Garden City Park, NY 11040
Albert Zolezzi Auto Body, Inc.	432 Willis Avenue, Williston Park, NY 11596
Always Towing Inc.	79 Herricks Road, Garden City Park, NY 11040
Barron Body Works	381 Sagamore Avenue, Mineola, NY 11501
C&N Auto Center	96 Jericho Turnpike, Floral Park, NY 11001
County Wide Towing Enforcement	534 Main Street, Westbury, NY 11590
Cross Fire Towing	167 Lakeville Road, New Hyde Park, NY 11040
Cross Island Wrecker Service, Inc.	635 Commercial Avenue Garden City, NY 11530
Fagans Towing	22 Watermill Lane, Great Neck, NY 11021
Frame Auto Collision, Inc.	71 Denton Avenue, New Hyde Park, NY 11040
Grand Auto Body	98 Denton Avenue, Garden City Park, NY 11040
July Auto Wrecking, Inc.	20 First Street, Garden City Park, NY 11040
Nationwide Towing	2044 Jericho Turnpike, New Hyde Park, NY 11040
Nuzzi Brothers Auto Collision, Inc.	77 Jericho Turnpike , New Hyde Park, NY 11040
Sunset Towing Service	6 Carey Place, Port Washington, NY 11050
T&D Towing Corporation	162 Sea Cliff Avenue, Glen Cove, NY 11542
Tip Top Auto Body, Inc.	150 Denton Avenue, Garden City Park, NY 11040

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. 270-16

Resolved to authorize the low proposal received from Tierney & Courtney for the replacement of the 15' x 18.5' salt shed rolling stainless steel door:

Tierney & Courtney - \$ 14,550.00
Becker Garage Door Co. Inc. - \$ 20,775.00

Funding Source: 2016/2017 General Fund Budget or General Fund Reserved Fund Balance

Motioned by Trustee Paul A. Pereira
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. 271-16

Resolved to designate July Auto Wrecking, Inc. as the Village's authorized tow car agent for abandoned vehicles for 2017, and waiving the fees for tow car and operator registration.

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

Resolution No. 272-16

Resolved to authorize the removal of the following vehicles from inventory as junk vehicles:

1994 GMC Pick Up VIN #1GTHK34K6RE535280 (Highway Truck 52)
1994 GMC Van VIN# 1GTGG39KXRF508258 (Highway Truck 55)
1996 Chevrolet Caprice VIN # 1G1BL52P8TR112688 (MAPD 42A)
1997 Ford 4 Door Sedan VIN# 2FALP71W5VX150480 (MAPD 43A)

Motioned by Trustee Paul A. Pereira
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. 273-16

Resolve to promote Michael Palumbo to the position of Highway Department Supervisor at a salary of \$79,500.00.

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. 274-16

Resolved to authorize the post of two laborers positions in the Department of Public Works – Highway Division.

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 reminded residents that the holiday sanitation schedule will be in effect for the week of December 26 and January 2. Superintendent Rini stated that notices will be sent out to all Mineola businesses as a reminder of the holiday sanitation schedule and not to put out their garbage prior to when it is required.

Resolution No. 275-16

Resolved to authorize the Mayor to enter into a contract with FBS Justice Solutions for the Justice Court CaseTrax system based upon the terms and proposal submitted to the Village.

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		

Mayor Strauss announced that there being no business pending for the next scheduled meeting of the Board of Trustees, and due to holidays falling that week, the meeting of December 21, 2016 is cancelled.

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:30 PM

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		