

Minutes - Board Meeting 05/06/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 6, 2015 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: *Mineola American*
Williston Times

Sunshine Observers: 16 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:40 PM.

Resolution No. 88-15

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 Dennis J. Walsh			

Resolution No. 89-15

Resolved to approve the minutes from the meetings of the Board of Trustees of April 6, 2015, April 8, 2015 and April 15, 2015, as amended.

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 Dennis J. Walsh			

Resolution No. 90-15

Resolved to approve a request of the Mineola American Legion Memorial Post No. 349 for the use of village streets on Monday May 25, 2015 and a Community Center general purpose room on Saturday May 23, 2015 from 9:00 AM – 12:00 PM to conduct the Memorial Day Parade and Ceremony.

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 Dennis J. Walsh

Resolution No. 91-15

Resolved to approve a request of Corpus Christi Church to use village streets for a devotional procession on Wednesday May 13, 2015 from approximately 8:45 PM – 10:00 PM utilizing the following route:

Garfield East to Willis Avenue
South to Second Street
Turn around (U-Turn) (will not block Second Street)
North on Willis to Garfield West to
Starting place at the Church

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 Dennis J. Walsh

Resolution No. 92-15

Resolved to approve a request by the Long Island Portuguese Lions Club for the use of Wilson Park picnic area on Sunday June 14, 2015 for its annual picnic.

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 Dennis J. Walsh

Village Clerk Joseph R. Scalero announced that his travel expenses related to attending the New York State Association of City and Village Clerks’ Executive Board Meeting in Skaneateles, NY April 23-24, approved by the Board of Trustees [April 15, 2015], will be reimbursed by the Association and will not be an expense to the Village of Mineola as previously anticipated.

Resolution No. 93-15

Resolved to approve Fiscal Year 2014/2015 budget transfers between various accounts within the following funds:

General Fund			
Account Name	Account Number	Increase	Decrease
Equipment	10111020000	\$17,601.06	
Maintenance & Licenses -			
Automated Tix	10111042003	\$28,743.14	
Dues & Conferences	10111048000	\$ 218.49	
Supplies - Miscellaneous	10132540618	\$ 1.42	

Dues & Conferences	10132548000	\$ 322.25	
Contractual Personal Services	10141040000	\$ 1,929.00	
Supplies - Miscellaneous	10141040618	\$ 1,329.12	
Master Plan Expenditures	10141049900	\$ 2,321.25	
Payroll Service	10143041100	\$ 2,484.38	
Supplies - Painting	10162040621	\$ 360.19	
Uniforms	10162040900	\$ 65.98	
Rental - Alarms	10162042003	\$ 805.00	
Oil Heat Costs	10164040500	\$ 2,931.89	
Repairs - Buildings	10164045507	\$ 1,448.18	
Certs - Valuation Services	10196440000	\$13,600.00	
Communications & Phone Lease	10197041900	\$ 987.50	
Payment MTA Payroll Tax	10198040000	\$ 454.01	
Service Award Prog Admin Exp	10341082831	\$ 505.00	
Insurance - Workers Comp	10341083000	\$ 71.57	
Equipment	10362020000	\$ 1,732.00	
Repairs - Autos	10362045501	\$ 1,222.88	
Telephone	10364041800	\$ 761.40	
Dues & Conferences	10501048000	\$ 120.00	
Uniforms	10511040900	\$ 1,810.94	
Repairs - Equipment	10511045513	\$ 6,899.47	
Repairs - Trucks	10511045547	\$12,655.72	
Supplies - Miscellaneous	10514240618	\$ 564.83	
Supplies - Salt - Snow	10514240627	\$ 37.88	
Repairs - Equipment	10514245513	\$14,271.48	
Repairs - Buildings	10714045507	\$ 37.04	
Material Summer Rec	10718040616	\$ 200.00	
Celebrations	10755041504	\$ 4,537.90	
Repairs - Sewer Mains	10812045540	\$ 2,850.00	
Repairs - Trucks	10812045547	\$ 1,322.89	
Uniforms	10816040900	\$ 1,979.07	
Subcontractor Pickup	10816043306	\$ 236.40	
Unemployment Insurance	10905083200	\$ 200.00	
Serial Bond Interest	10971078000	\$ 0.08	
Inspection Elevator	10341045503		0.06
Serial Bond Interest	10341078000		0.30
Service Award Program	10341082830		0.05
Contingency	10199046500		\$127,619.00
	TOTALS	\$127,619.41	\$127,619.41

Water Fund

Account Name	Account Number	Increase	Decrease
Contractual Personal Services	20831040000	\$ 4,256.00	
Supplies - Miscellaneous	20831040618	\$ 360.40	
Uniforms	20831040900	\$ 163.89	
Telephone	20831041800	\$ 4,085.09	
Alarm System	20831042001	\$ 564.50	
Repairs - Meters	20831045527	\$ 2,185.00	
Repairs - Plumbing	20831045535	\$ 266.43	
Repairs - Well #1	20831045550	\$ 235.00	
Repairs - Well #6	20831045554	\$ 1,409.99	
Repairs - Well #7	20831045555	\$ 371.39	
Social Security	20831083300	\$ 1,686.51	
Personal Services	20831010000		\$15,584.20
	TOTALS	\$15,584.20	\$15,584.20

Library Fund

Account Name	Account Number	Increase	Decrease
Periodicals	30741020008	\$ 1,775.76	
Electronic Databases	30741020009	\$ 2,777.01	
Supplies - Miscellaneous	30741040618	\$ 4,599.41	
Programs	30741043400	\$ 2,573.36	
Programs - Children	30741043401	\$ 546.36	
Service Contract	30741045501	\$ 1,602.00	
Repairs - Buildings	30741045507	\$10,071.26	
Dues & Conferences	30741048000	\$ 798.21	
Contingency	30741046500		\$14,730.11
Workers Compensation	30741083000		\$ 1,000.00
NYS Retirement	30741082900		\$ 9,013.26
TOTALS		\$24,743.37	\$24,743.37

Pool Fund

Account Name	Account Number	Increase	Decrease
Payment - MTA Payroll Tax	40718019804	\$ 112.00	
Equipment	40718020001	\$ 1,966.13	
Supplies - Miscellaneous	40718040618	\$ 924.82	
Utilities - Electricity	40718041600	\$ 4,115.49	
Repairs - Buildings	40718045507	\$ 3,373.00	
Social Security	40718083300	\$ 397.65	
Contingency	40718046500		\$1,987.04
Serial Bond Principal	40718068000		\$ 0.22
NYS Retirement	40718082800		\$1,402.00
Workers Comp - Insurance	40718083000		\$1,000.00
Rental - Transportation	40718042009		\$1,042.00
Repairs - Pool	40718045536		\$ 105.94
Supplies - Pest Control	40718040623		\$1,000.00
Stationary & Printing	40718040400		\$2,549.89
CPR Training	40718040602		\$1,802.00
TOTALS		\$10,889.09	\$10,889.09

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 Dennis J. Walsh		

Resolution No 94-15

Resolved to approve a request by the Mineola Fire Department for budget transfers in the amount of \$7,756.29 between the following lines:

From: (Defensive Driving)	\$2,704.59
From: (Fitness Equipment)	\$1,005.41
From: (OSHA Medicals)	\$3,386.00
From: (Scott Masks)	<u>\$ 660.29</u>
Total To Be Transferred	\$7,756.29

To	:	(Equipment)	\$2,441.78
To	:	(Hose & Equipment)	\$ 976.19
To	:	(Fire Prevention)	\$ 538.84
To	:	(Communications)	\$3,396.41
To	:	(Rental Equipment)	<u>\$ 403.07</u>
Total Transferred			\$7,756.29

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 Dennis J. Walsh

Resolution No 95-15

Resolved to approve payments totaling \$8,669.89 from the Development Incentive Bonus Funds in FY 2014/2015:

<u>Vendor:</u>	<u>Amount:</u>	<u>Project:</u>
Dvirka & Bartilucci	\$5,196.33	Village Hall/ Community Center Emergency Generator
Dvirka & Bartilucci	<u>\$3,473.56</u>	Memorial Park Project
Total	\$8,669.89	

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 Dennis J. Walsh

Resolution No 96-15

Resolved to authorize a one-time lump-sum benefit payout of \$4,514.67 from the Fire Service Award Fund to the designated beneficiary of Mineola Fire Department volunteer firefighter Brian Saks, pursuant to the Length of Service Awards Program (LOSAP) effective January 1, 2014.

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 Dennis J. Walsh

Resolution No 97-15

Resolved to authorize the expansion of the curb cut at 107 Roselle Street to 16 feet in width.

Vote:
Yes **No** **Abstain**
Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No 101-15

Resolved to authorize the following 2015 Seasonal Employee Salary Schedule.

	Counselors Attendants	Lifeguards	Water Safety Instructors	Certified Pool Operators
	2015	2015	2015	2015
No Previous experience	\$8.75	\$9.75	\$11.25	\$9.75
1	\$9.00	\$10.00	\$11.50	\$10.00
2	\$9.25	\$10.25	\$11.75	\$10.25
3	\$9.50	\$10.50	\$12.00	\$10.50
4	\$9.75	\$10.75	\$12.25	\$10.75
5	\$10.00	\$11.00	\$12.50	\$11.00
6	\$10.25	\$11.25	\$12.75	\$11.25
7	\$10.50	\$11.50	\$13.00	\$11.50
8	\$10.75	\$11.75	\$13.25	\$11.75
9	\$11.00	\$12.00	\$13.50	\$12.00
10	\$11.25	\$12.25	\$13.75	\$12.25

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 Dennis J. Walsh

Resolution No 102-15

Resolved to authorize the following hiring of the 2015 Seasonal Personnel.

LIFEGUARDS

NAME	SALARY
Villa, Felicia	\$10.00
Alverio, Stephanie	\$11.75
Lucito, Joseph	\$11.50
Lucito, Matthew	\$11.25
Cantileno, Gabrielle	\$12.00
Murphy, Megan	\$13.25
Massaro, Joseph	\$10.25
Comack, Kelly	\$10.00
Curry, James	\$10.00
LaGinestra, Jacqueline	\$10.25
McDevitt, Margaret	\$10.25

Senk, Emma	\$11.50
Faux, Stacey	\$11.25
Mercurio, Alicia	\$11.75
Alverio, Victoria	\$10.00
Wengler, Christine	\$10.75
Conway, Martin	\$11.25
LaGinestra, Nicholas	\$10.50
Sparacino, Nicole	\$11.50
McDevitt, John	\$11.75
Conway, John	\$11.25
Sparacino, Kimberly	\$10.75
Mulder, Kevin	\$10.75
Stagnari, Katherine	\$11.75
Leitmann, Alec	\$10.00

LIFEGUARD SUBSTITUTES

Brusca, Annmarie	\$10.00
Clark, Daniel	\$ 9.75
laGinestra, Gina	\$10.75

ATTENDANTS

NAME	SALARY
Philbin, Michael	\$ 8.75
Pereira, Andrew	\$ 9.25
Clark, Virginia	\$ 9.00
Lopez. Vanessa	\$ 9.75
Clark, Brendan	\$ 9.25
Goncalves, Catia	\$ 9.50
Ferreri, Teresa	\$ 9.75
Dekanchuk, Dylan	\$ 9.75
Hines, Noelle	\$ 9.00
Rizzo, Caroline	\$ 9.25
Lusardi, Jaclyn	\$10.00
Hines, Keanu	\$ 9.50
DeRosa, Dominick	\$ 9.75
Ferreri, Sabrina	\$ 9.25
Curry, John	\$10.00
Latella, Kaitlyn	\$ 9.25
Rocha, Michelle	\$ 9.50
Open	

PUMPHOUSE

NAME	SALARY
Philbin, Brendan	\$10.00

Savarese, Dylan	\$ 9.75
Athan, Luigi	\$ 9.75
Rogers, Bobby	\$10.00

LEISURE PASS OFFICE

NAME	SALARY
Henriques, Cristina	\$10.75
Giaimo, Julie	\$10.75
Monaco, Jessica	\$11.00

DIRECTOR'S OFFICE

NAME	SALARY
Barbino, Catherine	\$10,000
Santelmo, Carl	\$ 8,000
Kane, Drew	\$ 8,000

Park/Part-time/Seasonal employees

NAME	SALARY
Lynn Clifford	\$13.25
Bryan Eich	\$12.25
McCrave, Dennis	\$ 8.75

CAMP COUNSELORS

NAME	SALARY
Ondris, Victoria	\$ 8.75
Kern, Margaret	\$ 9.25
Genduso, Christina	\$ 8.75
Carbone, Ben	\$ 9.00
Gessner, Heather	\$11.00
Villa, Sophia	\$ 8.75
Maher, Alexander	\$ 9.00
Delcid, Stephanie	\$ 9.25
Mendes, Brandon	\$ 8.75
Duic, Austin	\$ 9.00
Metzler, Angeline	\$ 9.25
Assalone, Michael	\$ 9.00
DiIorio, Joseph	\$ 9.00
Kennedy, Cara	\$ 8.75
Ramalho, Jose	\$ 8.75
Englis, Zachary	\$11.00
Ayende, Brandon	\$ 8.75
Barnett, Kerri	\$10.75

CAMP COUNSELORS

NAME	SALARY
Reyes, Leslie	\$ 8.75

DeStefano, Lisa	\$10.75
Cardona, Sasha	\$ 9.00
Iadevaio, Nicholas	\$ 9.00
Metzler, Theresa	\$ 9.00
Lopes, David	\$ 9.00
Martins Miranda, Susana	\$ 9.00
Cunningham, Caitie	\$ 9.00
Gallagher, Nikki	\$18.00

CAMP COUNSELORS

NAME	SALARY
Jurksas, Gabrielle	\$ 9.25
Clancy, Charles	\$ 8.75
Caccavale, Elizabeth	\$ 8.75
Chavez, Franchesca	\$ 8.75
Goncalves, Tiago	\$ 9.00
Fabiano, Julia	\$10.75
Brown, Nick	\$ 9.00
Muller, Aline	\$ 8.75
Kelly, Megan	\$ 8.75
Fischer, Christopher	\$ 9.00
Barreto, Leticia	\$ 8.75
Hopkins, Douglas	\$ 8.75
DeRosa, Briana	\$ 8.75
Palma, Jillian	\$ 8.75
Bowen, Michael	\$ 8.75
Schiavone, Andre	\$ 8.75
Collins, Christian	\$ 8.75
Beszterda, Emilia	\$ 9.00
Itri, Matteo	\$ 8.75
Lopez, Quincy	\$ 8.75
Behan, Kelly	\$ 9.00
McKeever, Adriana	\$ 9.00
Martins, Joe	\$ 8.75
Pereira, Eric	\$ 8.75
Zapiti, Janelle	\$ 8.75
Mendes, Emily	\$ 8.75
Grieco, Danielle	\$ 9.50

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 Dennis J. Walsh

Resolution No 103-15

Resolved to declare May 17 – May 23, 2015 as Public Works Week in the Village of Mineola to coincide with and commemorate National Public Works Week.

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 Dennis J. Walsh

Resolution No 104-15

Resolved to approve a request for a 90-day extension on Building Permit #3940 for 192 Columbus Parkway.

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 Dennis J. Walsh

Superintendent of Buildings Daniel B. Whalen presented a report on the following projects: Mill Creek, redevelopment of the former Entemann's property including asbestos abatement; Winthrop University Hospital Research Center; and 70 East Jericho. Superintendent Whalen reported on his attendance at the Hudson Valley Code Enforcement Educational Conference and presented monthly department financial reports for March and April 2015.

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

Resolution No 105-15

Resolved that the Board of Trustees accepts the letter of 70 East Jericho Turnpike, dated April 27, 2015, accepting the conditions of the Decision of the Board of Trustees.

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 Dennis J. Walsh

Resolution No 106-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

EDWARD W. DICKMAN, ARCHITECT

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 275 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 391, Lot 115.

-----X

NAME OF APPLICANTS: Edward W. Dickman, Architect

SUBJECT PROPERTY: Section 9, Block 391, Lot 115

STREET LOCATION: 275 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 convert a portion of retail space in order to host parties on the mezzanine level at the Property

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

DATE OF HEARING: April 15, 2015

APPEARANCES: Edward W. Dickman, Architect
Victor Hatami, Owner

DECISION:

Edward Dickman, Architect, on behalf of Great Neck Games and Productions, Inc. (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 convert retail space in order to host events on the mezzanine level at the property known as 275 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 391, Lot 115) (hereinafter, the "Property").

By letter, dated December 30, 2014, Applicant was advised by the Incorporated Village of Mineola Building Department (hereinafter, the "Building Department") that the recent use of hosting private/family events at the Property was in violation of the Village of Mineola Code. Applicant was further advised it could submit an application to seek relief before the Board of Trustees for a special use permit to legalize the aforementioned use.

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.

After the hearing, Applicant submitted a letter to this Board, dated April 22, 2015, requesting a temporary one (1) year special use permit in order to demonstrate to the Village that it can operate without disruption to the neighborhood. 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 convert a portion of the existing retail space in order to host parties upon the property known as 275 Jericho Turnpike, Mineola, New York;
- 2) Applicant has been hosting events at the Property without a special use permit in violation of the Village's zoning regulations;
- 3) Applicant will not be preparing or cooking food upon the Property. All food will be brought in from an outside vendor;
- 4) Applicant will have a maximum of (5) employees;
- 5) Applicant has a license agreement with Valant Realty, LLC to utilize the parking lot located at 285 Jericho Turnpike, Mineola, New York on weekends; and
- 6) Applicant represented that parties will take place at the Property only on Friday, Saturday and Sunday nights between the hours of 6:30 p.m. and 10:00 p.m.

The Board strongly admonishes the Applicant for using the Property to host parties before applying for and receiving a special use permit for such use. Applicant has acknowledged that the use is in contradiction to the Village's zoning regulations. The Board is concerned that the proposed use may have a significant impact on parking in and around the Property during events. The Board is further concerned that the noise associated with proposed use may affect the area residents' quiet enjoyment of their own property. The Board is also mindful that the Applicant is a long time business owner in the Village and is attempting to make its business at the Property viable. Based upon the above findings, the Board's concerns and Applicant's April 22, 2015 letter, the proposed special use permit may be granted for a temporary period in order for the Board to monitor the use and the impacts it has on the neighborhood. Pursuant to Village Code Section 550-55.C, a special use permit may be granted for a temporary period. If granted for a temporary period, an application for an extension is subject to a public hearing as required for the original application.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED FOR A ONE (1) YEAR PERIOD** subject to the following conditions:

- 1) This Special Use Permit shall automatically expire one (1) year from the date of issuance without any further action by this Board. Applicant is solely responsible for seeking any renewal of the special use permit. Any such renewal application must be received by the Village of Mineola within thirty (30) days prior to the date of expiration;
- 2) Applicant shall maintain a current license agreement with the property owner at 285 Jericho Turnpike to utilize the parking lot on weekends;
- 3) Applicant will not prepare or cook food upon the Property;
- 4) All parties shall take place within the interior of the building. No outdoor music shall be permitted. No music, announcements or other noise shall be audible from the Property;
- 5) Parties shall be scheduled only on Friday, Saturday and Sunday nights and all events shall end by 10:00 p.m.
- 6) Applicant shall install and utilize a suitable privacy window shade on the rear windows of the Property;
- 7) Applicant shall utilize a duly licensed and insured valet company for all events;
- 8) The site shall be served by a private sanitation carter at the expense of the Applicant and all pick-ups shall take place between the hours of 7:00 a.m. and 9:00 p.m. only;
- 9) Applicant shall maintain the entire Property in a clean condition;
- 10) Pursuant to Village Code Section 550-55.H, the Special Use Permit granted hereunder shall be immediately revocable by the order of the Board of Trustees at any time prior to the expiration of the one (1) year term upon the failure of the owner and/or operator of the Property to observe all requirements of the Village Code and of this Special Use Permit with respect to the matters set forth herein;
- 11) 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 the revocation of this special use permit;
- 12) 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
- 13) 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.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein. Failure to so consent shall render this Decision null and void.

Dated: Mineola, New York
May 6, 2015

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		
Mayor Scott P. Strauss		

Resolution No 107-15

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

KYOO BOK HWANG

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 69 East
Jericho Turnpike, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 299, Lots 11-13, 96, 102 and 104.
-----X

NAME OF APPLICANT:	Kyoo Bok Hwang
SUBJECT PROPERTY:	Section 9, Block 299, Lots 11-13, 96, 102 and 104
STREET LOCATION:	69 East 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 an after school tutoring center at the Property (lower level)
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 18, 2015
APPEARANCES:	Anthony DiProperzio, Architect Kyoo Bok Hwang, Owner Brian Hwang, Manager

DECISION:

Kyoo Bok Hwang (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 an after school tutoring center at the property known as 69 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 299, Lots 11-13, 96, 102 and 104) (hereinafter, the “Property”).

By Notice of Disapproval, dated July 29, 2014, 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 an after school tutoring center at 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:

- 7) Applicant is seeking a special use permit to establish an after school tutoring center on the lower level of the property known as 69 East Jericho Turnpike, Mineola, New York;
- 8) The classes will range from age five (5) through seniors in high school;
- 9) The lower level will have a maximum occupancy of 113 people (inclusive of students, teachers and administrators);
- 10) The class hours will be Monday-Friday, 3:00 p.m. to 9:00 p.m., and Saturday 10:00 a.m. to 9:00 p.m. Each class time be approximately one (1) hour;
- 11) Applicant will provide group classes with a maximum of fourteen (14) students, as well as, one-on-one private tutoring;
- 12) The building does not have an entrance on Jericho Turnpike. The main entrance is through the rear of the building;
- 13) The building is serviced by a nineteen (19) space parking lot in the rear of the building;
- 14) Applicant represented that it will have ten (10) employees; and
- 15) 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:

- 14) The building shall be compliant with all applicable building codes and regulations. All fire suppression systems shall be in compliance with the New York State Fire Prevention and Building Code, Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 15) Applicant shall require all staff and encourage all of its students to utilize the municipal parking;

- 16) Applicant shall maintain the entire Property in a clean condition;
- 17) 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;
- 18) Pursuant to Village Code Section 550-55.H, the Special Use Permit granted hereunder shall be immediately revocable by the order of the Board of Trustees at any time upon the failure of the owner and/or operator of the Property to observe all requirements of the Village Code and of this Special Use Permit with respect to the matters set forth herein;
- 19) 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
- 20) 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
May 6, 2015

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

Yes

No

Abstain

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

Resolution No 108-15

Resolved that the Board of Trustees authorizes the Village Attorney to file a motion to the New York Courts of Appeals seeking permission to file an appeal of the Appellate Division's Decision and Order in the case of 7-Eleven vs. Village of Mineola.

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

Yes

No

Abstain

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

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:18 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 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 Cora T. Kelly
Superintendent of Public Works Thomas J. Rini

Press Observer:

Mineola American
Williston Times

Sunshine Observers:

10 Observers

Mayor Scott P. Strauss congratulated all of the newly sworn officers of the Mineola Junior Fire Department; reported on the Mineola Athletic Association Little League Opening Day Parade, commenting that it was a great event, thanking those involved in making it successful, and congratulated all those who have received awards. Mayor Strauss also congratulated Mineola American editor Rich Forestano in receiving a 2015 FOLIO Award; announced that Wednesday, May 13 at 6:30 PM is a Public Hearing on Invasive Plant Species, such as bamboo, and encouraged residents who have these types of invasive plant species on their property, to come to the hearing and express their concerns. Mayor Strauss announced that Justice Court payments can now be made by credit card and reported that the Board of Trustees has voted to file an appeal to the Appellate Division's decision regarding the 7-Eleven application for a variance. Mayor Strauss extended his best wishes for a Happy Mother's Day.

Trustee Paul A. Periera expressed his support for filing an appeal regarding the 7-Eleven decision; reported on his attendance at the "Night on the Town", commenting that is was a wonderful event and well attended. Trustee Pereira reminded residents of the Memorial Day Parade on May 25 and the Long Island Portugal Day Parade on May 31.

Trustee Paul S. Cusato thanked all the residents who have contributed to making the Little League parade and season a success; congratulated Mineola Fire Department Chief Jeff Clark and all of the newly elected officers of the Mineola Fire Department and Junior Fire Department on their elections; reported on the Nassau County Firefighter Memorial Service and congratulated Mineola Firefighter Lt. Kevin Nicolls on being honored by Nassau County Fire Commission with a Silver Metal.

Trustee George R. Durham reported on his attendance at the recent New York Conference of Mayor's conference which included discussions of tax cap legislation, water infrastructure improvements, the Gross Receipt Tax, and the status of the lever-style voting machines. Trustee Durham wished residents a Happy Mother's Day.

Trustee Dennis Walsh reported on communication received from the Nassau County Village Officials Association (NCVOA) regarding the discontinuance of our ability to use lever style voting machines and that Nassau County has received a grant of \$20M to obtain and provide

electric machines for future Village Elections. Trustee Walsh reported on his attendance at the Long Island Water Conference in Bethpage, NY and reminded residents of the upcoming school board election.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:55 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		