

Minutes - Board Meeting 6/7/2017

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 7, 2017 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 Buildings Daniel B. Whalen

Press Observer: *Williston Times*

Sunshine Observers: 2 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:35 PM.

Resolution No. 128-17

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. 129-17

Resolved to approve the minutes from the meetings of the Board of Trustees of April 5, April 12, April 19, May 3, May 10, and May 17, 2017.

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. 130-17

Resolved to approve a request by the Mineola AARP Chapter 4202 for the use of the Community Center auditorium for their 2017/2018 general membership meetings and one general purpose room for their Board of Directors' meetings on the following Wednesday dates from 9:00 AM – 1:00 PM:

September 27, 2017	February 28, 2018
October 25, 2017	March 28, 2018
November 15, 2017	April 25, 2018
January 24, 2018	May 23, 2018

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. 131-17

Resolved to approve a request by Corpus Christi Church to use village streets for a devotional procession on Sunday June 18, 2017 from approximately 12:15 PM – 1:00 PM utilizing the following route:

Garfield Avenue East at Willis Avenue
South to Cleveland Avenue
West to Mineola Boulevard
North to Garfield Avenue
East to Garfield Avenue to Corpus Christi 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. 132-17

Resolved to authorize the Community Development Coordinator to engage a primary and secondary sign maker, electrician/lighting, and awning company in one year, renewable contracts with 3 renewal options.

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. 133-17

Resolved to approve the installation of WiFi cables and equipment at the John S. DaVanzo Community Pool.

Vendor: TCI Technologies
Cost: \$4,144.33
Funding Source: 2017/2018 Pool Fund Budget

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. 134-17

Resolved to approve the hiring of Richard Marino to the position of Court Clerk in Justice Court with a starting salary in accordance with the Collective Bargaining Agreement.

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. 135-17

Resolved to authorize the purchase of one custom square 24' x 24' free standing structure with standing seam roof and cupola for the handicap accessibility improvements to the Community Center entrance project from the NJPA Contract No. 030117-PPC.

Funding Source(s): Community Development Block Grant Funding, Development Incentive Bonus Funds, 2017/2018 General Fund Budget or the General Fund Unreserved Fund Balance

Seconded by Trustee George R. Durham

Trustee Dennis J. Walsh

Trustee Dennis J. Walsh

Trustee Dennis J. Walsh

Resolution No. 138-17

Resolved to authorize the hiring of eight additional Seasonal Employees.

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		

Superintendent of Public Works Thomas J. Rini gave an update of Department activities.

Superintendent of Buildings Daniel B. Whalen gave an update on ongoing projects including the Village Green and Searing Avenue projects, and presented a monthly report of Department activities for May 2017.

Deputy Village Attorney Peter Trentacoste introduced the following resolutions for the Board’s consideration:

Resolution No. 139-17

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

VICTOR HATAMI

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 APPLICANT:	Victor Hatami
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 permanent Special Use Permit pursuant to Chapter 550, Section 550-12.B previously granted by Decision dated June 15, 2016

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

DATE OF HEARING: May 10, 2017

APPEARANCES: Victor Hatami, Owner

DECISION:

Victor Hatami, as owner 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, seeking to make permanent a special use permit previously granted by this Board by Decision, dated June 15, 2016, 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 April 4, 2017, Applicant sought to renew and permanently extend his special use permit which allowed him to host events at his property under certain conditions which were enumerated in this Board’s prior Decisions, dated May 6, 2015 and June 15, 2016.

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 to renew and permanently extend his special use permit to host parties upon the property known as 275 Jericho Turnpike, Mineola, New York;
- 2) Applicant will not be preparing or cooking food upon the Property. All food will be brought in from an outside vendor;
- 3) Applicant will have a maximum of (5) employees;
- 4) Applicant has a license agreement with Valant Realty, LLC to utilize the parking lot located at 285 Jericho Turnpike, Mineola, New York on weekends;
- 5) Applicant represented that parties will take place at the Property only on Thursday, Friday, Saturday, Sunday nights and any other night that falls upon the eve of a legal U.S. holiday; and
- 6) The parties shall occur between the hours of 6:30 p.m. and 11:30 p.m.

The Board remains 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 grants the application. The Board shall retain jurisdiction over the application. 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. Violation of any of the conditions of this Decision shall subject the Applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this special use permit.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) Applicant shall maintain a current license agreement with the property owner at 285 Jericho Turnpike to utilize the parking lot;

- 2) Applicant will not prepare or cook food upon the Property;
- 3) 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;
- 4) Parties shall be scheduled only on Thursday, Friday, Saturday, Sunday nights and any other night that falls upon the eve of a legal U.S. holiday. All events shall end by 11:30 p.m.
- 5) Applicant shall install and utilize a suitable privacy window shade on the rear windows of the Property;
- 6) Applicant shall utilize a duly licensed and insured valet company for all events;
- 7) 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;
- 8) Applicant shall maintain the entire Property in a clean condition, including the grass area on Wellington Road;
- 9) 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;
- 10) 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;
- 11) 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
- 12) 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
June 7, 2017

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

Village Clerk Joseph R. Scalero polled the Board:

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. 140-17

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

Art-Of-Form Architectural Service

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-19 of the Code of the Incorporated
Village of Mineola, at premises known as 215
Cleveland Avenue, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 404, Lots 750-751
-----X

NAME OF APPLICANT:	Art-Of-Form Architectural Services
SUBJECT PROPERTY:	Section 9, Block 404, Lots 750-751
STREET LOCATION:	215 Cleveland Avenue Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-19 for the demolition and removal of an existing two-and-a-half story two-family home and freestanding detached garage and construction of a private commercial parking lot upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 19, 2017
APPEARANCES:	Peter Mineo, Esq. Raymond Caliendo, Architect Kevin Lumpe, Contract Vendee Representative Victor Vialejo, Owner

DECISION:

Art-Of-Form Architectural Services, on behalf of 173 Mineola Steel, LLC, the contract vendee (hereinafter, “Applicant”), is before this Board, pursuant to Chapter 550, Section 550.19 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit for the demolition and removal of an existing two-and-a-half story two-family home and freestanding detached garage and construction of a private commercial parking lot upon the property known as 215 Cleveland Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 404, Lots 750-751) (hereinafter, the “Property”).

By Notice of Disapproval, dated February 27, 2017, 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 demolition and removal of an existing two-and-a-half story two-family home and freestanding detached garage and the construction of a private commercial parking lot 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. However, the Nassau County Planning Commission stated that the “impacts of a parking lot on adjacent and nearby residences should be minimized to the extent feasible, including aesthetics, lighting, noise and other nuisances.”

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 for the demolition and removal of an existing two-and-a-half story two-family home and freestanding detached garage and the construction of a private commercial parking lot upon the Property known as 215 Cleveland Avenue, Mineola, New York;
2. The Property is a 50’ft by 100’ft parcel;
3. The Property is adjacent to other residential properties;
4. The proposed private commercial parking lot would be used in conjunction with the office building located at 173 Mineola Boulevard (north of the Property);
5. The proposed private commercial parking lot would create 11 parking stalls (9’ft. by 20’ft.). The parking stalls would be dedicated to the staff and doctors working at 173 Mineola Boulevard; and
6. Applicant currently utilizes valet parking at its building located at 173 Mineola Boulevard.

Based upon the entire record, the Board finds the approval of this application for the demolition and removal of an existing two-and-a-half story two-family home and freestanding detached garage and the construction of a private commercial parking lot upon the Property 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 neighborhood.

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

1. The application would not be appropriate to and in harmony with the surrounding properties. The Property is located in the B-2 Zone. However, the Property is abutted by residential properties to the direct west and south. The demolition of the residential home and creation of a private commercial parking lot would not be in keeping with the surrounding properties;
2. The application will not provide a desirable service, facility or convenience to the area or otherwise contribute to the proper growth and development of the community and to its general welfare. In the direct vicinity of the Property, parking is at a premium. The proposed demolition and construction of a private commercial parking lot will only provide 11 parking spaces and will do very little to alleviate the demand for parking in the area. In fact, the 11 spaces will be for the exclusive use of the staff and doctors working at the building located at 173 Mineola

- Boulevard. These spaces will not be subject to the normal parking turnover throughout the day and will not be available to other building patrons when vacant;
3. The application will be in conflict to the immediate neighborhood by reason of excessive traffic and vehicles. The demolition and creation of a private commercial parking lot will directly contribute to additional vehicles and traffic encroaching upon the remaining residential properties;
 4. The application, by its very nature, will have an impact on the nearby residential dwellings by reason of increased noise, lights, vibration and odor; and
 5. The Board of Trustees finds that the application will not conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will not be secured by granting the special use permit. 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
June 7, 2017

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

Village Clerk Joseph R. Scalero polled the Board:

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 requested a motion to close the Work Session at 6:55 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 7:30 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 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 Observer: *Williston Times*

Sunshine Observers: 3 Observers

Mayor Scott P. Strauss reported that he swore in the new chiefs and line officers of the Mineola Fire Department and attended their installation dinner; congratulated MFD Captain Sandy Sonera on being recognized as Firefighter of the Year and Pat Santosus on being chosen Ladies Auxiliary Lady of the Year; stated that he swore in the boards of the Golden Age Club and AARP; reported on the Mineola High School Senior Awards Breakfast and MHS Student Service Ceremony, and congratulated Matthew Ramos for receiving the Mayor's Award; congratulated new Eagle Scouts from Troop 45 Dan Albano, Danny Roach, Liam Carr, Adriel Santoli, David Scalese, Kyle Mahoney, and Bryan Franz, noting that Bryan Franz is the fourth generation of Eagle Scouts in his family; reported that the Village of Mineola will receive a Smart Growth award from Vision Long Island on Friday; announced the upcoming Portuguese Festival and Portugal Day Parade; discussed a productive meeting with Senator Phillips, and a meeting with Williston Park mayor regarding shared services; commented that the Memorial Day Parade and ceremony were well attended, and thanked Commander Carl Marchese and the Mineola Auxiliary Police for their work; extended heartfelt condolences to the family of World War II veteran Tom Scardino, and reflected on his life as VFW Commander, D-Day survivor, and Bronze Star and Purple Heart recipient.

Trustee Paul A. Pereira extended condolences to the family of Tom Scardino; reported on the Mineola High School Senior Awards Breakfast and congratulated the Class of 2017; reminded residents that pool season is approaching and to get their pool passes; reminded residents that the Concerts in the Park series is underway, noting the wide variety of acts, and encouraged residents to come to the Portuguese Festival and parade.

Trustee Paul S. Cusato noted the good turnout for the Memorial Day parade and ceremony, and thanked the VFW and American Legion; thanked the Chamber of Commerce for distributing flags during the Memorial Day parade; congratulated newly-inducted Eagle Scouts from Troop 45; congratulated MFD Captain Sandy Sonera on being named Firefighter of the Year; thanked the Mineola Fire Department firefighters for their recent responses to a ruptured gas pipe and a house fire where Mineola Volunteer Ambulance Corps members were also on hand to assist; stated that MFD members are going door to door for their annual fund drive; congratulated Mineola High School Senior Award recipients; extended condolences to the family of Tom Scardino.

Trustee George R. Durham extended his condolences to the Scardino family; thanked everyone who organized and participated in the Memorial Day parade and ceremony; congratulated the Class of 2017; congratulated the newly-installed officers of the Mineola Fire Department; reminded residents that the pool opening is Saturday June 17; encouraged residents to come to Troop 45's Father's Day Pancake Breakfast on Sunday June 18, and congratulated the seven new Eagle Scouts.

Trustee Dennis J. Walsh discussed several events which he attended at Mineola Memorial Library; commented on the Lions Club and Alheirens picnics; reminded residents to come to the Chamber of Commerce Car Shows every Thursday evening; congratulated new Mineola Fire Department Chief Brian Santosus and Firefighter of the Year Captain Sandy Sonera, and reminded residents to pay their taxes on time to avoid penalties.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:00 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		