

Minutes - Board Meeting – 11/14/2018

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, November 14, 2018 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 Pardo
Superintendent of Buildings Daniel B. Whalen

Press Observers: *None*

Sunshine Observers: 27 Observers

A special presentation was made by village and county officials to members of the Mineola High School Marching Band who recently won a state championship.

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:

APPLICATION OF EMILY CUNHA FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” TO ESTABLISH AN ART INSTRUCTIONAL SCHOOL UPON THE PROPERTY KNOWN AS 270 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 296, LOT 208.

1 speaker addressed the Board

Resolution 270-18

Resolved to declare the Special Use Application of Emily Cunha for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550.12 entitled “B-1 Districts”, Subsection (B) entitled “Special Uses” for the purpose of establishing an art instructional school upon the property known as 270 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lots 208, as a Type II action pursuant to S.E.Q.R.A.

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 271-18

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

EMMILY CUNHA

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550.12 of the Code of the Incorporated Village of Mineola, at premises known as 270 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lot 208.

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NAME OF APPLICANT:	Emily Cunha
SUBJECT PROPERTY:	Section 9, Block 296, Lot 208
STREET LOCATION:	270 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 to establish an art instructional school upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	November 14, 2018
APPEARANCES:	Emily Cunha, Owner

DECISION:

Emily Cunha (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish an art instructional school upon property known as 270 Jericho Turnpike,

Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lot 208) (hereinafter, the “Property”).

By Notice of Disapproval, dated August 14, 2018, 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 an art instructional school 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 an art instructional school upon the property known as 270 Jericho Turnpike, Mineola, New York;
- 2) Applicant’s hours of operation will be 10:30 am to 7:300 pm, six (6) days a week (Monday- Saturday, Closed on Sunday);
- 3) Applicant proposes to have fifteen (15) students per class;
- 4) Each class runs approximately one (1) hour;
- 5) Applicant will not have any catering or food on the premises; and
- 6) Applicant will have a retail portion of the business to sell art related crafts.

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 the 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) No food catering events shall be held upon the Property;
- 2) The operation of the facility shall be self-contained within the interior of the building;
- 3) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this agreement shall subject the

applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this Special Use Permit;

- 5) 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 decision. Applicant’s representations are deemed to be part of the conditions of this special use permit; and
- 6) 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
November 14, 2018

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		

Mayor Scott P. Strauss called the Public Hearing to order at 7:22 PM

A Public Hearing was held at 7:22 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF ZAMBRANO ARCHITECTURAL DESIGN FOR A SPECIAL PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “ZONING”, SECTION 550-5.I FOR THE CONSTRUCTION OF A 4 STORY MIXED USE BUILDING UPON THE PROPERTY KNOWN AS 86-88 MAIN STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 426, LOTS 2&3.

8 speakers addressed the Board

Resolution 272-18

WHEREAS, the Incorporated Village of Mineola Board of Trustees (hereafter, the “Village Board”) has received (i) a special use permit application on behalf of Puccio Properties, LLC for a Development Incentive Bonus, pursuant §550-5.I of the Municipal Code of the Incorporated Village of Mineola, to allow the development of a four (4) story mixed-use building with retail on the first floor and 11 residential apartment units above at the property located at 86-88 Main Street, Mineola, (ii) an application for site plan approval and (iii) an application for architectural approval; and

WHEREAS, in accordance with 6 NYCRR §617.6(a) and (b), the Board of Trustees has reviewed this proposed action and has hereby determines that same is an Unlisted Action; and

WHEREAS, the Board of Trustees seeks to commence a coordinated environmental review of the proposed project under the New York State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby declares its intent to act as lead agency in a coordinated review of the proposed project.

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 requested a motion at 9:32 PM to adjourn the hearing until January 9, 2019.

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		

Mayor Scott P. Strauss called the Work Session to order at 9:35 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 Pardo
Superintendent of Public Works Thomas J. Rini

Press Observers: *None*

Sunshine Observers: 4 Observers

Resolution No. 273-18

Resolved to approve bills and payroll.

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		

Resolution No. 274-18

Resolved to authorize Change Order No. 1 to Contract No. 3 – Plumbing Contract of the Packed Tower Aeration Facility Project for Well #1.

Vendor: Philip Ross Industries, Inc.
Cost: \$86,940.00
Funding Source: 2018/2019 Water Fund Budget or the Water Fund
Unreserved Fund Balance or the Water Reserve Fund

Motioned by Trustee Dennis J. Walsh
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. 275-18

Resolved to authorize an engineering proposal for the Underground Storage Tank Compliance and Closure at Well Nos. 5, 6 and Emory Road Booster Station.

Vendor: D&B Engineers & Architects. P.C.
Cost: \$46,000.00
Funding Source: 2018/2019 Water Fund Budget or the Water Fund
Unreserved Fund Balance

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. 276-18

Resolved to authorize the installation of a Handicap Reserved Parking Space in front of 94 Albertson Place, Mineola.

Motioned by Trustee George R. Durham
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

Village Attorney John P. Gibbons, Jr. introduced the following resolution:

Resolution No. 277-18

WHEREAS, the Village has been advised by H2M Architects & Engineers of a dangerous and unsafe condition at the Mineola Fire House relating to the building façade; and

WHEREAS, the Building façade has begun to deteriorate causing the façade to become unstable resulting in an unsafe condition around the perimeter of the building.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Mineola Board of Trustees hereby declares an emergency situation in accordance with General Municipal Law §103(4) and authorizes H2M Architects & Engineers to prepare a Request for Proposals to address the Fire Department Building façade.

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

Mayor Scott P. Strauss requested a motion to close the Work Session at 9:40 PM.

Motioned by Trustee Dennis J. Walsh
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		