

**Minutes - Board Meeting – 05/09/2018**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 9, 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  
Superintendent of Public Works Thomas J. Rini  
Superintendent of Buildings Daniel B. Whalen  
Water Department Supervisor James Martin  
William Merklin of D&B Engineers and Architects

**Press Observers:** *Mineola American*  
*Williston Times*  
*Newsday*

**Sunshine Observers:** 10 Observers

**Mayor Scott P. Strauss called the Public Hearing to order at 6:50 PM**

*A Public Hearing was held at 6:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING CHAPTER 523 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “WATER” SECTION 523-28, ENTITLED “WATER RATES; FEES”.**

*No speakers addressed the Board*

**Resolution 120-18**

Resolved to adopt the Proposed Local Law amending Section 523-28 of the Municipal Code of the Incorporated Village of Mineola, entitled “Water Rates; Fees” within in the Incorporated Village of Mineola.

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

Village Clerk Joseph R. Scalero polled the Board:

<b>Vote:</b>			
<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>	
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 6:55 PM**

**Sunshine Observers:** 8 Observers

*A Public Hearing was held at 6:55 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF AMANDA GANDOLFO 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” AND SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” TO ESTABLISH A FITNESS STUDIO (FIT BODY BOOT CAMP FRANCHISE) UPON THE PROPERTY KNOWN AS 135 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 414, LOTS 2, 314, 316.**

*No speakers addressed the Board*

**Resolution 121-18**

Resolved to declare the Special Use Application of Amanda Gandolfo 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”, and Section 550.12 entitled “B-1 Districts”, Subsection (B) entitled “Special Uses” for the purpose of establishing a fitness studio (Fit Body Boot Camp franchise) upon the property known as 135 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 414, Lots 2, 314, 316, as a Type II action pursuant to S.E.Q.R.A.

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 122-18**

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

AMANDA GANDOLFO

**DECISION**

For a Special Use Permit pursuant to Chapter 550, Sections 550-12.B and 550-13 of the Code of the Incorporated Village of Mineola, at

premises known as 135 Mineola Boulevard,  
Mineola, New York, known and designated on  
the Nassau County Land and Tax Map as  
Section 9, Block 414, Lots 2, 314, 316.

-----X

NAME OF APPLICANTS:	Amanda Gandolfo
SUBJECT PROPERTY:	Section 9, Block 414, Lots 2, 314, 316
STREET LOCATION:	135 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	"B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Sections 550-12.B. and 550-13 to establish a fitness studio upon the second floor of the Property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	May 9, 2018
APPEARANCES:	Tom Abbate, Esq. Manny Frade, Building Owner

**DECISION:**

Amanda Gandolfo (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Sections 550.12.B. and 550-13 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a fitness studio upon the property known as 135 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 414, Lots 2, 314, 316) (hereinafter, the "Property").

By Notice of Disapproval, dated March 6, 2018, 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 a fitness studio 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. 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 fitness studio (Fit Body Boot Camp) upon property known as 135 Mineola Boulevard, Mineola, New York;
- 2) Applicant will conduct fitness training at the Property with minimal equipment;
- 3) Applicant will not have any music playing inside the studio;
- 4) Applicant will not be selling, preparing or cooking food upon the Property. Applicant will be selling water bottles; and
- 5) 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) The operation of the facility shall be self-contained within the interior of the building;
- 2) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 3) Each of these conditions is material to the approval granted by the Board of Trustees. Violation of any of these conditions 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 premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York  
May 9, 2018

Motioned by Trustee Paul S. Cusato  
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 P. Strauss requested a motion to close the hearing at 7:15 PM.**

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

**Mayor Scott P. Strauss called the Work Session to order at 7:35 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  
Superintendent of Public Works Thomas J. Rini

**Press Observers:**

*Mineola American*  
*Williston Times*  
*Newsday*

**Sunshine Observers:**

5 Observers

**Resolution No. 123-18**

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. 124-18**

Resolved to approve a request by the Mineola Union Free School District for the use of Wilson Park Monday June 11, 2018 from 9:00 am to 11:30 am for a 4th grade field trip.

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		

**Resolution No. 125-18**

Resolved to award Contract No. 1 - General Construction of the Packed Tower Aeration System at Well #1 to the lowest responsible bidder Web Construction Corp.

Contract Price: \$1,350,000.00  
Engineers: D&B Engineers & Architects, P.C.  
Funding Source: 2018/2019 Budget and/or the Water Fund Unreserved Fund

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		

**Resolution No. 126-18**

Resolved to award Contract No. 3 - Plumbing Construction of the Packed Tower Aeration System at Well #1 to the lowest responsible bidder Philip Ross Industries.

Contract Price: \$ 890,000.00  
Engineers: D&B Engineers & Architects, P.C.  
Funding Source: 2018/2019 Budget and/or the Water Fund Unreserved Fund

Motioned by Trustee Paul S. Cusato  
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. 127-18**

Resolved to reject all bids for Contract No. 2 - Electrical Construction of the Packed Tower Aeration System at Well #1 and authorize the re-bidding of this contract.

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. 128-18**

Resolved to declare the week of May 20 – May 26, 2018 as “National Public Works Week” in the Village of Mineola.

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. 129-18**

Resolved to authorize the hiring of seasonal employees for the 2018 Summer Season for the John S. DaVanzo Community Pool and Summer Recreation Program.

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

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

**Resolution No. 130-18**

Resolved to approve MCRT Northeast LLC's request for a one (1) year extension of its previously issued Special Use Permit, dated March 16, 2016 and filed in the Office of the Village Clerk on March 17, 2016, for the construction of 192 multi-family apartment units. The Special Use Permit is hereby extended to and including May 9, 2019.

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

**Resolution No. 131-18**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

VINCENT MINUTELLA

**DECISION**

For a Special Use Permit pursuant to Chapter 550, Section 550.12 and Section 550.16 of the Code of the Incorporated Village of Mineola, at premises known as 78-80 2<sup>nd</sup> Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 424, Lots 35-36.

-----X

NAME OF APPLICANT: Vincent Minutella

SUBJECT PROPERTY: Section 9, Block 424, Lots 35-36

STREET LOCATION: 78-80 2<sup>nd</sup> Street  
Mineola, New York 11501

ZONING DISTRICT: "M" District



RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550, Section 550.12 and Section 550.16 to establish a dining restaurant with outdoor beer garden.

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

DATE OF HEARINGS: December 13, 2017 and March 14, 2018

APPEARANCES: Vincent Minutella, Owner

**DECISION:**

Vincent Minutella, on behalf the American Theatre Dance Workshop (hereinafter, “Applicant”), is before this Board, pursuant to Chapter 550, Section 550.12 and 550.16 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a dining restaurant with an outdoor beer garden upon property known as 78-80 2<sup>nd</sup> Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 424, Lots 35-36) (hereinafter, the “Property”).

By Notice of Disapproval, dated September 28, 2017, 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 dining restaurant with an outdoor beer garden 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 dining restaurant with an outdoor beer garden upon the property known as 78-80 2<sup>nd</sup> Street, Mineola, New York;
- 2) Applicant has offered to close the outdoor patio area (“beer garden”) at 11:00 pm Sunday-Thursday and 12:00 am Friday-Saturday;
- 3) Applicant has offered to install appropriate screening to mitigate any noise emanating from the outdoor patio area;
- 4) Applicant has offered to prohibit outdoor music;
- 5) Applicant has offered to maintain all necessary compressors within the interior of the building;
- 6) Applicant has offered to utilize the rear of the building for all deliveries; and
- 7) Applicant anticipates having a maximum occupancy of seventy-five (75) people for the outdoor patio area.

Based upon the above findings, it is hereby determined that the proposed use, **subject to the conditions** stated below, is harmonious to the “M” 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:

- 6) The entire building 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;
- 7) There shall be no outdoor music;
- 8) Any indoor amplified or live music shall end by 10:00 pm Sunday-Thursday and 11:00 Friday and Saturday;
- 9) Patrons shall only enter/exit the outdoor patio area through the building. Applicant shall prohibit ingress/egress to the outdoor patio from any other areas along Roslyn Road and Second Street;
- 10) Applicant shall close the outdoor patio area at 11:00 pm Sunday-Thursday and 12:00 am Friday-Saturday;
- 11) Applicant shall not install any outdoor compressors. Any necessary compressors shall be installed and maintained within the building;
- 12) Any designated “smoking areas” shall be contained within the Property and located away from the rear of the Property;
- 13) Applicant shall install and maintain a seven 7ft. white PVC fence along the perimeter of the Property that abuts neighboring properties;
- 14) Applicant shall install and maintain a 6ft. wall around the outdoor patio area;
- 15) Applicant shall install and maintain, at minimum, 12ft. arborvitae around the rear of the outdoor patio area;
- 16) Applicant shall install and maintain, at minimum, 12ft. arborvitae along the rear of the Property;
- 17) The outdoor patio area shall not exceed an occupancy of seventy-five (75) people;
- 18) All putrescible waste shall be refrigerated indoors until pick-up;
- 19) Applicant shall utilize a private sanitation service for garbage removal;
- 20) All outdoor uses and the noise associated with same must comply with the noise regulations as set forth in the Municipal Code;
- 21) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed away from residential properties. The ventilation/exhaust shall be filtered to prevent the dissemination of cooking odors and 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;

- 22) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 23) Deliveries to the premises shall occur during off-peak weekday hours. No deliveries to the premises shall occur between the hours of 3:00 pm and 7:00 am. All deliveries will be through the rear of the Building and utilize the parking lot for parking. No delivery vehicles will impede traffic by parking illegally on roads/sidewalks;
- 24) 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;
- 25) 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. Said representations are deemed to be part of the conditions of this special permit; and
- 26) 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 9, 2018

Motioned by Trustee Dennis J. Walsh  
Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato

**No**

Trustee Paul A. Pereira

**Abstain**

Trustee George R. Durham  
Trustee Dennis J. Walsh

**Mayor Scott P. Strauss requested a motion to close the Work Session at 7:45 PM.**

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

**Vote:**

**Yes**

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

**No**

**Abstain**