

## **Minutes - Board Meeting – 03/13/2019**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 13, 2019 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 S. Trentacoste for Village Attorney John P. Gibbons, Jr.  
Deputy Village Clerk Linda Pardo  
Superintendent of Public Works Thomas J. Rini  
Superintendent of Buildings Daniel B. Whalen

**Press Observers:** *Mineola American*

**Sunshine Observers:** 8 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 DENNIS MARSHALL 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” AND SECTION 550-16 ENTITLED “M DISTRICTS” TO ESTABLISH A GYM/TRAINING STUDIO UPON THE PROPERTY KNOWN AS 180 EAST SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 300, LOT 26.**

*No speakers addressed the Board*

### **Resolution No. 45-19**

Resolved to declare the Special Use Application of Dennis Marshall 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” and Section 550-16 entitled “M Districts” for the purpose of establishing a gym/training studio upon the property known as 180 East Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 300, Lot 26, 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:**

**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. 46-19**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

DENNIS MARSHALL

**DECISION**

For a Special Use Permit pursuant to Chapter 550, Sections 550-12 and 550-16 of the Code of the Incorporated Village of Mineola, at premises known as 180 East Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 300, Lot 26.

-----X

NAME OF APPLICANT:	Dennis Marshall
SUBJECT PROPERTY:	Section 9, Block 300, Lot 26
STREET LOCATION:	180 East Second Street Mineola, New York 11501
ZONING DISTRICT:	"M" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Sections 550-12 and 550-16 to establish a gym/training studio upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	March 13, 2019
APPEARANCES:	Dennis Marshall, owner

**DECISION:**

Dennis Marshall (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Sections 550.12 and 550.16 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a gym/training studio upon the property known as 180 East Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 300, Lot 26) (hereinafter, the “Property”).

By Notice of Disapproval, dated December 28, 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 gym/training 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 gym/training studio upon the property known as 180 East Second Street, Mineola, New York;
- 2) The facility will be for members only, it will not be an "open gym";
- 3) The hours of operation will be 5:00 a.m. to 9:30 p.m., Monday-Friday, and 7:00 a.m. to 12:00 p.m., Saturday and Sunday;
- 4) Classes will be for one (1) hour and be scheduled in advance with approximately ten (10) individuals at a time;
- 5) Applicant has a twelve (12) space parking lot attached to the building;
- 6) Applicant will conduct strength and fitness training at the Property;
- 7) Applicant will not be preparing or cooking food upon the Property; and
- 8) 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 "M" 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. 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;
- 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 decision. Applicant’s 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  
 March 13, 2019

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

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		

**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 S. Trentacoste for Village Attorney John P. Gibbons, Jr.  
 Deputy Village Clerk Linda Pardo  
 Superintendent of Public Works Thomas J. Rini

**Press Observer:** *Mineola American*  
*Newsday*

**Sunshine Observers:** 14 Observers

**Mayor Scott P. Strauss called the Work Session to order at 7:00 PM.**

*Representatives of the Long Island Railroad gave a presentation on the Third Track Expansion project.*

**Resolution No. 47-19**

Resolved to approve bills and payroll.

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

**Vote:**

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

**Resolution No. 48-19**

Resolved to approve the purchase of tables and chairs from Young Equipment in the amount of \$9,800.17 from New York State contract PC68395.

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

**Vote:**

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

**Resolution No. 49-19**

Resolved to authorize a permit to operate an ice cream truck on public streets in the Village of Mineola from March 31, 2019 through October 31, 2019 from 12:00 PM until 8:30 PM or dusk (whichever is earlier), to Nicholas Melidosian a franchisee of Mr. Softee Ice Cream, Inc.

Motioned by Trustee George R. Durham  
Seconded by Trustee Paul S. Cusato

**Vote:**

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

**Resolution No. 50-19**

Resolved to authorize an additional 10 foot curb cut at 161 Cleveland Avenue, Mineola.

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. 51-19**

Resolved to authorize 1.5 and 2 hours off depending upon department for the essential employees required to work on Monday March 4, 2019 for “Winter Storm Scott” when village offices were closed for a 2-hour delay. The time off must be used within 1 year of the date of occurrence or it expires March 4, 2020. The time off must be used in full, not partial hours.

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. 52-19**

Resolved to authorize the Superintendent of Public Works to attend the NYCOM Public Works Training School Planning Committee meeting in Oneonta, NY, May 10, 2019.

Motioned by Trustee Paul S. Cusato  
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 Scott P. Strauss requested a motion to close the Work Session at 7:50 PM.**

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

**Vote:**

**Yes**

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

**No**

**Abstain**