

Minutes - Board Meeting – 06/14/2023

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 14, 2023 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Donna M. Solosky

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Bryan L. Rivera
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Liam P. O’Keefe

Press Observer: None

Sunshine Observers: 40 Observers

Mayor Paul A. Pereira announced that Trustee Jeffrey M. Clark is unable to attend due to personal obligations.

Mayor Paul A. Pereira called the Public Hearing to order at 6:35 PM.

A Public Hearing was held at 6:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF HONG LAI 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 550-13 ENTITLED “B-2 DISTRICTS” SUBSECTION (A)(1) TO ESTABLISH AN ACUPUNCTURE CLINIC UPON THE PROPERTY KNOWN AS 219 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 400, LOT 191.

The application was presented by Hong Lai. No speakers from the public addressed the Board.

Resolution No. 168-23

Resolved to declare the Special Use Application of Hong Lai 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 550-13 entitled “B-2 Districts” Subsection (A)(1) for the purpose of establishing an acupuncture clinic upon the property known as 219 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 400, Lot 191, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Donna M. Solosky

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Resolution 169-23

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

HONG LAI	<u>DECISION</u>
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 219 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 400, Lot 191.	
-----X	

NAME OF APPLICANT:	Hong Lai
SUBJECT PROPERTY:	Section 9, Block 400, Lot 191
STREET LOCATION:	219 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	“B-2” District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B and 550-13 to establish an acupuncture clinic
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 14, 2023
APPEARANCE:	Hong Lai, Business Owner

DECISION:

Hong Lai (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 and 550.13 of the Municipal Code of the Incorporated Village of Mineola, for a Special Use Permit to establish an acupuncture clinic upon the property known as 219 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 400, Lot 191) (hereinafter, the “Property”).

By Notice of Disapproval, dated April 19, 2023, 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 acupuncture clinic 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 an acupuncture clinic upon the property known as 219 Mineola Boulevard, Mineola, New York;
- 2) Applicant shall have exclusive use of five (5) parking spaces in the attached private parking lot; and
- 3) 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) Applicant shall obtain and maintain all necessary licenses, permits and approvals from all agencies having jurisdiction with respect to the acupuncture clinic;
- 2) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 3) 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
- 4) Violation of a condition set forth in this Special Use Permit 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
June 14, 2023

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Village Clerk Bryan L. Rivera polled the Board:

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Donna M. Solosky

Press Observer: None

Sunshine Observers: 40 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 6:45 PM.

A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF SBLM-ELIZABETH TORRES 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 550-13 ENTITLED “B-2 DISTRICTS” SUBSECTION (A)(1) TO ESTABLISH AN NEW RESTAURANT UPON THE PROPERTY KNOWN AS 199 SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 423, LOTS 4-10, 318.

The application was presented by Marc LaMaina. No speakers from the public addressed the Board.

Resolution No. 170-23

Resolved to declare the Special Use Application of SBLM-Elizabeth Torres 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 550-13 entitled “B-2 Districts” Subsection (A)(1) for the purpose of establishing a new restaurant upon the property known as 199 Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 423, Lots 4-10, 318, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Janine Sartori
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Donna M. Solosky

Resolution 171-23

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

SBLM-ELIZABETH TORRES

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 199 Second Street, Mineola, New York, known
and designated on the Nassau County Land and Tax
Map as Section 9, Block 423, Lots 4-10, 318.
-----X

NAME OF APPLICANT:	SBLM-ELIZABETH TORRES
SUBJECT PROPERTY:	Section 9, Block 423, Lots 4-10, 318
STREET LOCATION:	199 Second Street Mineola, New York 11501
ZONING DISTRICT:	“B-2” District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B and 550-13 to establish a restaurant
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 14, 2023
APPEARANCE:	Mark Levine, Business Owner Mark Bianchi, Landlord Representative

DECISION:

SBLM-Elizabeth Torres (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 and 550.13 of the Municipal Code of the Incorporated Village of Mineola, for a Special Use Permit to establish a restaurant upon the property known as 199 Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 423, Lots 4-10, 318) (hereinafter, the “Property”).

By Notice of Disapproval, dated February 15, 2023, 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 restaurant 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 restaurant upon the property known as 199 Second Street, Mineola, New York;
- 2) The hours of operation shall be 6:00 am to 10:00 pm, 7 days a week;
- 3) Applicant will have 38 outdoor seats;
- 4) Applicant will utilize a private carter and store all putrescible waste refuse indoors until pick-up;
- 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) Applicant shall cause all refuse to be removed from the premises by a private carter at Applicant's expense. All putrescible waste shall be refrigerated until pick-up. All waste pick-ups shall take place between the hours of 7:00 a.m. and 6:00 p.m. only;
- 2) Any garbage dumpster on the premises shall be maintained in a fully-enclosed area and the gates to the dumpster shall be closed at all times except during loading and pick-up. The garbage dumpster and surrounding area shall remain free from debris, odors or litter at all times.
- 3) All deliveries to the Property shall be during non-peak traffic hours. The Village Board of Trustees shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of deliveries to the Property. In the event that such

deliveries shall require modification, the Applicant shall make further application before the Board of Trustees for an amendment of this approval or the Board of Trustees shall direct such modification;

- 4) The premises shall be maintained in a clean condition at all times;
- 5) Applicant shall not have any amplified music upon the Property;
- 6) Ambient music, if any, emanating from the outdoor seating area shall not be audible from a point beyond ten (10') foot radius;
- 7) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;
- 8) 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
- 9) Violation of a condition set forth in this Special Use Permit 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
June 14, 2023

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Donna M. Solosky

Village Clerk Bryan L. Rivera polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Press Observer: None

Sunshine Observers: 30 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 7:00 PM.

A Public Hearing was held at 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF MINEOLA 212 LLC FOR A SPECIAL PERMIT
PURSUANT TO CHAPTER 550 OF THE CODE OF THE
INCORPORATED VILLAGE OF MINEOLA ENTITLED “ZONING”,
SECTION 550-15.1 ENTITLED “DOWNTOWN OVERLAY DISTRICT”
TO CONSTRUCT A NINE STORY, 121 UNIT RESIDENTIAL BUILDING**

**UPON THE PROPERTY KNOWN AS 212-214 THIRD STREET,
MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU
COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 674, LOTS 2, 3,
5, 10-12.**

The application was presented by Jack Martins, Bill Novak, David Wortman, Frank Filiciotto and Ross Levine. 6 speakers from the public addressed the Board.

Resolution No. 172-23

Resolved to declare the Special Use Application of Mineola 212 LLC for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550-15.1 entitled “Downtown Overlay District” for the purpose of constructing a nine story, 121 unit residential building upon the property known as 212-214 Third Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 674, Lots 2, 3, 5, 10-12, as an Unlisted action pursuant to S.E.Q.R.A.

Motioned by Trustee Donna M. Solosky
Seconded by Trustee Janine Sartori

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira requested a motion at 9:40 PM to adjourn the Public Hearing until July 12, 2023.

Motioned by Trustee Janine Sartori
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira called the Work Session to order at 9:45 PM.

PRESENT:

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Donna M. Solosky

ALSO PRESENT:

Village Attorney John P. Gibbons, Jr.
Village Clerk Bryan L. Rivera
Deputy Village Clerk Linda Pardo
Superintendent of Buildings Liam P. O’Keefe

Press Observer: None

Sunshine Observers: None

Resolution No. 173-23

Resolved to approve bills and payroll.

Motioned by Trustee Donna M. Solosky
Seconded by Trustee Paul S. Cusato

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Resolution No. 174-23

Resolved to approve the membership of the following candidate as recommended by the Mineola Fire Department:

Megan Connolly Company 3

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Janine Sartori

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Resolution No. 175-23

Resolved to change the Façade Improvement Program Village contribution from the current level of 95% of approved costs for each project back to the pre-COVID amount of 75% of those costs. Funding is from CDBG funds.

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Resolution No. 176-23

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

POOL ATTENDANTS			
Collura, James	\$10.00	Lanigan, Sean	\$10.00
Collura, Claire	\$10.00	Kille, Samuel	\$10.00
Sousa, Jillian	\$10.00		

CAMP COUSELORS			
Barbino, Catherine	\$6,250.00	Silva, Lara	\$10.00
DaCunha, Sergio	\$11.00	Gaimaro, Jake	\$10.00
Sousa, Julianna	\$10.25	Farias, Sachary	\$10.00

SEASONAL PARKS LABORER	
Savarese, Nicholas	\$11.25

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Janine Sartori

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira made several announcements, including Boy Scout Troop 45’s Father’s Day pancake breakfast on June 18, a weekly Farmers Market will start on June 23, Shakespeare in the Park will be performed at the Mineola Memorial Park amphitheater on June 16 at 6:30 PM, and the John S. DaVanzo Community Pool will open June 17.

Mayor Paul A. Pereira requested a motion to close the Work Session at 9:50 PM.

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Donna M. Solosky		

Respectfully submitted,

Bryan L. Rivera
Village Clerk