

Minutes - Board Meeting 08/04/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 4, 2021 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira (via teleconference)
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
Village Treasurer Giacomo Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer: *Williston Times*

Sunshine Observers: 1 Observer

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

Resolution No. 193-21

Resolved to approve bills and payroll.

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		

Resolution No. 194-21

Resolved to approve the minutes of the meetings of the Board of Trustees from July 7 and July 14, 2021.

Motioned by Trustee Paul S. Cusato
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. 195-21

Resolved to approve a request by the Mineola Chamber of Commerce for the use of the Memorial Park Amphitheater for a “Movie Night in the Park” event on Friday October 1, 2021 from 7:00 – 10:00 PM. (Tabled from July 7, 2021)

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

Resolution No. 196-21

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

Tanishq Batra	Company 3 (effective July 19, 2021)
Alfonse Marchica	Company 2 (effective July 19, 2021)
Michael Weiner	Company 3 (effective July 29, 2021)

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. 197-21

Resolved to authorize the use of village roadways by the Mineola Public Schools for the purpose of conducting the High School Homecoming Parade Saturday October 9, 2021 beginning at 12:30 PM along the following route:

- Assemble at Andrews Road and Jericho Turnpike at 12:00 PM
- East along Jericho Turnpike to Roslyn Road
- South along Roslyn Road to Westbury Avenue
- East along Westbury Avenue to Union Avenue
- South along Union Avenue to Hampton Stadium

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		

Resolution No. 198-21

Resolved to approve a request by the Mineola Golden Age Club for the use of the Village Hall Community Center for its meetings and activities on Thursdays from 9:00 AM – 3:00 PM September 16, 2021 – June 16, 2022, subject to availability.

Motioned by Trustee Paul S. Cusato
 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. 199-21

Resolved to approve a request by the Mineola School District for the use of Wilson Park for a 7th grade picnic Friday June 17, 2022 from 9:00 am – 2:00 pm.

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. 200-21

Resolved to adjust the Pool Budget in fiscal year 2020/2021 as follows:

From: Account Number 4059900 (Pool Appropriated Fund Balance) \$13,989.31
To: Account Number 4020280 (Leisure Passes) \$13,989.31

Motioned by Trustee Dennis J. Walsh
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. 201-21

Resolved to approve the following budget transfers in the Pool Fund for FY 2020/2021:

ACCOUNT	ACCOUNT NUMBER	INCREASE	DECREASE
Supplies – Chemicals	40-7180-406-04	\$3,301.40	
Utilities – Electric	40-7180-416-00	\$2,397.35	
Telephone	40-7180-418-00	\$53.73	
Repairs – Buildings	40-7180-455-07	\$20.00	
Repairs – Planting/Spraying	40-7180-455-33	\$1,006.69	
Contingency	40-7180-465-00		\$6,779.17
	TOTAL	\$6,779.17	\$6,779.17

Motioned by Trustee George R. Durham
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. 202-21

Resolved to authorize Change Order Nos. PC-04 & PC-05 to the Well No. 1 Packed Tower Aeration System Construction project, Contract No. 3 – Plumbing Construction for the following items:

Change Order No. PC-04 – To furnish and install an additional check valve on the booster pump effluent piping, Well screen cleaning and TV inspection of the Well.

Change Order No. PC-05 – In-kind replacement of the motorized butterfly valve and actuator. And final contract amount reconciliation.

Contractor: Phillip Ross Industries

Total Cost of Change Order No. PC-04: \$10,610.00 paid from Allowance No. 3 which results in no change in total contract amount.

Total Cost of Change Order No. PC-05: \$6,145.00 paid from Allowance No. 3 which results in no change in total contract amount, and the final reconciliation of the contract amount by reducing the \$118,244.40 the total contract price from \$989,968.36, including all Change Orders to \$871,723.96

Motioned by Trustee Dennsi 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. 203-21

Resolved to authorize the installation of an on-street “Handicap Reserved” parking space in front of 32 Hampton Street, 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. 204-21

Resolved to authorize the posting of two Water Operator positions in the Water and Sewer Division.

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

Resolution No. 205-21

Resolved to authorize the posting of two Water Servicer Trainee in the Water and Sewer Division.

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. 206-21

Resolved to authorize the posting of one laborer position each in the Highway and Parks Divisions.

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

Superintendent of Buildings Daniel B. Whalen discussed the role of the new part-time Complaint Investigator’s activities, and presented a department financial report for June and July 2021.

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

Resolution No. 207-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

80 EAST OLD COUNTRY RD, LLC

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-12.B and Section 550-13 of the Code of the Incorporated Village of Mineola, at premises known as 80 East Old Country Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 298, Lots 152, 155

-----X

NAME OF APPLICANTS: 80 East Old Country Rd, LLC

SUBJECT PROPERTY: Section 9, Block 298, Lots 152, 155

STREET LOCATION: 80 East Old Country Road
Mineola, New York 11501

ZONING DISTRICT: Business "B-2" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B and Section 550-13 to establish a tutoring and learning center facility upon the Property

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

DATE OF HEARING: May 19, 2021

APPEARANCES: Robert Yeganeh, Marketing and Public Relations for tenant
Ankush Kumar, Director of Operations for tenant

DECISION:

80 East Old Country Rd, LLC (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550.12.B and Section 550-13 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a tutoring and learning center facility upon the property known as 80 East Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 298, Lots 152, 155) (hereinafter, the "Property").

By Notice of Disapproval, dated April 14, 2021, 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 to establish tutoring and learning center facility 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. Applicant submitted a special use permit application to establish a tutoring and learning center

upon the property known as 80 East Old Country Road, Mineola, New York. At the Public Hearing, it became evident that the use originally applied for in the application was not the intended use. Through questioning by the Mayor and Trustees it was disclosed that Applicant intended to operate a summer camp at this location in addition to a tutoring use. The camp would have 35 campers and 5 camp counselors. Although Applicant denied that the use was a day care center, Applicant stated that “we do have programs for working parents such as a summer camp.” In addition to using the interior of the building for its business, Applicant intended to establish an outdoor play area for the children in the adjacent parking lot. Surprisingly, Applicant intended to set up the play area in the existing parking stalls which would not only reduce available parking spaces in the lot, but would also create a situation which is inherently dangerous. Applicant did not present any type of safety plan for the play area. In fact, had it not been for the questioning by the Trustees, the plan for the play area would not have even been disclosed since the play area does not appear in the Applicant’s submission. Also troubling is the fact that Applicant lied throughout the public hearing regarding on-going construction work being performed at the building. When asked about “jackhammering” at the site, Applicant stated that “the only work we’ve been doing was some floor work and some ceiling work.” Later in the hearing Applicant admitted that it had removed a block wall in the basement but blithely stated that “there was no jackhammer needed.” Applicant was subsequently cited for numerous building code violations and substantial fines were imposed. Area residents also noted parking problems and traffic congestion in the area. One resident described the deplorable parking conditions in the area which occur as a result of full parking lots along Old Country Road causing business patrons to park in residential areas. This particular resident spoke of a number of incidents when business patrons actually parked in front of her driveway preventing her from exiting her driveway. This resident also pointed out to the Board that an adjacent restaurant uses the subject parking lot for its lunch patrons. This situation is inconsistent with the Applicant’s proposal to locate a playground in that same parking lot. Another resident echoed the parking problem in the area and traffic congestion issues along Juniper Avenue and Old Country Road. Other area residents voiced their concerns with locating a playground in a parking lot along Old Country Road with no safety plan. Applicant was unable to respond to these concerns.

Based upon the entire record, the Board finds the approval of this application 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. Further, the Board finds several significant inconsistencies in the application. The Board finds that the Applicant was deceptive in his responses to questions by the Board and that Applicant gave several contradictory statements.

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

- 1) The application was misleading, vague and incomplete.
 - 2) The intended use differed substantially from the proposed use being sought in the special use permit application.
 - 3) The outside play area in the middle of the parking lot is inherently dangerous.
 - 4) The intended use will generate excessive traffic at an already busy intersection. The area has limited parking. These issues will further aggravate the parking in the area and will lead to parking spillage into the surrounding residential neighborhoods.
 - 5) The uncertainty of the actual use leads the Board to conclude that the application will be incongruous with the neighborhood.
 - 6) The intended use represents an over-intensification of land use, a mixture of incompatible uses and a recipe for conflict with the traffic circulation of the area.
- 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
August 4, 2021

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

No

Abstain

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:25 PM.

Motioned by Trustee Dennis J. Walsh

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

Mayor Scott P. Strauss called the Public Meeting to order at 7:50 PM.

PRESENT:

Mayor Scott P. Strauss

Trustee Paul S. Cusato

Trustee Paul A. Pereira (via teleconference)

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 Observer:

Williston Times

Sunshine Observers:

6 Observers

Mayor Scott P. Strauss discussed the success of the pool season so far, and announced that the *Concerts in the Park* continue Saturday August 7 with “Touch the 80s.”

Trustee Paul A. Pereira stated that he was excited to see “Touch the 80s” Saturday at Mineola Memorial Park Amphitheater, adding that anyone who grew up on Long Island in the 90’s would know them well under their original name, “The Touch.”

Trustee Paul S. Cusato discussed the purple ribbons which have been hung around our Village and Williston Park to bring awareness to platelet disorders, and he extended condolences to the family of Mineola student Jia Printz.

Trustee George R. Durham extended condolences to the Printz family, and wished residents an enjoyable summer.

Trustee Dennis J. Walsh extended condolences to the Printz family; discussed blood and platelet donations, and encouraged residents to donate, if possible.

3 speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:15 PM.

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

Vote:

Yes

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

No

Abstain