

**Minutes - Board Meeting – 05/12/10**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 12, 2010 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**ALSO PRESENT:** Village Attorney, John M. Spellman  
Village Clerk Joseph R. Scalero  
Deputy Village Clerk Cora T. Kelly  
Superintendent of Public Works Thomas J. Rini

**Press Observer:** Rich Forestano, *Mineola American*

**Sunshine Observers:** 7 Observers

**Mayor Jack M. Martins called the Work Session to order at 6:50 PM.**

**Resolution No. 119-10**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
Seconded by Trust Lawrence A. Werther

**Vote:**

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Resolution No. 120-10**

Resolved to authorize the installation of a “Handicap Reserved” parking space at 434 Garfield Avenue on Beebe Road and at 366 Latham Road.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul A. Pereira

**Vote:**

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Resolution No. 121-10**

Resolved to authorize the Superintendent of Public Works to post for the position of Laborer in the Highway Department.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Resolution No. 122-10**

Resolved to accept the resignation and approve a lump-sum separation payout of \$38,699.86 to Laborer William Klein for unused accumulated time in accordance with the Collective Bargaining Agreement.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul A. Pereira

**Vote:**

<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>
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**Water Fund**

<u>Account Name</u>	<u>Account Number</u>	<u>Increase</u>	<u>Decrease</u>
Payment MTA Payroll Tax	20831019804	2,133.09	
Water Testing	20831043500	5,625.52	
Repairs – Building	20831045507	558.76	
Repairs - Generator Maintenance	20831045519	294.44	
Repairs - Service Materials	20831045539	2,432.06	
Repairs – Trucks	20831045547	209.73	
Repairs - Well # 4	20831045552	407.68	
Worker Compensation Insurance	20831083000		11,661.28
<b>TOTALS</b>		<b>\$11,661.28</b>	<b>\$11,661.28</b>

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

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

*Mayor Jack M. Martins commented on various flooding issues occurring at Station Plaza North and on Main Street stating that these issues are problems which should be addressed by the MTA/LIRR and that he is continuing discussions with MTA/LIRR to resolve this at their expense before spending village taxpayer funds. Mayor Martins announced that the Village of Mineola has secured grant funding from Nassau County to allow the completion of Station Plaza North by the middle of June. Mayor Martins provided an update on the Garden City Verizon facility at 13<sup>th</sup> Avenue and the ongoing discussions with Verizon and the Village of Garden City, and requested a resolution of the Board to retain an acoustical consultant to assist in the evaluation of the noise issues.*

**Resolution No. 131-10**

Resolved to approve retaining the services of Lally Acoustical Consultants to evaluate and advise with regard to noise abatement at the Garden City Verizon facility site bordering 13<sup>th</sup> Avenue.

Motioned by Trustee Lawrence A. Werther  
 Seconded by Trustee Paul A. Pereira

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

**Resolution No. 132-10**

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

In the Matter of the Application of

GARIMA 7 ENTERPRIZES, INC.

**DECISION**

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 90-08 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 336, Lots 418-432.

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NAME OF APPLICANTS: Garima 7 Enterprizes, Inc.

SUBJECT PROPERTY: Section 9, Block 336, Lots 418-432

STREET LOCATION: 90-08 Jericho Turnpike  
 Mineola, New York 11501

ZONING DISTRICT: Business "B-1" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) for interior alterations of a commercial space for the preparation and sale of food upon the property

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.  
DATE OF HEARING: April 14, 2010  
APPEARANCES: Neil Singh, Developer for Subway Sandwiches

**DECISION:**

Garima 7 Enterprizes, Inc. (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for interior alterations to convert a commercial space for the preparation and sale of food upon the property known as 90-08 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 336, Lots 418-432) (hereinafter, the "Property").

By Notice of Disapproval, dated January 14, 2010, 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 interior alterations to convert a commercial space for the preparation and sale of food 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 convert a commercial space for the establishment of a Subway Sandwich Shop upon the property known as 90-08 Jericho Turnpike;
- 2) 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-1" 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. Seating at the premises shall be limited to twelve (12) seats.
2. Oven use at the premises shall be limited to the baking of bread.
3. All putrescible waste shall be refrigerated until picked up.
4. No waste shall be placed outside the building overnight. No dumpster or waste shall be placed in the rear of the building.
5. All signage at the property shall be in conformity with the Village's regulations. Any signage not attached to the building shall be placed on the existing pylon sign only.
6. The hours of operation at the site shall be 7:00 a.m. through 9:00 p.m. Monday through Friday; 8:00 a.m. through 9:00 p.m. on Saturday; and 9:00 a.m. through 9:00 p.m. on Sunday.
7. All deliveries to the premises shall be made through the front door and trucks shall park in the front parking lot. No deliveries shall be made through the rear of the premises. Deliveries shall be made during business hours.
8. Employees of the business shall park in the municipal lot to the west of the premises.
9. The rear door of the premises shall remain closed at all times.
10. The premises, both indoor and outdoor, shall be maintained in a clean, litter-free and vermin-free condition at all times.
11. 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;
12. 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 permit; and
13. 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 13, 2010

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Thomas F. Kennedy

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**Mayor Jack M. Martins requested a motion to close the Work Session at 7:23 PM.**

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Paul S. Cusato

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira