Minutes - Board Meeting 01/02/2013

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 2, 2013 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:
Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT:
Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Village Treasurer Giacomo A. Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observer:
Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Scott Eidler, *Newsday*
Gary Simeone, *Patch .com*

Sunshine Observers: 19 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:45 PM

Resolution No. 01-13

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 Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 02-13

Resolved to authorize the following emergency repairs as a result of Hurricane Sandy:

Central Garage Roof:
Contractor: Atlas Restoration Corp. -$38,000.00

Central Garage Solar System Repairs:
Contractor: Energy by Choice - $48,632.00

Various Fencing Repairs:
Contractor: Island Fence Company

Memorial Park Tennis Court - $ 1,821.00
Wilson Park Playground - $ 1,950.00
John S. DaVanzo Pool - $ 3,940.00
Little League Field Batting Cage - $ 7,603.00

Wilson Park Playbooster Equipment Repairs:
Contractor: Site Specialists Ltd. - $8,030.00

Replacement of 2 - 4'x8' Handmade, Gold Leaf Park Entrance Signs:
Contractor: Bullseye Sign Co.

Wilson Park Entrance Sign -	$ 4,495.00
Memorial Park Entrance Sign -	$ 3,850.00

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss requested a motion to go into Executive Session at 6:50 PM

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss requested a motion to come out of Executive Session at 6:55 PM.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 03-13

Resolved to accept the resignation of Department of Public Works Mechanic, Michael Sowinski and approve a lump-sum separation payout of $3,020.63 for his unused accumulated time in accordance with the Collective Bargaining Agreement.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 04-13

Resolved to approve a request to post for a Mechanic position within the Department of Public Works.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 05-13

Resolved to approve the minutes from the meetings of the Board of Trustees of December 5, 2012, December 12, 2012 & December 19, 2012.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 06-13

Resolved to approve the following 2013 tow-car license applicants.

AAA-1	34 Charlotte Avenue	Hicksville, NY 11801
A1 Grand Auto Body Inc.	105 Herricks Road	Garden City Park, NY 11040
Albert Zolezzi Auto Body,Inc.	432 Willis Avenue	Williston Park, NY 11596
Always Towing Inc.	79 Herricks Road	Garden City Park, NY 11040
Barron Body Works	381 Sagamore Avenue	Mineola, NY 11501
C&N Collision	96 Jericho Turnpike	Floral Park, NY 11001
Cross Island Wrecker Service, Inc.	635 Commercial Avenue	Garden City, NY 11530
Frame Auto Collision, Inc.	71 Denton Avenue	New Hyde Park, NY 11040
Global Auto Recycling	534 Main Street	Westbury, NY 11590
Grand Auto Body,Inc.	98 Denton Ave.	Garden City Park, NY 11040
Jason Towing Inc.	403 South Franklin Street	Hempstead, NY 11550
July Auto Wrecking ,Inc.	20 First Avenue	Garden City Park, NY 11040
Nationwide Towing	2044 Jericho Turnpike	New Hyde Park, NY 11040
Nuzzi Brothers Auto Collision, Inc.	77 Jericho Turnpike	New Hyde Park, NY 11040
Regal Body Works, Inc.	353 Sagamore Avenue	Mineola, NY 11501
Sunset Towing Service	103 Harbor Road	Port Washington, NY 11050
T&D Towing Corporation	162 Sea Cliff Avenue	Glen Cove, NY 11542
Tip Top Auto Body, Inc.	150 Denton Avenue	Garden City Park, NY 11040

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 07-13

Resolved to approve a request by the Evening Star Quilters for use of the Village Hall Community Center auditorium and two (2) general purpose rooms for Friday, November 8, 2013 and Saturday, November 9, 2013 from 9:00 AM – 5:00 PM and Sunday, November 10, 2013 from 9:30 AM – 6:00 PM for their annual quilt show.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 08-13

Resolved to authorize a $380.00 monthly benefit payout from the Fire Service Award Fund to Mineola Fire Department Volunteer Firefighter, John Murray, pursuant to the Length of Service Awards Program (LOSAP) effective January 1, 2013.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Superintendent of Buildings Daniel B. Whalen presented a monthly department financial report for December 2012 and a status report on Winthrop University Hospital Research Center project. Superintendent Whalen reported that he had received the plans for both the Churchill and Winston projects and that the plan review for both projects has commenced.

Village Attorney John M. Spellman recommended the Board act upon a pending application which was the subject of a September 12, 2012 Public Hearing and proposed the following resolution:

Resolution No. 09-12

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

LOUIS PALUMBO

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) and Section 30.51 of the Code of the

Incorporated Village of Mineola, at premises known as 380 Sagamore Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 1.
----------X

NAME OF APPLICANTS:	Louis Palumbo
SUBJECT PROPERTY:	Section 9, Block 662, Lot 1
STREET LOCATION:	380 Sagamore Avenue 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) and Section 30.51 for the operation of an auto body repair shop upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 12, 2012
APPEARANCES:	Marco Silva, Esq. Louis Palumbo

DECISION:

Louis Palumbo (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 and Section 30.51 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the operation of an auto body repair shop upon the property known as 380 Sagamore Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 1 (hereinafter, the "Property").

By Notice of Disapproval, dated June 6, 2012, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that operating an auto body repair shop upon the Property requires a special use permit. Further, the prior property owner signed a Restrictive Covenant which runs with the land that prohibits auto body repair shops/automotive industry use upon the Property.[1] Applicant was thus required to seek relief before the Board of Trustees for a special use permit and cancellation/extinguishment of the Restrictive Covenant.

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 operate an auto body repair shop upon the Property.

[1] The Restrictive Covenant, dated May 5, 2006 was in consideration of the Incorporated Village of Mineola Board of Trustees grant of a special use permit for the operation of an auto body repair and paint shop upon the property located at 381 Sagamore Avenue, Mineola, New York.

2) There currently exists a Restrictive Covenant which runs with the land that prohibits auto body repair shops/automotive industry use upon the Property;

3) The hours of operation would be 8:00 a.m. to 6:00 p.m. Monday-Friday and 8:00 a.m. to 2:00 p.m. Saturday and closed on Sunday;

4) Applicant currently operates an auto body repair shop at 100 Windsor Avenue, Mineola, New York;

5) Applicant proposes the installation of a spray booth;
6) The physical condition of the area has improved since the Restrictive Covenant was executed. Further, the economic conditions have deteriorated over this same period;

7) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village with no substantial impact to the area.

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. Based upon the original purpose of the restrictive covenant, to wit the prevention of an auto body repair shops/automotive industry use opening upon the property without review by the Board of Trustees and further based upon the improved area and the current economic climate, the Board finds that the Restrictive Covenant no longer serves the intended purpose and thus, has no substantial benefit to the Village. 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 and no work shall be performed on any vehicle outside of the building;

2) All customer vehicles shall be stored off-street;

3) Applicant shall obtain all necessary licenses, permits and approvals from all interested governmental agencies having jurisdiction prior to operation and shall remain in compliance at all times;

4) Vehicles shall not be permitted to idle upon the Property;

5) The property shall be maintained in a clean and broom-swept condition at all times;

6) 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 it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;

7) 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

8) 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.

IT IS THEREFORE FURTHER RESOLVED that the Restrictive Covenant, dated May 5, 2006 is **EXTINGUISHED AND CANCELED.**

Dated: Mineola, New York
January 23, 2013

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
	Trustee Paul S. Cusato	
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:09 PM.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Mayor Scott P. Strauss called the Public Meeting to order at 7:35 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT: Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly

Press Observer: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Scott Eidler, *Newsday*
Gary Simeone, *Patch .com*

Sunshine Observers: 19 Observers

Mayor Scott P. Strauss commented that the Mineola Fire Department "Operation Santa" was once again a huge success, visiting approximately 200 homes and countless children. Mayor Strauss reminded residents about the "snow ordinance" and warned residents that we will be ticketing those that are not in compliance anytime 2 inches of snow falls; and reminded residents and businesses to please clear snow from hydrants and corner walkways. Mayor Strauss encouraged residents to sign up for email alerts on the Village of Mineola website so that they can be instantly

alerted of Village news. Mayor Strauss stated his disappointment with United States House of Representatives in failing to pass the Hurricane Sandy Relief package and recommended that residents contact Senators Charles Schumer and Kirsten Gillibrand and Rep. Carolyn McCarthy and House Speaker John Boehner, letting them know how disappointed Long Island residents are and requesting they reconsider passing the bill. Mayor Strauss extended his best wishes for a Happy New Year.

Trustee Lawrence A. Werther wished all residents a Happy New Year and requested residents support our local merchants.

Trustee Paul S. Cusato expressed his best wishes for a Happy New Year and commented that the bus drive at the Jackson Avenue School is nearly completed.

Trustee Paul A. Pereira wished everyone a Happy New Year.

Trustee George R. Durham reported that he received a postcard from the Town of North Hempstead stating that the Bruce Terrace Flood Mitigation project is underway and wished all residents a Happy New Year.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 7:45 PM.

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

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		