Minutes - Board Meeting 02/05/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 5, 2014 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 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:	*Mineola American* *Williston Times*
Sunshine Observers:	8 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:35 PM

Resolution No. 25-14

Resolved to approve bills and payroll.

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. 26-14

Resolved to approve the minutes from the meetings of the Board of Trustees of January 8, 2014.

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. 27-14

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 7, 2014 and Saturday, November 8, 2014 from 9:00 AM – 5:00 PM and Sunday, November 9, 2014 from 9:30 AM – 6:00 PM for its quilt show.

Motioned by Trustee Paul A. Pereira
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. 28-14

Resolved to approve a request by The Nassau Pops Symphony Orchestra for the use of Memorial Park Friday, July 11, 2014 and Friday, August 1, 2014 in conjunction with the Village of Mineola Summer Concert Series.

Motioned by Trustee Paul A. Pereira
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. 29-14

Resolved to approve a request by Stephania Catering to renew a permit to operate a catering truck in the Village of Mineola Monday – Friday from 7:00 AM until 2:00 PM along the following approved route, at the request of businesses within the commercial district:

COMPANY	ADDRESS	CITY/STATE	TIMES (EST)
Allenair	255 East Second Street	Mineola, NY	7:00 AM -12:25 PM
Allel Bldg	329 Sagamore Avenue	Mineola, NY	7:30 AM
Riverhead	303 Roslyn Road	Mineola, NY	7:40 AM – 2:00 PM
Baron	380 Sagamore Avenue	Mineola, NY	7:50 AM –11:40 AM
Agrecolor	400 Sagamore Avenue	Mineola, NY	7:55 AM – 1:15 PM
Window	400 Sagamore Avenue	Mineola, NY	7:55 AM – 1:15 PM
Hawthorne Srv	545 Willis Avenue	Williston Park, NY	8:30 AM –11:40 AM
Blue Chip Auto	708 Willis Avenue	Williston Park, NY	8:15 AM –11:30 AM
Auto Body	40 Windsor Avenue	Mineola, NY	9:20 AM – 1:00 PM
Mineola-Exxon	263 E. Jericho Tpks	Mineola, NY	9:10 AM – 1:55 PM
Great Neck Saw	165 East 2nd Street	Mineola, NY	10:00 AM –12:10 PM
Mineola Memorial Library	195 Marcellus Road	Mineola, NY	9:00 AM

Motioned by Trustee Dennis 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. 30-14

Resolved to approve a request from The Birchwood Court Owners, Inc. for use of the Community Center auditorium for its annual shareholder meeting Thursday May 8, 2014 from 7:00 PM to 9:00 PM.

Motioned by Trustee Paul S. Cusato
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. 31-14

Resolved to approve a request by the Mineola Athletic Association (MAA) for use of the Community Center auditorium and a general purpose room for MAA Sports Picture Day Thursday, May 29, 2014 from 4:00 PM – 9:00 PM.

Motioned by Trustee George R. Durham
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. 32-14

Resolved to approve Election Inspectors and Alternates for the March 18, 2014 Village Elections.

Jessica Behrman	Edward McGuinty	Michael Coniglio	Neil Stuber
Nora Coniglio	Alice McGuinty	Richard Ayers	Margaret Stith
Vincent DeStefano	Michael Vezzi	Sarah Coyne	Warren Marcus
Donald Hammond	Christine Ambrose	Linda Traina	Bob Small
Maryann Iaquinto	Kelen J. Rosier	Kathy Wellenbrink	Christopher Stuber
Marian Kessler	Thomas Mahoney	Madeline Piloto	Mary Calapietra
Carolina Macedo	David P. Keefer	Neil Piloto	Josephine Hardy
Louise Palumbo	Vincent Sansone	Brenda Kennedy	Missy Bergerman
Eugene Rafferto	Patricia E. Santosus	Florence Marcus	
Flore Rowe	Frank Iaquinto	Elizabeth McMahon	
Barbara Thompson	Marta DeSousa	Shirley Florio	

Motioned by Trustee Dennis 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. 33-14

Resolved to authorize the following payment from Development Incentive Bonus Funds in FY 2013/2014:

Vendor:	Dvirka & Bartilucci Consulting Engineers
Project:	Memorial
Amount:	$997.47

Motioned by Trustee Paul A. Pereira
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. 34-14

Resolved to accept the Length of Service Award Program (LOSAP) point certification for 2013 as set forth by the Mineola Fire Department.

Motioned by Trustee Paul A. Pereira
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. 35-14

Resolved to authorize a public bid for the purchase and installation of three new dump bodies for Highway Trucks #11, #12, & #13.

Budget Estimate: $ 66,000.00

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. 36-14

Resolved to authorize the purchase of one (1), new 2015 International Workstar 4300 4x2 Chassis with a Truck Mounted Sewer Cleaning Company of America sewer jet with 1,500 gallon water capacity from the Onondaga County Contract Reference No. 7823 with 7-year warranty on the engine, 3-year warranty on the transmission, and 1-year warranty on the sewer jet. All warranties are full coverage for parts and labor.

Budget Price: $ 249,161.00
Delivering Dealer: Syosset Trucks

Motioned by Trustee George R. Durham
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. 37-14

Resolved to authorize the purchase of one (1), new 2015 International Workstar 4300 4x2 Chassis with Altec 75-Foot Elevated Aerial Device from the Onondaga County Contract Reference No. 7823 with 7-year warranty on the engine, 3-year warranty on the transmission and 3-year warranty on the aerial and elevator device. All warranties are full coverage for parts and labor.

Budget Price: $ 184,066.00
Delivering Dealer: Syosset Trucks

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		

Superintendent of Public Works Thomas J. Rini reminded residents of the Sanitation Holiday Schedule in effect for Wednesday February 12, 2014 in observance of Lincoln's Birthday and for Monday February 17, 2014 in observance of Presidents' Day and presented a progress report on snow clearance and the current shortage of salt used to keep our roads clear.

Superintendent of Buildings Daniel B. Whalen presented a report on the various ongoing construction projects throughout the village and gave a department financial report for January 2014.

Resolution No. 38-14

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

WING H. LAW

For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 70 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lot 93.
----------X

DECISION

NAME OF APPLICANTS: Wing H. Law

SUBJECT PROPERTY:	Section 9, Block 366, Lot 93
STREET LOCATION:	70 East Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a used car sales/auto repair and hand car wash and detailing upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 11, 2013
APPEARANCES:	Wing H. Law and Gloria Ma

DECISION:

Wing H. Law (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.12.B of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a used car sales, auto repair and hand car wash and detailing shop upon the property known as 70 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lot 93) (hereinafter, the "Property").

By Notice of Disapproval, dated October 24, 2013, 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 establishment of a used car sales, auto repair and hand car wash and detailing shop 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.

A referral of the application was made to the Nassau County Planning Commission on November 21, 2013. By letter, dated November 27, 2013, 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 used car sales, auto repair and hand car wash and detailing shop upon the property known as 70 East Jericho Turnpike, Mineola, New York;

2) Applicant would lease the property from current property owner;

3) Applicant operates another auto business, Cross Country Auto, located at 135-07 38th Avenue, Flushing, New York;

4) Applicant proposes to store twenty (20) vehicles on the Property;

5) Applicant proposes to service vehicles on the Property;

6) Applicant proposes to operate a hand car wash and detailing on the Property;

7) Applicant proposes to operate a mobile food truck on the Property;

8) Applicant does not currently have a mobile food license from Nassau County;

9) Applicant does not currently have a mobile food license from the Village of Mineola;

10) Applicant does not currently have a mobile food truck registered with the New York State DMV;

11) Applicant does not currently have a retail car dealer license from New York State;

During the public hearing, Applicant made statements which were in stark contrast to the original application submitted for this Board's consideration and to the above-referenced representations.

1) Applicant was asked whether the office space attached the garage bays was large enough for a used car dealer to interact with buyers and sellers, as well as, provide a waiting room for people having their cars serviced. Applicant stated it was small and wanted "permission to add another, like a trailer." Applicant did not supply any plans, drawings or details with respect to size and location of the proposed office trailer;

2) Applicant was asked whether he had a traffic flow plan/pattern for the proposed uses at the Property. Applicant was asked whether he had a parking plan for the proposed storage of vehicles at the Property. Applicant did not supply the Board with any plans or drawings. Rather, Applicant used a blank piece of paper in an attempt to orient the Board to the Property and the proposed uses, but did not make any markings or inscriptions upon the paper. As a result, if there was a plan, it was incomprehensible.

3) Applicant was asked about how he would address the water runoff from the hand car wash, Applicant was unaware of any regulations/requirements and stated that he would need to "find out."

4) The Application sought approval for a mobile food trailer. Applicant stated that it would be selling coffee, light breakfast and some refreshments. Applicant then indicated that he would be doing cooking in the trailer and would be serving lunch.

5) When asked about the number of employees at the Property, Applicant was unclear as to the number of employees and location of employee parking.

6) Mr. Ralph Sansone, Owner of the Property, appeared at the Public Hearing and categorized the Application as "completely overreaching." Mr. Sansone stated he was

"a little bit in shock." He believed the special permit was for a wholesale/retail car lot. He stated the Applicant is "saying 20 cars. I don't know how he's going to work it out." There is thus a question as to whether there is a continued consent by the owner of this property to this application as presented.

Based upon the entire record, the Board finds several inconsistencies with this application and that it is incomplete on its face. The Board is particularly concerned about the many vague and at times contradictory statements made by and on behalf of the Applicant on the record. Furthermore, the Board is doubtful about the legitimacy of the proposed operation in light of the vague and contradictory testimony given at the hearing.

The approval of this application would not be in the best interest of the health, safety and welfare of the community. The Application consists of an over-intensification of land use, a mixture of incompatible uses and a recipe for conflict with neighboring properties. The Board concludes that the Applicant has failed to meet its burden with regard to the legality and propriety of the proposed application.

IT IS THEREFORE RESOLVED, that the special use permit is **DENIED**.

Dated: Mineola, New York
February 5, 2014

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes	**No**	**Abstain**
Trustee George R. Durham		
		Trustee Paul A. Pereira
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		
Mayor Scott P. Strauss		

Mayor Scott P. Strauss requested a motion to go into Executive Session at 7:37 PM

Motioned by Trustee Paul A. Pereira
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		

Mayor Scott P. Strauss requested a motion to come out of Executive Session at 7:50 PM.

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		

Mayor Scott P. Strauss stated that no action was taken in Executive Session.

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:50 PM.

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		

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
Trustee George R. Durham
Trustee Dennis J. Walsh

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: *Mineola American*
Williston Times

Sunshine Observers: 8 Observers

Mayor Scott P. Strauss commended the Department of Public Works for their efforts in clearing snow from village streets, requested residents when clearing snow on their property not throw it back onto village streets, reminded residents of the requirement to remove their vehicles from the streets when it snows, and requested residents to clear snow from around fire hydrants. Mayor Strauss stated that he had the privilege of swearing in Superintendent of Public Works Thomas Rini as President of the American Public Works Association (APWA), congratulated him and wished him well.

Trustee Paul A. Pereira encouraged residents to sign up for e-Notifications on the Village of Mineola's website to stay informed during snow emergences; reminded residents of the red light cameras soon to be operational in Mineola, and stated that he attended the Kiwanis Pancake Breakfast commenting on it being a great event.

Trustee Paul S. Cusato thanked the Kiwanis Club for its hospitality and stated what a wonderful event the pancake breakfast was. Trustee Cusato thanked the Mineola Historical Society for its efforts in identifying some of the older photographs of Mineola, recognizing this work can be rather tedious.

Trustee George R. Durham congratulated the Boy Scouts of America Troop 45 for its victories in the Klondike Derby; attended the Blue & Gold Dinner with Senator Jack Martins and congratulated the eight cub scouts who received the highest honor, the Arrow of Light Award. Trustee Durham reported that the Kiwanis Club Pancake Breakfast was a great event.

Trustee Dennis Walsh reminded residents of the New York State Home Energy Assistance (HEAP) program for any resident in need of heating assistance; encouraged residents to support the Island Harvest food pantry, and to donate blood during the current shortage. Trustee Walsh also reminded residents of the regulations requiring them to keep cars off village streets during snow storms to aid in our plowing effects.

Mayor Scott P. Strauss encouraged residents to support the Junior Mineola Fire Department Pasta Dinner on March 9 and noted that Mineola Patch.com has gone out of business and wished Geoffrey Walter good luck.

No Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:05 PM.

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		