

**Minutes - Board Meeting – 06/11/2014**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 11, 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 Clerk Joseph R. Scalero  
John Gibbons, Esq. for Village Attorney  
Deputy Village Clerk Cora T. Kelly  
Superintendent of Public Works Thomas J. Rini

**Press Observers:** *Mineola American*  
*Williston Times*

**Sunshine Observers:** 14 Observers

**Mayor Scott P. Strauss called the Public Hearing to order at 6:40 PM**

*A Public Hearing was held 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING CHAPTER 550 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING” TO CREATE SECTION 550-62, ENTITLED “RESIDENTIAL BUILDINGS WITH TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION, NOTICE REQUIREMENTS”.**

*1 Speaker addressed the Board*

**Resolution No. 149-14**

Resolved to approve the proposed local law amending Section 550 of the Municipal Code of the Incorporated Village of Mineola, entitled “Zoning” to create Section 550-62, entitled “Residential buildings with truss type, pre-engineered wood or timber construction, notice requirements”.

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

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

**Resolution No. 150-14**

*A Public Hearing was held 6:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING CHAPTER 54 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ETHICS" BY ADDING THERETO ARTICLE II, ENTILTED "CODE OF ETHICS".**

*2 Speakers addressed the Board*

**Resolution No. 151-14**

Resolved to approve the proposed local law amending Chapter 54 of the Municipal Code of the Incorporated Village of Mineola, entitled "Ethics" by adding thereto Article II "Code of Ethics".

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

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

**Resolution No. 152-14**

*A Public Hearing was held 7:15 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING CHAPTER 115 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "OFFICERS AND EMPLOYEES" TO ESTABLISH THE QUALIFICATIONS AND DESIGNATIONS OF PERSONNEL**

*No Speaker addressed the Board*

**Resolution No. 153-14**

Resolved to approve the proposed local law amending Chapter 115 of the Municipal Code of the Incorporated Village of Mineola, entitled "Officers and Employees" to establish the qualifications and designations of officers, officials and personnel.

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

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

**Resolution No. 154-14**

*A Public Hearing was held 7:20 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**PROPOSED LOCAL LAW AMENDING CHAPTER 550 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING" SECTION 550-20, ENTITLED "REQUIRED PARKING", TO ESTABLISH THE NUMBER OF PERMITTED DRIVEWAYS FOR EACH PRINCIPAL RESIDENTIAL STRUCTURE;**

*2 Speakers addressed the Board*

**Resolution No. 155-14**

Resolved to approve the proposed local law amending Section 550-20 of the Municipal Code of the Incorporated Village of Mineola, entitled "Required parking", to establish the number of permitted driveways for each principal residential structure.

Motioned by Trustee Dennis J. Walsh  
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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 close the hearing at 7:30 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		

**Mayor Scott P. Strauss called the Work Session 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 Clerk Joseph R. Scalero  
John Gibbons, Esq. for Village Attorney  
Deputy Village Clerk Cora T. Kelly  
Superintendent of Public Works Thomas J. Rini

**Press Observers:** *Mineola American*  
*Williston Times*

**Sunshine Observers:** 3 Observers

**Resolution No. 156-14**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
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. 157-14**

Resolved to award the Community Pool Shuttle Service Bid, with one year extension option clause, to All Island Transportation, Inc. at the bid price of \$6,958.00.

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		

*Village Clerk Joseph R. Scalero announced that there were no submissions received on the Snack Stand Concession RFP for the John S. DaVanzo Community Pool.*

**Resolution No. 158-14**

Resolved to authorize the annual \$1.00/hour stipend for Certified Pool Operators Michael Palumbo and Sean McCrave, effective 6/12/14 – 9/3/14.

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. 159-14**

Resolved to authorize the hiring of five additional seasonal personnel for the pool and parks.

Roger Myrto	Drew Kane
Adriana McKeeve	Catherine Barbino
	Brenda Philbin

Motioned by Trustee George R. Durham  
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. 160-14**

Resolved to accept the resignation of Laborer Nicholas DiPasquale and approve a lump-sum separation payout of \$1,545.60 for unused accumulated time in accordance with the Collective Bargaining Agreement.

Motioned by Trustee Paul A. Pereira  
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. 161-14**

Resolved to approve a request to post for a Laborer position within the Highway Department.

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

**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		

*Superintendent of Public Works Thomas Rini announced that the pool is ready for opening day on June 14, 2014.*

**Resolution No. 162-14**

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

In the Matter of the Application of

MUSSINA MINEOLA, LLC  
(WALGREEN'S)

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 12 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lots 1-15, 70-75, 92.

**DECISION**  
-----X

Mussina Mineola, LLC, on behalf of Walgreen's (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 Walgreen's Pharmacy with food sale upon the property known as 12 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lots 1-15, 70-75, 92) (hereinafter, the "Property").

Applicant also seeks final site plan approval for the establishment of a Walgreen's Pharmacy pursuant to Chapter 198, Section 198-6 of the Municipal Code of the Incorporated Village of Mineola.

By Notice of Disapproval, dated March 17, 2014, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations, specifically: the sale of food requires a special use permit. As a result of the application's noncompliance with zoning code regulations, Applicant was entitled 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. 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) The applicant is seeking a special use permit to sell food in conjunction with a Walgreen's pharmacy upon the Property known as 12 East Jericho Turnpike;
- 2) The retail use (Pharmacy) is a permitted as of right use in the B-1 Zone;
- 3) The proposed use includes a 24-hour drive-thru window for the pick-up of prescriptions only;
- 4) The applicant is proposing two (2) curb cuts on Jericho Turnpike and one (1) curb cut on Roslyn Road. The eastern most curb cut on Jericho Turnpike will be full movement, the western curb cut on Jericho Turnpike will be right in/right out, the curb cut on Roslyn Road will be all movements, except left turns out;
- 5) The proposed use will provide a desirable service and convenience to the Village;
- 6) The subject Property will provide adequate parking (71 spaces) to accommodate patrons of the proposed pharmacy;
- 7) Refuse will be carted by a private company at the expense of the applicant; and

- 8) Deliveries shall be during non-peak traffic hours and shall not be earlier than 7:00a.m. or later than 8:00p.m.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious with 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 Final Site Plan Approval is **GRANTED** and that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) The Property shall be maintained in a clean and broom-swept condition at all times. All landscaping shall be properly maintained. Snow shall be removed promptly from all sidewalks surrounding the Property;
- 2) The garbage dumpster on the Property 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. All putrescible waste shall be refrigerated indoors until pick-up;
- 3) Perimeter fencing around the Property shall be of closed construction, shall be six (6') feet in height along Arlington Road and the eastern boundary line and shall be four (4') feet in height along Roslyn Road. The design of the fencing shall be subject to approval by the Building Department. Fencing shall be graffiti-proof and any graffiti placed on the fence or building shall be removed immediately.
- 4) No sign shall have scrolling capabilities to advertise any promotions;
- 5) No entrance/exit on Arlington Road including during the construction phase of the project;
- 6) Closed-circuit security cameras shall be installed at the Property;
- 7) No outdoor storage shall be maintained on the Property;
- 8) Panel truck deliveries shall be made through the front entrance of the Building. Tractor trailer deliveries shall be made to the rear. The timing of deliveries to the proposed site shall be during non-peak traffic hours and shall not be earlier than 7:00a.m. or later than 8:00p.m.;
- 9) A full landscape plan shall be submitted to the Building Department for approval. The landscaping shall be appropriately irrigated and maintained at all times. A streetscape plan employing the paver, lighting and street furniture design pallet for Roslyn Road and Jericho Turnpike shall be submitted and, upon approval, implemented;
- 10) A "no left turn" sign shall be installed at the western Jericho Turnpike exit and at the Roslyn Road exit. Further, a "no left turn" sign shall be installed facing eastbound traffic on Jericho Turnpike regarding the western curb cut entrance;
- 11) All employees shall be required to park upon the Property;

- 12) All lighting shall be designed such that it shall shine upon the Property only and shall not be directed towards any neighboring residences;
- 13) No telecommunications towers shall be located at the site;
- 14) The site shall be served by a private sanitation carter at the expense of the applicant. Garbage pick-up shall be during non-peak traffic hours and shall not be earlier than 7:00a.m. or later than 8:00p.m.;
- 15) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of entrance into and exit from the Property. In the event that such entrance/exit shall require modification, the Applicant shall make further application before the Board of Trustees for a amendment of this approval or the Board of Trustees shall direct such modification;
- 16) 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;
- 17) 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
- 18) 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 Property to all penalties set forth in the Zoning Law.

Dated: Mineola, New York  
June 11, 2014

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

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

**Mayor Scott R. Strauss requested a motion to close the Work Session at 8:15 PM**

Motioned by Trustee Paul A. Pereira  
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		