Minutes - Board Meeting – 06/18/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 18, 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 Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	20 Observers

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

A Public Hearing was held 6:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

> **APPLICATION OF MAXIM HYGIENE PRODUCTS FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.12 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE SALE OF FOOD AND BOTTLED DRINKS UPON THE PROPERTY KNOWN AS 121 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 267, LOTS 1-4; and**

No Speakers addressed the Board

Resolution No. 163-14

Resolved to declare the application of Maxim Hygiene products for a special permit at 121 E. Jericho Turnpike, Mineola NY as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Paul A. Pereira
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. 164-14

Resolved to approve application of Maxim Hygiene Products for a special use permit at the property known as 121 E. Jericho Turnpike, Mineola NY.

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

In the Matter of the Application of

MAXIM HYGIENE PRODUCTS

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 121 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 267, Lots 1-4.

DECISION

----------X

NAME OF APPLICANT:	Maxim Hygiene Products
SUBJECT PROPERTY:	Section 9, Block 267, Lots 1-4
STREET LOCATION:	121 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) for the sale of food and bottled drinks upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 18, 2014

DECISION:

Maxim Hygiene Products (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 for the sale of food and bottled drinks upon the property known as 121 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 267, Lots 1-4) (hereinafter, the "Property").

By Notice of Disapproval, dated April 8, 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 and bottled drinks upon the Property known as 121 East Jericho Turnpike, Mineola, New York;

2) The applicant is a distribution company for personal care products;

3) The applicant is proposing to utilize the front of the building as a showroom and retail space;

4) The applicant will be selling only 100% organic and natural prepackaged/canned foods and bottled beverages at the Property;

5) The applicant will not prepare, cook or make any food upon the Property; and

6) The hours of operation will be Monday-Saturday, 9:00 AM to 6 PM.

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 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.

2) All deliveries shall be during store hours;

3) The applicant will not prepare or cook food upon the Property;

4) All lighting shall be designed such that it shall shine upon the Property only and shall not be directed towards any neighboring residences;

5) The operation of the business shall be self-contained on the Property. Applicant shall not utilize Village streets/sidewalks for loading and unloading of good and materials;

6) 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;

7) 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;

8) 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

9) 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 18, 2014

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

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. 165-14

A Public Hearing was held 7:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF ARIS PAPANGELOPOULOS FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.12 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE AN AUTO REPAIR AND MAINTAENANCE BUSINESS UPON THE PROPERTY KNOWN AS 188 HERRICKS ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 38, LOT 150.

2 Speakers addressed the Board

John P. Gibbons, Esq. stated this is an unlisted action and that Nassau County Planning Board recommended local determination.

Resolution No. 166-14

Resolved to approve the application of Aris Papangelopoulos for a special use permit at property known as 188 Herricks Road, Mineola.

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

In the Matter of the Application of

ARIS PAPANGELOPOULOS

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 188 Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 38, Lot 150.

DECISION

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NAME OF APPLICANT:	Aris Papangelopoulos
SUBJECT PROPERTY:	Section 9, Block 38, Lot 150
STREET LOCATION:	188 Herricks Road 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) for an auto repair and maintenance business upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 18, 2014
APPEARANCES:	Aris Papangelopoulos, Business Owner

DECISION:

Aris Papangelopoulos (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 for an auto repair and maintenance business upon the property known as 188 Herricks Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 38, Lot 150) (hereinafter, the "Property").

By Notice of Disapproval, dated April 1, 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 establishment of an auto repair and maintenance business 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 establish an auto repair and maintenance shop upon the Property known as 188 Herricks Road, Mineola, New York;

2) The applicant currently operates an auto repair business at 290 Broadway, Garden City Park, New York;

3) The hours of operation will be Monday-Friday, 8:00 AM to 6:00 PM and Saturday, 8:00 AM to 3:00 PM. Closed on Sunday;

4) The applicant intends to install a garage door for vehicle entrance off of Herricks Road; and

5) The applicant will not sell, prepare, cook or make any food upon the Property.

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 Special Use Permit is **GRANTED** subject to the following conditions:

6) The Property shall be maintained in a clean and broom-swept condition at all times.

7) All deliveries shall be during business hours;

8) No repair work shall be performed upon the exterior premises of the Property;

9) There shall be no painting or auto body work performed upon the Property;

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

11) Applicant shall not test drive any vehicles upon any residential streets;

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) The operation of the business shall be self-contained on the Property. Applicant shall not utilize Village streets and sidewalks for parking/repairing vehicles;

14) 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;

15) 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;

16) 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

17) 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 18, 2014

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

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 close the hearing at 7:50 PM.

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		

Mayor Scott P. Strauss called the Public Meeting to order at 8:05 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

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 13 Observers

Mayor Scott P. Strauss stated that he administered the swearing-in of the new officers of the Golden Age Club, the Leisure Club, and the Mineola Chamber of Commerce wishing them good luck in the coming year. Mayor Strauss reported on the Portugal Day Parade commenting how wonderful the event was and congratulating all those involved on a job well done; announced that the John S. DaVanzo Community Pool would be opening Saturday June 14 and encouraged residents to come and enjoy the pool. Mayor Strauss stated that he will swear in Village Clerk Joseph R. Scalero upon his election of President of the Long Island Village Clerk Treasurers' Association (LIVCTA) on June 19 and congratulated him.

Trustee Paul A. Pereira commented on what a great event the Portugal Day Parade was and thanked everyone involved for their efforts in making this a successful event. Trustee Pereira reported on both the Mineola High School Senior Award Breakfast and the Mineola Pool

Opening on June 14.

Trustee Paul S. Cusato reported on how wonderful the parade was and thanked everyone for their efforts which resulted in a great success. Trustee Cusato congratulated Bill Greene on his re-election as President of the Mineola Chamber of Commerce and reported on the Boy Scouts of America Troop 45 Father's Day Pancake Breakfast. Trustee Cusato expressed his condolences to the family of William D'Avanzo.

Trustee George R. Durham reported on how thoughtfully planned out the Portugal Day Parade was; reported on the pool opening on Saturday June 19; reported on the Mineola Fire Department Installation Dinner; and reported on the Boy Scouts of America Troop 45 Father's Day Pancake Breakfast.

Trustee Dennis Walsh commented on the Portugal Day Parade and thanked Chief Spae of the Mineola Auxiliary Police Department and his staff for their efforts during this event. Trustee Walsh announced that the Portuguese Heritage Society will be holding their festival on Saturday June 21 through Sunday June 22 and encouraged residents to come out and support them. Trustee Walsh reported on the Mineola Chamber of Commerce dinner meeting and reported on Ex-Chief Rob Connolly's presentation on Knox Boxes and carbon monoxide detectors. Trustee Walsh expressed his condolences to the family of William D'Avanzo.

3 Speakers addressed the Board

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

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		

Mayor Scott P. Strauss called the Work Session to order at 8:35 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
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	3 Observers

Resolution No. 167-14

Resolved to approve bills and payroll.

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. 168-14

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

John Brady	Company #3
Daniel Dempsey	Company #2
Jonmichael Schiavone	Company #2
Madison Wolf	Company #2

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. 169-14

Resolved to approve a 3-year Range Permit at 89 Mineola Boulevard for Michael Britt Firearms.

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. 170-14

Resolved to request the adoption of the following resolution to participate in the 2014 Nassau County Hazard Mitigation Plan:

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
RESOLUTION ADOPTING THE NASSAU COUNTY
HAZARD MITIGATION PLAN

WHEREAS, the Incorporated Village of Mineola, with the assistance from D & B Engineers & Architects, has gathered information and prepared a plan as part of the Nassau County Hazard Mitigation Plan ("Plan"); and

WHEREAS, the Nassau County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Incorporated Village of Mineola, is a local unit of government that has afforded its citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Incorporated Village of Mineola has reviewed the Plan and affirms that its portion of the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED that the Incorporated Village of Mineola adopts the Nassau County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute its portion of the Plan.

ADOPTED this 18th day of June, 2014 at the meeting of the Incorporated Village of Mineola Board of Trustees.

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		

John Gibbons Esq. recommended the following resolution:

Resolution No. 171-14

Resolved that the Mayor, Scott P. Strauss, is authorized to execute an Ambulance Services Agreement on behalf of the Incorporated Village of Mineola with the Mineola Volunteer Ambulance Corps.

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		

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:45 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		