Minutes - Board Meeting – 04/9/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, April 9, 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 Observers:
Mineola American
Williston Times

Sunshine Observers: 8 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM

A Public Hearing was held 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

NOTICE IS HEREBY GIVEN THAT THE TENTATIVE BUDGET FOR THE YEAR 2014/2015 HAS BEEN COMPLETED BY THE BUDGET OFFICER AND FILED IN THE OFFICE OF THE VILLAGE CLERK IN THE VILLAGE HALL, 155 WASHINGTON AVENUE, MINEOLA, NEW YORK WHEREIN SAME WILL REMAIN OPEN FOR INSPECTION BY THE GENERAL PUBLIC, BETWEEN THE HOURS OF 8:30 A.M. AND 4:30 P.M. UNTIL APRIL 9, 2014 WHEN A PUBLIC HEARING WILL BE HELD IN THE VILLAGE HALL OF THE INCORPORATED VILLAGE OF MINEOLA, 155 WASHINGTON AVENUE, MINEOLA, NEW YORK 11501 AT 6:30 P.M. TO CONSIDER SAID BUDGET FOR FINAL ADOPTION.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the hearing at 7:15 PM.

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		

Mayor Scott P. Strauss called the Work Session to order at 7:15 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
Village Treasurer Giacomo A. Ciccone
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 5 Observers

Resolution No. 74-14

Resolved to approve bills and payroll.

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. 75-14

Resolved to approve the minutes from the meetings of the Board of Trustees of March 5, 2014 and March 12, 2014 and March 19, 2014, as amended.

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. 76-14

Resolved to authorize Morwood Oaks Management Associates, LLC. to conduct a Gross Tax Receipt audit on behalf of the Village of Mineola.

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. 77-14

Resolved to authorize the Village Clerk to engage General Code to preform microfilming and digitizing of permanent records as part of a New York State SARA Local Government Records Management Grant.

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. 78-14

Resolved to approve a request by Boy Scout Troop 45 for the use of a section of the John S. DaVanzo Community Pool for merit badge programs on five consecutive Monday nights: July 28, August 4, August 11, August 18, and August 25, 2014.

Motioned by Trustee George R. Durham
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. 79-14

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

Timothy Batjer Company #3

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. 80-14

Resolved to accept the resignations of the following employees and lump-sum separation payouts for unused accumulated time in accordance with the Collective Bargaining Agreement adopted village policy:

Village Auditor - Beata Arnold	$ 475.96
Justice Court Clerk – Martha Teixeira	$3,246.11

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		

Village Clerk Joseph R. Scalero reported on the new sanitation mailers sent to all residents, explained the information contained therein, and discussed the expected publication frequency for succeeding years.

Resolution No. 81-14

Resolved to authorize payments totaling $20,401.68 from Development Incentive Bonus Funds in FY 2013-14.

Vendor	Amount	Project
Dvirka & Bartilucci Consulting Engineers	$15,576.00	Memorial Park
Dvirka & Bartilucci Consulting Engineers	$ 4,448.53	Memorial Park
Dvirka & Bartilucci Consulting Engineers	$ 377.15	Memorial Park
Total	$20,401.68	

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. 82-14

Resolved to approve a request by the Mineola Fire Department for budget transfers in the amount of $5,125.12 between the following lines:

From:	(Contingency)	$1,922.40
	(Jr. Firefighter Insurance)	$ 94.00
	(On-Duty Disbursements)	$ .03
	(Postage)	$ 413.76
	(Dues and Conferences)	$1,029.08
	(Defensive Driving)	$ 150.00
	(Service Award Program)	$1,515.85
	Total transferred:	$5,125.12
To :	(Fire Prevention)	$ 235.58
	(Repairs - Buildings)	$4,889.22
	(Serial Bonds –Interest)	$ 0.32
	Grand Total transferred:	$5,125.12

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. 83-14

Resolved to authorize the One-Year Contract extension provision of the current 2012 Uniform Contract (2-year contract) with Eighth Street Designs.

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. 84-14

Resolved to authorize Change Order No. 1 to the existing Uniform Contract with Eighth Street Designs adding the following items and unit prices for compliance with ANSI 107-2010 for Safety Apparel:

- Game 1370 Municipality Jacket including silk screened Village Logo at $58.00 each and $2.00 per size over Extra Large, Tall Sizes add $5.00
- Game 1380 All State Parka including silk screened Village Logo at $46.00 each and $2.00 per size over Extra Large, Tall Sizes add $5.00
- Game 8260 Maintenance Hoodie Sweatshirt including silk screened Village Logo at $42.00 each and $2.00 per size over Extra Large, Tall Sizes add $5.00
- Game 221R Wicking Pocket Safety Tee including Village Logo at $ 15.00 each and $2.00 per size over Extra Large
- Game 1450 Safety Rain Pants at $ 29.00 each and $2.00 per size over Extra Large
- Bayside 1701 50/50 Safety Tee including silk screened Village Logo at $7.50 each and $2.00 per size over Extra Large
- Bayside 1715 50/50 Safety Long Sleeve Tee including silk screened Village Logo at $11.00 each and $2.00 per size over Extra Large.

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. 85-14

Resolved to authorize Village Engineers, Dvirka & Bartilucci to perform engineering design services and construction inspection for the following projects:

Rehabilitation of Roosevelt Avenue & Searing Avenue - $ 5,000.00
Concrete Rehabilitation of Frank Avenue - $ 6,500.00
Rehabilitation of Wilson Park Parking Lot - $ 9,450.00

Construction Inspection for all projects listed above are charged on an hourly basis with a 2.75% multiplier

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. 86-14

Resolved to authorize the replacement of damaged driveway apron curb and sidewalk for Parking Field No. 19 and repairs to the curb and miscellaneous sidewalk in front of Village Hall. This project is to be completed using the existing 2012 Concrete Requirements Contract, Contractor: Roadwork Ahead at an estimated project cost of $ 23,500.00.

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. 87-14

Resolved to authorize the Rehabilitation of Roosevelt Avenue, from Clinton Avenue to the dead end and Searing Avenue from Roslyn Road to the dead end. This project is to be completed using the existing 2012 Concrete Requirements Contract, contractor: Roadwork Ahead, and the current 2013 Miscellaneous Roadway Improvements Requirements Contract Contractor: Pratt Brothers at an estimated project cost of $250,000.00.

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. 88-14

Resolved to authorize the Concrete Rehabilitation of Frank Avenue, from Raff Avenue to Jericho Turnpike. This project is to be completed using the existing 2012 Concrete Requirements Contract, contractor: Roadwork Ahead, at an estimated project cost of $135,000.00.

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. 89-14

Resolved to authorize Change Order No. 1 to the 2013 Miscellaneous Roadway Improvement Requirements Contract to add required drainage items and unit prices as per contractor, Pratt Brothers, Inc.

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. 90-14

Resolved to authorize the Rehabilitation of Wilson Park Parking Lot. This project is to be completed using the existing 2012 Concrete Requirements Contract, contractor: Roadwork Ahead and the current 2013 Miscellaneous Roadway Improvements Requirements Contract Contractor: Pratt Brothers, at an estimated project cost of $ 450,000.00.

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. 91-14

Resolved to authorize Village Engineers, Dvirka & Bartilucci to perform engineering design services and construction inspection for the 2014 Roadway Reconstruction Project which shall include the following streets at an estimated project design cost of $ 40,170.00. This project shall include the complete reconstruction of curbs, gutters, driveway aprons and the following roadways:

Roadways included in the 2014 Roadway Reconstruction Project:

Sheridan Boulevard from Jericho Turnpike to Roselle Street
Barwick Boulevard from Jericho Turnpike to Roselle Street
Arlington Street from Sheridan Boulevard to Barwick Boulevard
Brown Street from Sheridan Boulevard to Barwick Boulevard
Roselle Street from Sheridan Boulevard to Barwick Boulevard

Construction inspection for all projects listed above are charged on an hourly basis with a 2.75% multiplier.

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. 92-14

Resolved to authorize the following parking restrictions on Liberty Avenue:

On the south side of Liberty Avenue, from the east curb line of Union Street for a distance of 47 feet in an easterly direction, "No Stopping Here to Corner" and from a point 47 feet east of the east curb line of Union Street, "90 Minute Parking, 7 a.m. – 7 p.m., Except Sundays and Holidays.

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. 93-14

Resolved to authorize the following parking restrictions on Union Street, adjacent to 139 Liberty Avenue:

On the east side of Union Street, from the south curb line of Liberty Avenue for a distance of 25 feet in an southerly direction, "No Stopping Here to Corner" and from a point 25 feet south of the south curb line of Union Street, for a distance of 40 feet, 2 "Handicap Reserved" parking spaces.

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. 94-14

Resolved to authorize the following parking restrictions on Wisteria Avenue, Berkley Avenue, Kenilworth Road, Droesch Place between Wisteria Avenue and Berkley Road and Albertson Place from Kenilworth Road to the east dead end:

2 Hour Parking, 8:00 a.m. – 4:00 p.m., Monday through Friday

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. 95-14

Resolved to declare Friday, April 25, 2014 as "Arbor Day" within the Village of Mineola, to be commemorated by planting a tree.

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		

Superintendent of Public Works Thomas J. Rini reminded residents of the Sanitation Holiday Schedule in effect for Friday April 18, 2014 in observance of Good Friday.

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

Village Attorney John M. Spellman recommended the following resolutions:

Resolution No. 96-14

Resolved to release the low bidder, Rudco Plumbing and Heating, for the Community Development Handicap Assessable Bathroom at the Irish American Society and awarded the bid to a substitute contractor, Mike's Classic Construction, LLC at the same bid cost of $37,500.00.

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. 97-14

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

SHAWN SWIFT

DECISION

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 111 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 268, Lot 6.
----------X

NAME OF APPLICANTS:	Shawn Swift
SUBJECT PROPERTY:	Section 9, Block 268, Lot 6
STREET LOCATION:	111 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 fitness training center
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 19, 2014
APPEARANCES:	Shawn Swift

DECISION:

Shawn Swift (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 fitness training center upon the property known as 111 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 268, Lot 6) (hereinafter, the "Property").

Applicant originally applied to establish a fitness training center for underprivileged children, mentally disabled adults, low income persons and those losing weight to facilitate organ donation. 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. Applicant was thus required to seek relief before

the Board of Trustees for a special use permit. At the Public Hearing, Applicant amended its application for a special use permit to establish a fitness training center for youth wrestlers.

A referral of the application was made to the Nassau County Planning Commission on January 7, 2014. By letter, dated January 14, 2014, 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 fitness training center for youth wrestlers upon the second floor of the property known as 111 East Jericho Turnpike, Mineola, New York;

2) The hours of operation will be 4:00 P.M. to 9:00 P.M. Monday-Thursday;

3) Applicant will conduct wrestling instructional classes for children ages six (6) to twelve (12);

4) Classes will be for one (1) hour and be scheduled in advance with five (5) to ten (10) students at a time;

5) Applicant will have three (3) coaches and two (2) additional staff on-site;

6) There is a private parking lot that services the property with nineteen (19) parking spaces;

7) The Applicant will not serve, sell, prepare or cook food upon the Property; and

8) 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) No food, beverages and/or supplements will be sold upon the Property;

2) The operation of the facility shall be self-contained within the interior of the building;

3) Applicant shall not utilize any fitness training equipment and/or free weights;

4) Applicant shall encourage its members to utilize the municipal parking;

5) 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;

6) 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

7) 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
April 9, 2014

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. 98-14

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

210 OLD COUNTRY ROAD HOLDING, LLC

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-14.B of the Code of the Incorporated Village of Mineola, at premises known as 210 Old 210 Old Country Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 428, Lots 102, 202 and 208.
----------X

NAME OF APPLICANTS:	210 Old Country Road Holding, LLC
SUBJECT PROPERTY:	Section 9, Block 428, Lots 102, 202 and 208
STREET LOCATION:	210 Old Country Road Mineola, New York 11501
ZONING DISTRICT:	Business "B-3" District

RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-14.B to establish an urgent care doctor's office/clinic on the first floor of the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 19, 2014
APPEARANCES:	Mark Donnarumma
IN SUPPORT:	James Milano, MD Dinesh Verma, MD

DECISION:

210 Old Country Road Holding, LLC (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.14.B of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish an urgent care doctor's office/clinic upon the first floor of the property known as 210 Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 428, Lots 102, 202 and 208) (hereinafter, the "Property").

By Notice of Disapproval, dated January 13, 2014, 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 an urgent care doctor's office/clinic 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 January 27, 2014. By letter, dated February 6, 2014, 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:

9) Applicant is seeking a special use permit to establish an urgent care doctor's office/clinic upon the first floor of the property known as 210 Old Country Road, Mineola, New York;

10) The hours of operation will be 9:00 A.M. to 9:00 P.M. Monday-Friday and 10:00 A.M. to 5:00 P.M. Saturday-Sunday;

11) Applicant will have three (3) doctors in the practice and one (1) on site at a time.

12) Applicant will have two (2) additional employees on site (a receptionist and a medical technician);

13) Applicant will utilize the parking garage attached to the building and provide designated signage for its allotted spaces;

14) Applicant will encourage employees to utilize off-site parking rather than designated on-site spaces; and

15) 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-3" 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:

8) Applicant shall encourage its employees to utilize off-site parking;

9) Applicant shall be the exclusive occupant of the leased premises;

10) 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;

11) 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

12) 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
April 9, 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		

Village Attorney John M. Spellman reported on the decision of the State of New York Supreme Court regarding a Notice of Petition filed by Long Island Electrical Inspectors, Inc. vs. Village of Mineola. The petition was denied, in favor of Village of Mineola.

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:15 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		