Minutes - Board Meeting 07/02/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, July 2, 2014 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Deputy Mayor Paul A. Pereira Trustee Paul S. Cusato Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Clerk Joseph R. Scalero Deputy Village Attorney Peter Trentacoste Village Treasurer Giacomo A. Ciccone Superintendent of Public Works Thomas J. Rini
Press Observer:	*Mineola American* *Williston Times*
Sunshine Observers:	9 Observers

Deputy Mayor Paul A. Pereira called the Work Session to order at 6:35 PM.

Deputy Mayor Paul A. Pereira stated that the Mayor Scott P. Strauss is away with the Mineola Junior Fire Department and therefore not able to be present at the meeting.

Resolution No. 172-14

Resolved to approve bills and payroll.

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

Vote:

Yes	No	Abstain
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 173-14

Resolved to approve the minutes from the meetings of the Board of Trustees of June 4, 2014, June 11, 2014 and June 18, 2014.

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

Vote:

Yes	No	Abstain
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 174-14

Resolved to approve a request by the Mineola Chamber of Commerce for the use of Wilson Park Field for a "Movie Night in the Park" event on Friday July 18, 2014 (Raindate: Saturday July 29, 2014) from 7:00 – 10:00 PM.

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

Vote:

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

Resolution No. 175-14

Resolved to hire Kelly Ann Grodotzke for the position of Court Clerk in Justice Court with a starting salary in accordance with the Collective Bargaining Agreement.

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

Vote:

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

Resolution No. 176-14

Resolved to approve the request of a resident of 375 Oak Place to enter into a three (3) installment payment plan for an outstanding property maintenance charge in the amount of $8,334.89 to be paid in full by April 1, 2015.

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

Vote:

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

Resolution No. 177-14

Resolved to authorize payments totaling $96,371.16 from Development Incentive Bonus Funds in FY 2014-15.

Vendor	Amount	Project
PorterCorp	$78,185.00	Memorial Park (Amphitheatre)
Dvirka & Bartilucci Consulting Engineers	$18,186.16	Memorial Park Bandshell
Total	$96,371.16	

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

Vote:

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

Resolution No. 178-14

Resolved to authorize a 3 foot curb cut extension at 220 Evelyn Road, Mineola.

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

Vote:

Yes	No	Abstain
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 179-14

Resolve to authorize a one month extension to the 2010 Street Lighting Contract with Welsbach Electric of Long Island.

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

Vote:

Yes	No	Abstain
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 180-14

Resolved to accept the resignation of Laborer Kevin Kerrane and approve a lump-sum separation payout of $29,959.78 for unused accumulated time in accordance with the current Collective Bargaining Agreement.

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

Vote:

Yes	No	Abstain
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 181-14

Resolved to authorize the transfer of Automotive Servicer Daniel Escobar from the Central Garage and to authorize the hiring of Mark Miceli for the Highway Department at starting salaries in accordance with the current Collective Bargaining Agreement.

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

Vote:

Yes	No	Abstain
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 182-14

Resolved to authorize the posting for a Mechanic position in the Central Garage.

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

Vote:

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

Resolution No. 183-14

Resolved to authorize the $1.00/hour reduced certification for Highway Department employee Gabriel Fernandes.

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

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

Resolution No. 184-14

Resolved to authorize the hiring of the following seasonal personnel:

Seasonal Laborers – Sanitation Department

Kevin McCann - $8.50/hr.
Connor McCann - $ 8.50/hr.
John Macchione - $ 8.25/hr.
Michael Balos - $ 8.00/hr.

Seasonal Laborers – Parks Department

Christopher Ryan - $ 8.00
Dylan DeKanchuk - $ 8.00

Seasonal Recreation Camp Counselors

Theresa Metzler - $ 8.00
Nicholas Iodevio - $ 8.00

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

Vote:

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

Deputy Mayor Paul A. Pereira stated that Village Hall will be closed on Friday July 4, 2014 in observance of Independence Day and reminded residents and businesses to observe the holiday collection schedule which is posted on our website and in the newsletter that had gone out to residents earlier this year.

Peter Trentacoste, Esq. recommended the following Amended Decision on the Application of Mussina Mineola, LLC (Walgreen's):

Resolution No. 185-14

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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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.

AMENDED DECISION

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NAME OF APPLICANT:	Mussina Mineola, LLC
SUBJECT PROPERTY:	Section 9, Block 366, Lots 1-15, 70-75, 92
STREET LOCATION:	12 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 Walgreen's Pharmacy
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	April 16, 2014
APPEARANCES:	Jack Libert, Esq., Applicant's Attorney
IN SUPPORT:	Craig Tompkins, Bohler Engineering John Harter, Atlantic Traffic Design and Engineers Anthony Sirizzotti, Architect Marc Steineberg, Marc Development

DECISION:

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 and drop-off 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
July 2, 2014

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

Vote:

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

Deputy Mayor Paul A. Pereira requested a motion to close the Work Session at 7:00PM.

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

Vote:

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

Deputy Mayor Paul A. Pereira called the Public Meeting to order at 7:30 PM.

PRESENT: Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Clerk Joseph R. Scalero
Deputy Village Attorney Peter Trentacoste
Village Treasurer Giacomo A. Ciccone
Superintendent of Public Works Thomas J. Rini

Press Observer: *Mineola American*
Williston Times

Sunshine Observers: 17 Observers

Deputy Mayor Paul A. Pereira announced that Mayor Strauss is on a trip with the Mineola Junior Fire Department; congratulated all graduates of the class of 2014; reminded residents that the Mineola fireworks show will be held on July 11 following the first Concert in the Park featuring Nassau Pops Orchestra; announced that on July 18 the Chamber of Commerce and the Village of Mineola will host "Movie Night at the Park" featuring the movie "Lego"; and reminded residents of the Village of Mineola holiday sanitation schedule.

Trustee Paul S. Cusato congratulated the class of 2014; congratulated Anthony Natale from Mineola Fire Department Company 3 on being named Firefighter of the Year by the Mineola Fire Department. Trustee Cusato reported on his attendance at the Lusitano Portuguese Club picnic and thanked them for their hospitality. Trustee Cusato wished all residents a happy and safe summer.

Trustee George R. Durham congratulated the class of 2014 and wished them well; encouraged residents to attend the movie night at Wilson Park on July 18; reminded residents that the pool shuttle is operating and the pool is open and encouraged their use; and cautioned residents to be careful around any fireworks. Trustee Durham wished residents a Happy Fourth of July and a safe summer.

Trustee Dennis Walsh reported on attending the Lusitano Portuguese Club picnic and stated it was a wonderful event; reported on the Long Island Housing Partnership meeting; reported on the Nassau County Village Officials Association (LCVOA) meeting and the installation of their new officers and congratulated its new President, Westbury Mayor Peter Cavallaro. Trustee Walsh wished everyone a Happy Fourth of July; reminded residents of the Village Concert in the Park and the fireworks show on July 11 and announced that during the concert there will also be an award to a disabled Veteran of a track-wheelchair.

No Speakers addressed the Board

Deputy Mayor Paul A. Pereira requested a motion to close the Public Meeting at 7:45 PM.

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

Vote:

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