Minutes - Board Meeting – 09/10/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 10, 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 Superintendent of Public Works Thomas J. Rini Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	9 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:

> **APPLICATION OF MICHAEL W. HOLLAND FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.13 ENTITLED "B-2 DISTRICTS", FOR A MOTOR VEHICLE REPAIR SHOP UPON THE PROPERTY KNOWN AS 146 SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 420, LOT 109.**

No Speakers addressed the Board

Resolution No. 263-14

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

In the Matter of the Application of

MICHAEL W. HOLLAND

For a Special Use Permit pursuant to Chapter 550, Section 550.13 of the Code of the Incorporated Village of Mineola, at premises known as 146 Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 420, Lot 109.

DECISION
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NAME OF APPLICANT:	Michael W. Holland
SUBJECT PROPERTY:	Section 9, Block 420, Lot 109

STREET LOCATION:	146 Second Street Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550.13 for a motor vehicle sales and repair shop upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 10, 2014
APPEARANCES:	Michael W. Holland., Applicant's Attorney Gavin Manganiello, Owner

DECISION:

Michael W. Holland, on behalf of Mineola Pre-Owned Auots (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 operate a motor vehicle sales and repair shop upon the property known as 146 Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 420, Lot 109) (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 operation of a motor vehicle repair shop 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 operate a motor vehicle sales and repair shop upon the Property known as 146 Second Street, Mineola, New York;

2) The applicant has a private waste management company in order to properly dispose automotive waste;

3) The applicant will store no more than five cars (two cars inside and three cars outside) at one time upon the property;

4) The hours of operation will be Monday-Friday, 8:00 AM to 5:00 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-2" 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 business hours;

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

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

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

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

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

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

9) 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 an amendment of this approval or the Board of Trustees shall direct such modification;

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 Property to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
September 10, 201

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		

Mayor Scott P. Strauss requested a motion to close the hearing at 7:05 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 7:18 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 Observers: *Mineola American*
Williston Times

Sunshine Observers: 4 Observers

Resolution No. 263A-14

Resolved to approve bills and payroll.

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. 264-14

Resolved to authorize a temporary three (3) year expansion of the curb cut at 297 Mineola Blvd from 18 feet to 24 feet, subject to the relocation of the electric manhole at the owner's expense.

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. 265-14

Resolved to accept the resignation of Laborer Dennis McCrave and approve a lump-sum separation payout of $12,986.07 for unused accumulated time in accordance with the current Collective Bargaining Agreement.

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. 266-14

Resolved to authorize the posting for a Laborer position in the Highway Division of the Department of Public Works.

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		

Village Attorney John M. Spellman recommended the following resolution:

Resolution No. 267-14

Resolved that the Board of Trustees adopts the standard work days and reporting requirements for certain titles of elected and appointed officials and that the resolution be posted for 30 days on the Village's bulletin board and website.

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 requested a motion to go into Executive Session at 7:23 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 8:48 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 stated that no action was taken during Executive Session.

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:48 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		