Minutes - Board Meeting – 01/21/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 21, 2015 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 Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	18 Observers

Mayor Scott P. Strauss presented Building Inspector John Chilcott with a citation, on behalf of the Village of Mineola and the Board of Trustees, recognizing and thanking him for his actions in reviving an eight week old infant after that infant stopped breathing while at Village Hall.

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:

> **APPLICATION OF HECTOR FONSECA 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 PURPOSE OF ESTABLISHING AN ICE CREAM PARLOR UPON THE PROPERTY KNOWN AS 156 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 322, LOTS 16-18; and**

1 Speaker addressed the Board

Resolution No. 10-15

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

HECTOR FONSECA

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 156 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 16-18.
----------X

NAME OF APPLICANTS:	Hector Fonseca
SUBJECT PROPERTY:	Section 9, Block 322, Lots 16-18
STREET LOCATION:	156 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 an ice cream parlor upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 21, 2015
APPEARANCES:	Paul Barroca, Consultant Hector Fonseca, Owner

DECISION:

Hector Fonseca (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 an ice cream parlor upon the property known as 156 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 16-18) (hereinafter, the "Property").

By Notice of Disapproval, dated October 2, 2014, 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 to establish a dance and fitness studio upon the Property.

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) Applicant is seeking a special use permit to establish an ice cream parlor upon the property known as 156 Jericho Turnpike, Mineola, New York;

2) The hours of operation will be 10:30 A.M. to 10:30 P.M. seven (7) days a week;

3) The main entrance will be on Jericho Turnpike with no rear entrance;
4) Applicant anticipates having two (2) employees; and

5) 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) The site shall be served by a private sanitation carter at the expense of the Applicant;

2) Applicant shall maintain a maximum of eight (8) indoor seats at the Property;

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

4) All deliveries shall be made in the rear of the Property;

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
January 21, 2015

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

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		

A Public Hearing was held 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF YILDIV HIDIR 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" AND SECTION 550.23 ENTITLED "GASOLINE/DIESEL SERVICE STATIONS", SUBSECTION (C) ENTITLED "NEW GASOLINE/DIESEL SERVICE STATIONS" FOR THE PURPOSE OF ESTABLISHING A GASOLINE DISPENSING STATION WITH A CONVENIENCE STORE UPON THE PROPERTY KNOWN AS 70 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 366, LOT 93.

1 Speaker addressed the Board

Resolution No. 11-15

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

In the Matter of the Application of

YILDIZ HIDIR

For a Special Permit pursuant to Chapter 550, Sections 550.12 and 550.23 of the Code of the Incorporated Village of Mineola for the purpose of establishing a gasoline dispensing station with a convenience store at the property known as 70 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lot 93.

DECISION

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NAME OF APPLICANT:	Yildiz Hidir
SUBJECT PROPERTY:	Section 9, Block 366, Lot 93
STREET LOCATION:	70 East Jericho Turnpike, Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Permit pursuant to Chapter 550, Sections 550.12 and 550.23.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	January 21, 2015
APPEARANCES:	Matthew G. White, Esq., Applicant's Attorney
IN SUPPORT:	Yildiz Hidir, Owner

DECISION:

Yildiz Hidir (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Sections 550.12 and 550.23 of the Municipal Code of the Incorporated Village of Mineola for a special permit to establish a gasoline dispensing station with a convenience store at the property located at 70 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lot 93) (hereinafter, the "Property").

By Notice of Disapproval, dated May October 29, 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 a gasoline dispensing station with a convenience store on the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Applicant made an application to the Board of Trustees for the required special use permit. The overall application was previously referred to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. At the public hearings on this matter, Applicant, apparently intending to induce this Board to grant the special permit, amended his original application to operate the business twenty-four (24) hours a day and seven (7) days per week, although not legally required to do so, to limit the hours of operation and to close both the gasoline station and the convenience store between the hours of 11 p.m. and 6 a.m. seven (7) days per week.

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 intends to establish a gasoline dispensing station with a convenience store and four (4) pumps cable to service eight (8) cars at one time;
2) Applicant will keep all existing curb cuts (two [2] on Jericho Turnpike and two [2] on Columbus Parkway);
3) Applicant will not increase the footprint of the existing building upon the Property;
4) Applicant will be installing new underground fuel storage tanks;
5) The Applicant will own and operate the business on the Property; and
6) The proposed use, subject to full compliance with the below-listed 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 granting of the Application, requesting a special permit pursuant to Sections 550.12 and 550.23 of the Village Code for a gasoline dispensing station with a convenience store with limited hours of operation as stated below, 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 Permit is **GRANTED** subject to the following conditions:

1) Pursuant to its offer on the record, Applicant's hours of operation shall be 6 a.m. to 11 p.m. for both the gasoline service station and the convenience store;

2) Applicant shall install and maintain landscaping along the perimeter of the Property;

3) No automotive/autobody work shall be conducted upon the Property;

4) The Applicant will not prepare or cook food upon the Property;

5) The site shall be served by a private sanitation carter at the expense of the Applicant and all pick-ups shall take place between the hours of 7:00 a.m. and 9:00 p.m. only;

6) Fuel deliveries will not be conducted during the peak hours of traffic activity;

7) All equipment/fire suppression systems shall be in compliance with the New York State Fire Prevention and Building Code, Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;

8) Applicant shall install a No Left Turn sign at each exit along Columbus Parkway;

9) Deliveries will not be conducted during the peak hours of traffic activity and will not take place when the business is closed;

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

11) All roof mechanicals will be properly screened;

12) No audio messages, signals or announcements emanating from a gasoline pump shall be audible from a point beyond ten (10') foot radius from the pump;

13) 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;

14) The representations made by Applicant on the record in this proceeding and correspondence thereafter 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

15) 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.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein. Failure to so consent shall render this Decision null and void.

Dated: Mineola, New York
January 21, 2015

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 Public Hearing at 7:30 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		

Mayor Scott P. Strauss called the Work Session to order at 7:45 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*

Sunshine Observers: 9 Observers

Resolution No. 12-15

Resolved to approve bills and payroll.

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. 13-15

Resolved to authorize the Engineering Services proposal for the Design Report, Detailed Design and Constructions Services for the construction of a Packed Tower Aeration Facility at Well #1.

Vendor: D & B Engineers and Architects, P.C.
Cost: $409,000.00

Funding Source: 2014/2015 Water Fund Budget and Water Fund Unreserved Fund Balance

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. 14-15

Resolved to authorize the installation of a Handicap Reserved parking space in front of 237 Lincoln Avenue, Mineola.

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. 15-15

Resolved to authorize the Superintendent of Public Works to attend the New York State American Water Works Association Conference in Saratoga Springs, New York April 14-17, 2015.

Approximate Cost: $1,000.00
Funding Source: 2014/2015 Water Fund Budget

Motioned by Trustee Paul S. Cusato
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 resolutions:

Resolution No. 16-15

Resolved to retain Standard Valuation Services to conduct a real property appraisal of the air rights lease for the parking garage at 200 Old Country Road in order to assist in the negotiation of a lease extension to commence in September, 2015. The fee for services is $5,500.00.

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. 17-15

Resolved to approve the Collective Bargaining Agreement for the period May 31, 2012 through May 31, 2018 between the Village of Mineola employees and the United Public Service Employees Union.

Motioned by Trustee Dennis J. Walsh
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 7:55 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 called the Public Meeting to order at 7:55 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

Press Observer: *Mineola American*

Sunshine Observers: 9 Observers

Mayor Scott P. Strauss commented on the heroic actions taken by Building Inspector John Chilcott in reviving an eight week old infant that stopped breathing in Village Hall; reminded residents to avoid ticketing by obeying the snow ordinance and remove cars from village streets in the event of two or more inches of snowfall; reminded residents not to shovel snow back into streets, and requested that residents who live next to a fire hydrant clear the snow away from around hydrant. Mayor Strauss noted the Kiwanis Pancake Breakfast will be held in the Community Center February 1 from 8 AM – 12:00 PM and encouraged residents to come out and support the Kiwanis.

Trustee Paul A. Pereira announced that the annual sanitation mailers have gone out to all residents and suggested that everyone read through it; stated that the Collective Bargaining Agreement contract for village employees has been approved during the work session and thanked Village Attorney John Spellman, the negotiation team and village employees for their patience and their continuing work efforts throughout the negotiation period.

Trustee Paul S. Cusato announced that the Mineola Fire Department 2015 fund drive in now in progress, a letter will be going out next week and encouraged residents to support their fire department.

Trustee George Durham congratulated Boy Scouts of America Troop 45 scouts Steven Martone and Theodore Bishop on becoming the newest Eagle Scouts and stated that Mineola Junior Fire Department is now selling tickets for its annual Pasta Dinner to be held on Sunday March 8, encouraging residents to support their efforts.

Trustee Dennis Walsh commented on the progress of work being completed throughout the village and cautioned residents to be careful when going out in the snow.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:00 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		