Minutes - Board Meeting – 09/09/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 9, 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 Dennis J. Walsh
ALSO PRESENT:	Village Attorney John P. Gibbons, Jr. 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:	14 Observers

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

A Public Hearing was held at 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 BODY IN BALANCE YOGA & PILATES, LLC 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 CLASSES IN PILATES, YOGA, BARRE AND THAI YOGA MASSAGE 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 60;**

1 Speaker addressed the Board

Resolution No. 242-15

Resolved to declare the application of Body in Balance Yoga & Pilates, LLC. for a special permit at 111 East Jericho Turnpike, Mineola New York 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 Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Resolution No. 243-15

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

In the Matter of the Application of

BODY IN BALANCE YOGA & PILATES, LLC

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 60.

DECISION

----------X

NAME OF APPLICANTS:	Body In Balance Yoga & Pilates, LLC
SUBJECT PROPERTY:	Section 9, Block 268, Lot 60
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 conduct classes in pilates, yoga, barre and Thai yoga massage upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 9, 2015
APPEARANCES:	Maria Ochakovsky-Gomez Susan McGurn

DECISION:

Body In Balance Yoga & Pilates, LLC (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to conduct classes in pilates, yoga, barre and Thai yoga massage 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 60) (hereinafter, the "Property").

By Notice of Disapproval, dated June 11, 2015, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that conducting classes in pilates, yoga, barre and Thai yoga massage 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.

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 conduct classes in pilates, yoga, barre and Thai yoga massage upon the property known as 111 East Jericho Turnpike, Mineola, New York;

2) Applicant currently operates the same business at 258B Herricks Road, Mineola, New York;

3) Applicant is relocating its current business to 111 East Jericho Turnpike, Mineola, New York;

4) Only licensed massage therapists shall provide services at the site;

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

6) Applicant shall not sell food, beverages and/or supplements upon the Property;

7) Applicant will provide adequate on-site parking to meet the needs of the business;

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) Only licensed massage therapists shall provide services at the site;

4) 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;

5) 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

6) 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
September 9, 2015

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes	**No**	**Abstain**
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		
Mayor Scott P. Strauss		

A Public Hearing was held at 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 COSTA NOVA WAFFLE 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", SUBSECTION (A) FOR THE PURPOSE OF ESTABLISHING A WAFFLE AND COFFEE SHOP FOR THE SALE OF BEVERAGES AND FOOD UPON THE PROPERTY KNOWN AS 211 SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 452, LOT 581.

1 Speaker addressed the Board

Resolution No. 244-15

Resolved to declare the application of Costa Nova Waffle for a special use permit at 211 Second Street, Mineola New York 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 Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Resolution No. 245-15

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

COSTA NOVA WAFFLE

DECISION

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 211 Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 452, Lot 581.

----------X

NAME OF APPLICANTS:	Costa Nova Waffle
SUBJECT PROPERTY:	Section 9, Block 452, Lot 581
STREET LOCATION:	211 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 the sale of food and beverages upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 9, 2015
APPEARANCES:	Monica Oliveira, Co-Owner Andre Oliveira, Co-Owner Andrea Alvez, Co-Owner Amanda Alvez, Co-Owner

DECISION:

Costa Nova Waffle (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.13 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a waffle and coffee shop upon the property known as 211 Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 452, Lot 581) (hereinafter, the "Property").

By Notice of Disapproval, dated June 23, 2015, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that establishing a waffle and coffee shop with the sale of food and beverages 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.

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 sell food and beverages upon the property known as 211 Second Street, Mineola, New York;

2) Applicant anticipates the hours of operation to be 9:00 am to 7:00 pm Monday-Thursday and 9:00 am to 10:00 pm Friday-Saturday;

3) Applicant shall utilize the Village's Sanitation Department for all garbage pick-ups;

4) Applicant does not anticipate the need for delivery trucks;

5) The proposed use 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-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 premises shall be maintained in a clean condition at all times;

2) 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;

3) 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

4) 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
September 9, 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 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 7:20 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 Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 7:30 PM.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee Dennis J. Walsh
ALSO PRESENT:	Village Attorney John P. Gibbons, Jr. Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Village Treasurer Giacomo Ciccone Superintendent of Public Works Thomas J. Rini
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	7 Observers

Mayor Scott P. Strauss stated that Trustee George R. Durham was not able to attend the meeting and is excused.

Resolution No. 246-15

Resolved to approve a request from Senator Jack Martins for the use of the Wilson Park parking lot Saturday September 26, 2015 from 10:00 AM –1:00 PM, to conduct a Child Car Seat Safety Program, rescheduled from September 19, 2015.

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 Dennis J. Walsh		

Resolution No. 247-15

Resolved to approve the following payments in the amount of $8,602.67 from the Development Incentive Bonus Funds in FY 2015-2016:

VENDOR	AMOUNT	PROJECT
D & B Consulting Engineers	$ 345.40	Memorial Park Project
D & B Consulting Engineers	$ 1,920.84	Memorial Park Project
D & B Consulting Engineers	$ 1,456.35	Emergency Generator – Village Hall
D & B Consulting Engineers	$ 4,880.08	Hydraulic Modeling Distribution System
TOTAL:	$ 8,602.67	

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 Dennis J. Walsh		

Resolution No. 248-18

Resolved to approve a one-time lump-sum benefit payment of $5,889.78 from the Fire Service Award Fund to the designated beneficiary of Mineola Fire Department volunteer firefighter Robert J. Escaravarge, pursuant to the Length of Service Awards Program (LOSAP).

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 Dennis J. Walsh		

Resolution No. 249-15

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 Dennis J. Walsh		

Resolution No. 250-15

Resolved to award the public bid for the Memorial Park Comfort Station to the lowest responsible bidder:

Vendor: Web Construction Corp.
Cost: $ 243,300.00

Funding Source: Development Incentive Bonus Funds and Community Development Funds

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 Dennis J. Walsh		

Resolution No. 251-15

Resolved to authorize Change Order #2 to the 2013 Miscellaneous Roadway Improvements Requirements Contract to add required unit prices items for:

Item 26 - Cement Concrete Curb:	$ 33.88/linear foot
Item 27S-5 Cement Concrete Sidewalk:	$ 9.26/square foot
Item 27S-7 Cement Concrete Apron:	$ 11.48/square foot
Item 200SS-1 Top Soil/Seed:	$ 15.13/square yard

Contractor: Pratt Brothers, Inc.

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 Dennis J. Walsh		

Resolution No. 252-15

Resolve to authorize the Rehabilitation of the Second Street Parking Lot, located on the south side of Second Street, just west of Roslyn Road. This project is to be completed using the 2013 Miscellaneous Roadway Improvements Requirements:

Contractor: Pratt Brothers, Inc.
Estimated Project Cost: $145,091.00
Engineers: D & B Engineers & Architects, P.C.

Funding Source: Development Incentive Bonus Funds

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 Dennis J. Walsh		

Resolution No. 253-15

Resolved to accept the retirement resignation of Daniel Watts, Mechanic at the Central Garage and approve a lump-sum separation payout of $2,315.90 for unused accumulated time and in accordance with the Collective Bargaining Agreement, effective as of September 4, 2015.

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 Dennis J. Walsh		

Resolution No. 254-15

Resolved to authorize the posting of a Mechanic position at the Central Garage of the Department of Public Works.

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 Dennis J. Walsh		

Village Attorney John P. Gibbons, Jr. presented a resolution on the Fire Council Determination as follows:

Resolution No. 255-15

WHEREAS, the Board of Trustees is in receipt of the Findings and Recommended Decision, dated August 31, 2015 from Hearing Officer Gerard Loughran; and
WHEREAS, Hearing Officer Loughran held hearings between October 2014 and March 2015; and

WHEREAS, Hearing Officer Loughran reviewed all exhibits, witness testimony, post hearing briefs and each party's argument; and

WHEREAS, Hearing Officer Loughran has recommended to the Board of Trustees that the Fire Council's findings of misconduct and the penalty of dismissal as such relates to the misconduct should be upheld.

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees affirms Hearing Officer Loughran's Findings and Recommended Decision, dated August 31, 2015.

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 Dennis J. Walsh		

Mayor Scott P. Strauss announced the decision of the New York Courts of Appeals regarding the proposed 7-Eleven store, which was originally denied, stating that the Court of Appeals has upheld the ruling of the Appellate' s decision requiring the Village of Mineola to issue a permit for the convenience store.

Mayor Scott P. Strauss reminded residents of the 9/11 Remembrance Ceremony and the Mineola Street Fair encouraging their participation.

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:45 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 Dennis J. Walsh		