

Minutes - Board Meeting – 12/09/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 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 George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*

Sunshine Observers: 18 Observers

Mayor Strauss announced that the following public hearing scheduled for this meeting of the Board of Trustees was withdrawn at the applicant's request:

APPLICATION OF ROW XL, 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 A GROUP FITNESS STUDIO UPON THE PROPERTY KNOWN AS 75 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 269, LOT 1;

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

A Public Hearing was held at 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 MINEOLA PROPERTIES, LLC TO AMEND A SPECIAL PERMIT FOR A MIXED USE (COMMERCIAL/RESIDENTIAL) OF THE BUILDING LOCATED AT 250 OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 675, LOT(S) 2A-2B TO PROVIDE FOR THE RELOCATION OF CITIBANK TO THE BUILDING.

4 speakers addressed the Board

Mayor Strauss requested a motion to close the hearing and reserve decision at 7:50 PM.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Public Hearing to order at 7:50 PM

A Public Hearing was held at 7:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING SECTION 550-57 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “POWERS AND DUTIES OF ZONING BOARD OF APPEALS”, SUBSECTION I, ENTITLED “RULES FOR FILING; PROECURAL REQUIREMENTS” TO PROVIDE FOR A RADIUS MAILING BY FIRST CLASS U.S. MAIL FOR AN APPLICATION BEFORE THE ZOINING BOARD OF APPEALS; and,

A PROPOSED LOCAL LAW AMENDING SECTION 550-55 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “SPECIAL USE PERMITS”, SUBSECTION B, ENTITLED “PROECURAL REQUIREMENTS” TO PROVIDE FOR A RADIUS MAILING BY FIRST CLASS U.S. MAIL FOR AN APPLICATION BEFORE THE BOARD OF TRUSTEES;

No speakers addressed the Board

Mayor Strauss requested a motion to close the hearing and adopt the following resolution at 7:55 PM:

Resolution No. 330-15

Resolved to adopt Local Law amending the Municipal Code of the Incorporated Village of Mineola Section 550-55 entitled “Special Use Permits”, Subsection B entitled “Procedural Requirements” to provide for radius mailing by first class U.S. mail for an application before the Board of Trustees and Local Law amending the Municipal Code of the Incorporated Village of Mineola Section 550-57 entitled “Powers and Duties of Zoning Board of Appeals”, Subsection I entitled “Rules For Filing; Procedural Requirements” to provide for radius mailing by first class U.S. mail for an application before the Zoning Board of Appeals.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Public Hearing to order at 7:55 PM

A Public Hearing was held at 7:55 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING SECTION 550-20 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “REQUIRED PARKING”, SUBSECTION C, IN ORDER TO ESTABLISH MULTIPLE DWELLING PARKING REQUIREMENTS;

One speaker addressed the Board

Mayor Strauss requested a motion to close the hearing and approve the following resolution at 8:02 PM.

Resolution No. 331-15

Resolved to adopt Local Law amending the Municipal Code of the Incorporated Village of Mineola Section 550-20, entitled “Required Parking”, Subsection C in order to establish multiple dwelling parking requirements.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Public Hearing to order at 8:02 PM

A Public Hearing was held at 8:02 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING SECTION 550-3 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “WORD USAGE; DEFINITIONS”, TO DEFINE “HOOKAH BAR”; and,

A PROPOSED LOCAL LAW AMENDING SECTION 550-16 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “M DISTRICTS (LIGHT MANUFACTURING AND INDUSTRIAL)”, TO ADD HOOKAH BARS AS A PERMITTED USE;

No speakers addressed the Board

Mayor Strauss requested a motion to close the hearing and approve the following resolutions at 8:05 PM.

Resolution No. 332-15

Resolved to adopt a Local Law amending the Municipal Code of the Incorporated Village of Mineola Section 550-3, entitled Word Usage; Definitions”, to define “hookah bar” and a Local Law amending the Municipal Code of the Incorporated Village of Mineola Section 550-16 of the Municipal Code of the Incorporated Village of Mineola, entitled “M Districts (Light Manufacturing and Industrial)”, to add hookah bars as a permitted use in the M District.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Mayor Scott P. Strauss called the Public Hearing to order at 8:05 PM

A Public Hearing was held at 8:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND
TO FINANCE WATER PRODUCTION, DISTRIBUTION AND
QUALITY CONTROL INFRASTRUCTURE IMPROVEMENTS.
THIS RESOLUTION IS SUBJECT TO A PERMISSIVE
REFERENDUM.**

No speakers addressed the Board

Resolution No. 333-15

Resolution establishing a capital reserve fund to finance water production, distribution and quality control infrastructure improvements

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Water Production, Distribution And Quality Control Infrastructure Improvements Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of the following capital improvements: Water Production, Distribution and Quality Control Infrastructure. The estimated maximum cost of such capital improvement is Three Million (\$3,000,000.00) Dollars.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Incorporated Village of Mineola. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of the Board of Trustees and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law.

This resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.

Dated: December 9, 2015

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss requested a motion to close the hearing at 8:10 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Dennis J. Walsh

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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 8:25 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 P. Gibbons, Jr.
Village Clerk Joseph R. Scalero

Press Observers: *Mineola American*

Sunshine Observers: 2 Observers

Resolution No. 334-15

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. 335-15

Resolved to approve a request by Winthrop University Hospital for the use of the Village Hall Community Center auditorium to conduct its “Health Update for Seniors” seminars from 1:00 pm – 3:00 pm Wednesdays March 9, April 13, and May 11, 2016.

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. 336-15

Resolved to approve a request by the Mineola Athletic Association for the use of the Village Hall Community Center gymnasium to conduct its winter Soccer, Baseball, and Softball practices and clinics Saturdays January 2 – April 17, 2016 from 10:00 am – 6:00 pm.

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. 337-15

Resolved to approve a request by Mineola Nassau County Police Activity League for the use of the Village Hall Community Center gymnasium Thursday and Friday evenings December 10, 2015 – March 30, 2016 to conduct its Boys and Girls Lacrosse programs.

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

Village Clerk Joseph R. Scalero delivered a report on the activities of the Village Justice Court form the month of November 2015 submitted by Village Justice John P. O'Shea.

Resolution No. 338-15

Resolved to approve the following payments in the amount of \$33,928.31 from the Development Incentive Bonus Funds in FY 2015-2016:

VENDOR	AMOUNT	PROJECT
Colortone Audio Visual	\$ 4,283.75	Memorial Park Project
John P. Brown Ladder Co. Inc.	\$ 500.00	Fire Department Aerial Bucket Truck
Hendrickson Fire Rescue Equip.	\$ 4,694.56	Fire Department Aerial Bucket Truck
Orchid Sewer & Water Contr. Corp.	\$ 15,000.00	One Third Avenue
Orchid Sewer & Water Contr. Corp.	\$ 4,950.00	One Third Avenue
Orchid Sewer & Water Contr. Corp.	\$ 4,500.00	One Third Avenue
TOTAL	\$33,928.31	

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 339-15

Resolved to accept the proposal of Level G Associates, LLC to conduct a village parking study at a cost of \$15,000.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Village Attorney John P. Gibbons, Jr. introduced the following resolution for the Board's consideration:

Resolution No. 340-15

Resolution supporting the adoption of a SEQRA negative declaration and determination of non-significance in connection with the special permit application for a development incentive bonus MCRT Northeast LLC

WHEREAS, the Incorporated Village of Mineola Board of Trustees has received a special use permit application on behalf of MCRT Northeast LLC for a Development Incentive Bonus, pursuant §550-5.I of the Municipal Code of the Incorporated Village of Mineola, to allow the development of a multifamily 197 residential unit apartment building located on the north and south sides of Searing Avenue between Willis Avenue and the Long Island Railroad Tracks within the Incorporated Village of Mineola; and

WHEREAS, the Proposed Action is classified as a Type I Action for which the Incorporated Village of Mineola, Village Board of Trustees, is the lead agency for the purposes of coordinated environmental review in connection with the Proposed Action; and

WHEREAS, the Village Board of Trustees in accordance with Article 8 of the New York State Environmental Quality Review Act (SEQRA), has reviewed the provisions of SEQRA as related to the Proposed Action, including the review of the information contained in the SEQRA documentation consisting of: (a) application for a Development Incentive Bonus (hereinafter the “application”); (b) associated plans; (c) the Part 1 – Environmental Assessment Form (EAF) and Expanded Environmental Assessment prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB); (d) the Traffic Impact Study Report prepared by VHB; (e) the Addendum to the Traffic Impact Study Report prepared by VHB; (f) testimony and correspondence presented to the Board of Trustees; and (g) the criteria set forth in 6 NYCRR§617.7(c); and

WHEREAS, the potential impacts and the magnitude and importance of potential impacts and benefits have been considered by the Village Board of Trustees and a recommendation for adoption of a Negative Determination has been made as the Proposed Action will not have a significant adverse environmental impact requiring the preparation of a Draft Environmental Impact Statement (“DEIS”); and

NOW, THEREFORE, BE IT

RESOLVED, that the Proposed Action is a “Type I Action” pursuant to 6NYCRR Part 617 and will not have a significant impact on the environment; and **BE IT FURTHER**

RESOLVED, that the Village Board of Trustees hereby adopts the annexed SEQRA Negative Declaration pursuant to the State Environmental Quality Review Act.

Dated: December 9, 2015

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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 8:40 PM

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
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Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
Trustee Dennis J. Walsh