

INCORPORATED VILLAGE OF MINEOLA

155 WASHINGTON AVENUE, MINEOLA, NEW YORK 11501-TELE.516-746-0752-FAX516-746-4065

PLEASE PRINT ALL INFORMATION

Application to obtain a new certificate of occupancy for an existing building

Date application submitted _____ Submitted by owner _____ Agent _____

Street
Address _____

Nassau County Map No. 9, Block No. _____ Lot No. _____

Name of property owner _____ Tele No. _____

Owners Notarized Signature _____ Notary _____

*If this application is submitted by anyone other than the property owner, an authorization from the owner shall be submitted and attached with notarized signature of owner.

*This application shall include an **ACCURATE & LEGIBLE** survey of the property and all structures thereon and **(two) 2 sets of as built plans** signed and sealed by a Registered Architect, or Professional Engineer.

*As per New York State Law, smoke detectors shall be installed in each sleeping area, on each floor level and outside each sleeping area.

*A current, updated electrical inspection certificate shall also be submitted.

*An application fee of **\$100.00** shall also be submitted. All checks made payable to the Village of Mineola.

*This application shall serve as an authorization to enter upon the property identified. In the event a violation of the Zoning Law or Building Code is found to exist at the time of inspection, a Certificate of Occupancy shall not be issued and the owner will be directed to remove such violations.

DO NOT WRITE BELOW

Date of inspection _____ Time _____ Zoning District _____

Occupancy _____

Survey _____ Certificate of Occupancy No. _____ Date _____

Building Superintendent Date _____

Incorporated Village of Mineola
Office of the Village Clerk
Public Records Officer

APPLICATION TO VIEW PUBLIC RECORDS

Pursuant to New York State "Freedom of Information Law," (Laws of 1974, Chapters 578, 579, 580) adopted by resolution of the Board of Trustees of the Incorporated Village of Mineola on October 21, 1974.

The undersigned, which appears here in person, wishes to examine the following Official Records. Describe below the records you wish to examine, giving identifying details:

PLEASE NOTE:

Section #175.25 Penal Law: "Tampering with public records in the first degree."

A person is guilty of tampering with public records in the first degree, when knowing that he does not have the authority of anyone entitled to grant it, and with intent to defraud, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise consulting a record of public office or public servant.

Tampering with public records in the first degree is a class D felony, L.1965, c.1030, effective September 1, 1967.

Section #175.20 Penal Law: "Tampering with public records in the second degree."

A person guilty of tampering with public records in the second degree, when knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of public officer or public servant.

Tampering with public records in the second degree is a Class A misdemeanor, L.1965, c.1030, effective September 1, 1967.

A fee of \$.25 per page for copies will be charged to the applicant and is payable by cash or check issued to the Inc. Village of Mineola.

NAME OF APPLICANT (please print full name): _____

ADDRESS OF APPLICANT: _____

DAYTIME TELEPHONE NUMBER: _____

DATE & HOUR REQUEST RECEIVED: _____ FULFILLED: _____

Village employee under whose supervision records will be reviewed: _____

I, Joseph R. Scalero, Village Clerk, do hereby approve the examination of official village records as set forth above.

Signature of Applicant

Joseph R. Scalero
Village Clerk

Building Department
 Village Of Mineola
 155 Washington Avenue
 Mineola, New York 11501

Phone 746-0750
 Fax 746-4065

Plumbing Permit Application

Address of work: _____

Plumber Information

Company name: _____

Address: _____

Phone: _____

I understand all work must be performed by my employees under my direct supervision or by myself. I have read and understand the code, supplements and ordinances of the Village of Mineola. All work must conform to the New York State Building and Fire Prevention code.

Print Name: _____

Signature: _____

Notary

Boiler & Make

Size

Oil or Gas

Hot Water Heater & Make

Size

Oil or Gas

ALL NEW WORK REQUIRES A WATER TEST

Brief Description of Work:

Approved: _____ Date: _____

Permit No. _____ Fee: _____

Property Owner Information

Name: _____

Address: _____

Phone: _____

How is building to be occupied?

If residence, how many families or apartments?

I have reviewed the plumber's insurance and found them to be acceptable.

Print Name: _____

Signature: _____

Notary Stamp

Indicate	Number	Cellar	First	Second	Third
Fixtures					
Water Closet					
Urinals					
Wash Sinks					
Bath Tubs					
Wash Tubs					
Sinks					
Dental Cuspidors					
Slop Sinks					
Drinking Fountains					
Stall Showers					
Gas Piping					
Hot Water Tanks					
Refrigerator					
Indirect Waste					
Other					

New York State Plumbing Code
Section 312 - Tests and Inspections

312.1.2 Required inspections. The holder of the permit shall be responsible for the scheduling of the following inspections:

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.
2. Rough-in inspection shall be made of completed portions of all sanitary, storm, and water distribution piping, after the framing, fire blocking, fire stopping, draft stopping and bracing for that portion is in place, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 10-foot head of water. The water shall be kept in the system or the portion under test for at least 15 minutes before inspection starts. The system shall then be tight at all points.

312.5 Water supply system test. Upon completion of a section of, or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system.

312.6 Gravity sewer test. Gravity sewer tests shall consist of plugging the end of the building sewer at the point of connection with the public sewer, filling the building sewer with water, testing with not less than a 10-foot head of water and maintaining such pressure for 15 minutes.

Building Department
Village Of Mineola
155 Washington Avenue
Mineola, New York 11501

Phone 746-0750
Fax 746-4065

Electrical Permit Application

Jobsite: _____ floor(s) _____

Property Owner Information

Name: _____

Address: _____

Phone: _____

How is building to be occupied?

If residence, how many families or apartments?

Print Name: _____

Signature: _____

Notary Stamp

Description of Work: (doing what, where and how many)

Electrician Information

Company name: _____

Address: _____

Phone: _____

I understand all work must be performed by my employees under my direct supervision or by myself. I have read and understand the code, supplements and ordinances of the Village of Mineola. All work must conform to the New York State Building and Fire Prevention codes.

Print Name: _____

Signature: _____

Notary

Residential Commercial

Approved: _____ Date: _____

NY Board of Fire Underwriters

Permit No. _____ Fee: _____

Electrical Inspectors Inc.

Smoke/Carbon Monoxide Detectors req.d.

**BUILDING DEPARTMENT - VILLAGE OF MINEOLA
 CONCRETE POUR - CURB AND SIDEWALK PERMIT APPLICATION
 All information to be printed or typed, black or blue ink only.**

- concrete Pour Permit Application completed.
- A legible and accurate Property Survey or site plan indicating location of work.
- All signatures notarized.
- Insurance Certificate(s) included:

Contractors shall submit Workmen's Compensation & Disability Certificates, with General Liability coverage no less than \$2,000,000 aggregate. The Village of Mineola must be listed as certificate holder and additionally insured. If the homeowner is the contractor, the homeowner's Insurance Certificate shall be submitted.

Street address of property _____

Section 9, Block _____, Lot(s) _____ Zoning District _____

Name, address and phone of property owner	Name, address and phone of applicant

Notarized signature: (sign AND print name)

Notarized signature: (sign AND print name)

*

** I certify by my signature that I and the owner of aforesaid property, or that I am the duly authorized agent of the owner with full power to act on his/her/their behalf. The property owner and/or occupants of said premises agree to preserve and save harmless the Village of Mineola from any liability and/or damage in any way connected with the excavation, displacement of soil, placement of forms, and/or any construction associated with the addition, repair, replacement, alteration, or remediation of any sidewalk, apron, curb or gutter. I further certify that I have read and understand the attached requirements and specifications and accept full responsibility for abiding by same.*

Name, address & phone of Contractor: _____

Type of construction: Apron; Curb; Gutter; Sidewalk - No. of flags _____ (4' x 4')

NOTE: Prior to pouring, excavation, reinforcing steel and forms shall be inspected by Dept. of Public Works. It is your responsibility to call 746-5291 for inspection prior to any concrete pour.

===== DO NOT WRITE BELOW THIS LINE =====

_____ VOM Plan. Board

Date Received _____

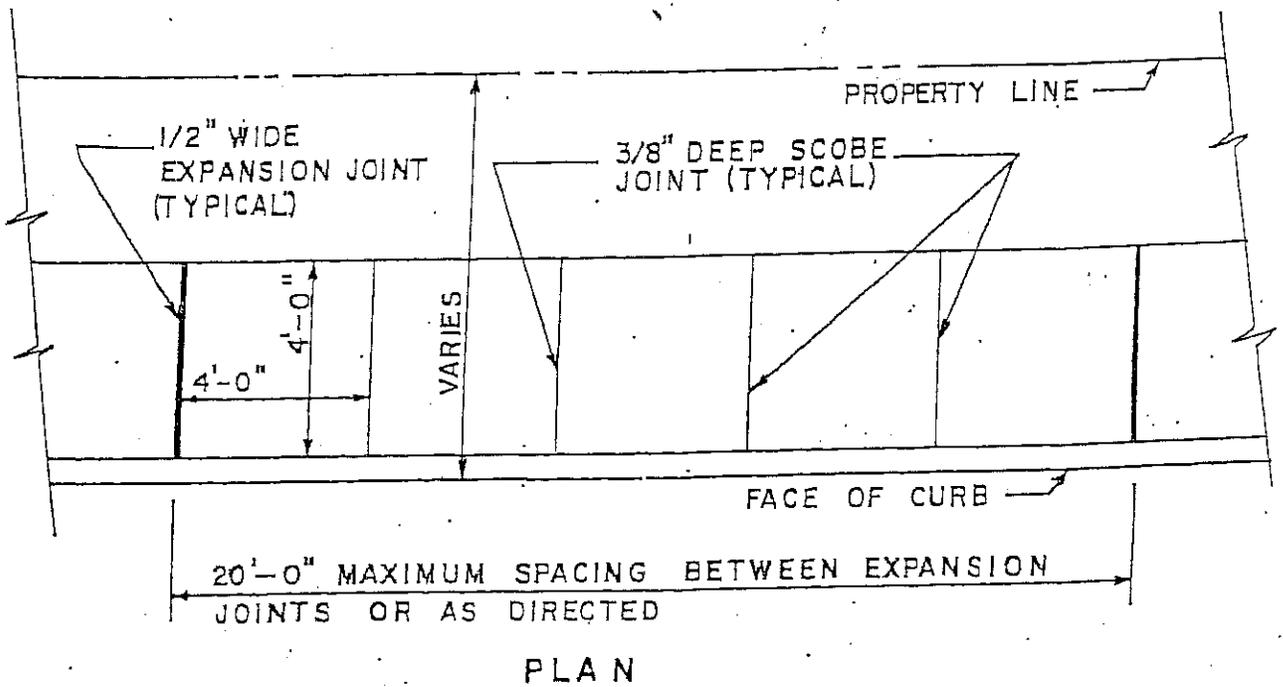
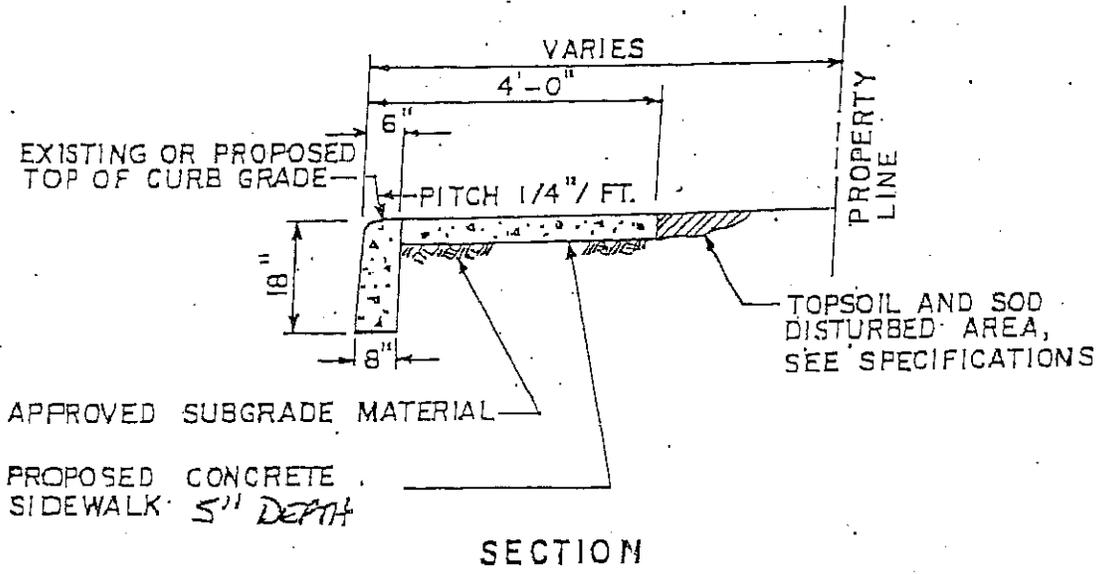
Date Issued _____

Bldg. Inspector _____

PERMIT No _____

Incorporated Village of Mineola
Department of Public Works

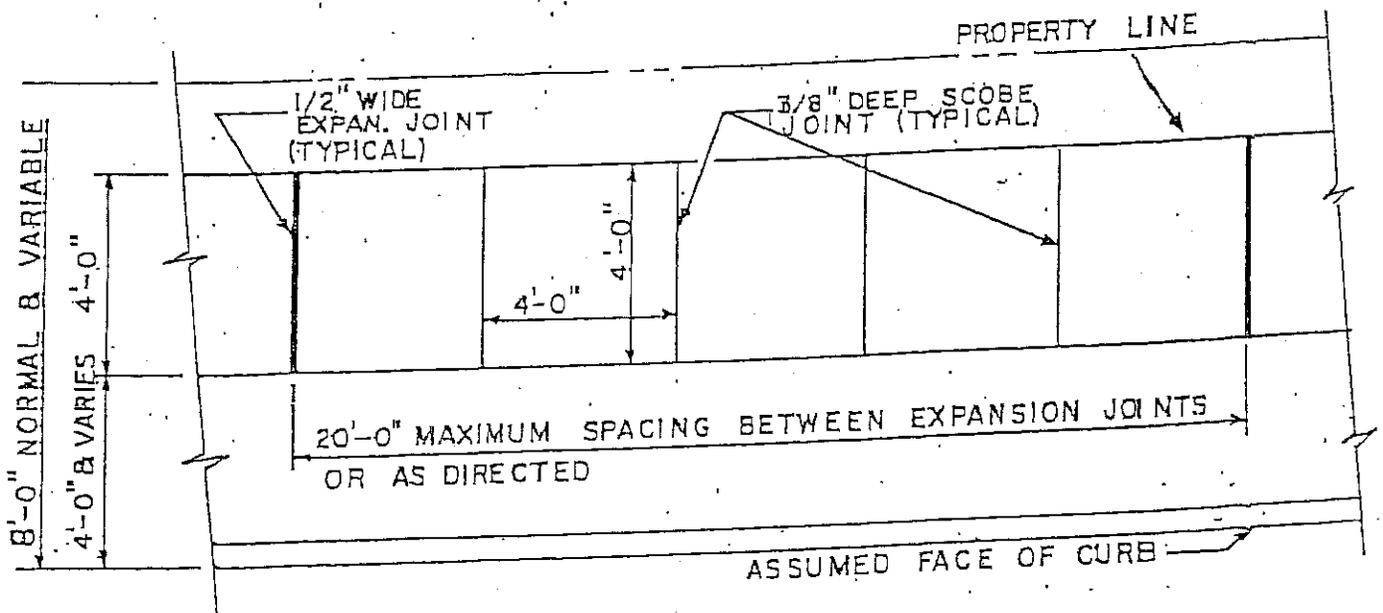
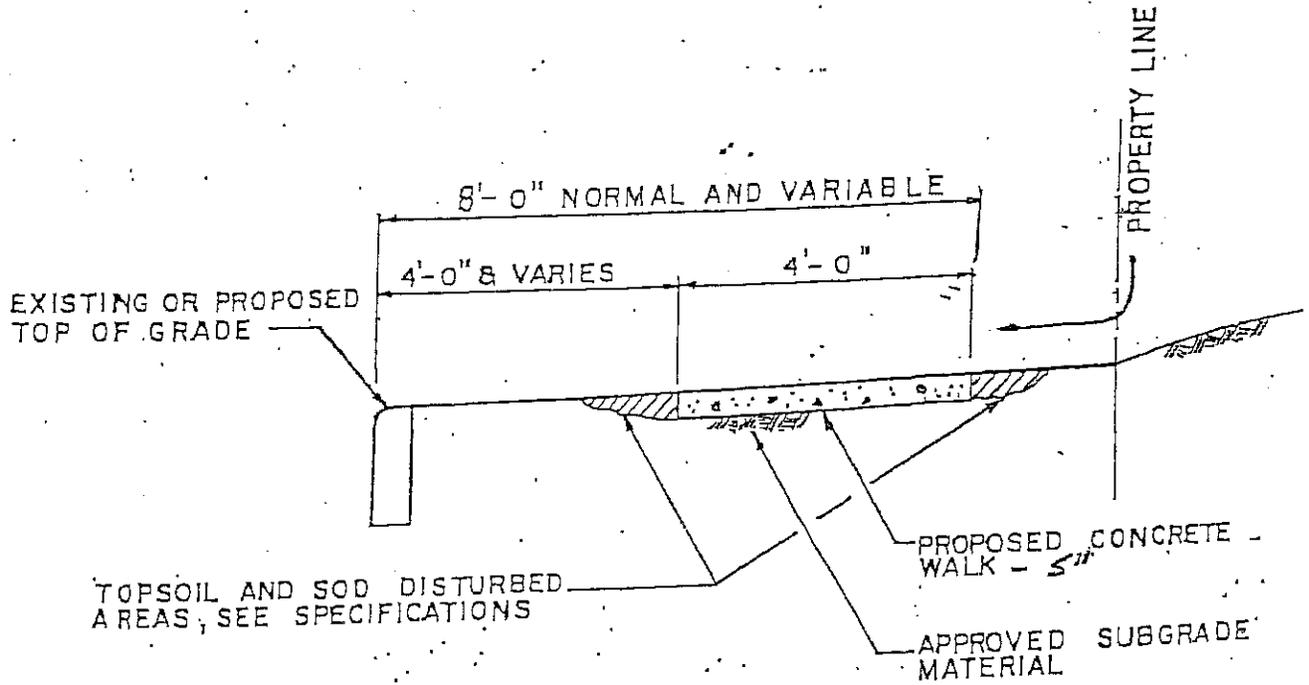
Thomas J. Rini
Superintendent of Public Works
(516) 746-0753



DETAILS OF CONCRETE CURB
AND WALK COMBINATION

Incorporated Village of Mineola
Department of Public Works

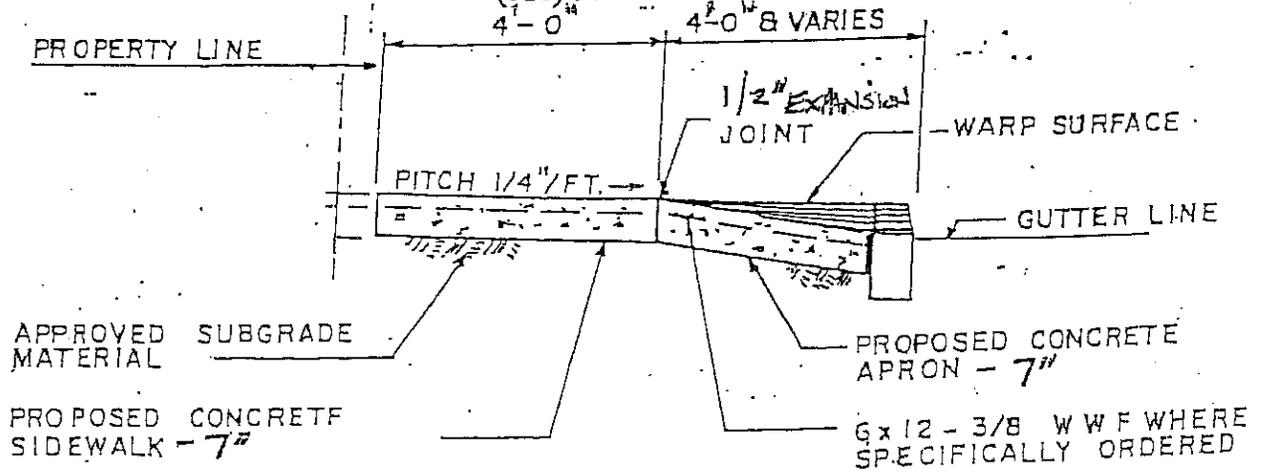
Thomas J. Rini
Superintendent of Public Works
(516) 746-0753



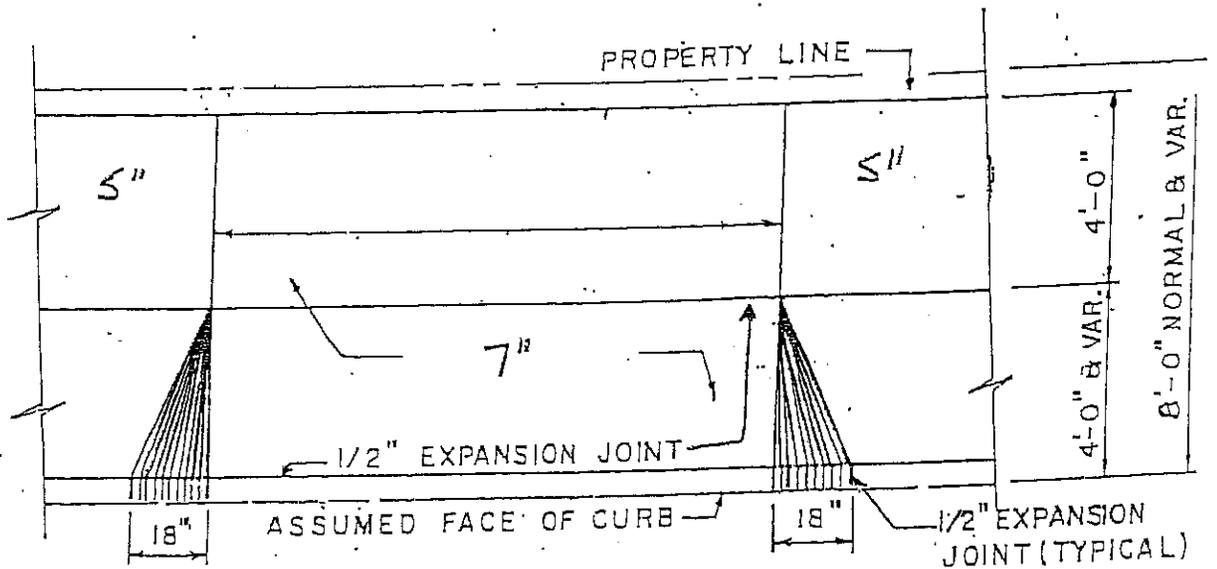
PLAN
DETAILS
OF CONCRETE SIDEWALK

Incorporated Village of Mineola
Department of Public Works

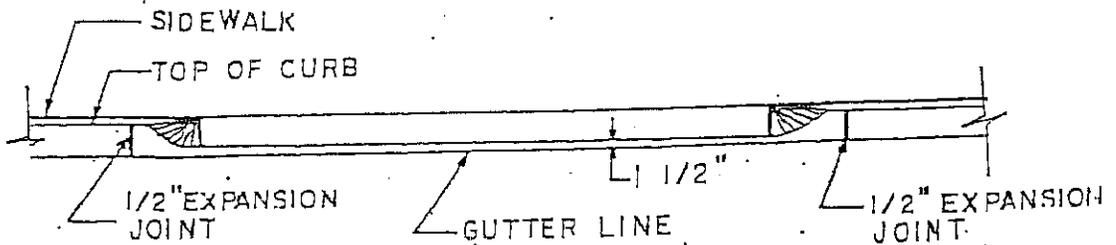
Thomas J. Rini
Superintendent of Public Works
(516) 746-0753



PLAN



PLAN



ELEVATION

DETAILS OF SIDEWALKS ACROSS
DRIVEWAYS AND DRIVEWAY APRONS

BUILDING DEPARTMENT - VILLAGE OF MINEOLA
SIGN PERMIT APPLICATION

All information to be printed or typed, black or blue ink only.

- Sign Permit Application completed, with survey.
- A site plan indicating the location of the sign on the building and/or property.
- A detailed color rendering with dimensions of sign, height & width of lettering, how attached or mounted.
- All signatures notarized.
- Insurance Certificate(s) included

Contractors shall submit Workmen's Compensation & Disability Certificates, with General Liability coverage no less than \$2,000,000 aggregate. The Village of Mineola must be listed as Certificate Holder and additionally insured. If the homeowner is the contractor, the homeowner's Insurance Certificate shall be submitted.

Name & type of business: _____

Street address for sign _____

Section 9, Block _____, Lot _____ Zoning District _____

Name, address and phone of property owner	Name, address and phone of applicant

Notarized signature: (sign AND print name)

Notarized signature: (sign AND print name)

*

** I certify by my signature that I and the owner of aforesaid property, or that I am the duly authorized agent of the owner with full power to act on his/her/their behalf. The property owner and/or occupants of said premises agree to preserve and save harmless the Incorporated Village of Mineola and employees of the Building Department from any liability and/or damages in any way connected with the erection or maintenance of said sign. I/we agree to remove said sign immediately upon the current business vacating the premises.*

Name, address & phone of Contractor, if any: _____

New sign or Repainted/re-lettered

Sign type: Wall ___ Ground ___ Pole ___ other _____

Size of sign: _____ Projection _____ Illuminated? _____

===== DO NOT WRITE BELOW THIS LINE =====

VOM ARB

VOM ZBA

Final Approval

Date Received

Date Issued

Bldg. Inspector

PERMIT No _____

NOTE: Permit fee is \$100. Acceptable payment is Cash, Check or Money Order payable to Village of Mineola.
As of 4/30/04

ARTICLE VIII

SIGNS*

§ 30.81 Signs permitted in all districts

The following signs shall be permitted in any use district in accordance with the requirements of this Article:

A. Professional nameplate. In residential districts, professional nameplates indicating the presence of a resident practitioner and bearing the name and profession of the resident, not exceeding two (2) square feet in area or more than one (1) such sign in number and which may be illuminated by an electric lamp not exceeding fifteen (15) watts of power contained within the sign. In non-residential districts, on professional office buildings, only one (1) wall or ground sign containing the names of professional occupants shall be permitted.

B. A building contractor's, subcontractor's, architect's or engineer's sign maintained on a building only while the same is under construction, provided that there is only one (1) such sign for each building contractor, subcontractor, architect or engineer, not exceeding four (4) square feet in area.

C. An institutional identification sign placed upon a building or lot of a church, synagogue, hospital, school or public agency, provided that there is only one (1) such sign, not exceeding thirty-six (36) square feet in area.

D. Temporary signs, posters or displays placed by any governmental agency, church, synagogue or civic organization, provided that such signs are directly related to public, religious, patriotic or civic matters and such signs, posters or displays otherwise comply with the provisions of this Article.

E. Danger signs warning of the condition or danger of travel on a street may be erected and maintained for a temporary period, provided that such signs do not exceed six (6) square feet in area.

F. Any sign authorized in this Article is allowed to contain noncommercial copy in lieu of other copy.

*See Gen Mun I § 74-c as to taking of billboards, etc.

§ 30.82 "For Sale" signs on residential parcels

"For Sale" signs on residential parcels shall be permitted, but only one (1) such sign on any single premises. The "For Sale" sign shall not exceed two (2) feet in height and two (2) feet in length. The sign shall only be permitted to be placed in the interior portion of any window or door on the premises. In no event shall a "For Sale" sign be permitted to be placed closer to the street than the front line of the primary structure on the premises. [Amd. LL #5, 90, 5/2/90.]

§ 30.83 Signs permitted in nonresidential districts

The following signs shall be permitted only in nonresidential districts in accordance with the requirements of this Article:

A. Wall signs.

Wall signs, attached to and parallel to a building wall facing a public street or parking area and advertising only that business conducted in such building, provided that:

1. There is only one (1) such sign for each wall facing a public street or parking area.

2. A sign on the building wall facing upon a public street shall not exceed three (3) feet in vertical measurement. A sign on the building wall facing upon a parking area shall not exceed three (3) feet in vertical measurement. For buildings measuring forty (40) feet or less in width, any wall sign shall not be wider than two (2) feet less than the width of the building or more than fifteen (15) feet in length. For buildings having a width of greater than forty (40) feet, any wall sign placed thereon shall be no wider than fifteen (15) feet plus an additional one (1) foot for every three (3) feet of wall length in excess of forty (40) feet. [Amd. LL #6, 90, 5/2/90.]

3. The sign or any part thereof, including lighting devices and reflectors, does not project more than one (1) foot from such wall.

4. The sign does not extend higher than the roof of any building or parapet, whichever is higher.

5. Any such sign shall be maintained in a good state of repair, in working order and neatly painted.

6. Notwithstanding the provisions of this subdivision, paragraphs 1 through 5 above, a sign projection not more than one (1) foot from the wall of any building and not more than three (3) square feet in area shall be permitted, provided, that such sign indicates the location on the premises of a public telephone or other public utility facility for the use of the general public.

B. Detached or ground signs.

Detached or ground signs advertising only the business conducted on the premises upon which the sign is located, provided that:

1. There is only one (1) such sign for a building.
2. Such sign shall not exceed thirty (30) square feet in area or fifteen (15) feet in height from the main level of the ground and shall be set back ten (10) feet from the property line.
3. An open space of at least seven (7) feet in height shall be maintained between the bottom of the sign and the ground.
4. The area between the sign and the front property line shall be maintained free of weeds and debris.
5. A low lying ground sign shall be permitted provided that it shall not exceed thirty (30) square feet in area, shall not exceed a height of forty-eight (48) inches above the ground and shall be set back ten (10) feet from the property line.

§ 30.84 Gasoline/diesel service station signs

A. Notwithstanding §§ 30.81 and 30.83 of this Article, the following signs, deemed customary and essential, shall be permitted as accessory to an existing gasoline/diesel service station in any use district:

1. Signs which are an integral part of gasoline pumps.
2. Signs over bays, not to exceed two (2) feet in height, containing the words "lubrication", "washing" or other similar customary words.
3. Signs showing the selling price of gasoline, not to exceed one (1) such sign for each gasoline pump and affixed thereto and measuring not less than seven (7) inches in height, and eight (8)

§ 30.84

MUNICIPAL CODE

inches in width nor more than one hundred (100) square inches area.

4. Temporary signs, not to exceed two (2) in number or ten (10) square feet per sign face.

5. Wall signs in conformance with § 30.83(A).

B. The subject matter of any sign shall relate only to the business occupying the premises.

C. No sign shall be permitted off the subject premises where the business is located.

§ 30.85 Marquees

A marquee sign erected and maintained in connection with a hotel or theater shall be permitted, provided that such sign shall not exceed one hundred (100) inches in height nor be less than ten (10) feet above the main level of ground.

§ 30.86 Prohibited signs

The following signs, to the extent hereinafter indicated, shall be prohibited:

A. No sign shall be painted on the surface of the walls or roofs of any building or structure.

B. No sign shall be constructed of cloth, oilcloth, vinyl cloth, paper or other similar material which is not of durable quality for display outside of any building, except signs permitted under § 30.81(E).

C. No sign which directs attention to a business, service, entertainment or commodity, conducted, sold or offered elsewhere than upon the premises shall be erected or maintained.

D. No sign shall be attached to any tree, fence or utility pole.

E. All signs which direct, emit, radiate or reflect any beam, ray, gleam or glare of light on an abutting residential district shall be extinguished within one-half hour after the close of business and in no event later than 11:00 P.M. The close of business shall be deemed to be that time at which the premises are closed to the general public. Lights within business establishments

may be kept on during the entire night, provided that the total amount of illumination does not exceed twenty (20) footcandles.

F. No sign shall be erected or maintained which might be confused as any traffic sign or which might interfere with the vision or discernment of any traffic sign or which might cause danger to public travel.

G. Except as otherwise permitted in this Article, no sign shall be erected or maintained which extends or projects into any right-of-way.

H. No sign shall be permitted within five hundred (500) feet of the border of any state park or parkway unless the applicant first complies with the appropriate provisions of New York State law.

I. No billboards shall be permitted.

J. No roof signs shall be permitted.

K. No interior window signs, if the same rotates, oscillates or flickers on or off, shall be permitted.

L. All signs shall be designed and constructed so as to promote the public health, safety, and welfare.

M. No external sign or interior window sign shall depict any moving, flashing, rotating, alternating, streaming or otherwise changeable letters or images. [Subd. M. added, LL #7, 2004,8/4/2004.]

§ 30.87 Applications; permits; fees

A. Application.

1. Before any sign permitted by this Article shall be erected or altered, an application in writing shall be signed and filed with the Enforcement Officer by the owner of the property or by his or her agent, duly authorized thereunto, in writing, on a form furnished by the Enforcement Officer, and the requisite fee shall be paid at that time.

2. Before any sign shall be erected, altered, repainted, relettered, relocated, reconstructed, repaired, removed or replaced, an application shall be filed in accordance with this section, which application shall specify the nature and purpose of the proposed sign, its location, the material of which it is or shall be constructed and the place where same is to be erected and the work which is to be done thereon, and such other information

as shall be required by the Enforcement Officer.

3. Before any sign permitted by this Article shall be erected, altered, repainted, relettered, relocated, reconstructed, repaired, removed, or replaced, a permit must be obtained from the Enforcement Officer.

B. Approval. The Enforcement Officer shall approve the application if there is compliance with this Article whereupon a permit shall be issued.

C. Permit number. Each sign for which a permit is required shall bear the permit number assigned by the Enforcement Officer.

D. Fees. The Board of Trustees shall establish by Resolution a schedule of fees which shall be applicable to the sign classified in this Article and shall be payable upon the filing of the required application or applications and each renewal thereof.

§ 30.88 Nonconforming sign

A. All nonconforming signs in existence on the effective date of the local law from which this Chapter* is derived or any amendment thereto, at the expiration of five (5) years from said date, shall be removed, and/or replaced with a conforming sign.

B. Any existing sign which advertises a business or industrial use not in operation for a period of at least six (6) months shall be removed.

C. Notwithstanding the foregoing, General Municipal Law § 74-c shall supersede any of the above requirements to the extent there is any conflict therewith.

References:

Compensation for early removal of billboards. Gen Mun L § 74-c.
To prohibit non-commercial signs is unconstitutional. Mtr of Nat'l Adv. Co. v Blankfein, 155 AD2d 544; Major Media of the Southeast v City of Raleigh, 792 F2d 1269, cert den 479 US 1102.

*Local Law # 5, 1986, adopted July 25, 1986.

BUILDING DEPARTMENT - VILLAGE OF MINEOLA
FENCE PERMIT APPLICATION

All information to be printed or typed, black or blue ink only.

- Fence Permit Application completed.
- A legible and accurate Property Survey included. (2)
- Survey indicates exact location, height and type of fence.
- All signatures notarized.
- Insurance Certificate(s) included

Contractors shall submit Workmen's Compensation & Disability Certificates, with General Liability coverage no less than \$2,000,000 aggregate. **Village of Mineola must be listed as Certificate holder and additionally insured.** If the homeowner is the contractor, the homeowner's Insurance Certificate shall be submitted.

NOTE: Finished side of any fence shall face out to adjoining property.

NOTE: Permit fee is \$100. Acceptable payment is Cash, Check or Money Order payable to Village of Mineola.

Street address of property _____

Section 9, Block _____, Lot(s) _____ Zoning District _____

(√) all applicable: New _____ Extension _____ Replacement _____

Name, address and phone of property owner	Name, address and phone of applicant

Notarized signature: (sign AND print name) Notarized signature: (sign AND print name)

*
** I certify by my signature that I and the owner of aforesaid property, or that I am the duly authorized agent of the owner with full power to act on his/her/their behalf.*

Name, address & phone of Contractor, if any: _____

Brief description of proposed fence: _____

= = = = = DO NOT WRITE BELOW THIS LINE = = = = =

_____ VOM Plan. Board	Date Received _____
_____ VOM ZBA	Date Issued _____
_____ Final Approval	Bldg. Inspector _____

PERMIT No _____

**Incorporated Village of Mineola
Building Department**

155 Washington Avenue
Mineola, NY 11501
Phone (516) 746-0750; Fax (516) 746-4065

Re: Section _____ Block _____ Lot(s) _____
Street Address _____
Fence Permit # _____

Dear Sirs:

If future surveys prove our fence to be located on adjacent property, or the fence is erected, constructed or installed in a manner which is contrary to the conditions of the fence permit or Municipal Code as it relates to fences, the undersigned agrees to the following:

1. The fence will be relocated promptly to our property at our own expense.
2. We have no intention of filing adverse possession claims now or in the future related to the area enclosed by the subject fence.
3. The Incorporated Village of Mineola is indemnified from any claims arising from this matter, specifically with regard to claims arising from disputes over property lines.
4. In the event that said fence is erected in a manner contrary to the approved application or village ordinances, the fence will be corrected promptly at our own expense.

We specifically do not relinquish any rights or possession of land not enclosed within the fence lines and we will advise those who are responsible for this property in the future.

signature of resident

print name

Notary Public

CHAPTER 30

ZONING

ARTICLE VI

SUPPLEMENTARY REGULATIONS

§ 30.61 Fences and buffers

A. Permit required.

No fence or wall may be erected without a building permit issued by the Enforcement Officer.

B. Residential districts.

1. In residential districts, a fence, not exceeding six (6) feet in height, shall be permitted on the rear lot line and along those linear portions of the side lot lines enclosing rear yard provided, however, that the six (6) foot fencing and its relationship to the street fronting upon the premises shall not exceed a greater distance frontward to the street than the rear building line of adjacent dwellings on either side. For purposes of interpretation, a rear building line shall refer only to the principal structure on a lot and shall not include patios, porches or other extensions thereto. Fencing for all other lot lines shall not exceed four (4) feet in height, shall be of open construction and shall in no case extend nearer to the street than the front line of the dwelling. On corner lots, no rear yard fence shall extend nearer the street than the side line of the dwelling. [Amd. LL #1, 88; 2/24/88.]

§ 30.61

MUNICIPAL CODE

2. Hedges and shrubs shall be permitted to extend to the property line, but where extending nearer the street than the line of the dwelling on the property, they shall not exceed three (3) feet in height. Where no dwelling exists on said property, any hedge or shrub extending nearer the street than the average set back line of the block shall not exceed three (3) feet in height. In no event shall hedges or shrubs encroach beyond the property line so as to interfere with public walkways.

3. Where the property abuts on any land zoned business or manufacturing, a fence along such abutting line may be erected to a height not to exceed seven (7) feet.

LOCAL LAW #3 OF 2008
ADOPTED ON SEPTEMBER 17, 2008

**LOCAL LAW AMENDING CHAPTER 30 OF THE MUNICIPAL
CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED
"ZONING", SECTION 30.61 ENTITLED "FENCE AND BUFFERS", SUBDIVISION (B)
ENTITLED "RESIDENTIAL DISTRICTS" TO REDUCE SETBACK REQUIREMENTS
FOR FENCES WITHIN THE INCORPORATED VILLAGE OF MINEOLA**

§30.61 Fences and buffers

B. Residential districts.

1. In residential districts, a fence, not exceeding six (6) feet in height, shall be permitted on the rear lot line and along those linear portions of the side lot lines enclosing rear yard provided, however, that the six (6) foot fencing and its relationship to the street fronting upon the premises shall not exceed a greater distance frontward to the street than the rear building line of adjacent dwellings on either side. For purposes of interpretation, a rear building line shall refer only to the principal structure on a lot and shall not include patios, porches or other extensions thereto. Fencing for all other lot lines shall not exceed four (4) feet in height and shall in no case extend nearer to the street than the front line of the dwelling. On corner lots, a fence of up to six (6') feet in height may enclose that portion of the property extending from the rear building line to the rear property line provided that the side of the fence facing the street shall be governed by the following rules: if the street-side building line is set back thirteen (13) feet or more, the fence shall be set back a minimum of four (4') feet from the street-side property line; if the street-side building line is set back between ten (10') feet and thirteen (13') feet, the fence shall be set back a minimum of forty-two (42") inches from the street-side property line; if the street-side building line is set back less than ten (10') feet, the fence shall be set back a minimum of thirty (30") inches from the street-side property line. In each of the instances where a rear yard six (6') foot fence shall be located closer to the street than the street-side building line, natural shrubbery screening shall be placed between the property line and the street-side fence. Additionally, on corner lots, a fence of up to four (4') feet in height may be located along the side yards of the property between the rear line of the building and the front line of the building provided that the side of the fence facing the street may not be located closer than the minimum setbacks established above. Permitted fence designs and materials shall be listed in a catalog of fencing pre-approved by the Board of Trustees and maintained by the Building Department. The installation of any fence designs or materials not listed in the fence catalog shall require a variance from the Zoning Board of Appeals.



155 Washington Ave.
Mineola, New York 11501
Phone: (516) 746-0750
Fax: (516) 746-4065

Building Department Permit Application Checklist
Building Department Hours Monday-Friday, 8:30a.m-4:30p.m

The following items **MUST BE INCLUDED** with this application.
(Incomplete applications will be returned for resubmission)

- Three (3) complete sets of professionally detailed construction plans signed and sealed by R.A. or P.E. of record. Submitted plans must comply with the most current version of the New York State Energy Conservation Construction Code. Plans to depict entire scope of proposed work.
- Copy of property survey.
- Nassau County Assessor's Form (all information must be entered).
- Mandatory Contractor's Insurance requirements: All insurances must name the Village of Mineola as both Certificate Holder and Additionally Insured.
 1. Liability Insurance - general aggregate no less than \$2,000,000.00
 2. New York State Disability Insurance.
 3. New York State Workman's Compensation Insurance.

GENERAL RULES AND REGULATIONS APPLYING TO ALL

All permits must be PAID IN FULL within thirty (30) days after being called that said permit(s) are ready. Failure to pay in a timely manner will render permit(s) null and void.

You will be required to visibly post your Building Permit so that it is apparent to all that you have a permit to do what you are doing. Among other things, this greatly reduces inquisitive phone calls to the Building Department. Also, it's the law.

Inspections:

You will be responsible to notify the Building Department for all phases of construction that need to be inspected. If an item is not inspected, you may be required to dig up or otherwise uncover work for an inspection. Inspections must be scheduled twenty-four (24) to forty-eight (48) hours in advance, Monday through Friday, 9:30 am to 3:30 pm only.

Inspections generally are, but not limited to;

- Excavation
- Footings
- Foundation
- Foundation anchor bolts
- Waterproofing
- Backfill
- Termite shield/mud sill
- Rough framing
- Sheathing
- Strapping
- Insulation
- Fire stopping
- Rough plumbing
- electrical
- Smoke/carbon monoxide detectors

If unsure, be safe and ask the Inspector. All jobs are different and may require some modification of the inspection procedure.

Demolition Permit will be a standard Building Permit Application and Assessor's Form. Also submit letters of disconnection from:

- LIPA
- KEYSpan
- VOM WATER DEPT.
- VOM SEWER DEPT.

If no services are involved, letters are still needed from these sources attesting to the fact.

Approved Letter of Certification of Asbestos removal.

A performance Bond or Certified Check equal to the approximate cost removal and determined by the Superintendent of Buildings. Upon completion of work, the Performance Bond or Certified Check shall be returned to the applicant.

A Rodent Inspection Letter from the Nassau County Health Department (516) 227-9715 certifying the absence of vermin (letter is valid for 10 days only).

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

This form cannot be used to waive the workers' compensation rights or obligations of any party.

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowner's insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ♦ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a WC/DB-100 exemption form; OR
- ♦ have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

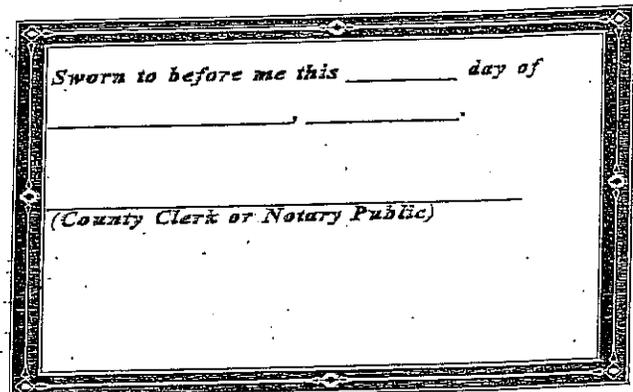
(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:



Building Department,
Incorporated Village of Mineola
155 Washington Avenue
Mineola, NY

phone 746-0750
fax 746-4065

Building and Construction Inspection Acknowledgement

I understand that work for which this permit has been issued shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including but not limited to, building location, site preparation, excavation, foundation, framing, exterior roof, wall sheathing, electrical, plumbing and heating, and air conditioning. It shall be the responsibility of the owner, applicant or his/her agent to inform the Building Inspector that the work is ready for inspection and to schedule such an inspection.

Signature & title

Print name

Sworn to before me
This _____ Day of _____

Notary signature

(Notary stamp)

Building Department,
Incorporated Village of Mineola
155 Washington Avenue
Mineola, NY

phone 746-0750
fax 746-4065

Name: _____

Street: _____

City/State/Zip: _____

I/We _____ as the owner(s) of the property known as _____ do hereby depose that I/we are performing the demolition/construction work on said property and that I will not be employing the services of any contractors or sub-contractors and no remuneration will be given for any work performed. It is my understanding that as no person/persons other than myself will be working on this project and that said work will not require generally mandated forms of insurance. In consideration thereof and as the property owner(s), I/we agree to save, defend, indemnify and hold harmless the Incorporated Village of Mineola, it's employees, agents, or representatives against any damages resulting from this demolition/construction.

I certify by my signature that I have read the above statements and understand the content and consequences thereof.

Signature & title

Print name

Sworn to before me
This _____ Day of _____

Notary signature

(Notary stamp)

**BUILDING DEPARTMENT – VILLAGE OF MINEOLA
BUILDING PERMIT APPLICATION**

Instructions – Information to be printed or typed, black or blue ink only.

It is the responsibility of every property owner to have permits as required by Law. It is the responsibility of the Building Department to enforce the Law. The Building Inspector will identify any structures on your property that have not been properly legalized. This will be done on the first inspection. If any violations are found, they will be pointed out to you and you will have a period of one month to legalize the situation. After that, failure to legalize will result in summons, stoppage of construction, and/or court action. If you have conditions requiring legalization, we recommend you include them now in this application.

- Building Permit Application completed.
- Assessor's Form completed.
- A legible and accurate Property Survey included.
- Three (3) complete sets, detailed construction plans. (SIGNED, SEALED & STAPLED)
- All signatures notarized.
- Insurance Certificate(s) included

Contractors shall submit Workmen's Compensation & Disability Insurance Certificates with General Liability coverage no less than \$2,000,000. The Village of Mineola must be listed as Certificate Holder and Additionally Insured. If the homeowner is the contractor, the Homeowner's Insurance Certificate shall be submitted.

NO WORK SHALL COMMENCE BEFORE A BUILDING PERMIT HAS BEEN ISSUED.

When issued, the "RED" permit card shall be prominently displayed at all times.

Nassau County Map No. 9, Block _____, Lot No. _____

Street address of property _____

Zoning District _____ (✓) if applicable: New Structure/addition _____ Alteration _____ Demolition _____

Name, address & phone of Architect or Engineer: _____

Name, address & phone of Contractor: _____

Property Use: Current: _____, Proposed: _____

Lot size _____ Sq. Ft. of Building _____ No. of stories _____ Height in Ft. _____

Construction type _____ Structure have Cellar or basement? _____ Sprinkler? _____ Alarm Sys? _____

Brief description of proposed work: _____

Estimated cost of proposed construction, alteration or demolition: \$ _____

Name, address <u>and</u> phone of property owner	Name, address <u>and</u> phone of applicant
--	---

--	--

Notarized signature: (print name AND sign)	Notarized signature: (print name AND sign)
--	--

*

* I certify by my signature that I and the owner of aforesaid property, or that I am the duly authorized agent of the owner with full power to act on his/her/their behalf.

* * * * * DO NOT WRITE BELOW THIS LINE * * * * *

- | | |
|---|--|
| <input type="checkbox"/> _____ Bd. Trustees
<input type="checkbox"/> _____ Bd. Appeals
<input type="checkbox"/> _____ VOM Plan. Bd.
<input type="checkbox"/> _____ NC Plan. Com.
<input type="checkbox"/> _____ NC DPW
<input type="checkbox"/> _____ NC Health
<input type="checkbox"/> _____ NC Fire Marshal
<input type="checkbox"/> _____ NYS DOT
<input type="checkbox"/> _____ SEQR | Electrical Permit Req'd? _____
Plumbing Permit Req'd? _____
Date Received _____
Permit Fee \$ _____
Deposit Fee \$ _____
Date Approved _____
Date Issued _____
Building Inspector _____
Permit No. _____ |
|---|--|

**ALL APPLICATIONS MUST BE SUBMITTED AS A
COMPLETE PACKAGE**



**BUILDING PERMIT
PUBLIC UTILITY
DEPARTMENT OF ASSESSMENT
NASSAU COUNTY
240 Old Country Road, Mineola, NY 11501**

DATE REC'D

ZONING CLASSIFICATION

TOWN

SCHOOL DISTRICT

SECTION

BLOCK

LOT(S)

DATE

Sec. B/L/K/L60

SECTION	BLK	LOT#	PROPERTY		
NASSAU COUNTY USE ONLY			Town Code	Community Code	Ech. Dist.

PERMIT # / ISSUE DATE

Property Location: N.E.S.W. SIDE OF (OR CORNER OF)

NAME OF BUSINESS/CONTRACTOR

ADDRESS OF PROPERTY

Check one

OWNER

CONTACT PERSON

OR

ADDRESS

LESSEE

CITY, STATE, ZIP

OWNER'S NAME

PHONE

ADDRESS OF PROPERTY

EMAIL

CITY, STATE, ZIP

Building Classification - Circle Item Below

Residential _____ Commercial _____

Other (Specify) _____

DESCRIPTION OF WORK (PLEASE PRINT CLEARLY):

ESTIMATED COST OF CONSTRUCTION:

LOT SIZE S.F.

BLDGS ON LOT

PRINCIPAL TYPE OF CONSTRUCTION

STEEL MASONRY

POLES, WIRES, CABLES

DATE TO BEGIN

DATE TO COMPLETE

Public Utilities		Cellular Communications (Wireless)	
Public Utilities		Carrier	Mounting Arrgmt
Electric		AT&T	ROOF
Pipelines		MetroPCS	MONOPOLE
Private Water Co.		Nextel	SATELLITE DISH
Muni Water Dist		Sprint	ANTENNA
Cables/Wires/Fiber Optics		T-Mobile	WATER TOWER
Telecomm (Landlines)		Verizon	LATTICE TOWER
		Other	Other

Tanks	Concrete	gal.	POWER PLANT	Fuel Types: Natural Gas, Diesel Fuel, Turbine, Other
Water	Steel	gal.	TYPE:	
Fuel	Aluminum	gal.	Model:	
Oil	Fiberglass	gal.		
Other	Other	gal.	Capacity - MW:	

<input type="checkbox"/>	PIPELINE GATE VALVE	SPECIFICATIONS:
<input type="checkbox"/>	PREFAB SHELTER	
<input type="checkbox"/>	NEW BUILDING	
<input type="checkbox"/>	ADDITION	
<input type="checkbox"/>	DEMOLITION	
<input type="checkbox"/>	INTERIOR or EXTERIOR ALTERATION	
<input type="checkbox"/>	AIR CONDITIONING / HVAC	
<input type="checkbox"/>	ROOF	
<input type="checkbox"/>	RETIREMENT OF EQUIPMENT	
<input type="checkbox"/>	BACKUP GENERATOR KVA:	
<input type="checkbox"/>	OTHER (Describe):	

NOTES:

SEPARATE APPLICATION SHALL BE MADE FOR EACH BUILDING

DATE OF GRANTING OF PERMIT

Signature of Applicant/Contact Person

FIELD REPORT ON REVERSE

Address of Applicant/Contact Person



**BUILDING PERMIT
RESIDENTIAL PROPERTY
DEPARTMENT OF ASSESSMENT
NASSAU COUNTY**

240 Old Country Road, Mineola, NY 11501

TOWN - CITY - VILLAGE OF: _____

NBHD# (ASSESSOR USE ONLY)

DATE REC'D (ASSESSOR USE ONLY)

TOWN _____
SCHOOL DISTRICT _____
SECTION _____
BLOCK _____
LOT(S) _____
CA # OR BLDG # _____
UNIT # _____
DATE _____

SECTION	BLOCK	LOT (S)	SCH DIST #	PERMIT #	SPECIFIC ZONING DESIGNATION

Location of Building: N.E.S.W. SIDE OF (OR CORNER OF) _____ N.E.S.W. SIDE OF _____

ADDRESS OF PROPERTY _____

CITY, TOWN, VILLAGE _____ ZIP _____

ESTIMATED COST OF CONSTRUCTION: _____

WORK MUST BEGIN BY _____

PERMIT EXP DATE _____

LOT SIZE S.F. _____

BLDGS ON LOT _____

Check one

OWNER OR LESSEE

NAME OF BUSINESS _____

CONTACT PERSON/OWNER _____

ADDRESS _____

CITY, STATE, ZIP _____

PHONE _____

EMAIL _____

IF YOU WISH TO GROUP OR APPORTION LOTS
PLEASE CALL 516-571-1500 FOR FURTHER INFORMATION

DETAILED DESCRIPTION OF WORK (PLEASE PRINT CLEARLY)

*INCLUDING, BUT NOT LIMITED TO: LOCATION, TYPE AND DIMENSIONS OF IMPROVEMENT

PERMIT TYPE - CHECK ALL ITEMS THAT APPLY

<input type="checkbox"/> NEW BUILDING	<input type="checkbox"/> FIRE DAMAGE
<input type="checkbox"/> ADDITION (CHANGE IN S.F.)	<input type="checkbox"/> GARAGE/ OUT BUILDING
<input type="checkbox"/> DEMOLITION	<input type="checkbox"/> HVAC
<input type="checkbox"/> ALTERATION (NO CHANGE IN S.F.)	<input type="checkbox"/> PLUMBING
<input type="checkbox"/> MAINTAIN (PRE-EXISTING)	<input type="checkbox"/> RELOCATION
<input type="checkbox"/> RECONSTRUCTION	<input type="checkbox"/> REPLACEMENT
<input type="checkbox"/> DECK, TERRACE, PORCH, CARPORT	<input type="checkbox"/> SWIMMING POOL
<input type="checkbox"/> DORMERS	<input type="checkbox"/> TENNIS COURT
<input type="checkbox"/> OTHER _____	<input type="checkbox"/> CHANGE IN USE

DOES RESIDENCE HAVE THE FOLLOWING

CENTRAL AIR YES NO

FINISHED ATTIC YES NO

BASEMENT FINISH

1/4 1/2 3/4 FULL

PROPOSED TOTAL PLUMBING FIXTURES

FLOOR/FIXTURE	BASEMENT	1ST FLOOR	2ND FLOOR	3RD FLOOR
BATHROOM SINK				
TOILET				
BATHTUB				
STALL SHOWER				
BIDET				
KITCHEN SINK				
WET BAR				

NUMBER OF EXISTING AND PROPOSED BATHS

NUMBER OF EXISTING FULL BATHS		NUMBER OF PROPOSED FULL BATHS	
NUMBER OF EXISTING HALF BATHS		NUMBER OF PROPOSED HALF BATHS	

HALF BATH EQUALS TWO FIXTURES, FULL BATH EQUALS THREE OR MORE FIXTURES

NEW C/O NEEDED	YES <input type="checkbox"/>	NO <input type="checkbox"/>
VARIANCE OBTAINED	YES <input type="checkbox"/>	NO <input type="checkbox"/>
CONSTRUCTION/RENOVATION IN EXCESS OF 50%	YES <input type="checkbox"/>	NO <input type="checkbox"/>
SURVEY ENCLOSED	YES <input type="checkbox"/>	NO <input type="checkbox"/>

ALL FEES MUST BE PAID UPON RECEIPT

DATE OF GRANTING OF PERMIT _____

Signature of Applicant/Contact Person - Sign & Print _____

SEPARATE APPLICATION SHALL BE MADE FOR EACH BUILDING

Address of Applicant/Contact Person _____ Telephone _____

FIELD REPORT ON REVERSE



BUILDING PERMIT
COMMERCIAL OR MIXED USE PROPERTY
DEPARTMENT OF ASSESSMENT
NASSAU COUNTY

240 Old Country Road, Mineola, NY 11501

Town, City, Village of: _____

DATE REC'D (Assessor Use Only) _____

Township

School District

Section

Block

Lot(s)

Date

SECTION	BLOCK	LOT (S)	SCH DIST	PERMIT #	SPECIFIC ZONING DESIGNATION

Location of Building: N.E.S.W. SIDE OF (OR CORNER OF) _____ N.E.S.W. SIDE OF _____

Address of Property: _____

City, Town, Village: _____ ZIP: _____

ESTIMATED COST OF CONSTRUCTION: _____

Check one: OWNER OR LESSEE

NAME OF BUSINESS: _____

CONTACT PERSON: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

DATE TO BEGIN: _____

DATE TO COMPLETE: _____

LOT SIZE S.F.: _____

BLDG(S) ON LOT: _____

PRINCIPLE TYPE OF CONSTRUCTION:

STEEL

MASONRY

OTHER

If you wish to group or apportion lots, please call
 516-571-1500 for more information.

DESCRIPTION OF WORK *IN DETAIL* (PLEASE PRINT CLEARLY)

CHECK ALL THAT APPLY

USE BY SIZE AND FLOOR

- NEW BUILDING
- ADDITION (CHANGE IN S.F.)
- DEMOLITION
- ALTERATION (NO CHANGE IN S.F.)
- OTHER (Describe) _____
- FAÇADE
- BASEMENT RENOVATION/ALTERATION
- HVAC
- ROOF
- PLUMBING

	SIZE	QUANTITY
<input type="checkbox"/> ELEVATORS	_____	_____
<input type="checkbox"/> SPRINKLERS	_____	_____
<input type="checkbox"/> SOLAR	_____	_____
<input type="checkbox"/> ANTENNA	_____	_____
<input type="checkbox"/> BILLBOARD	_____	_____
<input type="checkbox"/> SATELLITE DISH	_____	_____

	EXISTING S.F. AREA		PROPOSED S.F. AREA	
	Use	Size SF	Use	Size SF
BSMT	_____	_____	_____	_____
1ST	_____	_____	_____	_____
1ST addnl use	_____	_____	_____	_____
2ND	_____	_____	_____	_____
UPPER FLOORS	_____	_____	_____	_____
TOTAL # FLOORS	_____	_____	_____	_____

List additional use in comments section

Residential Use

	Existing # Units	Existing Sq. Feet	Proposed # Units	Proposed Sq. Feet
CO-OP <input type="checkbox"/>	_____	_____	_____	_____
CONDO <input type="checkbox"/>	_____	_____	_____	_____
RENTAL <input type="checkbox"/>	_____	_____	_____	_____
Studio	_____	_____	_____	_____
1BDRM	_____	_____	_____	_____
2BDRM	_____	_____	_____	_____
3BDRM	_____	_____	_____	_____
4 BDRM	_____	_____	_____	_____
OTHER	_____	_____	_____	_____

Describe _____

COMMENTS

Approved By _____

Date of Granting of Permit _____

SEPARATE APPLICATION SHALL BE MADE FOR EACH BUILDING

Signature of Applicant/Contact Person _____

FIELD REPORT ON REVERSE

Please Print Name _____ Tele # _____

Building Department
Village Of Mineola
155 Washington Avenue
Mineola, New York 11501

Phone 746-0750
Fax 746-4065

Electrical Permit Application

Jobsite: _____ floor(s) _____

Property Owner Information

Name: _____

Address: _____

Phone: _____

How is building to be occupied?

If residence, how many families or apartments?

Print Name: _____

Signature: _____

Notary Stamp

Description of Work: (doing what, where and how many)

Electrician Information

Company name: _____

Address: _____

Phone: _____

I understand all work must be performed by my employees under my direct supervision or by myself. I have read and understand the code, supplements and ordinances of the Village of Mineola. All work must conform to the New York State Building and Fire Prevention codes.

Print Name: _____

Signature: _____

Notary

Residential Commercial

NY Board of Fire Underwriters

Electrical Inspectors Inc.

Smoke/Carbon Monoxide Detectors req.d.

Approved: _____ Date: _____

Permit No. _____ Fee: _____

Building Department
 Village Of Mineola
 155 Washington Avenue
 Mineola, New York 11501

Phone 746-0750
 Fax 746-4065

Plumbing Permit Application

Address of work: _____

Plumber Information

Company name: _____

Address: _____

Phone: _____

I understand all work must be performed by my employees under my direct supervision or by myself. I have read and understand the code, supplements and ordinances of the Village of Mineola. All work must conform to the New York State Building and Fire Prevention code.

Print Name: _____

Signature: _____

Notary

Boiler & Make

Size

Oil or Gas

Hot Water Heater & Make

Size

Oil or Gas

ALL NEW WORK REQUIRES A WATER TEST

Brief Description of Work:

Approved: _____ Date: _____

Permit No. _____ Fee: _____

Property Owner Information

Name: _____

Address: _____

Phone: _____

How is building to be occupied?

If residence, how many families or apartments?

I have reviewed the plumber's insurance and found them to be acceptable.

Print Name: _____

Signature: _____

Notary Stamp

Indicate	Number	Cellar	First	Second	Third
Fixtures					
Water Closet					
Urinals					
Wash Sinks					
Bath Tubs					
Wash Tubs					
Sinks					
Dental Cuspidors					
Slop Sinks					
Drinking Fountains					
Stall Showers					
Gas Piping					
Hot Water Tanks					
Refrigerator Indirect Waste					
Other					

New York State Plumbing Code
Section 312 - Tests and Inspections

312.1.2 Required inspections. . The holder of the permit shall be responsible for the scheduling of the following inspections:

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.
2. Rough-in inspection shall be made of completed portions of all sanitary, storm, and water distribution piping, after the framing, fire blocking, fire stopping, draft stopping and bracing for that portion is in place, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 10-foot head of water. The water shall be kept in the system or the portion under test for at least 15 minutes before inspection starts. The system shall then be tight at all points.

312.5 Water supply system test. Upon completion of a section of, or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system.

312.6 Gravity sewer test. Gravity sewer tests shall consist of plugging the end of the building sewer at the point of connection with the public sewer, filling the building sewer with water, testing with not less than a 10-foot head of water and maintaining such pressure for 15 minutes.

in the zoning districts in this Chapter.

§ 30.111 Amendments

The Board of Trustees may from time to time on its own motion, or on petition after such public notice and hearing as required by the Village Law, amend, supplement or change the regulations and districts herein established, in accordance with the Village Law and other applicable laws.

Cross-references:

Enforcement Officers. Chapter 3
Environmental Quality Review. Chapter 32
Housing Code. Chapter 27
Swimming Pools. Chapter 35
Uniform Code Enforcement. Chapter 26
 building permits. § 26.31 et seq.
 certificates of occupancy. § 26.41 et seq.
Unsafe Buildings. Chapter 33

MUNICIPAL CODE

SCHEDULE I

SCHEDULE OF REGULATIONS

Dist	Classification	Front Yard Setback	Side Yard Setback
R-1	One-family Residential	25'	Minimum of 6' on any one side; a total of 14' for both sides*
R-2	One-family Residential	25'	Minimum of 6' on any one side; a total of 14' for both sides*
R-3	Two-family Residential	25'	Minimum of 6' on any one side; a total of 14' for both sides*
R-4	Garden type Apartments Residential	30'	15'
R-5	Apartment Residential	15'	15'
B-1	Business	5'	10' along residential border; 0' along non-residential border
B-2	Special Business (Business)	5'	10' along residential border; 0' along non-residential border
B-2	Special Business (Residential)	15'	8' up to 150' depth; 50' after 150' depth.
B-3	Special Business	15'	15'
H	Hospital	20'	50' along residential border; 20' along non-residential border
M	Manufacturing and Industrial	5'	10' along residential border; 0' along non-residential border

*On corner lots, an 8' minimum side yard setback is required along the street side.

ZONING

ZONING LAW OF INCORPORATED VILLAGE OF MINEOLA

SCHEDULE I

Rear Yard Setback	Max. Bldg Height		Minimum Gross Floor Area For Dwellings (Sq. Ft.)
	(Stories)	(Feet)	
20'	2	32'	1 story: 1,000 2 stories: 1,350
20'	2	32'	1 story: 850 2 stories: 1,200
20'	2	32'	1 story/1 fam. 850 2 story/1 fam. 1,200 2 story/2 fam. 1,700*
25'	2	35'	1,000 per unit
25'	3	35'	1,000 per unit
10% of lot depth along residential border, 10' Min.; 0' along non-res.	2	25'	—
25' along residential border; 0' along non-residential border	2	25'	—
Residential border	3	35'	1,000 per unit
10'	3	35'	—
20'	4	50'	—
10% of lot depth along residential border, with 20' minimum	2	25'	—

*2 story/2 family residences also have a minimum gross floor area requirement of 750 square feet for the second floor.

MUNICIPAL CODE

SCHEDULE OF REGULATIONS
 ZONING CODE OF INCORPORATED VILLAGE OF MINEOLA
 SCHEDULE II

Dist.	Classification	Minimum Parking Spaces	Minimum Lot Area (sq.ft.)	Minimum Lot Width	Minimum Building Width	Max. Bldg. Coverage of Lot	Minimum Depth of Lot
R-1	One-family Residential	2	7,500 ¹	75' ¹	25'	40%	100'
R-2	One-family Residential	2	5,000 ²	50' ²	24'	40%	100'
R-3	Two-family Residential	2/unit	1 fam.: 5,000 ³ 2 fam.: 7,500 ⁴	1 fam: 50' 2 fam: 75'	1 fam: 24' 2 fam: 25'	40%	100'
R-4	Garden type Apartments Residential	2/unit	20,000	200'	75'	25%	100'
R-5	Apartment Residential	2/unit	15,000	100'	60'	42%	100'
B-1	Business	1 per 250 sq.ft.	4,000	40'	24'	*	100'
B-2	Special Business (Business)	1 per 250 sq.ft.	6,000	60'	36'	*	100'
	Special Business (Residential)	2/unit	10,000	100'	60'	42%	100'
B-3	Special Business	1 per 200 sq.ft.	—	—	—	*	—
H	Hospital	greater of 3/bed 1,200 sq.ft.	—	—	—	*	—
M	Manufacturing and Industrial	1 per 500 sq.ft. ⁵	—	—	—	*	—

See footnotes on following page.

*Determined by setback and area requirements. [As amd. LL #4, 88, adopted 8/3/88, LL #3, 91, 4/17/91.]

MUNICIPAL CODE

SCHEDULE OF REGULATIONS
 ZONING CODE OF INCORPORATED VILLAGE OF MINEOLA
 SCHEDULE II ADDENDUM

Dist.	Classification	Min. Parking Spaces	Min. Lot Area (sq.ft.)	Min Lot Width	Min Bldg. Width	Max Bldg. Coverage of lot	Min. Depth of Lot
		Greater of:					
B-1	Restaurant	1 pkg. space per 200 sq. ft. OR	4,000	40'	24'	*	100'
		1 pkg. space per 3 dining seats AND					
		1 pkg. space per 2 seat of lounge/bar AND					
		1 pkg. space per 3 employees					
B-2	Restaurant	1 pkg. space per 200 sq. ft. OR	6,000	60'	36'	*	100'
		1 pkg. space per 3 dining seats AND					
		1 pkg. space per 2 seat of lounge/bar AND					
		1 pkg. space per 3 employees					
B-3	Restaurant	1 pkg. space per 200 sq. ft. OR	--	--	--	*	--
		1 pkg. space per 3 dining seats AND					
		1 pkg. space per 2 seat of lounge/bar AND					
		1 pkg. space per 3 employees					

* Determined by setback and area requirements. [Schedule II Addendum added, Local Law #7, 97; 7/25/97-]

ARTICLE II

RESIDENTIAL DISTRICTS*

§ 30.21 R-1 Districts (one-family residential)

In R-1 Districts, no building or premises shall be used, and no building shall be erected or altered, for other than a single-family detached dwelling and accessory structures and uses as provided in Article VII of this Chapter.

§ 30.22 R-2 Districts (one-family residential)

In R-2 Districts no building or premises shall be used, and no building shall be erected or altered for other than one (1) or more of the following uses:

Any use permitted in R-1 Districts.

§ 30.23 R-3 Districts (two-family residential)

A. Permitted uses.

In R-3 Districts no building or premises shall be used, and no building shall be erected or altered for other than one (1) or more of the following uses:

1. Any use permitted in R-2 Districts.
2. Two-family detached dwellings.

§ 30.24 R-4 Districts (garden-type apartments, residential)

A. Permitted uses.

In R-4 Districts, no building or premises shall be used and no building shall be erected or altered, for other than one (1) of the following uses:

1. Any use permitted in R-3 District.
2. A group of multi-family dwellings in a single lot subject to

*See Schedule of Regulations made a part of this Chapter by § 30.6 hereof as to area, height, density, off-street parking, etc. requirements at end of this Chapter.

ZONING

§ 30.25

the following conditions:

- a. Buildings shall be so grouped that each building shall face for the full length of its front facade either upon an existing street, or upon an open space which in its least dimensions shall not be less than seventy-five (75) feet. Where the rear elevations of the principal buildings are built parallel to each other or within thirty degrees (30°) of parallel, the average distance between their long dimension shall be not less than sixty (60) feet. Each building, whether principal or accessory, shall be at least thirty (30) feet distant from any other building in the group, which distance shall be measured in a straight line between the points of the buildings which are nearest each other.
- b. No basement, garage or cellar shall be occupied as living or sleeping quarters.

§ 30.25 R-5 district (apartment residential)

A. Permitted uses.

In R-5 Districts, no building or premises shall be used, and no building shall be erected or altered, for other than one (1) or more of the following uses:

1. Any use permitted in R-3 Districts.
2. A group of attached one-family or two-family dwellings with party walls, provided it includes not more than six (6) family units.
3. Multiple dwellings relative to which the maximum density shall be fifteen (15) units per acre.

Supp. #5, 1/29/2001
§ 30.31

MUNICIPAL CODE

ARTICLE III

BUSINESS DISTRICTS

§ 30.31. B-1 Districts (business)

A. Permitted uses.

The following are permitted uses in the B-1 district:

1. Retail stores for the sale of personal property.
2. Plumbing shops.
3. Barbershops and hairdressing and beauty parlors.
4. Retail printing and copying shops.
5. Shoe-repairing shops. [Amd. LL #3, 99, 10/6/99 by deleting "laundromats".]
6. A dry cleaning establishment incidental to the conduct of a retail tailoring business conducted on the premises.
7. Garden centers and nurseries, including the outdoor storage and display of trees, shrubs, plants, garden supplies (other than fertilizer and chemicals) and garden furniture and equipment. [Added LL #2, 93, 5/19/93.]
8. Accessory uses.
 - a. Accessory uses and structures as provided in Article VII of this Chapter.
 - b. Accessory uses shall also include the incidental repair and servicing of any product the sale of which is a permitted use, provided that such repair and servicing uses shall be performed within the confines of the interior business premises utilized for the principal use. It shall be unlawful to conduct and carry on any business, whether it be the principal business for which the premises are zoned or incidental thereto, upon the exterior business premises, unless otherwise specially permitted under this Chapter. [§ 8 amd. LL # 32, 2000, 6/21/2000.]

Supp. #5, 1/29/2001

9. Office Buildings. [¶ 9 added LL #3, 2001, 2/21/2001.]

B. Special uses.*

A building may be erected, altered or used for any purpose set forth in this Subdivision only when authorized by the Board of Trustees as a special use after a public hearing conducted by the Board of Trustees and for no other:

1. Restaurants. [Amd. LL #5, 97, 7/25/97; LL #3, 99, 10/6/99.]
2. Taverns, bar and grills, discotheques and places of public assembly. [Amd. LL #5, 97, 7/25/97; LL #3, 99, 10/6/99.]
3. Drive-in restaurant or other drive-in establishments which

[Next page is 30.13.]

*See also 5.30.67(C) as to gasoline/diesel service stations.

Supp. #6, 1/3/2002

provide or make available any facility (including but not limited to parking or standing space on the premises for vehicles) for or permits the consumption of food or drink on the premises outside the building or structure occupied. [Amd. LL #5, 97, 7/25/97; LL #3, 99, 10/6/99.]

4. Delicatessens, carry-out food establishments, any premises which prepares or stores food. [Amd. LL #5, 97, 7/25/97; LL #3, 99, 10/6/99.]

5. Churches, hotels, motels, banks, funeral parlors, theatres, public schools, private schools and libraries. ["Office buildings" deleted from this paragraph, LL #1, 95, 1/18/95; amd. LL #3, 99, 10/6/99 by adding "office buildings"; amd. LL #3, 2001, 2/21/2001, by deleting "office buildings".]

6. Sales, service, warehousing, repairing, storing, preparation and/or inspection of vehicles and motor vehicles subject to § 30.69.

7. Catering halls. [Amd. LL #5, 97, 7/25/97; LL #3, 99, 10/6/99.]

8. Clinics, veterinary facilities.

9. Post offices.

10. Laundromats, commercial laundries and businesses which consume substantial amounts of water. [¶ 10 added, LL#3, 99, 10/6/99.]

C. Accessory uses and structures.

Accessory uses and structures as provided in Article VII of this Chapter.

[Subsequent construction. Repealed LL #6, 91, 5/1/91.]

§ 30.32 B-2 Districts (special business)

A. No building or premises shall be used and no building shall be erected or altered for other than one or more of the following uses:

1. Any use permitted in B-1 district.

Supp. #6, 1/3/2002

§ 30.32

MUNICIPAL CODE

ZONING

Footnotes to Chart II of Schedule of Regulations

1. Size of lot in R-1 District

1. No dwelling shall occupy a lot unless it contains an area of not less than seven thousand five hundred (7,500) square feet and has a minimum frontage of seventy-five (75) feet, and in no event shall the buildings or structures, including any accessory buildings or structures, upon any such lot occupy or cover more than forty percent (40%) of the total area of the lot.

2. The lot area and frontage requirements set forth herein shall not apply to any lot having an area and/or frontage of less than that prescribed herein, provided that such lot has an area of at least five thousand (5,000) square feet and was under different ownership from that of any adjoining land on July 1, 1988, and provided further that such lot and any adjoining land did not come under common ownership since that date.

3. If any lot on which a building has been erected shall be subdivided into two or more lots in such a manner that the resulting lot on which such building remains shall not comply with paragraph 1 hereof, the right of the owner thereof to maintain such building on such lot shall immediately cease, and he or she shall remove the same on the order of the Enforcement Officer.

2. Size of lots in R-2 District

1. No dwelling shall occupy a lot unless it contains an area of not less than five thousand (5,000) square feet and has a minimum frontage of fifty (50) feet, and in no event shall the buildings or structures, including any accessory buildings or structures, upon any such lot occupy or cover more than forty percent (40%) of the total area of the lot.

2. The lot area and frontage requirements set forth herein shall not apply to any lot having an area and/or frontage of less than that prescribed herein, provided that such lot has an area of at least four thousand (4,000) square feet and was under different ownership from that of any adjoining land on July 1, 1988, and provided further that such lot and any adjoining land did not come under common ownership since that date.

3. If any lot on which a building had been erected shall be subdivided into two or more lots in such manner that the resulting

ZONING

Footnotes to Chart II of Schedule of Regulations (cont'd)

provided further that such lot and any adjoining land did not come under common ownership since that date.

3. If any lot on which a building has been erected shall be subdivided into two or more lots in such a manner that the resulting lot on which such building remains shall not comply with Paragraph 1 hereof, the right of the owner thereof to maintain such building on such lot shall immediately cease, and he or she shall remove the same on the order of the Enforcement Officer.

5. Parking spaces in M District

In M (Manufacturing) Districts the minimum parking spaces required shall be decreased from 1 space for every 250 square feet of building area to 1 space for every 500 square feet of the building area. This reduction shall be applicable only on condition that a restrictive covenant running with the land be filed and recorded limiting the use of the parcel to those uses expressly permitted in § 30.51 of this Chapter, excluding, however, uses permitted in a B-1 or B-2 District.

MUNICIPAL CODE

Footnotes to Chart II of Schedule of Regulations (cont'd)

lot on which such building remains shall not comply with paragraph 1 hereof, the right of the owner thereof to maintain such building on such lot shall immediately cease, and he or she shall remove the same on the order of the Enforcement Officer.

1. Size of Lot in R-3 Zone (one-family)

1. No dwelling used as a one-family residence shall occupy a lot unless it contains an area of not less than five thousand (5,000) square feet and has a minimum frontage of fifty (50) feet, and in no event shall the buildings or structures, including any accessory buildings or structures, upon any such lot occupy or cover more than forty percent (40%) of the total area of the lot.

2. The lot area and frontage requirements set forth herein shall not apply to any lot having an area and/or frontage of less than that prescribed herein, provided that such lot has an area of at least four thousand (4,000) square feet and was under different ownership from that of any adjoining land on October 1, 1990, and provided further that such lot and any adjoining land did not come under common ownership since that date.

3. If any lot on which a building had been erected shall be subdivided into two or more lots in such manner that the resulting lot on which such building remains shall not comply with Paragraph 1 hereof, the right of the owner thereof to maintain such building on such lot shall immediately cease, and he or she shall remove the same on the order of the Enforcement Officer.

4. Size of Lot in R-3 Zone (two-family)

1. No dwelling used as a two-family residence shall occupy a lot unless it contains an area of not less than seven thousand five hundred (7,500) square feet and has a minimum frontage of seventy-five (75) feet, and in no event shall the buildings or structures, including any accessory buildings or structures, upon any such lot occupy or cover more than forty percent (40%) of the total area of the lot.

2. The lot area and frontage requirements set forth herein shall not apply to any lot having an area and/or frontage of less than that prescribed herein, provided that such lot has an area of at least five thousand (5,000) square feet and was under different ownership from that of any adjoining land on October 1, 1990, and

2. Office buildings.

3. Multiple dwellings.

4. Accessory uses or structures as provided in Article VII of this Chapter.

B. Side-street entrance.

There shall be no entrance to any building from a side street, except that such entrance may be permitted to apartment houses and to dwelling units.

C. Apartment building facing restricted.

In this district, no apartment building shall face Washington, Jefferson, Jackson, Lincoln, Grant, Garfield, Cleveland or Harrison Avenues.

D. Mixed use.

In any multiple dwelling structure raised, erected or altered there may be a floor area of not more than one thousand (1,000) square feet on the ground floor devoted to office use. All such office use area shall face the main business street. No signs shall be permitted, except the usual professional-type sign, and that shall be facing the main building street.

§ 30.33 B-3 Districts (special office use)

A. Permitted uses.

No building or premises shall be used, and no building shall be erected or altered for any use other than one (1) or more of the following:

1. Office buildings.

2. Banks.

3. Brokerage houses.

4. Accessory uses and structures as provided in Article VII of this Chapter.

B. Special uses.

A building may be erected, altered or used for any purpose set forth in this Subdivision only when authorized by the Board of Trustees as a special use after a public hearing conducted by the Board of Trustees and for no other:

[Next page is 30.15.]

1. Restaurants, other than drive-in restaurants, to be located upon non-residentially zoned property. [Amd. LL #4, 97, 7/25/98.]

2. Taverns, bars and grills, discotheques and places of public assembly, to be located upon non-residentially zoned property. [Amd. LL #4, 97, 7/25/97.]

3. Drive-in restaurants or other drive-in establishments which provide or make available any facility (including but not limited to parking or standing space on the premises for vehicles) for or permits the consumption of food or drink on the premises outside the building or structure occupied, to be located upon non-residentially zoned property. [Amd. LL #4, 97, 7/25/97.]

4. Delicatessens, carry-out food establishments, any premises which prepares or stores food, to be located upon non-residentially zoned property. [Amd. LL #4, 97, 7/25/97.]

5. Churches, hotels, motels, funeral parlors, theatres, public schools, private schools and libraries.

6. Sales, service, warehousing, repairing, storing, preparation and/or inspection of motor vehicles.

7. Catering halls, to be located upon non-residentially zoned property. [Amd. LL #4, 97, 7/25/97.]

8. Clinics, veterinary facilities.

9. Post offices.

10. Retail stores for the sale of personal property.

11. Plumbing shops.

12. Barbershops and hairdressing and beauty parlors.

13. Retail printing and copying shops.

14. Shoe-repairing shops and laundromats.

15. A dry cleaning establishment incidental to the conduct of a retail tailoring business conducted on the premises. [Amd. LL #10, 1988.]

Supp. #3, 11/3/98

S. 30.41

MUNICIPAL CODE

ARTICLE IV

SPECIAL DISTRICTS

§ 30.41 Hospital district

A. Permitted uses.

In a Hospital District no building or premises shall be used and no building shall be erected or altered for other than one (1) of the following uses:

1. Public or private hospital, whether for profit or not for profit.

2. Accessory uses customarily incidental to the operation of a hospital, as listed in Paragraph 1 above.

ARTICLE V

MANUFACTURING AND INDUSTRIAL DISTRICTS

§ 30.51 M Districts (manufacturing and industrial)

A. Permitted uses.

1. Any use permitted in a B-1 or B-2 District may be permitted in an M District and, in addition, any of the following uses.

2. Manufacture of the following, provided basic materials are not processed on the premises:

a. Clothing.

b. Electrical appliances.

c. Leather goods.

d. Machinery parts and accessories, such as bolts, nuts, screws, washers, gears, etc. No power forges are permitted to be used on the premises.

Supp. #3, 11/3/98

ZONING

§ 30.51

- e. Small tools. No power forges are permitted to be used on the premises.
- 3. Cleaning or dyeing establishment.
- 4. Bottling works, except where combustible materials are involved.
- 5. Warehouse, cold-storage plant.

B. Accessory uses and structures.

Accessory uses and structures customarily restricted to the permitted uses enumerated above and as provided in Article VII of this Chapter.

C. The following adult uses shall be allowable in an M District.

1. Purposes and considerations.

- a. In the execution of this local law it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
- b. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Incorporated Village of Mineola.
- c. These special regulations are itemized in this local law to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

2. Definitions. As used in this local law, the following terms shall have the meanings indicated:

ADULT BOOKSTORE - An establishment having as a

MUNICIPAL CODE

substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT DRIVE-IN-THEATER- A drive-in theater that customarily presents motion pictures that are not open to the public generally but excludes any minor by reason of age.

ADULT ENTERTAINMENT CABARET - A public or private establishment which presents topless dancers, strippers, male or female impersonators, or exotic dancers, or other similar entertainments, and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT MOTEL - A motel which is not open to the public generally but excludes minors by reason of age, or which make available to its patrons in their rooms, films, slide shows or videotapes, which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

ADULT THEATER - A theater that customarily presents motion pictures, films, videotapes or slide shows that are not open to the public generally but excludes any minor by reason of age.

MESSAGE ESTABLISHMENT - Any establishment having a fixed place of business where massages are administered for pay including, but not limited to, massage parlors, sauna baths and steam baths. This definition shall not be constructed* to include a hospital, nursing home or medical clinic or other office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

See in original.

Supp. #1, 8/1/96

ZONING

§ 30.51

PEEP SHOWS - A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes minors by reason of age.

3. The adult uses as defined in Subsection 2 above are to be restricted as to location in the following manner in addition to any other requirements of this Code:

- a. Any of the above uses shall not be located within a two-hundred-foot radius of any area zoned for residential use.
- b. Any of the above uses shall not be located within a one-half-mile radius of another such use.
- c. Any of the above uses shall not be located within a five-hundred foot radius of any school, church or other place of religious worship, park, playground or playing field.

4. The restrictions enumerated in Subsection 3 above may be waived by the Board of Trustees of the Village if the applicant shows and the Board finds that the following conditions have been met:

- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit or intent of this local law will be observed;
- b. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
- c. That fifty-one percent (51%) percent* or more of the property owners within the restricted area as defined in Subsection C(1) of this section have signed a petition stating that they have no objection to the establishment of one of the uses defined above.

5. No more than one (1) of the adult uses as defined above shall be located on any lot.

*sc in original.

Supp. #1, 8/1/96

§ 30.51

MUNICIPAL CODE

6. By amortization, the right to maintain a legal non-conforming adult use shall terminate in accordance with the following schedule:

Amount of Capital Investment as of the Effective Date of this Local Law	Date Before Which Use Shall Terminate
0 to 10,000	June 1, 1994
10,001 to 25,000	June 1, 1995
25,001 to 50,000	June 1, 1996
50,001 to 100,000	June 1, 1997
100,001 or more	June 1, 1998

NOTE: The term "capital investment", as used above, is defined to mean the initial outlay by the owner or operator of the use to establish the business as of the date of the enactment of the local law, exclusive of the fair market value of the structure in which the use is located. [Subd. C added LL #2, 96, 2/28/96.]