

Minutes - Board Meeting – 03/10/10

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 10, 2010 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

ALSO PRESENT: Village Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly
Superintendent of Building Daniel B. Whalen

Sunshine Observers: 48 Observers

Mayor Jack M. Martins congratulated the Corpus Christi CYO Basketball team and their coaches on their efforts in getting to the final CYO Championship game and presented award certificates to each team member.

Mineola Fire Department Warren Bill Gresalfi made a short presentation about the Mineola Junior Fire Department and further reminded everyone that the Annual Mineola Junior Pasta Dinner will be March 14, 2010 at Village Hall Community Center from 12:00 PM – 5:00 PM.

Mayor Jack M. Martins called the Public Hearing to order at 6:40 PM

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF WILLIAM J. McDERMOTT FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 30.31 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” FOR THE ESTABLISHMENT OF A READING AND MATH LEARNING CENTER UPON THE PROPERTY KNOWN AS 131 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 450, LOTS 271-276.

No Speakers addressed the Board

Resolution No. 43-10

Resolved to declare the application of William J. McDermott for a Special Use Permit at 113 Jericho Turnpike as an unlisted action and with a negative declaration under the State Environmental Quality Review Act.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Lawrence A. Werther

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

Resolution No. 44-10

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

In the Matter of the Application of

WILLIAM J. McDERMOTT

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 131 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 271-276.

-----X

NAME OF APPLICANTS:	William J. McDermott
SUBJECT PROPERTY:	Section 9, Block 450, Lots 271-276
STREET LOCATION:	131 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) for the establishment of a learning center

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.
DATE OF HEARING: March 10, 2010
APPEARANCES: William J. McDermott, Esq.

DECISION:

William J. McDermott (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a reading and math learning center upon the property known as 131 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 271-276) (hereinafter, the "Property").

By Notice of Disapproval, dated February 1, 2010, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that the establishment of a reading and math learning center upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to establish a reading and math learning center upon the property known as 131 Jericho Turnpike;
- 2) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village;

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-1" District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 1) The premises shall be maintained in a clean condition at all times;
- 2) Patrons must use the front entrance for drop off and pick up;
- 3) Only classes shall be conducted on premises;
- 4) No food shall be sold on the premises;
- 5) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 6) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 7) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
May 4, 2010

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF RICHARD CAROLL FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.31 ENTITLED "B-1 DISTRICTS",

SUBSECTION (B) ENTITLED "SPECIAL USES" TO CONVERT RETAIL SALES SPACE FOR THE SALE OF PRE-PACKAGED FOOD AND BEVERAGES UPON THE PROPERTY KNOWN AS 360 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 591, LOT 204.

2 Speakers addressed the Board

Resolution No. 45-10

Resolved to declare the application of Richard Carroll for a Special Use Permit at 360 Jericho Turnpike as an unlisted action and with a negative declaration under the State Environmental Quality Review Act.

Motioned by Trustee Thomas F. Kennedy
Seconded by Trustee Paul S. Cusato

Vote:

Yes

Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

No

Abstain

Resolution No. 46-10

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

RICHARD CARROLL

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 360 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 591, Lot 204.

-----X

NAME OF APPLICANTS: Richard Carroll
SUBJECT PROPERTY: Section 9, Block 591, Lot 204
STREET LOCATION: 360 Jericho Turnpike
Mineola, New York 11501
ZONING DISTRICT: Business "B-1" District
RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) for the sale of pre-packaged food and beverages
PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.
DATE OF HEARING: March 10, 2010
APPEARANCES: Richard Carroll

DECISION:

Richard Carroll (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to convert retail space for the sale of pre-packaged food and beverages upon the property known as 360 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 591, Lot 204) (hereinafter, the "Property").

By Notice of Disapproval, dated December 22, 2009, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that the conversion of retail space for the sale of pre-packaged food and beverages upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to convert retail space for the sale of pre-packaged food and beverages upon the property known as 360 Jericho Turnpike;
- 2) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village;

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-1"

District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 8) The beverage lounge at the premises shall be for the incidental use of salon patrons and not open to the general public;
- 9) The loading door located on Foch Boulevard shall be utilized for the delivery of equipment only and shall remain closed at all other times;
- 10) Applicant shall utilize a private sanitation service for garbage removal and shall locate the dumpster in the parking lot away from the residential property line;
- 11) All deliveries of supplies shall be made through the parking lot and the building entrance located adjacent to the parking lot;
- 12) The property shall be maintained in a clean, clear and neat condition at all times including the adjoining alley;
- 13) All music played at the premises shall not be heard from outside the building; and;
- 14) Applicant shall place a sign at the premises requesting all patrons to respect the neighboring residents with respect to parking, litter and noise;
- 15) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicants or their successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 16) The representations made by Applicants on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 17) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
May 4, 2010

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF T-MOBILE NORTHEAST LLC FOR A SPECAIL USE PERMIT, PURSUANT TO CHAPTER 31 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES", SECTION 31.4 ENTITLED "REVIEW AUTHORITY" SUBSECTION (A) FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUBLIC UTILITY WIRELESS COMMUNICATION FACILITY UPON THE PROPERTY KNOWN AS 170 OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 430, LOTS 52, 54, 56, 58, 60, 62, 64, 111, 166, 266 & 311.

No Speakers addressed the Board

Resolution No. 47-10

Resolved to declare the application of T-Mobile Northeast LLC for a Special Use Permit at 170 Old Country Road as an unlisted action and with a negative declaration under the State Environmental Quality Review Act.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Lawrence A. Werther

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Jack M. Martins		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Thomas F. Kennedy		
Trustee Paul A. Pereira		

Resolution No. 48-10

Mayor Jack M. Martins requested a motion to reserve decision and refer the application to Nassau County Planning Commission.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Lawrence A. Werther

Vote:

Yes
Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

No

Abstain

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF 104 MINEOLA BLVD. CO. FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.31 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE CONVERSION OF AN EXISTING COMMERCIAL SPACE INTO A TAKE-OUT FOOD ESTABLISHMENT UPON THE PROPERTY KNOWN AS 198 2ND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 419, LOT 140.

1 Speaker addressed the Board

Resolution No. 49-10

Resolved to declare the application of 104 Mineola Blvd. Co. for a Special Use Permit at 198 2nd Street as an unlisted action and with a negative declaration under the State Environmental Quality Review Act.

Motioned by Trustee Thomas F. Kennedy
Seconded by Trustee Paul A. Pereira

Vote:

Yes
Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

No

Abstain

Resolution No. 50-10

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

104 MINEOLA BOULEVARD CO.

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 198 Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 419, Lot 140.

-----X

NAME OF APPLICANTS:	104 Mineola Boulevard Co.
SUBJECT PROPERTY:	Section 9, Block 419, Lot 140
STREET LOCATION:	198 Second Street Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) to convert a commercial space for a take-out food establishment
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	March 10, 2010
APPEARANCES:	Marco Silva, Esq.

DECISION:

104 Mineola Blvd. Co. (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to covert a commercial space for a take-out food establishment upon the property known as 198 Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 419, Lot 140) (hereinafter, the "Property").

By Notice of Disapproval, dated October 5, 2009, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that the conversion of commercial space for the establishment of a take-out restaurant upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to convert a commercial space for the establishment of a take-out restaurant upon the property known as 198 Second Street;
- 2) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village;

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the "B-2" District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

IT IS THEREFORE RESOLVED, that the Special Use Permit is **GRANTED** subject to the following conditions:

- 18) Patron seating at the premises shall be limited to eight (8) seats;
- 19) Cooking methods shall not include a charcoal grill;
- 20) Applicant shall utilize a private sanitation service for garbage removal;
- 21) All putrescible waste shall be refrigerated indoors until pick-up;
- 22) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 23) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 24) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
May 4, 2010

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

Resolution No. 51-10

Resolved to approve the Community Development 36th Year funding allocations as presented.

Community Development Funding 36th Year Allocations:

- \$150,000.00 – Residential Rehabilitation throughout the Village.
- \$ 75,000.00 – Code Enforcement to enforce illegal housing.
- \$170,000.00 – To complete upgrading of Station Plaza North.
- \$ 18,500.00 – To improve Handicapped Accessibility to the Corpus Christi Knights of Columbus-Bathroom.

3 Speakers addressed the Board

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Thomas F. Kennedy

Yes

Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

No

Abstain

Village Clerk Joseph R. Scalero reminded everyone that Tuesday, March 16, 2010 is Village Election Day and that the polls will be open from 6:00 AM – 9:00 PM at the Village Hall Community Center.

Mayor Martins requested a motion to close the Work Session at 9:30PM.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Thomas F. Kennedy

Vote:

Yes

Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

No

Abstain