Minutes - Board Meeting – 10/08/2014

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 8, 2014 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Attorney John M. Spellman Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	19 Observers

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

A Public Hearing was held 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

> **APPLICATION OF NOAH SIEGEL FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 550.12 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE PURPOSE OF ESTABLISHING A FITNESS TRAINING FACILITY UPON THE PROPERTY KNOWN AS 228 E. JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 378, LOT 26;**

6 Speakers addressed the Board

Resolution No. 286-14

Mayor Scott P. Strauss requested a motion to approve the application of Noah Siegel for a special use permit upon the property known as 228 E. Jericho, Mineola.

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

NOAH SIEGEL

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 228 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 378, Lot 26.
----------X

NAME OF APPLICANTS: Noah Siegel

SUBJECT PROPERTY:	Section 9, Block 378, Lot 26
STREET LOCATION:	228 East Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a fitness training facility
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	October 8, 2014
APPEARANCES:	Noah Siegel

DECISION:

Noah Siegel (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.12.B of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a fitness training facility upon the property known as 228 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 378, Lot 26) (hereinafter, the "Property").

By Notice of Disapproval, dated August 13, 2014, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to establish a fitness training facility upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

1) Applicant is seeking a special use permit to establish a fitness training facility upon the property known as 228 East Jericho Turnpike, Mineola, New York;

2) The facility will be for members only, it will not be an "open" gym";

3) The hours of operation will be 6:00 A.M. to 11:00 A.M. and 4:00 P.M. to 8:00 P.M., Monday-Friday and 7:00 A.M to 12:00 P.M., Saturday- Sunday;

4) Classes will be for one (1) hour and be scheduled in advance with ten (10) to twenty (20) individuals at a time;

5) The area is serviced with on-street metered parking;

6) Applicant will conduct sports training inside the building. The building will have an indoor turf field and weight training area;

7) The Applicant will be selling prepackaged health snacks and drinks. The Applicant will not be preparing or cooking food upon the Property; and

8) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

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

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

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

2) Music, if any, shall be played at a low volume and shall not be audible outside of the building;

3) Applicant shall encourage its members to utilize the municipal parking;

4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of them shall subject the applicant or it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;

5) The representations made by Applicant on the record in this proceeding have been deemed material to this application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special permit; and

6) Violation of a condition set forth in this decision shall be deemed a violation of the Village Zoning Law and shall subject the owner or occupant of the premises to all penalties set forth in the Zoning Law.

Dated: Mineola, New York
October 8, 2014

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Village Attorney John M. Spellman recommended the following resolution:

Resolution No. 287-14

Resolved to deem the application of Noah Siegel for a special use permit upon the property known as 228 E. Jericho, Mineola amended to include pre-packaged food supplements and beverages.

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

Vote:

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

Mayor Scott P. Strauss requested a motion to close the Public Hearing at 7:52 PM.

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

Vote:

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

Mayor Scott P. Strauss called the Work Session to order at 8:25 PM.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Attorney John M. Spellman Village Clerk Joseph R. Scalero Deputy Village Clerk Cora T. Kelly Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American* *Williston Times*
Sunshine Observers:	19 Observers

Resolution No. 288-14

Resolved to approve bills and payroll.

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

Vote:

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

Resolution No. 289-14

Resolved to approve a request of Corpus Christi to use village streets for a Devotional Procession on Monday October 13, 2014 from approximately 8:45 PM – 10:00 PM utilizing following route:

Garfield East to Willis Avenue
South to Second Street
Turn around (U-Turn)
(will not block Second Street)
North on Willis to Garfield West to
Starting place at the Church

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

Vote:

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

Village Clerk Joseph R. Scalero presented a monthly Justice Court report for the month of September and reminded residents that Village Hall will be closed on Monday October 13 in observance of Columbus Day and that the holiday sanitation schedule will be in effect for that week.

Trustee Paul A. Pereira reminded residents that Saturday October 11 is the Mineola High School Homecoming Parade at 5:00 pm followed by a night game.

Mayor Scott P. Strauss stated that next week's Board Meeting will be a Public Hearing at 6:30 PM followed by a Public Meeting at 7:30 PM with a Work Session to follow.

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:30 PM

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

Vote:

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