Minutes - Board Meeting – 02/18/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 18, 2015 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee Paul A. Pereira Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Village Attorney John 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:	15 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 HEIDI COHEN 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 CHILDREN'S PARTY PLACE UPON THE PROPERTY KNOWN AS 464 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 5, LOTS 30-32, 64-68, 130; and**

No Speakers addressed the Board

Resolution No. 28-15

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

HEIDI COHEN

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 464 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 5, Lots 30-32, 64-68, 130.
----------X

DECISION

NAME OF APPLICANTS: Heidi Cohen

SUBJECT PROPERTY: Section 9, Block 5, Lots 30-32, 64-68, 130

STREET LOCATION:	464 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 children's party place upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 18, 2015
APPEARANCES:	Heidi Cohen, Owner

DECISION:

Heidi Cohen (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 children's party place upon the property known as 464 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 5, Lots 30-32, 64-68, 130) (hereinafter, the "Property").

By Notice of Disapproval, dated July 1, 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 dance and fitness studio 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 children's party place upon the property known as 464 Jericho Turnpike, Mineola, New York;

2) Applicant serves pizza and cake that is brought in from an outside vendor. Applicant will not be preparing or cooking food upon the Property;

3) The building is serviced by a parking lot in the rear of the Property;

4) The rear entrance is utilized as the main entrance to the building;

5) Applicant will have seven (7) employees and only three (3) employees will be scheduled at one-time;

6) Applicant anticipates three (3) ninety (90) minute parties on both Saturday and Sunday each week for twelve (12) to fifteen (15) children. The hours of operation will be 11:00 A.M. to 7:30 P.M.; and

7) 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 applicant will not prepare or cook food upon the Property;

2) Applicant shall encourage its customers to utilize the rear parking lot;

3) 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;

4) 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

5) 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
February 18, 2015

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

A Public Hearing was held 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF KYOO BOK HWANG 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 AN AFTER SCHOOL TUTORING CENTER UPON THE PROPERTY (LOWER LEVEL) KNOWN AS 69 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 299, LOTS 11-13, 96, 102, 104.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the meeting and reserve decision at 8:05 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		

Mayor Scott P. Strauss called the Work Session to order at 8:35 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

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 7 Observers

Resolution No. 29-15

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. 30-15

Resolved to approve a request of the Mineola Union Free School District for the use of the John S. DaVanzo Community Pool for its Special Education Summer Program from 12:15 PM to 1:15 PM on the following Monday's:

July 6, 2015	July 20, 2015	August 3, 2015
July 13, 2015	July 27, 2015	August 10, 2015

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

Vote:

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

Resolution No. 31-15

Resolved to approve a request by the American Legion Mineola Memorial Post 349 for the use of a general purpose room on the following Tuesday dates from 8:00 PM – 10:00 PM and on the third Thursday of each month, as needed, for Executive Committee meetings, subject to Community Center availability:

February 10, 2015	September 8, 2015
March 10, 2015	October 13, 2015
April 14, 2015	November 10, 2015
May 12, 2015	December 8, 2015
June 9, 2015	

Motioned by Trustee Paul A. Pereira
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. 32-15

Resolved to enter into a contract with Pyro Engineering, Inc. for services in connection with the Village of Mineola Concert in the Park, Friday July 10, 2015 (Raindate: Friday July 24, 2015) at a cost of $10,000.00.

Motioned by Trustee Paul A. Pereira
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. 33-15

Resolved to approve a request of the Mineola Chamber of Commerce to conduct the Mineola Street Fair on Sunday September 13, 2015 (Raindate: Sunday October 4, 2015) from 11:00 AM – 6:00 PM and to move the fair to Jericho Turnpike from the east side of Mineola Boulevard to Nassau Boulevard, Willis Avenue North to Linden Road and South to Washington Avenue leaving Mineola Boulevard open to traffic north and south.

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		

Resolution No. 34-15

Resolved to approve a request by the Mineola Chamber of Commerce for the use of Wilson Park Field for a "Movie Night in the Park" event on Friday July 31, 2015 (Raindate: Saturday August 1, 2015) from 7:00 – 10:00 PM.

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

Vote:

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

Village Attorney John M. Spellman announced that the planning report on Multi Family Residential Development in the downtown district has been completed and is available for viewing on the Village of Mineola website.

Village Clerk Joseph R. Scalero reported on the water damage at the Mineola Memorial Library, caused by a break in a frozen sprinkler pipe which occurred on Monday February 16, causing extensive water damage. Village Clerk Scalero presented a status report discussing the necessary repairs and a tentative schedule for completion.

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:50 PM

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

Vote:

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