

Minutes - Board Meeting – 03/11/2020

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 11, 2020 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

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

Press Observers: *None*

Sunshine Observers: 2 Observers

Mayor Scott P. Strauss stated that Trustee George R. Durham is unable to be present at the meeting.

Mayor Scott P. Strauss 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 ZD DISCOUNT, INC. 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” AND SECTION 550-13 ENTITLED “B-2 DISTRICTS” SUBSECTION (A)(1) TO ESTABLISH A DISCOUNT STORE WITH SALE OF SNACKS AND BEVERAGES UPON THE PROPERTY KNOWN AS 97 MAIN STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 419, LOT 229.

No speakers addressed the Board

Resolution 71-20

Resolved to declare the Special Use Application of ZD Discount, Inc. 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” and Section 550-13 entitled “B-2 Districts” Subsection (A)(1) for the purpose of establishing a discount store with sale of snacks and beverages upon the property known as 97 Main Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 419, Lot 229, as a Type II action pursuant to S.E.Q.R.A.

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 Dennis J. Walsh

Resolution 72-20

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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

ZD DISCOUNT, INC.

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-12(B) and Section 550-13(A)(1) of the Code of the Incorporated Village of Mineola, at premises known as, at premises known as 97 Main Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 419, Lot 229.

-----X

NAME OF APPLICANT:	ZD Discount, Inc.
SUBJECT PROPERTY:	Section 9, Block 419, Lot 229
STREET LOCATION:	97 Main Street Mineola, New York 11501
ZONING DISTRICT:	"B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12 to establish a discount store with the sale of food and beverages upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	March 11, 2020
APPEARANCES:	Zhuorui Sun, Owner

DECISION:

ZD Discount, Inc. (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550.12 and 550-13 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a discount store with the sale of food and beverages upon the

property known as 97 Main Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 419, Lot 229) (hereinafter, the “Property”).

By Notice of Disapproval, dated November 20, 2020, 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 discount store with the sale of food and beverages 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 discount store with the sale of food and beverages upon the property known as 97 Main Street, Mineola, New York;
- 2) Applicant shall not cook/prepare any food upon the Property;
- 3) Applicant intends to sell snacks, drinks and other pre-packaged foods related to discount/convenience store; and
- 4) 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:

- 1) Applicant shall not cook/prepare food upon the premises;
- 2) There shall be no seating upon the premises;
- 3) All putrescible waste shall be refrigerated indoors until pick-up by private carter;
- 4) All waste pick-ups shall take place between the hours of 7:00 a.m. and 7:00 p.m. only. There shall be no dumpsters upon the Property;

- 5) All deliveries shall take place be during non-peak traffic hours and shall not occur before 7:00 a.m.;
- 6) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this Special Use Permit;
- 7) 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 decision. Applicant’s representations are deemed to be part of the conditions of this Special Use Permit; and
- 8) Violation of a condition set forth in this Special Use Permit 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
March 11, 2020

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

Village Clerk Joseph R. Scalero polled the Board:

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

Mayor Scott P. Strauss requested a motion to close the hearing at 6:55 PM.

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

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