

Minutes - Board Meeting – 12/8/10

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, December 8, 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

Press Observer: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Patch .com

Sunshine Observers: 28 Observers

Mayor Jack M. Martins announced that Boy Scouts Troop 45 has three new Eagle Scouts, Perry Llannes, Nicholas Fiori and Glenn Peters.

Mayor Jack M. Martins called the Public Hearing to order at 6:50 PM

A Public Hearing was held at 6:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF TIAA-CREFF FINANCIAL SERVICES FOR THE GREATER GOOD FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.33 ENTITLED "B-3 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE ESTABLISHMENT OF A CAFETERIA UPON THE PROPERTY KNOWN AS 330 OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 436, LOT 139A

No Speakers addressed the Board

Resolution No. 313-10

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

In the Matter of the Application of

TIAA-CREFF FINANCIAL SERVICES FOR
THE GREATER GOOD

DECISION

For a Special Use Permit pursuant to Chapter 30, Section 30.33(B) of the Code of the Incorporated Village of Mineola, at premises known as 330 Old Country Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 436, Lot 139A.

-----X

NAME OF APPLICANTS: TIAA-CREFF Financial Services for the Greater Good

SUBJECT PROPERTY: Section 9, Block 436, Lot 139A

STREET LOCATION: 330 Old Country Road
Mineola, New York 11501

ZONING DISTRICT: Business "B-3" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 30, Section 30.33(B) for the establishment of a cafeteria upon the property

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.

DATE OF HEARING: December 8, 2010

APPEARANCES: Matthew White, Esq.

IN SUPPORT David Leviton, Broker
Thomas Murawski, Architect
Roger Zafuto, Property Manager

DECISION:

TIAA-CREFF Financial Services for the Greater Good (hereinafter, “Applicant”) is before this Board pursuant to Chapter 30, Section 30.33 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the establishment of a cafeteria upon the property known as 330 Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 436, Lot 139A) (hereinafter, the “Property”).

By Notice of Disapproval, 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 cafeteria 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 cafeteria upon the property known as 330 Old Country Road, Mineola, New York;
- 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-3” 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.

The Board of Trustees has appellate jurisdiction with respect to architectural matters. The Board of Trustees grants the Applicant's request to waive architectural review, conditioned upon the Applicant continuing the existing façade to match the existing architecture.

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) The hours of operation for the cafeteria shall be 8am to 3pm, Monday through Friday;
- 3) The cafeteria shall be for the sole use of the building's occupants;
- 4) Applicant shall utilize a private sanitation service for garbage removal.
- 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 its 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
January __, 2011

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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 7:15PM at the Village Hall, 155 Washington Avenue, Mineola, New

York, 11501 in order to receive public comment upon the following:

APPLICATION OF SPRINT-NANCY HANER FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 31 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES", SECTION 31.4A ENTITLED "REVIEW AUTHORITY", FOR A SPECIAL USE FOR THE INSTALLATION/MODIFICATION OF CELL TOWER ANTENNAE UPON THE PROPERTY KNOWN AS 250 OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 675, LOTS 2A & 2B

Applicant failed to appear before the Board

A Public Hearing was held at 7:20 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF HERRICKS MINEOLA, LLC 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 CHIPOTLE MEXICAN GRILL RESTAURANT UPON THE PROPERTY KNOWN AS 528 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 18/19, LOTS 45,46,51, & 52

1 Speaker addressed the Board

Resolution No. 314-10

Resolved to declare the application of Herricks Mineola, LLC for a Special Use Permit at 528 Jericho Turnpike as an unlisted action under the State Environmental Quality Review Act (SEQRA).

Motioned by Trustee Paul A Pereira

Seconded by Trustee Lawrence A. Werther

Vote:

Yes

No

Abstain

Mayor Jack M. Martins

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Trustee Thomas F. Kennedy

Trustee Paul A. Pereira

Resolution No. 315-10

BOARD OF TRUSTEES

INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

HERRICKS MINEOLA, LLC

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 528 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Blocks 18 and 19, Lots 45, 46, 51 and 52.

-----X

NAME OF APPLICANTS:	Herricks Mineola, LLC
SUBJECT PROPERTY:	Section 9, Blocks 18 and 19, Lots 45, 46, 51 and 52
STREET LOCATION:	528 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 Chipotle Restaurant upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	December 8, 2010
APPEARANCES:	Thomas Pantelis, Esq.
IN SUPPORT	Lori Madzin, Real Estate Manager Joseph Corridore, Architect

DECISION:

Herricks Mineola, LLC (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 for the establishment of a Chipotle Restaurant upon the property known as 528 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Blocks 18 and 19, Lots 45, 46, 51 and 52) (hereinafter, the “Property”).

By Notice of Disapproval, dated September 7, 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 Chipotle Restaurant and corresponding alterations 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 Chipotle Restaurant upon the property known as 528 Jericho Realty, Mineola, New York;

- 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.

The Board of Trustees has appellate jurisdiction with respect to architectural matters. The Board of Trustees grants the Applicant’s request to waive architectural review, conditioned upon the reconfigured entryway being consistent with existing storefronts in the shopping center.

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

- 8) Hours of operation will be 11am to 10pm, seven days a week;
- 9) All deliveries shall be through the front door of the building and shall not occur before 6am;
- 10) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed away from residential properties. The ventilation/exhaust shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 11) Applicant shall utilize a private sanitation service for garbage removal. All garbage removal shall be made through the front door of the building;
- 12) All putrescible waste shall be refrigerated indoors until pick-up;
- 13) 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;
- 14) 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
- 15) 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
January __, 2011

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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

Resolution No. 316-10

Resolved to approve the application of Herricks Mineola, LLC for architectural approval of the proposed storefront and waiving appearance before the Architectural Review Board conditioned upon the representation made on the record with regard to the new doorway and façade

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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 8:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF GREAT NECK GAMES FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.104 ENTITLED "SPECIAL PERMIT USES REQUIRING APPROVAL OF THE BOARD OF TRUSTEES", FOR THE MODIFICATION OF A PREVIOUS SPECIAL USE PERMIT GRANT UPON THE PROPERTY KNOW AS 275 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 391, LOTS 11-17

No Speakers addressed the Board

Resolution No. 317-10

Resolved to adjourn this application until such time as the Building Department is able to verify conditions imposed by the Nassau County Fire Marshall and is also able to verify to the Board that the conditions that had been imposed with respect to the building addition, that the Board of Trustees previously approved, have been fully met.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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 9:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF CHAMINADE HIGH SCHOOL FOR LOCAL AUTHORITY
TO ISSUE QUALIFIED 501(C)(3) FACILITIES BONDS UNDER THE
PUBLIC FINANCE AUTHORITY IN AN AMOUNT NOT TO EXCEED
\$11,500,000.**

1 Speaker addressed the Board

Resolution No. 318-10

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF MINEOLA APPROVING THE
ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF QUALIFIED
501(C)(3) BONDS FOR CHAMINADE HIGH SCHOOL**

WHEREAS, Chaminade High School, the sole sponsor of which is the Province of Meribah, Society of Mary, Inc., a New York not-for-profit corporation (the “Borrower”), has requested that the Public Finance Authority (the “Authority”), a body corporate and politic of the State of Wisconsin organized under Section 66.0304 of the Wisconsin Statutes (the “Act”), issue qualified 501(c)(3) bonds (the “Bonds”) in an amount not to exceed \$10,000,000 to (1) refund all or a portion of a conventional taxable loan of the Borrower, the proceeds of which were used to finance or refinance the costs of the construction of certain property, plant and equipment comprising the Activity and Athletic Center of the Borrower located at 311 Jericho Turnpike, Mineola, NY 11501-2441; and (2) finance capital improvements or equipment purchases to the school facilities located at 340 Jackson Avenue, Mineola, NY 11501-2441; and

WHEREAS, the financed assets will initially be owned and operated by the Borrower and located within the boundary of the Incorporated Village of Mineola (the “Village”); and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this Board of Trustees (the “Board”) of the Village are the applicable elected representatives of the Village; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the Village, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and approval of the financing of the project required by Section 66.0304(11)(a) of the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MINEOLA AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The Board hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Board that this resolution constitute approval of the Bonds for the purposes of Section 147(f) of the Code and approval of the financing of the project for purposes Section 66.0304(11)(a) of the Act.

Section 3. The officers of the Village are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. The Village Clerk shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the hearing notice to:

Eugene Clark-Herrera, Esq.
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, California 94105

Section 5. This resolution shall take effect immediately upon its passage.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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

Village Attorney John M. Spellman explained the requirement to adopt a finding statement relative to the Winston conversion pursuant to the State Environmental Quality Review Act (SEQRA), and presented the following Statement of Findings for the Board of Trustees' consideration.

**INCORPORATED VILLAGE OF MINEOLA
State Environmental Quality Review Act
Findings Statement**

Pursuant to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Board of Trustees of the Incorporated Village of Mineola as the Lead Agency makes the following findings.

Name of Action:

The Winston

Description of Action:

To amend a previously granted Special Permit for the construction of a residential condominium so as to permit the construction of a residential rental building.

Location:

Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419.
Northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola,
New York 11501.

Agency Jurisdiction:

Board of Trustees possesses authority to grant a Special Permit for a Development Incentive Bonus and to grant final site plan approval.

Date Expanded Environmental Assessment Form Filed:

September, 2010

Facts and Conclusions Relied on to Support the Decision:

The project is supported by the goals and recommendations set forth in the Mineola Comprehensive Master Plan and the subsequent Development Incentive Bonus Overlay District; Mineola will be the recipient of public amenities from the developer in accordance with the requirements of the Development Incentive Bonus Overlay District; the inclusion of a 36-unit affordable senior housing development at a nearby site; the location of the project provides convenient pedestrian access to downtown Mineola and is also walkable to Garden City. It provides pedestrian accessibility to Mineola's Intermodal Transportation Center; the proximity of the project to rail services would likely appeal to persons employed in Manhattan and other areas served by the LIRR and is walkable to major employers in Mineola and Garden City such as the County Government Center, Winthrop University Hospital and the financial institutions along Franklin Avenue; the project will bring new purchasing power to businesses in Mineola and Garden City; the project could serve as a model for downtown revitalization as an impetus to revitalize underutilized properties in Mineola's Central Business District and fringe commercial areas; the project could serve as a cornerstone for pedestrian connectivity and pedestrian improvements in Mineola's downtown area and along Old Country Road.

Certification To Approve:

Having considered the Expanded Environmental Assessment Form and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11 and having taken a hard look at the projected environmental impacts of this project, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporation as conditions to the decision those mitigative measures that were identified as practicable; and
3. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Board of Trustees of the Incorporated Village of Mineola

Resolution No. 319-10

Resolved to adopt the Findings Statement and to issue a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA)

Motioned by Trustee Paul A. Pereira

Seconded by Trustee Thomas F. Kennedy

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

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

No

Abstain

Resolution No. 320-10

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

WEI JI LIN

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 48 East Old Country Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 210, Lots 223-227.
-----X

NAME OF APPLICANTS:	Wei Ji Lin
SUBJECT PROPERTY:	Section 9, Block 210, Lots 223-227
STREET LOCATION:	48 East Old Country Road 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 interior renovations to establish a take-out restaurant
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 11, 2010
APPEARANCES:	Leonard Genova, Esq. Barry C. Nelson, Real Estate Appraiser Stephen Ferretti, Traffic Expert

DECISION:

Wei Ji Lin (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 for interior renovations to establish a take-out restaurant upon the property known as 48 East Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 210, Lots 223-227) (hereinafter, the “Property”).

By Notice of Disapproval, 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 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 for interior renovations to establish a take-out restaurant upon the property known as 48 East Old Country Road, Mineola, New York;
- 2) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village;

A referral of the application was made to the Nassau County Planning Commission on August 12, 2010. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. 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.

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

- 16) All putrescible waste shall be refrigerated indoors until pick-up;
- 17) No dumpster shall be placed at the rear of the property;
- 18) All garbage shall be placed on the curb on the morning of pick-up;
- 19) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed south away from residential properties. The ventilation/exhaust shall be filtered to prevent the dissemination of cooking odors and shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 20) Applicant shall be permitted to have a maximum of ten (10) chairs incidental to the take-out service upon the property to be utilized by patrons waiting for take-out orders;
- 21) The rear door of the building shall remain closed at all times and shall only be used as an emergency exit;
- 22) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences and no new lighting shall be installed at the rear of the property;
- 23) Deliveries to the premises shall occur during off-peak weekday hours. No deliveries to the premises shall occur between the hours of 5:00 p.m. and 7:00 a.m.;

- 24) 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;
- 25) 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
- 26) 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
December 8, 2010

Motioned by Trustee Thomas F. Kennedy
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	

Mayor Jack M. Martins requested a motion to close the Public Hearings at 10:00 PM

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

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

Mayor Jack M. Martins called the Work Session to order at 10:00 PM.

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

Press Observer:	Rich Forestano, <i>Mineola American</i>
	Rich Tedesco, <i>Williston Times</i>
	<i>Patch .com</i>

Sunshine Observers:	13 Observers
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Resolution No. 321-10

Resolved to approve bills and payroll.

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

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		

Mayor Jack M. Martins requested a motion to go into Executive Session at 10:02 PM

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

Vote:

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

Mayor Jack M. Martins requested a motion to come out of Executive Session at 10:05 PM.

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

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. 322-10

Resolved to approve the minutes from the meetings of the Board of Trustees of November 8, 2010 and November 17, 2010.

Motioned by Trustee Paul S. Cusato
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. 323-10

Resolved to approve the request by the American Legion Mineola Memorial Post 349 for the use of a general purpose room on the following 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.

- Monday, January 3, 2011

Monday, February 7, 2011

Monday, March 7, 2011

Monday, April 11, 2011

Monday, May 2, 2011

Monday, June 6, 2011
- Tuesday, July 5, 2011

Monday, August 1, 2011

Tuesday, September 6, 2011

Monday, October 3, 2011

Monday, November 7, 2011

Monday, December 5, 2011

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

Vote:

Yes

No

Abstain

Mayor Jack M. Martins

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Trustee Thomas F. Kennedy

Trustee Paul A. Pereira

Resolution No.324-10

Resolved to approve 2011 tow-car license applicants including new applicant C& R Automotive d/b/a AAA-1 Towing.

**Incorporated Village of Mineola
2011 Tow Car License List**

A1 Grand Auto Body Inc. 105 Herricks Road Garden City Park, NY 11040 294-4200	No Limit Towing & Transport Inc. 10 Jerusalem Avenue Hempstead, NY 11550 833-7989 (Heavy & Medium Duty Tows)
Albert Zolezzi Auto Body, Inc 432 Willis Avenue Williston Park, NY 11596 248-8716	Nuzzi Brothers Auto Collision Inc. 77 Jericho Turnpike New Hyde Park, NY 11040 354-1100
Always Towing Inc. 79 Herricks Road Garden City Park, NY 11040 334-5598	Regal Body Works, Inc. 353 Sagamore Avenue Mineola, NY 11501 248-5070
C&N Collision 96 Jericho Turnpike Floral Park, NY 11001 775-0343	Sunset Towing Service 103 Harbor Road Port Washington, NY 11050 625-8106 (Heavy Duty Tow)
Cross Island Wrecker Service, Inc. 635 Commercial Avenue Garden City, NY 11530 227-2222 (Heavy Duty Tows)	T&D Towing Corporation 162 Sea Cliff Avenue Glen Cove, NY 11542 671-8810
Global Auto Recycling 534 Main Street Westbury, NY 11590 997-2842	Tip Top Auto Body, Inc. 150 Denton Avenue Garden City Park, NY 11040 746-6663 (Heavy Duty Tow)
Jason Towing Incorporated 403 South Franklin Street Hempstead, NY 11550 247-0031	AAA-1 Towing 34 Charlotte Avenue Hicksville, NY 11801 433-1011
July Auto Wrecking Inc. 20 First Avenue Garden City Park, NY 11040	

Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Thomas F. Kennedy
Trustee Paul A. Pereira

Trustee Paul S. Cusato commended the Mineola Fire Department on exceptional job fighting a house fire on Saturday December 4, 2010.

Mayor Jack M. Martins reminded residents that on Sunday, December 12, 2010 the Village of Mineola will co-sponsor a Nassau Pops Symphony Orchestra concert at 3:00 PM in the Chaminade High School auditorium.

Mayor Jack M. Martins requested a motion to close the Work Session at 10:40 PM.

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

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		