

**Minutes - Board Meeting – 02/10/10**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 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 Public Works Thomas J. Rini

**Sunshine Observers:** 18 Observers

**Mayor Jack M. Martins called the Work Session to order at 6:40 PM.**

Superintendent of Public Works Thomas J. Rini presented a special report on the ongoing blizzard conditions and the status of road plowing.

**Resolution No. 28-10**

Resolved to approve bills and payroll.

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

**Vote:**

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

**Resolution No. 29-10**

Resolved to approve the Girl Scout Troop #1154 request for the use of a classroom on alternating Wednesdays from 3:15 PM to 4:15 PM, for their bimonthly meetings:

March 10, 2010 & March 24, 2010  
April 7, 2010 & April 21, 2010  
May 5, 2010 & May 19, 2010  
June 2, 2010 & June 16, 2010  
Sept 22, 2010  
October 6, 2010 & October 20, 2010  
November 10, 2010 & November 24, 2010  
December 15, 2010

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

**Vote:**

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

**Resolution No. 30-10**

Resolved to approve a request by the Mineola Fire Department for a budget transfer in the amount of \$1,980.52 from the following lines:

From: Annual Installation and Inspection  
To : New Chief's Car

Motioned by Trustee Thomas F. Kennedy  
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

Mayor Jack M. Martins announced the cancellation of the February 17, 2010 Board Meeting due to Ash Wednesday and President's Day holiday week and stated that the next Board Meeting will be the first Wednesday in March 2010.

*[Mayor Jack M. Martins announced that his family members had recently purchased the property where the applicant is seeking the Special Use Permit and recused himself from all deliberations to avoid any potential conflict of interest.]*

**Resolution No. 31-10**

Resolved to approve the Special Use Permit application of Manny Ferreira and Avelino Pinto known as 68-70 East Old Country Road.

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MANNY FERREIRA and AVELINO PINTO

**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 68-70 East Old Country Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 298, Lots 48 and 49.

-----X

NAME OF APPLICANTS: Manny Ferreira and Avelino Pinto

SUBJECT PROPERTY: Section 9, Block 298, Lots 48 and 49

STREET LOCATION: 68-70 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 restaurant use

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

DATE OF HEARING: January 13, 2010

APPEARANCES: Marco Silva, Esq., Applicants' Attorney  
Paul Barroca, Applicants' Engineer

**DECISION:**

Manny Ferreira and Avelino Pinto (hereinafter, “Applicants”) are 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 re-establish a pre-existing bar/restaurant upon the property known as 68-70 East Old Country Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 298, Lots 48 and 49) (hereinafter, the “Property”).

By Notice of Disapproval, dated December 10, 2009, Applicants' building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the Special Permit for the prior restaurant at the site had expired due to abandonment and that the re-establishment of a restaurant use upon the Property requires a special use permit. Applicants were thus required to seek relief before the Board of Trustees for a special use permit.

A review of Applicants’ application which was sworn to by Applicants on December 14, 2009, as submitted to this Board, indicates that the application is to re-establish the pre-existing bar/restaurant use 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) Applicants are seeking a special use permit to re-establish a pre-existing bar/restaurant use upon the property known as 68-70 East Old Country Road;
- 2) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village;
- 3) Applicants will provide adequate parking to accommodate patrons of the proposed restaurant.

Based upon the above findings, it is hereby determined that the proposed restaurant 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) All putrescible waste shall be refrigerated indoors until pick-up;
- 2) No garbage or refuse shall be kept or stored at the rear of the premises;
- 3) All deliveries and garbage pickups shall take place through the front door;
- 4) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 5) There shall be no amplified live music at the restaurant;
- 6) Applicants shall provide valet parking on weekends (Friday night and Saturday night) and during all special events;
- 7) The rear doors of the restaurant must remain closed during business hours;
- 8) Applicants will use their best efforts to encourage all patrons to refrain from parking on residential side streets in the neighborhood;
- 9) 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;
- 10) 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
- 11) 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 16, 2010

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

Village Clerk Joseph R. Scalero polled the Board:

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

**Deputy Mayor Lawrence A. Werther requested a motion to close the Work Session at 7:10 PM.**

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

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