

**Minutes – Board Meeting - 03/25/09  
Budget Work Session**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday March 25, 2009 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  
Village Treasurer Giacomo A. Ciccone  
Superintendent of Public Works Thomas J. Rini  
Water Department Supervisor Frederick Booher

Joe Rizza, *Mineola America*

**Sunshine Observers:** 10 Observers

**Mayor Martins called the Budget Work Session to order at 6:45 PM.**

**Resolution No. 68-09**

Resolved to approve bills and payroll.

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

**Vote:**

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

**Resolution No. 69-09**

Resolved to approve a Special Use Permit Application of KIMCO Mineola, LLC.

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

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In the Matter of the Application of

KIMCO MINEOLA LLC

For a Special Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 330 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 381, Lot 44.

**DECISION**

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NAME OF APPLICANT: KIMCO Mineola LLC

SUBJECT PROPERTY: Section 9, Block 381, Lot 44

STREET LOCATION: 330 East Jericho Turnpike  
Mineola, New York 11501

ZONING DISTRICT: 'B-1' District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Section 30.31(B) of the Village Code for the sale of food upon the property

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

DATE OF HEARING: March 11, 2009

APPEARANCES: John A. Notaro, Architect

**DECISION:**

KIMCO Mineola, LLC (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31(B) of the Municipal Code of the Incorporated Village of Mineola (the "Code") for a special permit for the conversion of CVS into a new market for the sale of food upon the property known as 330 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 381, Lot 44) (hereinafter, the "Property").

By Notice of Disapproval, Applicant's building permit was denied. The Building Inspector determined that a building may be erected, altered or used for any purpose set forth in subsection 30.31(B) only when authorized by the Board of Trustees. Therefore, applicant was required to seek a new special use permit from the Board of Trustees. As a result, Applicant applied to the Board of Trustees for a special use permit.

During the public hearing, the Applicant made representations concerning hours of operation, deliveries to the site, refuse disposal, employee parking, site lighting and property maintenance that were relied on by the Board of Trustees.

A referral of the application was made to the Nassau County Planning Commission on March 19, 2009. 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) The Applicant is seeking a special permit for the conversion of a CVS into a market for the sale of food upon the property known as 330 East Jericho Turnpike, Mineola, New York;
- 2) The property is located within the 'B-1' Business District; and
- 3) The Board finds that the proposed use is of such character, size, location, design and site layout as to be appropriate to and in harmony with the surrounding properties.

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:

- 1) The premises shall be maintained in a clean condition at all times;
- 2) Hours of operation will be as represented by the applicant and recorded for in the hearing transcript;
- 3) Deliveries shall occur during off-peak hours. No deliveries shall occur between the hours of 8:00 p.m. and 7:00 a.m.;
- 4) Applicant shall cause all refuse to be removed from the premises by a private carter at Applicant's expense. All refuse shall be stored indoors until pick-up and all putrescible waste shall be refrigerated until pick-up. No dumpster or compactor shall be permitted at the site;
- 5) Applicant will provide a designated area for employee parking;
- 6) All necessary venting of the premises shall be installed in such a manner as to be directed toward Jericho Turnpike;
- 7) All lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 8) The Village shall maintain jurisdiction over the site. In the event that Applicant requires a modification of this special permit, the Applicant shall make further application before the Board of Trustees for an amendment of this approval or the Board of Trustees shall direct such modification;
- 9) 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;
- 10) 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
- 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  
March \_\_, 2009

Filed in the Office of the Village Clerk  
on the \_\_\_\_ day of March, 2009

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

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Absent**

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

### **Resolution No. 70-09**

Resolved to declare lead agency status pursuant to the New York State Environmental Quality Review Act with respect to the application for 250 Old Country Road, LLC

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

**Vote:**

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

### **Resolution No. 70-A-09**

Resolved to set May 20, 2009 as a Public Hearing date to consider the application for 250 Old Country Road, LLC

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

**Vote:**

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

### **Resolution No. 71-09**

Resolved to amend Resolution No. 37-09, of February 11, 2009, to increase funding for the upgrading of Handicap Accessibility to the Mineola Community Center from \$5,000.00 to \$33,500.00.

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

**Vote:**

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

Village Treasurer, Giacomo A. Ciccone, presented revenue and expense projections for the 2009/2010 Fiscal Year.

Superintendent of Public Works Thomas J. Rini presented the Department of Public Works Fiscal Year 2009/2010 departmental budget request.

Water Department Supervisor Frederick Booher presented the Mineola Water Department FY 2009/2010 departmental budget request.

Village Clerk, Joseph R. Scalero presented the Village Clerk's Department FY 2009/2010 departmental budget request.

Mayor Jack M. Martins proposed eliminating holiday sanitation collections, saving taxpayers \$50,000.00 per year, without reducing the number of weekly pick-ups and requested that the budget be adjusted accordingly.

**Mayor Martins requested a motion to close the Budget Work Session at 8:10 PM.**

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

**Vote:**

**Yes**

**No**

**Absent**

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

Respectfully submitted,

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Joseph R. Scalero  
Village Clerk