

Minutes - Board Meeting 08/13/08

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 13, 2008 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Jack M. Martins
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira

ALSO PRESENT: Village Attorney John Spellman
Village Clerk Joseph R. Scalero

Sunshine Observers: Approximately 31 Observers

Press: Joe Rizza, *Mineola American*
Gary Simeone, *Williston Times*

A Public Hearing was held at 7:30 PM at the Village Hall, 155 Washington Avenue, Mineola, NY 11501, in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING CHAPTER 30 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED "ZONING", SECTION 30.61 ENTITLED "FENCES AND BUFFERS", SUBSECTION B. ENTITLED "RESIDENTIAL DISTRICTS", TO REDUCE SETBACK REQUIREMENTS FOR FENCES WITHIN THE INCORPORATED VILLAGE OF MINEOLA.

Mayor Martins requested a motion to close the hearing and reserve decision.

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

Vote:

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

A Public Hearing was held at 7:30 PM at the Village Hall, 155 Washington Avenue, Mineola, NY 11501, in order to receive public comment upon the following:

APPLICATION OF WINTHROP UNIVERSITY HOSPITAL FOR A SPECIAL PERMIT/DEVELOPMENT INCENTIVE BONUS, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED "ZONING", SECTION 30.5 ENTITLED "APPLICATION OF REGULATIONS", SUBSECTION A ENTITLED "DEVELOPMENT INCENTIVE BONUSES", FOR A THREE (3) STORY ADDITION TO THE EXISTING PARKING FACILITY LOCATED UPON 268 OLD COUNTRY ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 433, LOT (S) 28A, 35A, 28B, 35B, 35-61.

Resolution No. 213-08

Resolved that the application Winthrop University Hospital Parking Garage Expansion/Development Incentive Bonus be declared as an unlisted action under SEQRA with no significant negative environmental impact.

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

Vote:

Yes

No

Abstain

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

Mayor Martins requested a motion to close the hearing and reserve decision.

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

Vote:

Yes

No

Abstain

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

Mayor Martins announced that the pending application of J.R.S. Architects would not be considered at this meeting because the Zoning Board had not yet acted upon the application.

Resolution No. 214-08

Resolved to approve with conditions the Application For a Special Use Permit pursuant to Section 30.31(B)(5) of the Village Code for the installation of a taekwondo school.

NAME OF APPLICANT:	131 Jericho Associates, LLC.
SUBJECT PROPERTY:	Section 9, Block 450, Lots 271-276
STREET LOCATION:	131 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)(5) of the Village Code for the installation of a taekwondo school
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	July 9, 2008
APPEARANCES:	Mauricio Duarte, Architect
IN SUPPORT:	Soo Yong Jeon, Vice Presiden

DECISION:

131 Jericho Associates, LLC (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31(B)(5) of the Municipal Code of the Incorporated Village of Mineola (the "Code") for a special permit for the installation of a taekwondo school upon the property known as 131 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 271-276) (hereinafter, the "Property").

By Notice of Disapproval, dated June 18, 2008, Applicant's building permit was denied. The Building Inspector determined that the proposed application requires a special use permit from the Board of Trustees pursuant to Chapter 30, Section 30.31(B)(5). As a result, Applicant applied to the Board of Trustees for a special use permit.

During the public hearing, the following representations were made by Applicant: Applicant is proposing the installation of a taekwondo school. It's not a new school, but rather one that is being relocated.

* * * *

There appears to be ample parking at the site, at least 30 spaces. Most of the classes tend to be in the evening.

* * * *

The building is 26 feet by 66 feet in depth. In order to maximize the space for exercise, the Applicant will be demolishing the internal office.

* * * *

The building is fully sprinkled.

* * * *

The classes are broken up hourly (45 minutes, and 15 minutes turnover time between classes). Five classes every day with 12 to 15 people in each class. The Applicant proposes to be open Monday through Saturday and be closed on Sunday.

* * * *

Applicant is agreeable to not having the public use the rear entrance since it is encroaching on a residential area.

* * * *

Applicant will not host any tournaments on site.

* * * *

Applicant will not be selling or preparing any food on premises.

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:

The Applicant is seeking a special permit for the installation of a taekwondo school upon the property known as 131 Jericho Turnpike;

The property is known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 271 to 276. The property is located in B-1 District;

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:

The premises shall be maintained in a clean condition at all times;

Patrons must use the front entrance for drop off and pick up;

Only classes shall be conducted on premises; no tournaments are to be held;

No food shall be sold on the premises;

The Village shall maintain jurisdiction over the site. In the event that Applicant requires modification, 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;

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;

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

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.

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 Lawrence A. Werther
Trustee Paul S. Cusato
Mayor Jack M. Martins

Mayor Martins requested a motion to go into Executive Session at 9:40 PM.

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

Vote:

Yes

No

Abstain

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

Mayor Martins requested a motion to come out of Executive Session at 10:45 PM.

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

Vote:

Yes

No

Abstain

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

Mayor Martins requested a motion to close the meeting at 10:47 PM.

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

Vote:

Yes

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

No

Abstain

Respectfully submitted,

Joseph R. Scalero
Village Clerk