

Minutes - Board Meeting – 10/20/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 20, 2021 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
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: *Williston Times*

Sunshine Observers: 11 Observers

Deputy Mayor Paul A. Pereira called the Public Hearing to order at 6:30 PM

A Public Hearing was held at 6:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF HOOTAN MOEIRZADEH 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” TO ESTABLISH A FAST FOOD TAKE-OUT RESTAURANT UPON THE PROPERTY KNOWN AS 99 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 450, LOTS 242-243.

1 speaker addressed the Board

Resolution 273-21

Resolved to declare the Special Use Application of Hootan Moeirzadeh 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 for the purpose of establishing a fast food take-out restaurant upon the property known as 99 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 242-243, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Dennis J. Walsh

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee George R. Durham

Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira requested a motion to close the hearing and reserve decision at 7:00 PM.

Motioned by Trustee Dennis J. Walsh

Seconded by Trustee George R. Durham

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee George R. Durham

Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira called the Public Hearing to order at 7:02 PM

Sunshine Observers: 9 Observers

A Public Hearing was held at 7:02 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF INDIRA SINGH 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” TO ESTABLISH A NEW BAR/LOUNGE SELLING ALCOHOL AND HORS D’OEUVRES (NO KITCHEN/STOVE/FRYERS) UPON THE PROPERTY KNOWN AS 174 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 322, LOT 28.

2 speakers addressed the Board

Resolution 274-21

Resolved to declare the Special Use Application of Indira Singh 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” for the purpose of establishing a new bar/lounge selling alcohol and hors d’oeuvres (no kitchen/stove/fryers) upon the property known as 174 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 28, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira requested a motion to close the hearing and reserve decision at 7:40 PM.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira called the Public Hearing to order at 7:40 PM

Sunshine Observers: 4 Observers

A Public Hearing was held at 7:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF JP MIRANA, 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” TO ESTABLISH A LEARNING CENTER UPON THE PROPERTY KNOWN AS 44A JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 662, LOT 18.

No speakers addressed the Board

Resolution 275-21

Resolved to declare the Special Use Application of JP Mirana, 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” for the purpose of establishing a learning center upon the property known as 44A Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 18, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution 276-21

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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

JP MIRA, INC.

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550-12.B of the Code of the Incorporated
Village of Mineola, at premises known as 44A Jericho
Turnpike, Mineola, New York, known and designated
on the Nassau County Land and Tax Map as Section 9,
Block 662, Lot 18.

-----X

NAME OF APPLICANT:	JP Mira, Inc.
SUBJECT PROPERTY:	Section 9, Block 662, Lot 18
STREET LOCATION:	44A Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	"B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a learning center upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	October 20, 2021
APPEARANCE:	Jared Mirana, owner

DECISION:

JP Mira (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a learning center upon the property known as 44A Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 18) (hereinafter, the "Property").

By Notice of Disapproval, dated August 2, 2021, 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 learning center 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 learning center upon the property known as 44A Jericho Turnpike, Mineola, New York;
- 2) Applicant currently operates Kumon Learning Center at 131 Jericho Turnpike, Mineola, New York;
- 3) Applicant will be relocating the business to the Property;
- 4) Applicant will have 20 tables with 20 students at a time with 5 staff members; and
- 5) 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.

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

- 1) The operation of the facility shall be self-contained within the interior of the building;
- 2) No food shall be sold on the premises;
- 3) 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;
- 4) 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

- 5) 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
October 20, 2021

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira requested a motion close the hearing at 7:50 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira called the Public Meeting to order at 7:55 PM.

PRESENT:

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

ALSO PRESENT:

Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo

Press Observer:

None

Sunshine Observers:

None

Deputy Mayor Paul A. Pereira congratulated the family of Ann Galante on being selected as this year's John S. DaVanzo Wall of Honor recipient; announced that the Village Halloween Party is Friday October 29; announced that Mineola High School will induct members into its Hall of Fame Friday October 29 at Hampton Stadium; reminded residents that there is a school vote on October 26 to approve the purchase of a new building, and reminded residents that Nassau County Legislator Richard Nicoletto is hosting a flu shot clinic at the Mineola Community Center Friday October 22 from 10:00 am to 3:00 pm.

Trustee Paul S. Cusato congratulated the family of Ann Galante on being chosen for the Wall of Honor.

Trustee George R. Durham reminded residents that the Village Halloween Party is Friday October 29, and that October is Breast Cancer Awareness month.

Trustee Dennis J. Walsh congratulated the family of Ann Galante on being chosen for the Wall of Honor, and congratulated Rabbi Perl from Chabad Mineola on receiving the Manes-American Peace Prize.

2 speakers addressed the Board

Deputy Mayor Paul A. Pereira requested a motion to close the Public Meeting at 8:10 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:		
<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Deputy Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		