

Minutes - Board Meeting – 05/11/2022

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 11, 2022 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Bryan L. Rivera
Deputy Village Clerk Linda Pardo

Press Observer: *Mineola American*

Sunshine Observers: 8 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 6:40 PM

A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF HOME FREE FITNESS 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 GYM AND PERSONAL TRAINING STUDIO UPON THE PROPERTY KNOWN AS 250-C JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 322, LOT 74.

The application was presented by Andrew Flores. No speakers from the public addressed the Board.

Resolution 131-22

Resolved to declare the Special Use Application of Home Free Fitness 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 gym and personal training studio upon the property known as 250-C Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 74, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Janine Sartori

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Resolution 132-22

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

HOME FREE FITNESS

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 250-c
Jericho Turnpike, Mineola, New York, known and
designated on the Nassau County Land and Tax Map
as Section 9, Block 322, Lot 74.

-----X

NAME OF APPLICANT: Home Free Fitness

SUBJECT PROPERTY: Section 9, Block 322, Lot 74

STREET LOCATION: 250-C 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 gym/personal training
studio upon Property

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

DATE OF HEARING: May 11, 2021

APPEARANCE: Andrew Flores, Business Owner

DECISION:

Home Free Fitness (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 gym/personal training studio upon the property known as 250-C Jericho
Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map
as Section 9, Block 322, Lot 74) (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. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to establish a gym/personal training studio 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 gym/personal training studio upon the property known as 250-C Jericho Turnpike, Mineola, New York;
- 2) The studio will be 1,100 square feet;
- 3) Classes will be one-on-one training/small group training by appointment only;
- 4) Applicant will not be preparing, cooking and/or selling food upon the Property; 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) If Applicant installs any weight-lifting equipment, Applicant shall install and maintain reinforced rubber padding to mitigate noise and vibrations in all areas where weight-lifting equipment is located;
- 3) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 4) 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;

- 5) 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
- 6) 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
May 11, 2022

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Village Clerk Bryan L. Rivera polled the Board:

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Mayor Paul A. Pereira called the Public Hearing to order at 6:50 PM

Press Observers: *Mineola American*

Sunshine Observers: 7 Observers

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 EZEQUIHS P. PARDIM 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 CHURCH FOR RELIGIOUS SERVICES AND MEETINGS UPON THE SECOND FLOOR OF THE PROPERTY KNOWN AS 500 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 19, LOT 32.

The application was presented by Ezequihs P. Pardim and Carlos Covas. No speakers from the public addressed the Board.

Resolution 133-22

Resolved to declare the Special Use Application of Ezequihs P. Pardim for a Special 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 church for religious services and meetings upon the second floor of the property known as 500 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lot 32, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Donna M. Solosky

Seconded by Trustee Jeffrey M. Clark

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Resolution 134-22

BOARD OF TRUSTEES

INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

EZEQUIHS P. PARDIM

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 500 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lot 32.

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NAME OF APPLICANT: Ezequihs P. Pardim

SUBJECT PROPERTY: Section 9, Block 19, Lot 32

STREET LOCATION: 500 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 church for religious services and meetings upon the second floor of the building at Property

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

DATE OF HEARING: May 11, 2022

APPEARANCE: Ezequihs P. Pardim, Pastor
Carlos Covas, Translator

DECISION:

Ezequih P. Pardim (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 church for religious services and meetings upon the second floor of the property known as 500 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lot 32) (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. Applicant was thus required to seek relief before the Board of Trustees for a special use permit for the establishment of a church upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission 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 for the establishment of a church for religious services and meetings upon the second floor of the Property;
- 2) Applicant currently has 35-40 members;
- 3) There is a private parking lot that services the property. Applicant will have access to fifteen (15) parking spaces;
- 4) The Applicant will not prepare or cook food upon the Property;
- 5) Applicant shall not rent space out for non-church related activities;
- 6) Applicant’s services are two days per week (Wednesday and Saturday) 6:00 pm to 9:00 pm. Applicant may conduct future church events on additional dates, but will notify the Village of any major events in advance;
- 7) The Applicant is a non-for profit church. The Premises will be utilized as such and no for-profit business will be conducted on Premises;
- 8) 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 Applicant will not rent, lease or permit the property to outside groups for any non-church service or non-church related activities;
- 2) Applicant shall be the exclusive occupant of the leased premises;
- 3) The Applicant will not prepare or cook food upon the Property;
- 4) 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;
- 5) 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
- 6) 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
May 11, 2022

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Jeffrey M. Clark

Village Clerk Bryan L. Rivera polled the Board:

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Mayor Paul A. Pereira requested a motion to close the hearing at 7:05 PM.

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato

Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Mayor Paul A. Pereira called the Work Session to order at 7:08 PM.

PRESENT: Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Bryan L. Rivera
Deputy Village Clerk Linda Pardo

Press Observer: *Mineola American*

Sunshine Observers: 2 Observers

Resolution No. 135-22

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Donna M. Solosky

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 136-22

Resolved to approve a request by the Mineola Chamber of Commerce to conduct the Mineola Street Fair on Sunday, October 2, 2022 from 10:00 AM to 5:00 PM on Jericho Turnpike from the east side of Mineola Boulevard to Nassau Boulevard, and Willis Avenue between Washington Avenue and Linden Road.

Motioned by Trustee Janine Sartori
Seconded by Trustee Jeffrey M. Clark

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 137-22

Resolved that the Board of Trustees adopts the standard work days and reporting requirements for certain titles of elected and appointed officials and that the resolution be posted for 30 days on the Village’s bulletin board and website.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Donna M. Solosky

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 138-22

Resolved to appoint Daisy Surace as Secretary to the Board of Trustees, effective June 1, 2022, at a starting salary of \$50,000.

Motioned by Trustee Janine Sartori
Seconded by Trustee Jeffrey M. Clark

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Mayor Paul A. Pereira reminded residents that the Memorial Day Parade will begin at 11:00 am on May 30 and will be followed by a ceremony in Mineola Memorial Park.

Mayor Paul A. Pereira requested a motion to close the Work Session at 7:13 PM.

Motioned by Trustee Janine Sartori
Seconded by Trustee Jeffrey M. Clark

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Respectfully submitted,

Bryan L. Rivera
Village Clerk