

**Minutes - Board Meeting 03/16/2016**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 16, 2016 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**ALSO PRESENT:** Village Attorney John P. Gibbons, Jr.  
Village Clerk Joseph R. Scalero

**Press Observer:** None

**Sunshine Observers:** 2 Observers

**Mayor Scott P. Strauss called the Work Session to order at 6:30 PM.**

*Mayor Scott P. Strauss announced that the 2016/2017 Tentative Budget had been prepared and had been delivered by the Village Treasurer to each Board member. Mayor Strauss noted that there would be a budget work session April 6, 2016 and a Public Hearing on the Budget April 13, 2016.*

**Resolution No. 58-16**

Resolved to approve bills and payroll.

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

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

**Resolution No. 59-16**

Resolved to certify the March 15, 2016 Village Election results:

Trustee (elect 2)

Paul A. Pereira – 911  
Paul S. Cusato – 829  
John P. Colbert – 733  
Lawrence A. Werther, Sr. – 632

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

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

*Village Attorney John P. Gibbins, Jr. introduced the following resolutions:*

**Resolution No. 60-16**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

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

DOMINICK PERSICO

**DECISION**

For a Special Use Permit pursuant to Chapter 550, Sections 550.12 and 550.16 of the Code of the Incorporated Village of Mineola, at premises known as 14 Roselle Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 348, Lots 955-958.

-----X

NAME OF APPLICANT:	Dominick Persico
SUBJECT PROPERTY:	Section 9, Block 348, Lots 955-958
STREET LOCATION:	14 Roselle Street Mineola, New York 11501
ZONING DISTRICT:	"M" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Sections 550.12 and 550.16 for servicing, repairing and storing of motor vehicles upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 20, 2016
APPEARANCES:	Marco Silva, Applicant's Attorney Dominick Persico, Owner John Cunha, Architect

**DECISION:**

Dominick Persico (hereinafter, "Applicant"), is before this Board pursuant to Chapter 550, Sections 550.12(B) and 550.16 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the servicing, repairing and storing of motor vehicles upon the property

known as 14 Roselle Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 348, Lots 955-958) (hereinafter, the “Property”).

By Notice of Disapproval, dated August 21, 2015, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations, specifically: the servicing, repairing and storing of motor vehicles requires a special use permit. As a result of the application’s noncompliance with zoning code regulations, Applicant was entitled to seek relief before the Board of Trustees for a special use permit.

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) The applicant is seeking a special use permit to service, repair and store motor vehicles upon the Property known as 14 Roselle Street, Mineola, New York;
- 2) The applicant is proposing to have twenty (20) off-street parking spaces;
- 3) The hours of operation would be 8:00 a.m. to 6:00 p.m. Monday-Friday and 8:00 a.m. to 3:00 p.m. Saturday and closed on Sunday; and
- 4) Applicant currently operates a machine shop at 8 Roselle Street, Mineola, New York and is now expanding to include the Property located at 14 Roselle Street.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious with the “M” 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 and no work shall be performed on any vehicle outside of the building;
- 2) All customer vehicles shall be stored off-street;
- 3) Applicant shall obtain all necessary licenses, permits and approvals from all interested governmental agencies having jurisdiction prior to operation and shall remain in compliance at all times;
- 4) Vehicles shall not be permitted to idle upon the Property;
- 5) The Property shall be maintained in a clean and broom-swept condition at all times;

- 6) 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 use permit;
- 7) 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 use permit; and
- 8) 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 Paul A. Pereira  
 Seconded by Trustee Dennis J. Walsh

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
 Trustee Paul S. Cusato  
 Trustee Paul A. Pereira  
 Trustee George R. Durham  
 Trustee Dennis J. Walsh

**Resolution No. 61-16**

BOARD OF TRUSTEES  
 INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

EDWARD C. HICKS

**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 267 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 8, Lots 83-84.

-----X

NAME OF APPLICANTS:	Edward C. Hicks
SUBJECT PROPERTY:	Section 9, Block 8, Lots 83-84
STREET LOCATION:	267 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	Business "B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550.12(B) for the establishment of a restaurant with the sale of food and beverages upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 20, 2016

**APPEARANCES:**

Edward C. Hicks, Architect  
Arvind Gupta, Business Owner

**DECISION:**

Edward C. Hicks (hereinafter, “Applicant”) is before this Board pursuant to Chapter 550, Section 550.12(B) of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the establishment of a restaurant with the sale of food and beverages upon the property known as 267 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Blocks 8, Lots 83-84) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 6, 2015, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that the establishment of a restaurant with the sale of food and beverages upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

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 restaurant with the sale of food and beverages upon the property known as 267 Mineola Boulevard, Mineola, New York;
- 2) Applicant’s hour of operation will be 11:30 a.m. to 10:00 p.m., seven days a week;
- 3) Applicant anticipates 5-7 employees;
- 4) Applicant has a shared parking agreement with the neighbor business to south and the Bank of America to the east;
- 5) Applicant shall not have any live music at the Property. Further, Applicant shall not have any outdoor music of any kind;
- 6) Applicant’s proposed bar shall not be for smoking, vaping or hookah. Applicant shall prohibit smoking of any kind on the Property;
- 7) Applicant is seeking only to operate a restaurant with a bar, and has not sought and has not been granted a club or cabaret license; and
- 8) Applicant will utilize the Village’s sanitation department for garbage;

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the “B-2” 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:

- 9) All conditions set forth in the prior Special Use Decision (Applicant-Deanna Nauer, dated March 27, 2012) for the Property shall remain in full force and effect;
- 10) There shall be no live music upon the premises;
- 11) There shall be no outdoor music at the premises of any kind;
- 12) There shall be no dancing upon the premises;
- 13) There shall be no hookah bar, vaping or smoking of any kind at the Property;
- 14) All waste shall be stored upon the premises in sealed containers and placed at curbside for pickup. All containers shall be promptly returned to the premises following pickup;
- 15) All putrescible waste shall be refrigerated indoors until pick-up;
- 16) The building configuration shall remain as existing and the occupancy shall not exceed 120 people;
- 17) Outdoor lighting shall be limited to small white lights and designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences;
- 18) The premises shall be maintained in a clean condition at all times;
- 19) No delivery vehicles shall be parked on Mineola Boulevard and all deliveries shall occur during no peak times and in no event before 7 a.m.;
- 20) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed away from residential properties. The ventilation/exhaust shall be in compliance with the New York State Fire Prevention and Building Code, the Regulations of the Nassau County Fire Marshal and the Rules of all agencies having jurisdiction;
- 21) 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 use permit;
- 22) 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 use permit; and
- 23) 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 Paul S. Cusato

Seconded by Trustee George R. Durham

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**

**Yes**

**No**

**Abstain**

Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 62-16**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

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

MCRT Northeast LLC

**DECISION**

For a Special Use Permit pursuant to Chapter 550, Section 550-5(I) of the Code of the Incorporated Village of Mineola, to construct multifamily 192 residential unit apartment buildings upon the property located at 120, 121 and 127 Searing Avenue (on the north and south sides of Searing Avenue between Willis Avenue and the Long Island Railroad Tracks) Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 456, p/o Lot 132 and Section 9, Block 452, Lots 4-8.

-----X

NAME OF APPLICANT:	MCRT Northeast LLC
SUBJECT PROPERTY:	Section 9, Block 456, p/o Lot 132 and Section 9, Block 452, Lots 4-8
STREET LOCATION:	120, 121 and 127 Searing Avenue, Mineola, New York
ZONING DISTRICT:	"R-5" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-5(I)
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	November 4, 2015 and January 13, 2016.
APPEARANCES:	Chris J. Coschignano, Esq., Applicant's Attorney; John Farrell, Esq.; Jamie Stover, Vice President; Lou Giacalone, Architect; Kevin Walsh, VHB Engineering

MCRT Northeast LLC (hereinafter, "Applicant") appeared before this Board pursuant to Chapter 550, Section 550-5(I) of the Municipal Code of the Incorporated Village of Mineola for a special use permit to construct multifamily residential apartment buildings with 192 units upon the property located at 120, 121 and 127 Searing Avenue (on the north and south sides of Searing Avenue between Willis Avenue and the Long Island Railroad Tracks) Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 456, p/o Lot 132 and

Section 9, Block 452, Lots 4-8) (hereinafter, the “Property”). The apartment buildings shall be constructed as follows: north side parcel shall have a four-story apartment building with a total of 96 units and the south side parcel shall have a four-story apartment building with a total of 96 units.

Applicant seeks relaxation of the Village’s Zoning regulations with respect to building height, front yard setback, side yard setback, lot coverage percentage, minimum unit size and parking. Applicant was entitled to seek relief before the Zoning Board of Appeals for area variances. In the alternative, Applicant was able to seek the same relief from the Board of Trustees pursuant to Chapter 50, Section 550-5(I) under the Village’s development incentive bonus law. This latter course was elected by Applicant.

Applicant made an Application to the Board of Trustees for the required relief pursuant to the Village’s development incentive bonus law and presented its Application on November 4, 2015 and January 13, 2016. The Board of Trustees declared itself lead agency pursuant to SEQRA and, following a coordinated review by all involved agencies (New York State Department of Environmental Conservation, Nassau County Planning Commission, Nassau County Department of Public Works, Village of Mineola Planning Board, Village of Mineola Department of Public Works and Village of Mineola Water and Sewer Department, Garden City Planning Commission, Long Island Rail Road, Winthrop University Hospital), determined that the Application was a Type I action. An expanded Environmental Assessment Form was prepared by the Applicant. The expanded Environmental Assessment Form contained the following: site and surrounding area photographs; correspondence from the Superintendent of the Village’s Building Department; excerpts from the Village of Mineola Comprehensive Master Plan; demographic analysis; traffic impact study; rendering of elevations; and massing model. Based upon a request by this Board, an Addendum to the Expanded Environmental Assessment was prepared by the Applicant. The Board of Trustees, after careful review of all relevant documents and testimony, issued a Negative Declaration under SEQRA. This Board also assumed jurisdiction over site plan and architectural review.

A referral of the Application was made to the Nassau County Planning Commission. The Nassau County Planning Commission, by decision of December 17, 2015, recommended that the Village Board of Trustees take whatever action it deemed appropriate.



Thus, now before this Board is a proposal to construct two (2) four-story multifamily residential apartment buildings on the north and south side of Searing Avenue containing a total of 192 units (172 market rental units and 20 next-generation, workforce, first responder units).

In this connection, the Applicant seeks, under the Village's Development Incentive Bonus Law, the relaxation of the Village's zoning laws in several ways:

1. Building height;
2. Building setbacks;
3. Lot coverage percentage;
4. Minimum unit size; and
5. Parking.

Applicant also seeks site plan approval for the revised site layout of the building and architectural approval for the building design.

In consideration of the Board's approval of this special use permit, the Applicant has offered the following public amenities:

1. Streetscape improvements along both sides of Searing Avenue and a repaving of Searing Avenue. The areas of these improvements include Searing Avenue bounded by Willis Avenue to the west and the Long Island Railroad right of way to the east.
2. Ten percent (10%) of the number of apartments constructed (20 units) of affordable housing units distributed randomly throughout the building with interior finishes to match market units.
3. PILOT payments over a 20-year period for real estate taxes to be set up by the Nassau County Industrial Development Agency.
4. A Host Community Benefit Agreement acceptable to the Board of Trustees.
5. A monetary contribution to the Village in lieu of further public amenities in the amount of \$1,700,000.00 to be disbursed in the following manner:
  - a. One-third payable upon the issuance of a building permit;
  - b. One-third payable eighteen months following the issuance of a building permit;

- c. One-third payable upon the issuance of either a Temporary or Final Certificate of Occupancy for either the North or South Searing Avenue buildings.

### **FINDINGS**

The Project as is proposed was contemplated by the Village's draft Master Plan. It will contribute to the vibrancy and the economic stability of the Village's Downtown and, as a transit-oriented development, it qualifies as a smart growth component of Mineola's Downtown Revitalization.

Implementation of the proposed action will not create a material conflict with the community's current plans or goals. In fact, the overall theme of the Village of Mineola's Comprehensive Master Plan is to build upon Mineola's strong sense of community among its residents and envisions the Village as an even more desirable, safe and attractive place to live and work.

The recommendations in the Comprehensive Master Plan seek to realize the Village's full potential, and the proposed residential rental buildings have been designed to help to achieve these goals. The proposed project incorporates a use that will contribute to and strengthen the Village in its downtown area.

### **DECISION**

Based upon the above findings, it is hereby determined that the granting of the Application requesting a special use permit pursuant to Section 550-5(I) of the Village Code for development incentive bonuses according to which the Applicant offers certain community benefits and amenities and payment in lieu thereof in exchange for the Board of Trustees granting relief from certain zoning code regulations shall advance the Village's specific physical, cultural and social policies in accordance with the Village's Comprehensive Master Plan and in coordination with community planning mechanisms and land use techniques. Further, it is hereby determined that the special use permit will provide a desirable facility to the area, will promote the revitalization of the Village's Downtown and will not be incongruous to the neighborhood by reason of excessive traffic.

**IT IS THEREFORE RESOLVED**, as follows:

- 1) The Application for a special use permit to construct and maintain two (2) four-story multifamily residential apartment buildings containing a total of 192 units (172 market rental units and 20 next-generation, workforce, first responder units) upon the Property is **GRANTED**.
- 2) The request to provide 306 (north side 148 and south side 158) on-site parking spaces, some in a tandem format, is **GRANTED**.
- 3) The request that the Village accept a 20-year PILOT Agreement between the Nassau County Industrial Development Agency and the Applicant with respect to the proposed Project is **GRANTED**.
- 4) The offer made by the Applicant to provide a Host Community Benefit Agreement to the Village is **ACCEPTED**.
- 5) The offer that each unit shall be assigned at least one parking space for which no fee shall be charged is **ACCEPTED**.
- 6) The offer made by the Applicant to provide development incentive payments in the amount of Two Million (\$1,700,000.00) Dollars to the Village in lieu of further public amenities is **ACCEPTED**.
- 7) The offer made by Applicant to provide streetscape improvements along both sides of Searing Avenue and a repaving of Searing Avenue (the areas of these improvements include Searing Avenue bounded by Willis Avenue to the west and the Long Island Railroad right of way to the east) is **ACCEPTED**. All streetscape improvements and road work will be coordinated by the Applicant and the Village of Mineola to avoid approvals from any jurisdiction other than the Village of Mineola. The Applicant will commence this work upon the completion of the Project.
- 8) Final site plan approval for the Project is hereby **GRANTED**.
- 9) Architectural approval for the Project is hereby **GRANTED**.

**ALL OF THESE ENUMERATED GRANTS AND APPROVALS ARE CONDITIONED UPON THE FOLLOWING:**

- 1) The payment by the Applicant to the Village for development incentive bonuses awarded in the amount of One Million Seven Hundred Thousand (\$1,700,000.00) Dollars to be paid as follows:

- a) One-third payable upon the issuance of a building permit;
  - b) One-third payable eighteen months following the issuance of a building permit; and
  - c) One-third payable upon the issuance of either a Temporary or Final Certificate of Occupancy for either the North or South Searing Avenue buildings.
- 2) The failure of the Applicant to make any of the listed payments on the date due shall result in an automatic acceleration of all other outstanding payments. The failure to make a required payment shall authorize the Village, in addition to all other legal remedies, to place the outstanding accelerated payment amount on the tax bill for the Property and such shall be a lien upon the Property. The election of any remedy shall not preclude the Village from pursuing any other legal remedy.
  - 3) The provision of 20 units of next-generation, workforce, first responder housing of a quality equal to that of the market rate units.
  - 4) Streetscape improvements around the perimeter of the block on which the Property is located.
  - 5) Each unit shall be assigned at least one parking space for which no fee shall be charged.
  - 6) A Host Community Benefit Agreement acceptable to the Board of Trustees.
  - 7) 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 use permit.
  - 8) 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.

All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein. Failure to so consent shall render this Decision null and void.

Motioned by Trustee Dennis J. Walsh  
Seconded by Trustee Paul A. Pereira

Village Clerk Joseph R. Scalero polled the Board:

**Vote:**  
**Yes** **No** **Abstain**  
Mayor Scott P. Strauss  
Trustee Paul S. Cusato  
Trustee Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

**Resolution No. 63-16**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA  
-----X  
In the Matter of the Application of  
  
AVZINUS CORP.

**DECISION**

For a Special Use Permit pursuant to Chapter 550,  
Section 550.12 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 7, Lots 32, 131.  
-----X

NAME OF APPLICANTS:	Avzinus Corp.
SUBJECT PROPERTY:	Section 9, Block 7, Lots 32, 131
STREET LOCATION:	500 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550.12 for the establishment of a discount store selling pre-packaged foods and beverages upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations
DATE OF HEARING:	February 10, 2016
APPEARANCES:	Sandeep Thapar

**DECISION:**

Avzinus Corp. (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 for the establishment of a discount store with the sale of pre-packaged foods and beverages upon the property known as 500 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Blocks 7, Lots 32, 131) (hereinafter, the “Property”).

By Notice of Disapproval, dated November 18, 2015, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the

Village's zoning regulations in that the establishment of a discount store with the sale of pre-packaged foods and beverages upon the Property requires a special use permit. Applicant was thus required to seek relief before the Board of Trustees for a special use permit.

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 discount store with the sale pre-packaged foods and beverages upon the property known as 500 Jericho Turnpike, Mineola, New York;
- 2) There will be no cooking/baking on the Property;
- 3) The hours of operation are 9:00 am to 9:00 pm Monday- Saturday and 9:00 am to 8:00 pm on Sunday; and
- 4) 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:

- 24) All conditions set forth in the prior Special Use Decision (Applicant-N.M. Banj, dated September 14, 2012) for the Property shall remain in full force and effect;
- 25) The Applicant will not prepare or cook food upon the property;
- 26) Applicant shall utilize a private sanitation service for garbage removal;
- 27) All putrescible waste shall be refrigerated indoors until pick-up;
- 28) All deliveries shall be made by utilize the rear parking lot and not Jericho Turnpike;
- 29) 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 it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special permit;
- 30) 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

- 31) 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 George R. Durham  
Seconded by Trustee Paul A. Pereira

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>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

**Mayor Scott P. Strauss requested a motion to close the Work Session at 6:40 PM.**

Motioned by Trustee Dennis J. Walsh  
Seconded by Trustee Paul A. Pereira

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