

## **Minutes - Board Meeting – 04/20/2016**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday April 20, 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 Observers:** *Mineola American*  
*Williston Times*  
*Newsday*

**Sunshine Observers:** 6 Observers

**Mayor Scott P. Strauss called the Public Hearing to order at 6:50 PM**

*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 Starbucks Corporation 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” and Section 550.13 entitled “B-2 Districts”, Subsection (A) for the purpose of establishing a Starbucks with the sale of food and beverages upon the property known as 210 Station Plaza North, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 10.**

### **Resolution No. 101-16**

Resolved to declare the Application of Starbucks Corporation 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” and Section 550.13 entitled “B-2 Districts”, Subsection (A) for the purpose of establishing a Starbucks with the sale of food and beverages upon the property known as 210 Station Plaza North, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 422, Lot 10 as a Type II action pursuant to S.EQ.R.A.

*Mayor Scott P. Strauss announced that this Public Hearing would be continued May 11, 2016*

**Application of Eugene Simons 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 martial arts instruction studio upon the property known as 331 Willis Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 319, Lot 124.**

*Mayor Scott P. Strauss announced that this hearing was postponed to a future date at the request of the applicant.*

**Mayor Scott P. Strauss adjourned the Public Hearing at 7:25 PM**

**Mayor Scott P. Strauss called the Work Session to order at 7:25 PM.**

**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 Observers:** *Mineola American*  
*Williston Times*

**Sunshine Observers:** 5 Observers

**Resolution No. 102-16**

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee George R. Durham

**Vote:**

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

**Resolution No. 103-16**

Resolved to authorize a public bid for pool shuttle services.

Motioned by Trustee Paul S. Cusato  
Seconded by Trustee George R. Durham

**Vote:**

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

**Resolution No. 104-16**

Resolved to approve a request by the Long Island Portuguese Lions Club for the use of the Wilson Park picnic area June 5 2016 (raindate: June 26) for an annual club picnic.

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

**Vote:**

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

**Resolution No. 105-16**

Resolved to approve the membership of the following candidate as recommended by the Mineola Fire Department:

Benoy Vargheese      Co. 2

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

**Vote:**

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

Village Attorney John P. Gibbons introduced the following resolution:

**Resolution No. 106-16**

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

LOVE TO DANCE, PAC 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 276 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lot 106.  
-----X

NAME OF APPLICANTS:	Love To Dance, PAC Inc.
SUBJECT PROPERTY:	Section 9, Block 296, Lot 106
STREET LOCATION:	276 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.B to establish a dance education studio upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	March 9, 2016
APPEARANCES:	Nicole Pastorelli, Owner

## **DECISION:**

Love to Dance, PAC Inc. (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 to establish a dance education studio upon the property known as 276 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 296, Lot 106) (hereinafter, the “Property”).

By Notice of Disapproval, dated February 1, 2016, 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 dance education 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 dance education studio upon the property known as 276 Jericho Turnpike, Mineola, New York;
- 2) The hours of operation will be 3:00 pm to 9:00 pm Monday-Friday, 9:30 am to 2:00 pm Saturday, closed Sunday;
- 3) Class sizes will be between eight (8) to ten (10) people;
- 4) Applicant anticipates having one (1) employee; 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) No food and/or beverages will be sold upon the Property;
- 2) The operation of the facility shall be self-contained within the interior of the building;
- 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 them shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special 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 decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 6) 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 Paul S. Cusato

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

**Mayor Scott P. Strauss requested a motion to close the Work Session at 7:35 PM**

Motioned by Trustee Paul A. Pereira

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