

Minutes - Board Meeting – 07/13/2016

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday July 13, 2016 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
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
Superintendent of Building Daniel B. Whalen

Press Observers: None

Sunshine Observers: 25 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:

(Postponed from June 8, 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.

Three speakers addressed the Board

Mayor Scott P. Strauss requested a motion to reserve decision and close the hearing at 7:45 pm.

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

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

Mayor Scott P. Strauss called the Public Hearing to order at 7:46 PM

Press Observers: None

Sunshine Observers: 15 Observers

A Public Hearing was held at 7:46 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF ITA AINGORN 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 SALE OF FOOD (GELATO AND SORBET) UPON THE PROPERTY KNOWN AS 258B HERRICKS ROAD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 35, LOTS 44-45

No speakers addressed the Board

Resolution No. 182-16

Resolved to declare the Special Use Application of Ita Aingorn 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 sale of food (gelato and sorbet) upon the property known as 258b Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 35, Lots 44-45, as a Type II action pursuant to S.E.Q.R.A.

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

Vote:

Yes

No

Abstain

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

Mayor Scott P. Strauss requested a motion to reserve decision and close the hearing at 8:03 pm.

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

Vote:

Yes

No

Abstain

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

Mayor Scott P. Strauss called the Public Hearing to order at 8:04 PM

Press Observers: None

Sunshine Observers: 12 Observers

A Public Hearing was held at 8:04 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF XIN ZHANG 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) AND SECTION 550.16 ENTITLED “M
DISTRICTS”, SUBSECTION (A) FOR THE PURPOSE OF
ESTABLISHING AN AUTOMOTIVE REPAIR AND BODY
WORK SHOP UPON THE PROPERTY KNOWN AS 15
WINDSOR COURT, MINEOLA, NEW YORK, KNOWN AND
DESIGNATED ON THE NASSAU COUNTY LAND AND TAX
MAP AS SECTION 9, BLOCK 662 LOT 4.**

One speaker addressed the Board

Resolution No. 183-16

Resolved to declare the Special Use Application of Xin Zhang 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) and Section 550.16 entitled “M Districts”, Subsection (A) for the purpose of establishing an automotive repair and body work shop upon the property known as 15 Windsor Court, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 4, as a Type II action pursuant to S.EQ.R.A.

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

Vote:

Yes

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

No

Abstain

Mayor Strauss requested a motion to approve the application subject to Nassau County Fire Marshal approval.

Resolution No. 184-16

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

XIN ZHANG

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550.16A of the Code of the Incorporated Village of Mineola, at premises known as 15 Windsor Court, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 4.

-----X

NAME OF APPLICANT: Xin Zhang

SUBJECT PROPERTY: Section 9, Block 662, Lot 4

STREET LOCATION: 15 Windsor Court
Mineola, New York 11501

ZONING DISTRICT: "M" District

RELIEF REQUESTED: Application For a Special Use Permit pursuant to Chapter 550 Section 550-16A for the operation of an automotive repair and body shop upon the property

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

DATE OF HEARING: July 13, 2016

APPEARANCES: Thomas Pantelis, Esq., Appicant’s Attorney
Xin Zhang, Applicant

DECISION:

Xin Zhang (hereinafter, “Applicant”) is before this Board pursuant to Chapter 550, Section 550-16A of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the operation of an automotive repair and body shop upon the property known as 15 Windsor Court, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lot 4 (hereinafter, the “Property”).

By Notice of Disapproval, dated May 23, 2016, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations in that operating an auto body repair shop 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 operate an automotive repair and body shop upon the Property.
- 2) The hours of operation would be 7:00 am to 6:00 pm Monday-Saturday and closed on Sunday;
- 3) Applicant proposes the installation of a spray booth;
- 4) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village with no substantial impact to the area.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to 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 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 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 Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

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

No

Abstain

Village Attorney John P. Gibbons, Jr. introduced the following decision from previous hearings for the Board's consideration:

Resolution No. 185-16

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MARK DEVELOPMENT, INC.

(GOHEALTH URGENT CARE)

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 12 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lots 1-15, 70-75 and 92.

-----X

NAME OF APPLICANTS:	Mark Development, Inc. (GoHealth Urgent Care)
SUBJECT PROPERTY:	Section 9, Block 366, Lots 1-15, 70-75 and 92
STREET LOCATION:	12 East 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 an urgent care facility upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	May 11, 2016
APPEARANCES:	Peter Mineo, Esq. Marc Steinberg, Mark Development, Inc. Sara Arora, GoHealth Kristin DeLuca, Bohler Engineering John Harter, Atlantic Traffic Design Anthony Sirizzotti, Bannett Group

DECISION:

Mark Development, Inc. (GoHealth Urgent Care) (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 an urgent care facility upon property known as 12 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 366, Lots 1-15, 70-75 and 92) (hereinafter, the “Property”).

By Notice of Disapproval, dated April 7, 2016, 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 an urgent care facility 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.

A referral of the application was made to the Nassau County Planning Commission on May 3, 2016. By Resolution No. 10088-16, adopted May 26, 2016, the Nassau County Planning Commission requested additional information from the Applicant with respect to "traffic analysis" at the Property. Applicant provided additional information to the Nassau County Planning Commission and by Resolution No. 10094-16, adopted June 16, 2016, 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 to establish an urgent care facility upon the property known as 12 East Jericho Turnpike, Mineola, New York;
- 2) The hours of operation will be 8:00 A.M. to 8:00 P.M. Monday-Friday and 9:00 A.M. to 5:00 P.M. Saturday-Sunday;
- 3) Applicant anticipates approximately 48-56 patients per day;
- 4) Applicant currently operates 21 facilities throughout the area;
- 5) The facility will have four (4) exam rooms;
- 6) Refuse will be carted by a private company at the expense of the Applicant;
- 7) Medical waste is disposed of on a daily basis via a licensed contractor;
- 8) All lighting, fencing, landscaping and curb cuts will be in accordance with the previously approved plans incorporated in the Board of Trustees Special Use Decision for Mussina Mineola, LLC (Walgreen's), dated July 2, 2014 and filed in the Office of the Village Clerk on July 3, 2014;
- 9) Applicant (GoHealth Urgent Care) is responsible for retaining a maintenance company to care for the Property. This care includes landscaping, rubbish and snow removal;
- 10) The subject Property will provide adequate parking (78 spaces) to accommodate patrons of the proposed facility; and
- 11) 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 Property shall be maintained in a clean and broom-swept condition at all times. All landscaping shall be properly maintained. Snow shall be removed promptly from all sidewalks surrounding the Property;
- 2) The landscaping shall be appropriately irrigated and maintained at all times;
- 3) The Property will be in conformity with the previously approved site plan and landscape plan submitted to the Building Department as part of the Board of Trustees Special Use Decision for Mussina Mineola, LLC (Walgreen's), dated July 2, 2014 and filed in the Office of the Village Clerk on July 3, 2014. Such plans include the streetscape for employing the paver, lighting and street furniture design pallet for Roslyn Road and Jericho Turnpike, as well as the perimeter fencing around the Property which shall be of closed construction and shall be six (6') feet in height along Arlington Road and the eastern boundary line. The design of the fencing shall be subject to approval by the Building Department. Fencing shall be graffiti-proof and any graffiti placed on the fence or building shall be removed immediately;
- 4) No sign shall have scrolling capabilities to advertise any promotions;
- 5) There shall be no entrance/exit from or onto Arlington Road, including during the construction phase of the project;
- 6) All employees shall be required to park upon the Property;
- 7) All lighting shall be designed such that it shall shine upon the Property only and shall not be directed towards any neighboring residences;
- 8) No telecommunications towers shall be located at the site;
- 9) The site shall be served by a private sanitation carter at the expense of the applicant. Garbage pick-up shall be during non-peak traffic hours and shall not be earlier than 7:00a.m. or later than 8:00p.m.;
- 10) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of entrance into and exit from the Property. In the event that such entrance/exit shall require modification, the Applicant shall make further application before the Board of Trustees for a amendment of this approval or the Board of Trustees shall direct such modification;
- 11) 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;

- 12) 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
- 13) 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 Property 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 George R. Durham
Trustee Dennis J. Walsh

Mayor Scott P. Strauss requested a motion to close the hearing at 8:25 PM.

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

Vote:

Yes

No

Abstain

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