

**Minutes - Board Meeting – 11/09/2016**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday November 9, 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  
Superintendent of Buildings Dan B. Whalen
- Press Observers:**

*Mineola American*
- Sunshine Observers:**

9 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 KAIDI GUO 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 DISCOUNT STORE WITH THE SALE OF PRE-PACKAGED FOOD AND BEVERAGES UPON THE PROPERTY KNOWN AS 155 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 156.**

*No Speakers addressed the Board*

**Resolution No. 247-16**

Resolved to approve the application of Kaidi Guo 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 discount store with the sale of pre-packaged food and beverages upon the property known as 155 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156, as a Type II action pursuant to S.E.Q.R.A.

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

<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 George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

**Resolution No. 248-16**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

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

KAIDI GUO

**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 155 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156.

-----X

NAME OF APPLICANTS:	Kaidi Guo
SUBJECT PROPERTY:	Section 9, Block 405, Lot 156
STREET LOCATION:	155 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:	November 9, 2016
APPEARANCES:	Kaidi Guo

**DECISION:**

Kaidi Guo (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 155 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156) (hereinafter, the “Property”).

By Notice of Disapproval, dated September 14, 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 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 of pre-packaged foods and beverages upon the property known as 155 Jericho Turnpike, Mineola, New York;
- 2) There will be no cooking/baking on the Property;
- 3) The store's hours of operation will be 9 am to 8 pm on Monday-Saturday and 9 am to 7 pm on Sunday;
- 4) The store will have 3 employees; 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 Applicant will not prepare or cook food upon the property;
- 2) All deliveries shall be made during non-peak traffic hours;
- 3) 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;
- 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 decisions. Said representations are deemed to be part of the conditions of this special permit; and
- 5) 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.

Dated: Mineola, New York  
November 9, 2016

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

*Village Clerk Joseph R. Scalero polled the Board:*

**Vote:**

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

**Mayor Scott P. Strauss requested a motion to close the Public Hearing at 7:10 PM**

Motioned by Trustee Paul A. Pereira  
Seconded by Trustee George R. Durham

**Vote:**

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

**Mayor Scott P. Strauss called the Work Session to order at 7:20 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  
Superintendent of Buildings Dan B. Whalen

**Press Observers:** *Mineola American*

**Sunshine Observers:** 9 Observers

**Resolution No. 249-16**

Resolved to approve bills and payroll.

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

**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		

**Resolution No. 250-16**

Resolved to approve a request by The American Legion, Mineola Memorial Post No. 349 for the use of Mineola Memorial Park, Friday November 11, 2016 at 11:00 am to conduct the annual Veterans of Foreign Wars/American Legion Veterans Day Ceremony.

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

**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		

**Resolution No. 251-16**

Resolved to approve a request by the Mineola Athletic Association to schedule its Opening Day Parade for Saturday April 8, 2017 starting at Jackson Avenue School at 10:00 AM along the following route:

- West on Jackson Avenue
- North on Wardwell Road
- East on Jericho Turnpike to Mineola Blvd.
- South on Mineola Blvd. to Second Street
- East on Second Street to Willis Avenue
- North on Willis Avenue into the Little League Complex

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

**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 Clerk Joseph R. Scalero gave a report on the Nassau County Taxi and Limousine Commission’s activity in Mineola, especially with regard to policing unlicensed for-hire vehicles operating illegally in Mineola.*

*Trustee Paul Pereira reminded residents to attend the Mineola Junior Fire Department pancake breakfast fundraiser on Sunday November 13 to benefit victims of Hurricane Matthew and the fires in Portugal.*

**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:**

<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		