

Minutes - Board Meeting – 10/21/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 21, 2015 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
Deputy Village Clerk Cora T. Kelly
Superintendent of Buildings Daniel B. Whalen

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 8 Observers

A presentation was given by Mill Creek in preparation of November 4, 2015 Public Hearing.

Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM

A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF TACO BLVD (dba BURRITO BLVD) FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.13 ENTITLED “B-2 DISTRICTS”, FOR THE PURPOSE OF ESTABLISHING A CARRY-OUT FOOD ESTABLISHMENT UPON THE PROPERTY KNOWN AS 98 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 419, LOT 140.

No Speakers addressed the Board

Resolution No. 286-15

Resolved to declare the application of Taco Blvd (dba Burrito Blvd) for a special permit at 98 Mineola Boulevard, Mineola New York as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

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

Resolution No. 287-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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

TACO BLVD (D/B/A BURRITO BLVD)

DECISION

For a Special Use Permit pursuant to Chapter 550,
Section 550.13 of the Code of the Incorporated
Village of Mineola, at premises known as 98
Mineola Boulevard, Mineola, New York, known
and designated on the Nassau County Land and
Tax Map as Section 9, Blocks 419, Lot 140.

-----X

NAME OF APPLICANTS:	Taco Blvd (d/b/a Burrito Blvd)
SUBJECT PROPERTY:	Section 9, Blocks 419, Lot 140
STREET LOCATION:	98 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 550.13 for the purpose of establishing a Mexican 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:	October 21, 2015
APPEARANCES:	Joseph Vetrano, Co-Owner Pasquale Vetrano, Jr., Co-Owner

DECISION:

Taco Blvd (d/b/a Burrito Blvd) (hereinafter, "Applicant") is before this Board pursuant to Chapter 550, Section 550.13 of the Municipal Code of the Incorporated Village of Mineola for a special use permit for the establishment of a Mexican restaurant with the sale of food and beverages upon the property known as 98 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Blocks 419, Lot 140) (hereinafter, the "Property").

By Notice of Disapproval, dated July 21, 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 Mexican 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 Mexican restaurant with the sale of food and beverages upon the property known as 98 Mineola Boulevard, Mineola, New York;
- 2) 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-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:

- 1) All deliveries shall occur on-site during off-peak traffic hours and shall not occur before 6am;
- 2) 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;
- 3) All putrescible waste shall be refrigerated indoors until pick-up;
- 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.

Dated: Mineola, New York
October 21, 2015

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:05 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

Mayor Scott P. Strauss called the Work Session to order at 7:15 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
Deputy Village Clerk Cora T. Kelly

Press Observers:

Mineola American
Williston Times

Sunshine Observers:

5 Observers

Resolution No. 288-15

Resolved to approve bills and payroll.

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

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. 289-15

Resolved to approve the following payments in the amount of \$9,627.02 from the Development Incentive Bonus Funds in FY 2015-2016:

<u>VENDOR</u>	<u>AMOUNT</u>	<u>PROJECT</u>
Dvirka & Bartilucci Consulting Engineers	\$7,414.90	Well #1 – Aeration System

Dvirka & Bartilucci Consulting Engineers	<u>\$2,212.12</u>	Hydraulic Modeling Distribution System
TOTAL:	\$9,627.02	

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

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. 290-15

Resolved that the Board of Trustees authorizes the Village Clerk to publish a legal notice in Newsday for a proposed Local Law amending Section 550-5 of the Municipal Code of the Incorporated Village of Mineola.

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

Resolution No. 291-15

Resolved to approve separation from service payment for any unused time and accrued benefits to Deputy Village Clerk Cora T. Kelly.

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

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. 292-15

Resolved to approve a request to post for the position of Deputy Village Clerk.

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

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. Gibbons recommended the following resolution:

Resolution No. 293-15

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

7-ELEVEN, INC.

AMENDED DECISION

-----X
NAME OF APPLICANTS: 7-Eleven, Inc.

SUBJECT PROPERTY: Section 9, Block 349, Lot 985

STREET LOCATION: 400 East Jericho Turnpike
Mineola, New York 11501

ZONING DISTRICT: B-1 District

DECISION:

Pursuant to the Decision and Order of the Appellate Division of the Supreme Court, Second Judicial District, dated April 29, 2015, the special use application is **GRANTED**, subject to the following conditions:

1. The premises shall be maintained in a clean condition at all times.
2. All deliveries shall occur on-site during off-peak traffic hours. No delivery shall occur between the hours of 9:00 p.m. and 7:00 a.m, except for up to three (3) daily newspaper deliveries and one (1) daily combined distribution center delivery. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall utilize only box trucks for all deliveries and shall enforce such a restriction on all of its vendors. See Hearing Transcript, pgs. 64-65.
3. The site shall be served by a private sanitation carter at the expense of the Applicant. As offered by the Applicant at the Public Hearing held on October 12, 2011, all putrescible waste shall be refrigerated indoors until pick-up. See Hearing Transcript, pg. 61. All garbage pick-ups shall take place between the hours of 7:00 a.m. and 9:00 p.m. only.

4. As offered by the Applicant at the Public Hearing held on October 12, 2011, all lighting shall be designed such that it shall shine upon the premises only and shall not be directed towards any neighboring residences. See Hearing Transcript, pgs. 68-69.

5. The garbage dumpster shall be maintained in a fully enclosed area and the gates to the area shall be closed at all times except during loading and pick-up. The garbage dumpster and surrounding area shall remain free from debris, odors and/or litter at all times.

6. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall eliminate the existing most westerly curb cut on Jericho Turnpike. The remaining most easterly curb cut on Jericho Turnpike shall be restricted to right turn in and right turn out movements. See Hearing Transcript, pg. 20. Applicant shall install and maintain the necessary signage designating the restrictions for the entrance and exit.

7. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall apply to the New York State Department of Transportation for authorization to install and maintain a curb channel for the curb cut on Jericho Turnpike that would direct vehicular ingress and egress via a right turn movement. Applicant shall provide the Village with the New York State Department of Transportation's decision. See Hearing Transcript, pgs. 73-74.

8. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall restrict the egress along Jay Court to be left turn only. Applicant shall install and maintain the necessary signage. Applicant shall install and maintain channelized curbs that will direct vehicles to only make left turns when exiting the Property. See Hearing Transcript, pgs. 52-53.

9. Applicant shall install new curbs and sidewalks at the Property in accordance with New York State Department of Transportation criteria.

10. In the event of any damage to Village roads during construction, Applicant shall correct the damage in accordance with all applicable code requirements.

11. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall not engage in cooking activities upon the Property. See Hearing Transcript, pg. 62.

12. Applicant shall install and maintain a 6 foot PVC fence along the rear property line. See Hearing Transcript, pgs. 70-71 and 93.

13. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall plant and maintain ten and a half foot natural buffer of evergreen landscaping along the rear property line. Applicant shall maintain all landscaping at the Property. Applicant shall install and maintain an automatic irrigation system. See Hearing Transcript, pgs. 21 and 93.

14. As offered by the Applicant at the Public Hearing held on October 12, 2011, Applicant shall install and maintain an exterior security camera system. See Hearing Transcript, pgs. 74-76. The security tapes shall be preserved for one (1) month.

Dated: Mineola, New York
October 21, 2015

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

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

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:22 PM

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

Vote:

Yes

No

Abstain

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