

**Minutes - Board Meeting – 3/8/2017**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, March 8, 2017 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 Clerk Joseph R. Scalero  
Peter Trentacoste, for Village Attorney John P. Gibbons, Jr.  
Deputy Village Clerk Linda D. Pardo  
Superintendent of Building Daniel B. Whalen

**Press Observers:** *Newsday*  
*Williston Times*

**Sunshine Observers:** 24 Observers

**Mayor Scott P. Strauss called the Public Hearing to order at 6:40 PM**

*A Public Hearing was held at 6:40 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF ROBERT J. DELEO, JR. 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 NEW BAGEL CAFÉ  
UPON THE PROPERTY KNOWN AS 175 EAST JERICHO  
TURNPIKE, MINEOLA, NEW YORK, KNOWN AND  
DESIGNATED ON THE NASSAU COUNTY LAND AND TAX  
MAP AS SECTION 9, BLOCK 267, LOT 26.**

*No Speakers addressed the Board*

**Resolution No. 45-17**

Resolved to declare the Special Use Application of Robert J. Deleo 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 new Bagel Café upon the property known as 175 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 267, Lot 26, as a Type II action pursuant to S.E.Q.R.A.

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

|                          |                  |                       |  |
|--------------------------|------------------|-----------------------|--|
| <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. 46-17**

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

ROBERT J. DELEO, JR.

**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 175 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 267, Lot 26.  
-----X

|                        |  |
|------------------------|--|
| NAME OF APPLICANT:     | Robert J. Deleo, Jr.   |
| SUBJECT PROPERTY:      | Section 9, Block 267, Lot 26   |
| STREET LOCATION:       | 175 East Jericho Turnpike<br>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 purpose of establishing a new bagel café upon the property. |
| PUBLICATION & POSTING: | All in accordance with applicable laws, rules and regulations.   |
| DATE OF HEARING:       | March 8, 2017  |
| APPEARANCES:           | Robert J. Deleo, Jr., Architect<br>Joe Anzalone, Owner   |

**DECISION:**

Robert J. Deleo, Jr., on behalf of Long Island Bagel Café (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 new bagel café upon the property known as 175 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 267, Lot 26) (hereinafter, the “Property”).

By Notice of Disapproval, dated January 4, 2017, 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 new bagel café 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 new bagel café upon the property known as 175 East Jericho Turnpike, Mineola, New York;
- 2) Applicant is proposing 26 seats within the bagel café;
- 3) Applicant is proposing 15-18 employees at the Property;
- 4) The building is serviced by a 42-space private parking lot;
- 5) The hours of operation will be 5:00 am to 8:00 pm, seven (7) days a week; and
- 6) 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 the 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. Applicant shall utilize the rear of the building for the deliveries;
- 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) Applicant shall utilize a private sanitation service for garbage removal which shall not occur before 8am;
- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this agreement shall subject the applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this special use 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 decision. Applicant's representations are deemed to be part of the conditions of this special use 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  
March 8, 2017

Motioned by Trustee Paul S. Cusato  
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

**Mayor Scott P. Strauss called the Public Hearing to order at 7:15 PM**

**Sunshine Observers:** 22 Observers

*A Public Hearing was held at 7:15 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF CHENG-SHENG HUANG 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 NEW SUPERMARKET UPON THE PROPERTY KNOWN AS 52 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 662, LOTS 13, 15, 16 AND 19.**

*3 Speakers addressed the Board*

**Resolution No. 47-17**

Resolved to declare the Special Use Application of Cheng-Sheng Huang 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 new supermarket upon the property known as 52 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lots 13, 15, 16 and 19, as a Type II action pursuant to S.E.Q.R.A.

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

**Mayor Scott P. Strauss requested a motion to reserve decision and close the hearing at 7:45 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 George R. Durham  
Trustee Dennis J. Walsh

**Mayor Scott P. Strauss called the Work Session to order at 8:00 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 Clerk Joseph R. Scalero  
Peter Trentacoste, for Village Attorney John P. Gibbons, Jr.  
Deputy Village Clerk Linda D. Pardo

**Press Observers:**

*Newsday*  
*Williston Times*

**Sunshine Observers:**

6 Observers

**Resolution No. 48-17**

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. 49-17**

Resolved to approve a request by Boy Scout Troop 45 for the use of the Community Center Tuesday May 16, 2017 at 7:00 PM – 10:00 PM to hold a “Basketball Night.”

Motioned by Trustee George R. Durham  
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. 50-17**

Resolved to approve a request by the Evening Star Quilters for the use of the Community Center Friday October 13 – Sunday October 15, 2017 from 9:00 am – 5:00 pm to conduct a Quilt Show.

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. 51-17**

Resolved to approve a \$5,000 salary increase for Deputy Village Clerk Linda D. Pardo upon completion of a six month probationary period, effective March 6, 2017.

Motioned by Trustee Paul S. Cusato  
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. 52-17**

Resolved to approve a request to re-post for a full time Clerk in the Mineola Fire Department with a starting salary in accordance with the current Collective Bargaining Agreement.

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

*Village Clerk Joseph R. Scalero presented a Justice Court report for February 2017, submitted by Village Justice John P. O'Shea.*

**Mayor Scott R. Strauss requested a motion to close the Work Session at 7:10 PM**

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

| <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  |                  |                       |