

Minutes - Board Meeting – 2/8/2017

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 8, 2017 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

- PRESENT:**

Deputy Mayor Paul A. Pereira
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:**

3 Press Observers
- Sunshine Observers:**

4 Observers

Deputy Mayor Paul A. Pereira stated that Mayor Scott P. Strauss is unable to be present at the hearing. He also reported that a snowstorm is approaching and reiterated the importance of moving vehicles off roads to allow for plowing and encouraged residents to sign up for email notifications and text alerts on the village website.

Deputy Mayor Paul A. Pereira stated that a hearing for a Special Use Permit for the purpose of establishing a fitness, nutrition and exercise training/wellness center upon the second floor of 212 Station Plaza, Mineola, New York would be not be conducted because the applicant did not appear.

Deputy Mayor Paul A. Pereira called the Public Hearing to order at 6:30 PM

A Public Hearing was held at 6:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF KYLE VOLKOF 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 DANCE STUDIO UPON THE PROPERTY KNOWN AS 75 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 269, LOT 1.

1 Speaker addressed the Board

Resolution No. 27-17

Resolved to declare the Special Use Application of Kyle Volkoff 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 dance studio upon the property known as 75 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 269, Lot 1, as a Type II action pursuant to S.E.Q.R.A.

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

Vote:

Yes

No

Abstain

Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Resolution No. 28-17

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

KYLE VOLKOF

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-12B of the Code of the Incorporated Village of Mineola, at premises known as 75 E. Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 269, Lot 1.

-----X

NAME OF APPLICANT:	Kyle Volkof
SUBJECT PROPERTY:	Section 9, Block 269, Lot 1
STREET LOCATION:	75 E. 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 550-12B to establish a dance studio.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 8, 2017
APPEARANCES:	Kyle Volkof

DECISION:

Kyle Volkof (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 to establish a dance studio upon the property known as 75 E. Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 269, Lot 1) (hereinafter, the "Property").

By Notice of Disapproval, dated December 21, 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 studio.

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 studio upon the property known as 75 E. Jericho Turnpike, Mineola, New York;
- 2) Dance class sessions shall be by appointment only. Each class will be one hour per couple;
- 3) Applicant's proposed hours of operation are 5:00 pm to 9:00 pm Monday-Friday and weekends afternoon hours only if necessary;
- 4) Applicant has a private parking lot that services the building with five (5) spaces; 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 operation of the facility shall be self-contained within the interior of the building;
- 2) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 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
February 8, 2017

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Deputy Mayor Paul A. Pereira requested a motion to close the meeting at 7:10 PM.

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

Vote:

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

A Public Hearing was held at 7:10 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

A PROPOSED LOCAL LAW AMENDING SECTION 550-56 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “ESTABLISHMENT OF ZONING BOARD OF APPEALS; MEMBERSHIP; COMPENSATION; TERMS,” TO AUTHORIZE THE APPOINTMENT OF ALTERNATE MEMBERS OF THE ZONING BOARD OF APPEALS.

No speakers addressed the Board

Resolution No. 29-17

Resolved to adopt Local Law amending Section 550-56 of the Municipal Code of the Incorporated Village of Mineola entitled “Establishment of Zoning Board of Appeals; Membership; Compensation; Terms,” to authorize the appointment of alternate members of the Zoning Board of Appeals.

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:
Yes **No** **Abstain**
Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

Deputy Mayor Paul A. Pereira requested a motion to close the hearing at 7:15 PM.

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

Vote:
Yes **No** **Abstain**
Deputy Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh