

Minutes - Board Meeting – 1/11/2017

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 11, 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 Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda D. Pardo
Superintendent of Building Daniel B. Whalen

Press Observers: *Mineola American*
Williston Times

Sunshine Observers: 20 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 MICHAEL MARK, RA 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 FITNESS CENTER
UPON THE PROPERTY KNOWN AS 80 HERRICKS ROAD,
MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE
NASSAU COUNTY LAND AND TAX MAP AS SECTION 9,
BLOCK 672, LOT 20.**

No speakers addressed the Board

Resolution No. 07-17

Resolved to declare the Special Use Application of Michael Mark, RA 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 fitness center upon the property known as 80 Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20, as a Type II action pursuant to S.E.Q.R.A.

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

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. 08-17

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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

MICHAEL MARK, RA

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 80 Herricks Road, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20.

-----X

NAME OF APPLICANTS:	Michael Mark, RA
SUBJECT PROPERTY:	Section 9, Block 672, Lot 20
STREET LOCATION:	80 Herricks Road Mineola, New York 11501
ZONING DISTRICT:	"B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B. to establish a fitness center upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 11, 2017
APPEARANCES:	Michael Mark, Architect

DECISION:

Michael Mark (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 a fitness center upon the property known as 80 Herricks Road, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 672, Lot 20) (hereinafter, the "Property").

By Notice of Disapproval, dated December 7, 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 fitness center upon the Property.

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 fitness center upon the property known as 80 Herricks Road, Mineola, New York;
- 2) The facility will be by appointment only;
- 3) Applicant will conduct fitness training at the Property;
- 4) Applicant will not be selling, preparing or cooking food upon the Property; 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 these conditions shall subject the applicant or its successors to enforcement pursuant to the Village’s Municipal Code, including possible revocation of this Special Use 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 Use 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
January 18, 2017

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

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 Paul A. Pereira
Trustee Dennis J. Walsh

A Public Hearing was held at 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF JOSEPH PONTE 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 NUTRITION STORE WITH THE SALE OF VITAMINS AND SUPPLEMENTS UPON THE PROPERTY KNOWN AS 466 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 322, LOTS 23-25

No speakers addressed the Board

Resolution No. 09-17

Resolved to declare the Special Use Application of Joseph Ponte 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 nutrition store with the sale of vitamins and supplements upon the property known as 466 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 23-25, as a Type II action pursuant to S.EQ.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 Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 10-17

INCORPORATED VILLAGE OF MINEOLA
-----X

In the Matter of the Application of

JOSEPH PONTE

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 466 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 23-25.

-----X

NAME OF APPLICANTS:	Joseph Ponte
SUBJECT PROPERTY:	Section 9, Block 322, Lots 23-25
STREET LOCATION:	466 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 a nutrition store with the sale of vitamins and supplements.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 11, 2017
APPEARANCES:	Joseph Ponte

DECISION:

Joseph Ponte (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 area within the nutrition store to prepare vitamin/supplement drinks with sinks and a blender upon the property known as 466 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lots 23-25) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 12, 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 an area within the nutrition store to prepare vitamin/supplement drinks with sinks and a blender.

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:

- 6) Applicant is seeking a special use permit to establish the food use described above at the nutrition store upon the property known as 466 Jericho Turnpike, Mineola, New York; and
- 7) 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:

- 6) The operation of the facility shall be self-contained within the interior of the building;
- 7) All putrescible waste shall be refrigerated indoors until pick-up;
- 8) 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;
- 9) 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
- 10) 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
January 18, 2017

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

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 hearing at 7:06 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 George R. Durham		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 7:06 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 Linda D. Pardo
 - Superintendent of Building Daniel B. Whalen
- Press Observers:**

 - Mineola American*
 - Williston Times*
- Sunshine Observers:**

 - 5 Observers

Resolution No. 11-17

Resolved to approve bills and payroll.

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		

Resolution No. 12-17

Resolved to approve a request by the American Legion Mineola Memorial Post 349 for the use of a general purpose room on the following dates and on the third Thursday of each

month, as needed, for Executive Committee meetings, subject to Community Center availability:

Tuesday February 7, 2017	Tuesday September 12, 2017
Tuesday March 14, 2017	Tuesday October 10, 2017
Tuesday April 11, 2017	Tuesday November 14, 2017
Tuesday May 9, 2017	Tuesday December 12, 2017
Tuesday June 13, 2017	

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. 13-17

Resolved to approve a request by the Evening Star Quilters for the use of a Community Center general purpose room Saturday March 25, 2017 from 9:30 am – 3:30 pm to conduct a quilting workshop.

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. 14-17

Resolved to approve a request by the Knights of Columbus Corpus Christi Council Number 2502 for the use of the Wilson Park picnic area for their annual picnic on Saturday July 22, 2017 from 10:00 AM to 6:00 PM (Rain Date: Saturday July 29, 2017).

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

Village Clerk Joseph R. Scalero presented a Justice Court report for December 2016.

Mayor Scott P. Strauss reminded residents that village offices are closed Monday January 16 for Martin Luther King, Jr. Day and to check the village website for sanitation changes; noted the great job done by the Department of Public Works during the weekend snowstorm; stated that many summonses were issued for not removing vehicles off streets and urged residents to remove vehicles from streets in the future when two or more inches of snow has fallen.

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

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		