

**Minutes - Board Meeting – 10/10/2018**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, October 10, 2018 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 Pardo  
Superintendent of Buildings Daniel B. Whalen

**Press Observers:** *Williston Times*

**Sunshine Observers:** 12 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 THE STUDIO: A MISS KRISTIN PRODUCTION 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” TO ESTABLISH A DANCE STUDIO UPON THE PROPERTY KNOWN AS 393 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 20, LOTS 28-34, 55-62, 69-70.**

*1 speaker addressed the Board*

**Resolution 248-18**

Resolved to declare the Special Use Application of The Studio: A Miss Kristin Production 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 393 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 20, Lots 28-34, 55-62, 69-70, 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:**

**Yes**

**No**

**Abstain**

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

**Resolution 249-18**

A motion was made to approve the application.

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

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 7:02 PM**

*A Public Hearing was held at 7:02 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF STARBUCKS CORPORATION TO AMEND  
CONDITION NO. 2., NO. 4 AND NO. 5 OF THE SPECIAL USE  
DECISION, DATED MARCH 26, 1999, FOR THE PROPERTY  
KNOWN AS 139 JERICHO TURNPIKE, MINEOLA, NEW YORK,  
KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND  
AND TAX MAP AS SECTION 9, BLOCK 450, LOTS 220-223, 277-280.**

*1 speaker addressed the Board*

**Resolution 250-18**

Resolved to declare the Special Use Application of Starbucks Corporation to amend condition No. 2, No. 4 and No. 5 of the Special Use decision, dated March 26, 1999, for the property known as 139 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 220-223, 277-280, as a Type II action pursuant to S.E.Q.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 Paul A. Pereira  
Trustee George R. Durham  
Trustee Dennis J. Walsh

Resolution 251-18

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

STARBUCKS CORPORATION

DECISION

For an Amendment of the Special Use Permit pursuant to Chapter 550, Section 550.12 of the Code of the Incorporated Village of Mineola, at premises known as 139 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 220-223, 277-280.  
-----X

NAME OF APPLICANT:	Starbucks Corporation
SUBJECT PROPERTY:	Section 9, Block 450, Lots 220-223, 277-280
STREET LOCATION:	139 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application to Amend the Special Use Permit previously granted to a Kentucky Fried Chicken Restaurant with a drive-thru window upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	October 10, 2018
APPEARANCES:	Wayne Edwards, Esq.

DECISION:

Starbucks Corporation (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, to amend the previously granted special use permit for the operation of a Kentucky Fried Chicken restaurant with a drive-thru window upon the property known as 139 Jericho Turnpike,

Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 450, Lots 220-223, 277-280) (hereinafter, the “Property”).

By Notice of Disapproval, dated September 19, 2018, 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 amendment of a previously granted special use permit requires relief before the Board of Trustees.

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 to amend the March 26, 1999 special use permit to amend Conditions 2, 4 and 5 to allow for the following:
  - No. 2.- The Hours of operation will be 7 days a week 5:00 am to 11:00 pm;
  - No. 3.- Deliveries to the premises shall be by tractor trailer 7 days a week between 10:00 pm and 12:00 am. The tractor trailer will off-load to the store from the parking lot and such off-load shall be limited to 15-40 minutes; and
  - No. 5.- All refuse shall be removed by private carter under contract to Starbucks and be picked up no less than 4 days per week.
- 2) All prior terms and conditions of the March 26, 1999 Special Use Decision are in full force and effect; and
- 3) 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 amendments to the previously granted Special Use Decision, 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 amendments to 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 terms and conditions of the Special Use Decision, dated March 26, 1999, and filed with the Village Clerk on March 26, 1999 shall remain in full force and effect and are hereby incorporated by reference to this Decision;
- 2) The Hours of operation shall be seven (7) days a week 5:00 am to 11:00 pm;
- 3) Deliveries to the Property shall be by tractor trailer seven (7) days a week between 10:00 pm and 12:00 am. The tractor trailer will off-load to the store from the parking lot and such off-load shall be limited to 15-40 minutes;
- 4) All refuse shall be removed by private carter under contract to Starbucks and be picked up no less than 4 days per week;
- 5) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of ingress into and egress from the Property. In the event that such entrance/exit shall require modification, the Applicant shall make further application before the Board of Trustees for an amendment of this approval or the Board of Trustees shall direct such modification;
- 6) 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;
- 7) 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
- 8) 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 10, 2018

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

**Mayor Scott P. Strauss requested a motion to close the hearing at 7:45 PM.**

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