

Minutes - Board Meeting – 08/08/2018

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, August 8, 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: *Mineola American*
Williston Times

Sunshine Observers: 16 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:35 PM

A Public Hearing was held at 6:35 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF J.W. SOLIS 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 LAUNDROMAT UPON THE PROPERTY KNOWN AS 170
JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND
DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP
AS SECTION 9, BLOCK 322, LOT 208.**

1 speaker addressed the Board

Resolution 217-18

Resolved to declare the Special Use Application of J.W. Solis 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 laundromat upon the property known as 170 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 208, 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

Resolution 218-18

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

J.W. SOLIS

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 170 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 208.

-----X

NAME OF APPLICANTS:	J.W. Solis
SUBJECT PROPERTY:	Section 9, Block 322, Lot 208
STREET LOCATION:	170 Jericho Turnpike 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 laundromat upon the Property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 8, 2018
APPEARANCES:	Paul Barroca, Architect J.W. Solis, Owner

DECISION:

J.W. Solis (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 laundromat upon the property known as 170 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 208) (hereinafter, the "Property").

By Notice of Disapproval, dated May 10, 2018, 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 laundromat upon the Property.

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 laundromat upon the property known as 170 Jericho Turnpike, Mineola, New York;
- 2) Applicant currently operates an identical business located at 150 Jericho Turnpike, Mineola, New York and is simply relocating the subject Property;
- 3) The hours of operation will be the same as the existing business 6:00 am to 11:00 pm, 7 days a week;
- 4) Applicant's customers will continue to utilize the private parking lot behind the existing business;
- 5) Applicant will continue to utilize the dumpster behind the existing business; 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 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) Applicant shall not utilize the rear of the building for deliveries and/or pickups and the rear door shall be closed at all times;
- 2) All ventilation/exhaust shall be vented through the building up to the roof and shall be directed away from residential properties.
- 3) All solid waste shall be removed by private carter;

- 4) Each of these conditions is material to the approval granted by the Board of Trustees. Violation 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;
- 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 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
August 8, 2018

Motioned by Trustee Dennis J. Walsh
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 6:51 PM

A Public Hearing was held at 6:51 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF GRACE RENOVATIONS INC. 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 RESTAURANT UPON THE PROPERTY KNOWN
AS 204 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN
AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX
MAP AS SECTION 9, BLOCK 322, LOT 80.**

2 speakers addressed the Board

Resolution 219-18

Resolved to declare the Special Use Application of Grace Renovations Inc. 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 restaurant upon the property known as 204 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 80, 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 220-18

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

GRACE RENOVATIONS, INC.

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 204 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 80.
-----X

NAME OF APPLICANTS:	Grace Renovations, Inc.
SUBJECT PROPERTY:	Section 9, Block 322, Lot 80
STREET LOCATION:	204 Jericho Turnpike 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 restaurant upon the Property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	August 8, 2018
APPEARANCES:	Mario Rodriguez, Representative John Velez, Owner

DECISION:

Grace Renovations, Inc. (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 restaurant upon the property known as 204

Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 322, Lot 80) (hereinafter, the “Property”).

By Notice of Disapproval, dated May 10, 2018, 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 restaurant upon the Property.

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 restaurant upon the property known as 204 Jericho Turnpike, Mineola, New York;
- 2) Applicant currently operates similar businesses in New York and New Jersey under the business name “Noches de Colombia”;
- 3) The hours of operation will be 10:00 am to 10:00 pm, 7 days a week;
- 4) Applicant will have a sit-down restaurant area, bar area and bakery area with a total seating capacity of 109 seats;
- 5) Applicant stated that the bar area is ancillary to the restaurant business and will close when the restaurant closes at 10:00 pm; 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 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 entire building 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;
- 2) All putrescible waste shall be refrigerated indoors until pick-up;

- 3) Applicant shall utilize a private sanitation service for garbage removal. Garbage pick-up shall not occur between the hours of 11:00 pm and 6:00 am;
- 4) 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 filtered to prevent the dissemination of cooking odors and 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;
- 5) Deliveries to the premises shall occur during off-peak weekday hours. No deliveries to the premises shall be prior to 6:00 am. No delivery vehicles will impede traffic and/or parking by parking illegally on roads/sidewalks/parking lots;
- 6) Each of these conditions is material to the approval granted by the Board of Trustees. Violation 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;
- 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 decisions. Said 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
August 8, 2018

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:23 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