

Minutes - Board Meeting – 01/10/2018

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

Press Observers: *Williston Times*

Sunshine Observers: 14 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:45 PM

A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF PATRICIA M. RUSSO 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 CHILDREN’S MATH, READING AND WRITING LEARNING CENTER 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 22, LOTS 28-34, 55-62 AND 69-70.

1 speaker addressed the Board

Resolution No. 12-18

Resolved to declare the Special Use Application of Patricia M. Russo 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 children’s math, reading and writing learning center 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 22, Lots 28-34, 55-62 and 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 No. 13-18

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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In the Matter of the Application of

PATRICIA M. RUSSO

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 393 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 22, Lots 28-34, 55-62, 69-70.

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NAME OF APPLICANT:	Patricia M. Russo
SUBJECT PROPERTY:	Section 9, Block 22, Lots 28-34, 55-62, 69-70
STREET LOCATION:	393 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 children's math, reading and writing learning center.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 10, 2018
APPEARANCES:	Patricia M. Russo

DECISION:

Patricia M. Russo (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 mathematics tutoring center 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 428, Lots 28-34, 55-62 and 69-70) (hereinafter, the “Property”).

By Notice of Disapproval, dated November 6, 2017, 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 children’s math, reading and writing learning center.

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 children’s math, reading and writing center upon the property known as 393 Jericho Turnpike, Mineola, New York;
- 2) Applicant’s business will be a Sylvan Learning Center;
- 3) The class hours will be Monday-Thursday, 4:00 pm to 7:00 pm, Friday closed, Saturday 9:00 am to 12:00 pm; Sunday closed;
- 4) The building has parking spaces in the rear of the Property to service the proposed use;
- 5) Applicant proposes to have 3-5 employees;
- 6) Applicant shall utilize the entrance on Latham Road for drop-offs/pick-ups;
- 7) Applicant will not be selling and/or preparing any food/drinks upon the Property; and
- 8) 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 sell and/or prepare any food/drinks upon the Property;
- 2) Applicant shall maintain the entire Property in a clean condition;
- 3) Each of these conditions is material to the approval granted by the Board of Trustees. Violation 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;
- 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 decision. Applicant's 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 10, 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 6:55 PM.

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 called the Public Hearing to order at 6:55 PM

Sunshine Observers: 10 Observers

Mayor Scott P. Strauss reopened the adjourned December 13, 2017 Public Hearing at 6:55 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF VINCENT MINUTELLA FOR A SPECIAL USE PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED “ZONING”, SECTION 550.16 ENTITLED “M DISTRICTS”, SUBSECTION (A) ENTITLED “PERMITTED USES” AND SECTION 550.12 ENTITLED “B-1 DISTRICTS”, SUBSECTION (B) ENTITLED “SPECIAL USES” FOR THE CONVERSION OF A BAR PATRON SPACE TO KITCHEN AND DINING RESTAURANT WITH OUTDOOR BEER GARDEN UPON THE PROPERTY KNOWN AS 78-80 2ND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 424, LOTS 35-36.

No speakers addressed the Board

Mayor Scott P. Strauss adjourned the hearing at 7:00 PM to February 14, 2018 at 6:30 PM.

Mayor Scott P. Strauss called the Public Hearing to order at 7:00 PM

Sunshine Observers: 10 Observers

Mayor Scott P. Strauss reopened the adjourned December 13, 2017 Public Hearing 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 MEIXIA 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” TO INSTALL NEW COOKING EQUIPMENT, COOLING AND WARMING BUFFET TABLES, RESTAURANT GRILLS AND FRYERS AND SEATING FOR 72 PEOPLE WITH 17 DINING TABLES AT EXISTING 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 AND 16.

No speakers addressed the Board

Resolution No. 14-18

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

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In the Matter of the Application of

MEIXIA HUANG

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 52 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lots 13, 15 and 16.

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NAME OF APPLICANT:	Meixia Huang
SUBJECT PROPERTY:	Section 9, Block 662, Lots 13, 15 and 16
STREET LOCATION:	52 East 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 to install new cooking equipment, cooling and warming buffet tables, restaurant grills and fryers and seating for 72 people with 17 dining tables within the existing supermarket upon the property.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	December 13, 2017 and January 10, 2018
APPEARANCES:	Jersey Qiu, Applicant Meixia Huang, Architect

DECISION:

Meixia Huang (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 install new cooking equipment, cooling and arming buffet tables, restaurant grills and fryers and seating for 72 people with 17 dining tables within the existing supermarket upon property known as 52 East Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 662, Lots 13, 15 and 16) (hereinafter, the “Property”).

By Notice of Disapproval, dated October 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 installation of new cooking equipment, cooling and arming buffet tables, restaurant grills and fryers and seating for 72 people with 17 dining tables within the existing supermarket 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 install new cooking equipment, cooling and arming buffet tables, restaurant grills and fryers and seating for 72 people with 17 dining tables within the existing supermarket at the property known as 52 East Jericho Turnpike, Mineola, New York;
- 2) Applicant's hours of operation will be the same hours of operation as the supermarket (7:30 am to 9:00 pm, seven (7) days a week);
- 3) At the Public Hearing, Applicant offered to reduce the seating to 56 seats;
- 4) Applicant will not be installing any additional signage; and
- 5) Applicant will not be serving any alcohol and will not be seeking a liquor license.

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:

- 6) Applicant shall obtain and maintain all necessary licenses, permits and approvals from all agencies having jurisdiction;
- 7) All putrescible waste shall be stored within the premises inside a refrigerated unit and shall be removed by a private carting company;

- 8) The Village shall maintain jurisdiction over the site, particularly with respect to the safety and convenience of ingress into and egress from the Property by vans, ambulette and/or ambulance. 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;
- 9) 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;
- 10) 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
- 11) 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 10, 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 7:15 PM

Sunshine Observers: 5 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:

PROPOSED LOCAL LAW AMENDING SECTION 115 OF THE MUNICIPAL CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "OFFICERS AND EMPLOYEES", SECTION 115-12, ENTITLED "VILLAGE ASSESSOR; BOARD OF ASSESSMENT REVIEW".

No speakers addressed the Board

Resolution No. 15-18

Resolved to adopt Local Law amending the Municipal Code of the Incorporated Village of Mineola Section 115 entitled “Officers and Employees”, Section 115-12, entitled “Village Assessor; Board of Assessment Review”.

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

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 7:20 PM.

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

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 called the Work Session to order at 7:30 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

Press Observers: *None*

Sunshine Observers: No Observers

Resolution No. 16-18

Resolved to approve bills and payroll.

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

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. 17-18

Resolved to approve a request by the Evening Star Quilters for the use of a Community Center general purpose room Saturday January 20, February 17, and March 17, 2018 from 9:00 am – 3:00 pm to conduct a quilting workshop.

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 No. 18-18

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 14, 2018 from 10:00 AM to 6:00 PM (Rain Date: Saturday July 21, 2018).

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. 19-18

Resolved to approve a request by Daisy Troop 1835 for the use of a Community Center general purpose room Saturday January 20, February 10, April 14, and May 12, 2018 from 11:00 am – 12:00 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		

Village Attorney John P. Gibbons introduced the following resolution:

Resolution No. 20-18

Resolved to authorize an additional one (1) month extension for the 2014 Street Lighting Maintenance Contract ending January 31, 2018.

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		

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:35 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		