

## **Minutes - Board Meeting – 06/12/2019**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 12, 2019 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 Pardo  
Superintendent of Buildings Daniel B. Whalen

**Press Observers:** *Mineola American*

**Sunshine Observers:** 13 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 PIONEER ENRICHMENT, 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 AN ACADEMIC SUPPORT TUTORING CENTER UPON THE PROPERTY KNOWN AS 500 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 19, LOTS 32, 131.**

*1 speaker addressed the Board*

### **Resolution 151-19**

Resolved to declare the Special Use Application of Pioneer Enrichment, 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 an academic support tutoring center upon the property known as 500 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lots 32, 131, 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 152-19**

BOARD OF TRUSTEES  
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

PIONEER ENRICHMENT, 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 500  
Jericho Turnpike, Mineola, New York, known and  
designated on the Nassau County Land and Tax Map  
as Section 9, Block 19, Lots 32 and 131.

-----X

NAME OF APPLICANT:	Pioneer Enrichment, Inc.
SUBJECT PROPERTY:	Section 9, Block 19, Lots 32 and 131
STREET LOCATION:	500 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 an academic support tutoring center upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 12, 2019
APPEARANCE:	Ying An, Owner Christina Lee, Owner

**DECISION:**

Pioneer Enrichment, 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 an academic support tutoring center upon the property known as 500 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 19, Lots 32 and 131) (hereinafter, the “Property”).

By Notice of Disapproval, dated March 11, 2019, 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 aerial fitness gym 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 an academic support tutoring center upon the property known as 500 Jericho Turnpike, Mineola, New York;
- 2) Applicant shares fifteen (15) parking spaces with the other tenant of the building;
- 3) Applicant will provide academic support and targeted enrichment programs;
- 4) Classes will mostly take place after school and will utilize small class sizes; 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) No food or beverages will be sold upon the Property;
- 2) The operation of the facility shall be self-contained within the interior of the building;
- 3) 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 applicants or their 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  
June 12, 2019

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 called the Public Hearing to order at 7:05 PM**

**Sunshine Observers:** 12 Observers

*A Public Hearing was held at 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:*

**APPLICATION OF NYU WINTHROP HOSPITAL TO AMEND  
CONDITION NO. 8 OF THE DECISION OF THE BOARD OF  
TRUSTEES, DATED MARCH 24, 1994, TO PERMIT CONSTRUCTION  
WEST OF THE EXISTING WESTERLY WALL OF THE CURRENT  
BUILDING AT THE PROPERTY KNOWN AS 259 FIRST STREET,  
MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE  
NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 673,  
LOT 10.**

*I speaker addressed the Board*

**Resolution 153-19**

Resolved to declare the Application of NYU Winthrop Hospital to amend the condition No. 8 of the decision of the Board of Trustees, dated March 24, 1994, to permit construction west of the existing westerly wall of the current building at the property known as 259 First Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 673, Lot 10, as a Type II action pursuant to S.E.Q.R.A.

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

**Mayor Scott P. Strauss requested a motion to close the hearing and reserve decision 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		

**Mayor Scott P. Strauss called the Work Session to order at 7:55 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 Pardo

**Press Observers:** *None*

**Sunshine Observers:** 2 Observers

**Resolution No. 154-19**

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. 155-19**

Resolved to designate parking spaces 65-73 in Parking Field No. 2 as “2-Hour Metered Parking and Special Permit Parking.”

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		

**Resolution No. 156-19**

Resolved to approve the membership of the following candidate as recommended by the Mineola Fire Department:

John Paul Valente                      Company 2

Motioned by Trustee Paul S. Cusato  
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		

*Trustee George R. Durham announced that Boy Scouts Troop 45 will hold its annual Father’s Day Pancake Breakfast on June 16 from 7:30 am – 12:00 noon.*

*Trustee Paul A. Pereira reminded residents that the first concert of the season, a tribute to the Beach Boys, is June 22 at 7:30 pm*

**Mayor Scott P. Strauss requested a motion to close the Work Session at 8:05 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		