Minutes - Board Meeting –09/12/12

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, September 12, 2012 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Lawrence A. Werther
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham

ALSO PRESENT: Village Clerk Joseph R. Scalero
Benjamin Truncale, Esq. for Village Attorney
Superintendent of Buildings Daniel B. Whalen

Press Observers: Rich Tedesco, *Williston Times*
Geoffrey Walter, *Patch .com*

Sunshine Observers: 27 Observers

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

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 MICHAEL BONACUSO FOR A SPECIAL PERMIT PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.31 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" IN ORDER TO CONDUCT INDOOR CYCLING AND GROUP EXERCISE CLASSES USING STATIONARY BIKES AND FREE WEIGHTS UPON THE PROPERTY KNOWN AS 155 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 156.

2 Speakers addressed the Board

Resolution No. 250-12

Resolved to declare the application of Michael Bonacuso for a special permit at 155 Jericho Turnpike, Mineola NY as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Paul A. Pereira
Seconded by Trustee Lawrence A. Werther

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		

Resolution No. 251-12

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

----------X

In the Matter of the Application of

MICHAEL BONACUSO

For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) of the Code of the Incorporated Village of Mineola, at premises known as 155 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156.

----------X

DECISION

NAME OF APPLICANTS:	Michael Bonacuso
SUBJECT PROPERTY:	Section 9, Block 405, Lot 156
STREET LOCATION:	155 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	Business "B-1" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.31(B) to conduct indoor cycling and group exercise classes using exercise bikes and free weights upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	September 12, 2012
APPEARANCES:	Michael Bonacuso Samantha Johnson

DECISION:

Michael Bonacuso (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.31 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to conduct indoor cycling and group exercise classes using stationary bikes and free weights upon the property known as 155 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156) (hereinafter, the "Property").

By Notice of Disapproval, dated June 18, 2012, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations in that conducting indoor cycling and group exercise classes using stationary bikes and free weights 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 conduct indoor cycling and group exercise classes using stationary bikes and free weights upon the property known as 155 Jericho Turnokie, Mineola, New York;

2) The hours of operation would be 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. Monday-Friday and 8:00 a.m. to 11:00 a.m. Saturday and Sunday;

3) The operation of the facility shall be self-contained within the interior of the building;

4) Applicant shall not sell food, beverages and/or supplements upon the Property;

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, beverages and/or supplements 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 them shall subject the applicant or it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this special 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 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 23, 2013

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Village Clerk Joseph R. Scalero polled the Board

Vote:

Yes	No	Abstain
Trustee Lawrence A. Werther		
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Mayor Scott P. Strauss		

A Public Hearing was held at 7:20 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF LOUIS PALUMBO FOR RELIEF FROM A RESTRICTIVE COVENANT FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.31 ENTITLED "B-1 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" AND SECTION 30.51 ENTITLED "M DISTRICTS", SUBSECTION (A) ENTITLED "PERMITTED USES" FOR THE OPERATION OF AN AUTOBODY REPAIR SHOP UPON THE PROPERTY KNOWN AS 380 SAGAMORE AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 662, LOT 1.

8 Speakers addressed the Board

Resolution No. 252-12

Resolved to declare the application of Louis Palumbo for relief from a restrictive covenant for a special use permit at 380 Sagamore Avenue, Mineola NY as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul A. Pereira

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		

Resolution No. 253-12

Resolved to refer the application of Louis Palumbo for relief from a restrictive covenant for a special use permit at 380 Sagamore Avenue, Mineola NY to the Nassau County Planning Commission.

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Lawrence A. Werther		
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		

Mayor Scott P. Strauss requested a motion to close the hearing and reserve decision at 8:20 PM.

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

Yes	**No**	**Abstain**
Trustee Lawrence A. Werther		
Trustee Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Mayor Scott P. Strauss		