Minutes - Board Meeting –01/09/2013

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 9, 2013 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
Peter Trentacoste, Esq. for Village Attorney
Deputy Village Clerk Cora T. Kelly
Superintendent of Buildings Daniel B. Whalen

Press Observers: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Geoffrey Water, *Patch .com*

Sunshine Observers: 18 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:40 PM

A Public Hearing was held 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 MARCIANO STANCO 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 ESTABLISH A YOGA STUDIO FOR TEACHING PURPOSES UPON THE PROPERTY KNOWN AS 365 HILLSIDE AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9 BLOCK 13, LOT 365.**

3 Speakers addressed the Board

Resolution No. 10-13

Resolved to declare the application of Marciano Stanco for a special permit at 365 Hillside 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 George R. Durham

Vote:

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

Resolution No. 11-13

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

----------X

In the Matter of the Application of

MARCIANO STANCO

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 365 Hillside Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 13, Lot 365.

----------X

DECISION

NAME OF APPLICANTS:	Marciano Stanco
SUBJECT PROPERTY:	Section 9, Block 13, Lot 365
STREET LOCATION:	365 Hillside Avenue 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 establish a yoga studio for teaching purposes upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 9, 2013
APPEARANCES:	Joyce Peprah Marciano Stanco, Architect

DECISION:

Marciano Stanco on behalf of Body & Brain Holistic Center Yoga Tai Chi, LLC (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 establish a yoga studio for teaching purposes upon the property known as 365 Hillside Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 13, Lot 365) (hereinafter, the "Property").

By Notice of Disapproval, dated November 7, 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 establishing a yoga studio for teaching purposes 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 classes of yoga and tai chi upon the property known as 365 Hillside Avenue, Mineola, New York;

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

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

4) 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
February 1, 2013

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

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

Mayor Scott P. Strauss requested a motion to close the hearing at 7:20 PM.

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

Vote:

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

Mayor Scott P. Strauss called the Work Session to order at 7:35 PM.

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
Peter Trentacoste, Esq. for Village Attorney
Deputy Village Clerk Cora T. Kelly
Superintendent of Buildings Daniel B. Whalen

Press Observers: Rich Forestano, *Mineola American*
Rich Tedesco, *Williston Times*
Geoffrey Water, *Patch .com*

Sunshine Observers: 10 Observers

Resolution No. 12-13

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 Lawrence A. Werther		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 13-13

Resolved to approve a request by the Veterans of Foreign Wars - Pvt. Adolph Block Post #1305 for use of a Community Center general purpose room from 8:00 PM – 10:00 PM on the following dates:

January 23, 2013	July 24, 2013
February 27, 2013	August 28, 2013
March 27, 2013	September 25, 2013
April 24, 2013	October 23, 2013
May 22, 2012	November 20, 2013
June 26, 2013	December 18, 2013

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 S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 14-13

Resolved to approve a request by the Mineola Athletic Association (MAA) for the use of a Community Center general purpose room on Tuesday February 5, 2013 from 7:00 PM – 9:30 PM and Saturday February 9, 2013 from 10:00 AM – 12:30 PM for AED/CPR training sessions.

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

Vote:

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

Resolution No. 15-13

Resolved to approve a request by Winthrop University Hospital for the use of the Community Center auditorium for its free community wellness education program series from 6:00 PM – 9:00 PM on the following dates:

Wednesday, February 27, 2013	Tuesday, May 14, 2013
Thursday, April 18, 2013	Thursday, May 16, 2013
Tuesday, April 23, 2013	Tuesday May 21. 2013
Tuesday, April 30, 2013	Wednesday, May 29, 2013
Tuesday, May 7, 2013	

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 S. Cusato		
Trustee Paul A. Pereira		
Trustee George R. Durham		

Resolution No. 16-13

Resolved to approve a request by Community Development Coordinator for a line transfer of the following Community Development funds:

From:	36th Year – PF&I – Neighboring Facilities	$812.40
To :	36th Year – Residential Rehabilitation	$812.40

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

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

Resolution No. 17-13

Resolved to appoint Electrical Inspectors, Inc. to perform electrical inspections within the Village of Mineola.

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

Vote:

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

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:45 PM

Motioned by Trustee Lawrence A. Werther
Seconded by Trustee George R. Durham

Vote:

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