Minutes - Board Meeting – 02/13/2013

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 13, 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 Attorney John M. Spellman Village Clerk Joseph R. Scalero 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:	13 Observers

Mayor Scott P. Strauss called the Public Hearing to order at 6:30 PM

A Public Hearing was held 6:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

> **APPLICATION OF CONDECO MANAGEMENT CORP. FOR A SPECIAL USE PERMIT, PURSUANT TO CHAPTER 30 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA, ENTITLED "ZONING", SECTION 30.33 ENTITLED "B-3 DISTRICTS", SUBSECTION (B) ENTITLED "SPECIAL USES" FOR THE ESTABLISHMENT OF A DONUT/COFFEE SHOP UPON THE PROPERTY KNOWN AS 47 MINEOLA BOULEVARD, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 428, LOT 102.**

1 Speaker addressed the Board

Resolution No. 42-13

Resolved to declare the application of Condeco Management Corp for a special permit at 47 Mineola Boulevard, 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 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. 43-13

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

----------X

In the Matter of the Application of

CONDECO MANAGEMENT CORP.

For a Special Use Permit pursuant to Chapter 30, Section 30.33 of the Code of the Incorporated Village of Mineola, at premises known as 47 Mineola Boulevard, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 428, Lot 102.

----------X

DECISION

NAME OF APPLICANTS:	Condeco Management Corp.
SUBJECT PROPERTY:	Section 9, Block 428, Lot 102
STREET LOCATION:	47 Mineola Boulevard Mineola, New York 11501
ZONING DISTRICT:	Business "B-3" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 30, Section 30.33 to establish a donut/coffee shop upon the property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	February 13, 2013
APPEARANCES:	Mark Donnarumma

DECISION:

Condeco Management Corp. (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.33 of the Municipal Code of the Incorporated Village of Mineola for a special use permit to establish a donut/coffee shop upon the property known as 47 Mineola Boulevard, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 428, Lot 102) (hereinafter, the "Property").

By Notice of Disapproval, dated December 10, 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 donut/coffee shop 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 establish a donut/coffee shop upon the property known as 47 Mineola Boulevard, Mineola, New York;

2) Applicant shall have two (2) employees;

3) Applicant shall not utilize the basement space;

4) Applicant shall discourage its patrons from double parking;

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-3" 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) All putrescible waste shall be refrigerated indoors until pick-up;

2) The site shall be served by a private sanitation carter at the expense of the applicant. Pick up shall be on Monday, Wednesday and Friday

3) Deliveries to the premises shall occur during off-peak weekday hours. No deliveries to the premises shall occur between the hours of 5:00 p.m. and 7:00 a.m.;

4) All deliveries shall be made by Box Truck and shall be made via Third Street (not Mineola Boulevard);

5) Applicant shall be permitted to have a maximum of ten (10) chairs plus counter seats;

6) Applicant shall provide a proper trash receptacle outside the premises in conformity with trash receptacles installed throughout the Village;

7) The premises shall be maintained in a clean condition at all times;

8) Applicant will provide a designated area for employee parking;

9) 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;

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 decisions. Said representations are deemed to be part of the conditions of this special 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
April 18, 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 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 6:55 PM.

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

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 7:05 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 Attorney John M. Spellman
Village Clerk Joseph R. Scalero
Deputy Village Clerk Cora T. Kelly

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

Sunshine Observers: 12 Observers

Resolution No. 44-13

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		

Mayor Scott P. Strauss congratulated Msgr. Robert Coyle, Pastor of Corpus Christi Church on being elevated to Bishop by Pope Benedict XVI and wished him the very best. Mayor Strauss reminded residents that Mineola Athletic Association (MAA) walk-in registration for baseball, softball, soccer and cheerleading ends Friday, February 15, 2013.

Resolution No. 45-13

Resolved to approve a request by the Mineola Portuguese Center, Inc. for use of Wilson Field Park and one soccer field for its annual Carnival, Friday June 7, 2013 through Sunday June 9, 2013.

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

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. 46-13

Resolved to approve a request by the Mineola Fire Department for budget transfers in the amount of $2,483.24 between the following lines:

From:	(Osha Medicals)	$2,483.24
To :	(Scott Masks)	$2,483.24
	Total to be transferred:	$2,483.24

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

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. 47-13

Resolved to authorize the installation of a "Handicap Reserved" parking space at 118 Albertson Place.

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		

Village Clerk Joseph R. Scalero reminded residents that Village Hall will be closed on Monday, February 18, 2013 in observance of President's Day and that a Holiday Sanitation Schedule will be in effect for Monday February 18, 2013.

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:20 PM

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