Minutes - Board Meeting – 06/10/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 10, 2015 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT:	Mayor Scott P. Strauss Trustee Paul S. Cusato Trustee George R. Durham Trustee Dennis J. Walsh
ALSO PRESENT:	Peter Trentacoste, Esq. for Village Attorney Village Clerk Joseph R. Scalero Superintendent of Buildings Daniel B. Whalen
Press Observers:	*Mineola American*
Sunshine Observers:	24 Observers

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

Mayor Scott P. Strauss announced that Trustee Paul A. Pereira is not able to attend the meeting due to a family obligation.

A Public Hearing was held at 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 BRANDON NURNBERGER 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) FOR THE PURPOSE OF ESTABLISHING A PERSONAL TRAINING AND FITNESS CENTER UPON THE PROPERTY KNOWN AS 63 EAST SECOND STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 437, LOTS 454, 471;**

No Speakers addressed the Board

Resolution No. 142-15

Resolved to declare the application of Brandon Nurnberger for a special use permit at 63 E. Second Street, Mineola NY as an unlisted action with a negative declaration under the New York State Environment Quality Review Act (SEQRA).

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 143-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
----------X

In the Matter of the Application of

BRANDON NURNBERGER

For a Special Use Permit pursuant to Chapter 550, Section 550-16 of the Code of the Incorporated Village of Mineola, at premises known as 63 East Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471.

DECISION

----------X

NAME OF APPLICANTS:	Brandon Nurnberger
SUBJECT PROPERTY:	Section 9, Block 437, Lots 454, 471
STREET LOCATION:	63 East Second Street Mineola, New York 11501
ZONING DISTRICT:	"M" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-16 to establish a personal training and fitness center upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 10, 2015
APPEARANCES:	Brandon Nurnberger, owner

DECISION:

Brandon Nurnberger (hereinafter, "Applicant") is before this Board, pursuant to Chapter 550, Section 550.16 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a personal training and fitness center upon the property known as 62 East Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 437, Lots 454, 471) (hereinafter, the "Property").

By Notice of Disapproval, dated March 24, 2015, 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 personal training and fitness center 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 a personal training and fitness center upon the property known as 63 East Second Street, Mineola, New York;

2) The facility will be for members only, it will not be an "open gym";

3) The hours of operation will be 6:00 a.m. to 10:00 a.m. and 5:00 p.m. to 9:00 p.m., Monday-Friday, and 9:00 a.m. to 11:00 a.m., Saturday;

4) Classes will be for one (1) hour and be scheduled in advance with no more than six (6) individuals at a time;

5) Applicant will share a twenty (20) space parking lot with other building tenants;

6) Applicant will conduct strength and fitness training at the Property;

7) Applicant will not be selling, preparing or cooking food 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 "M" 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) The operation of the facility shall be self-contained within the interior of the building;

2) Music, if any, shall be played at a low volume and shall not be audible outside of the building;

3) Applicant shall encourage its members to utilize the municipal parking;

4) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of these conditions shall subject the applicant or it successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use Permit;

5) 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 Use Permit; and

6) 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 10, 2015

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Village Clerk Joseph R. Scalero polled the Board

Vote:

Yes	No	Abstain
Trustee George R. Durham		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		
Mayor Scott P. Strauss		

Mayor Scott P. Strauss requested a motion to close the hearing 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 JOSE LAZO 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 CONVENIENCE STORE WITH DRY GROCERIES, BEVERAGES, COLD FOOD, FROZEN FOOD, BEER, CIGARETTES, LOTTO, MONEY TRANSFER, LONG DISTANCE CALLING AND INTERNATIONAL SHIPPING SERVICES UPON THE PROPERTY KNOWN AS 283 WILLIS AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 322, LOTS 212-213; AND

5 Speakers addressed the Board

Mayor Scott P. Strauss requested a motion to reserve decision and close the hearing at 7:55 PM.

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 George R. Durham		
Trustee Dennis J. Walsh		

A Public Hearing was held at 7:55 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF PEDRO PICHARDO 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 MARTIAL ARTS SCHOOL UPON THE PROPERTY KNOWN AS 153A JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 105.

No Speakers addressed the Board

Resolution No. 144-15

Resolved to declare the application Pedro Pichardo for a special use permit at 153A 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 George R. Durham
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 145-15

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA
----------X
In the Matter of the Application of

PEDRO PICHARDO

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 153A Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 105.
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DECISION

NAME OF APPLICANTS:	Hector Fonseca
SUBJECT PROPERTY:	Section 9, Block 405, Lot 105
STREET LOCATION:	153A 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 a martial arts school upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	June 10, 2015
APPEARANCES:	Yana A. Roy

DECISION:

Pedro Pichardo (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 a martial arts school upon the property known as 153A Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 105) (hereinafter, the "Property").

By Notice of Disapproval, dated April 23, 2015, 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 martial arts school 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:

9) Applicant is seeking a special use permit to establish a martial arts school upon the property known as 153A Jericho Turnpike, Mineola, New York;

10) The hours of operation will be 6:00 p.m. to 9:00 p.m. Monday-Friday, 6:00 a.m. to 9:00 a.m. Saturday;

11) Class sizes will be between one (1) to ten (10) individuals at a time;

12) Applicant anticipates having one (1) employee; and

13) 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:

7) 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 Use Permit; and

8) 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 10, 2015

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

Yes	**No**	**Abstain**
Trustee George R. Durham		
Trustee Paul S. Cusato		
Trustee Dennis J. Walsh		
Mayor Scott P. Strauss		

Mayor Scott P. Strauss requested a motion to close the hearing at 8:15 PM.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul S. Cusato

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott P. Strauss called the Work Session to order at 8:15 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee George R. Durham
Trustee Dennis J. Walsh

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

Press Observers: *Mineola American*

Sunshine Observers: 9 Observers

Resolution No. 146-15

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 George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 147-15

Resolved to approve the minutes from the meeting of the Board of Trustees of May 6, 2015, May 13, 2015 and May 20, 2015, as amended.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 148-15

Resolved to approve a request by the Evening Star Quilters for the use of the Community Center November 6-8, 2015 for its annual quilt show.

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

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Village Clerk Scalero presented a Justice Court report for May 2015.

Resolution No. 149-15

Resolved to adopt the updated Length of Service Awards Program Investment Policy Statement (LOSAP IPS) dated February 18, 2015.

Motioned by Trustee George R. Durham
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	No	Abstain
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 150-15

Resolved to appoint Gerard Loughran as Hearing Officer for the Village of Mineola with respect to a grievance filed by UPSEU.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Dennis J. Walsh

Vote:

Yes	**No**	**Abstain**
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee George R. Durham		
Trustee Dennis J. Walsh		

Mayor Scott R. Strauss requested a motion to close the Work Session at 8:17 PM

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 George R. Durham		
Trustee Dennis J. Walsh		