

## **Minutes - Board Meeting 07/02/08**

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, July 2, 2008 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

**PRESENT:** Mayor Jack M. Martins  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Trustee Thomas F. Kennedy  
Trustee Paul A. Pereira

**ALSO PRESENT:** Village Attorney John Spellman  
Village Clerk Joseph R. Scalero  
Village Treasurer Giacomo A. Ciccone  
Superintendent of Buildings Daniel B. Whalen  
Superintendent of Public Works Thomas J. Rini  
Mineola Fire Department 1<sup>st</sup> Asst. Chief Rob Connolly  
Mineola Fire Department 2<sup>nd</sup> Asst. Chief Joe Pratt

**Sunshine Observers:** Approximately 19 Observers  
Representative of New York State Senator Craig Johnson

*Mayor Martins stated that, due to the Board convening late, the Public Meeting would be conducted first with the Work Session to follow to give those in attendance who wished to address the Board an opportunity to do so while it was still early in the evening.*

### **Mayor Martins opened the Public Meeting at 7:30 pm.**

Mayor Martins asked Mineola Fire Department 1<sup>st</sup> Assistant Chief Rob Connolly to present a report on Fire Department activities. Chief Connolly reported on the great loss experienced in the passing of Ex-Chief Walter Langer and on the response to a house fire the previous week. Chief Connolly also thanked the Village Board and village employees for their help in honoring Ex-Chief Langer and their support for the Langer family.

Mayor Martins announced that the Village of Mineola and Chamber of Commerce's Nassau Pops Symphony Orchestra concert is July 5 and wished all residents a safe and enjoyable Fourth of July Weekend. Mayor Martins also reported on the Town of North Hempstead's proposed Flow Control plan and its potential impact on villages and urged all residents to attend the Town Board hearing on Flow Control on July 8.

Trustee Lawrence Werther addressed Flow Control, offered an historical overview of the roles our nation's Founding Fathers played and their importance to Independence Day, and reported on the last Chamber of Commerce meeting featuring guest speaker Nassau County District Attorney Kathleen Rice.

Trustee Paul Cusato reported on Jack's Run for Autism Awareness in June and the Boy Scouts Troop 45 Pancake Breakfast. Trustee Cusato also commended the Fire Department on its response to a house fire the previous week and paid tribute to Ex-Chief Walter Langer on the occasion of his passing.

Trustee Thomas Kennedy extended congratulations to 2008 graduates of all grade levels and commented on Flow Control and July 4<sup>th</sup> safety.

Trustee Paul Pereira reported that one of his former students, Hernando Gato, was recently accepted into the NASA astronaut program which is Mr. Gato's lifelong ambition, and congratulated all 2008 graduates.

Nine speakers addressed the board.

**Mayor Martins requested a motion to close the Public Meeting at 9:15 pm.**

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Mayor Martins opened the Work Session at 9:45 pm.**

**Resolution No. 142-08**

Resolved to approve bills and payroll.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 143-08**

Resolved to approve the minutes for June 2008, as amended.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 144-08**

Resolved to approve the annual request of Mineola Youth and Family Services for the use of Wilson Park facilities from July 7, 2008 – August 15, 2008 and the use of the Community Center during inclement weather for their summer program.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 145-08**

Resolved to approve the request of Nassau County Legislator Richard Nicoletto for the use of the Village Hall parking lot and facilities for mobile Mammography Van screenings on July 29 from 8:00 am – 2:30 pm.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 146-08**

Resolved to approve the request by the Mineola Mustang Run Committee, Inc. for the use of the Community Center to prepare an annual mailing on Sunday, July 27, from 6:30 pm – 10:00 pm.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 147-08**

Resolved to approve the request by the residents of Harrison House condominiums, 142 Main Street, for temporary parking relief on adjacent streets Monday July 7 and Tuesday July 8 to facilitate repairs to Harrison House's parking lot.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 148-08**

Resolved to authorize the Treasurer to apply Debt Service Fund accumulations toward additional debt service.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

Water Superintendent Fred Booher presented a report on the monthly activities of the Water Department.

**Resolution No. 149-08**

Address: 33 Willis Avenue  
Petitioner: 33 Willis Avenue Realty, LLC  
Petitioner's Attorney: Podell Schwartz

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 33 Willis Avenue Realty, LLC, Section 9, Block 430, Lot 419 is approved.

Further resolved, that the Petitioner will receive a refund of \$8,000.00 for the tax years 1999/2000 through 2006/2007. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 150-08**

Address: 101 Jackson Avenue

Petitioner: 102<sup>nd</sup> Street LLC

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 102<sup>nd</sup> Street LLC, Section 9, Block 462, Lot 603 is approved.

Further resolved, that the Petitioner will receive a refund of \$18,000.00 for the tax year 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 151-08**

Address: 156 First Street

Petitioner: 156 First Street LLC

Petitioner's Attorney: Meyer Suozzi

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 156 First Street, Section 9, Block 416, Lot 105 is approved.

Further resolved, that the Petitioner will receive a refund of \$25,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable in two (2) installments of \$22,500.00 on July 1, 2008 and \$2,500.00 on July 1, 2009 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 152-08**

Address: 190 First Street  
Petitioner: 190 First Street, LLC  
Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 190 First Street, LLC, Section 9, Block 415, Lots 15-18, 850-855 is approved.

Further resolved, that the Petitioner will receive a refund of \$18,000.00 for the tax years 2005/2006 through 2007/2008. The refund shall be payable in two (2) equal installments of \$9,000.00 on July 31, 2008 and July 31, 2009 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 153-08**

Address: 393 Jericho Turnpike  
Petitioner: 393 Jericho Turnpike Associates  
Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 393 Jericho Turnpike Associates, Section 9, Block 22, Lots 28-34, 55-62, 69-70 and Section 9, Block 3, Lot 163 is approved.

Further resolved, that the Petitioner will receive a refund of \$65,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable in three (3) installments of \$21,667 on July 1, 2008, \$21, 667.00 on July 1, 2009 and \$21,666.00 on July 1, 2010 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 154-08**

Address: 525 Jericho Turnpike  
Petitioner: 525 Jericho Realty Co.  
Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding 525 Jericho Realty Co., Section 9, Block 34, Lots 41, 42, 44, 45 is approved.

Further resolved, that the Petitioner will receive a refund of \$3,200.00 for the tax years 2005/2006 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 155-08**

Address: 224 Second Street  
Petitioner: Allenair Corp.  
Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Allenair Corp., Section 9, Block 73, Lots 25-29, 30-35 is approved.

Further resolved, that the Petitioner will receive a refund of \$4,000.00 for the tax years 2005/2006 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 156-08**

Address: 167-169 Jericho Turnpike  
Petitioner: Arceri  
Petitioner's Attorney: Murphy & Lynch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Arceri, Section 9, Block 267, Lots 24-25 is approved.



Further resolved, that the Petitioner will receive a refund of \$4,800.00 for the tax years 2002/2003 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 157-08**

Address: 120 Jericho Turnpike

Petitioner: Backel

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Backel, Section 9, Block 332, Lots 11-12, 22-25 is approved.

Further resolved, that the Petitioner will receive a refund of \$32,000.00 for the tax years 1999/2000 through 2007/2008. The refund shall be payable in two (2) installments of \$12,000.00 on July 31, 2008 and \$20,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 158-08**

Address: 142 Willis Avenue  
Petitioner: Big Apple Trust  
Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Big Apple Trust, Section 9, Block 452, Lots 500, 501, 618 is approved.

Further resolved, that the Petitioner will receive a refund of \$11,750.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 159-08**

Address: 110 Willis Avenue  
Petitioner: Day-Op Surgery  
Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Day-Op Surgery, Section 9, Block 452, Lot 615 is approved.

Further resolved, that the Petitioner will receive a refund of \$55,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable in two (2) installments of \$40,000.00 on July 1, 2009, \$15,000.00 on July 1, 2010 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 160-08**

Address: 263-265 Mineola Boulevard

Petitioner: DDMK

Petitioner's Attorney: Siegel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding DDMK, Section 9, Block 397, Lots 85-86 is approved.

Further resolved, that the Petitioner will receive a refund of \$7,248.00 for the tax years 2001/2002 through 2006/2007. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 161-08**

Address: 120-124 Old Country Road

Petitioner: D'Urso

Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding D'Urso, Section 9, Block 350, Lots 124 is approved.

Further resolved, that the Petitioner will receive a refund of \$18,000.00 for the tax years 2004/2005 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 162-08**

Address: 367 Hillside Avenue  
Petitioner: Franzella  
Petitioner's Attorney: Siegel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Franzella, Section 9, Block 13, Lots 362, 363 is approved.

Further resolved, that the Petitioner will receive a refund of \$8,500.00 for the tax years 1997/1998 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 163-08**

Address: 240-241 Jericho Turnpike  
Petitioner: Hickman Realty  
Petitioner's Attorney: Meyer Suozzi

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Hickman Realty, Section 9, Block 450, Lot 236-238 is approved.

Further resolved, that the Petitioner will receive a refund of \$19,000.00 for the tax years 2002/2003 through 2007/2008. The refund shall be payable in two (2) installments of \$15,000.00 on July 1, 2008 and \$4,000.00 on July 1, 2009 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 164-08**

Address: 75-79 E. Jericho Turnpike  
Petitioner: Holzer  
Petitioner's Attorney: Forchelli

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Holzer, Section 9, Block 269, Lots 1-4 is approved.

Further resolved, that the Petitioner will receive a refund of \$11,500.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 165-08**

Address: 227 Mineola Boulevard  
Petitioner: Jackamin  
Petitioner's Attorney: Meyer Suozzi

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Jackamin, Section 9, Block 400, Lots 338-341 is approved.

Further resolved, that the Petitioner will receive a refund of \$13,500.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

**Yes**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**No**

**Absent**

**Resolution No. 166-08**

Address: E. 2<sup>nd</sup> Street  
Petitioner: Jacoff  
Petitioner's Attorney: Certilman

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Jacoff, Section 9, Block 300, Lots 42-44; 9/437/346-347, 461, 462, 463, 464-465 is approved.

Further resolved, that the Petitioner will receive a refund of \$110,000.00 for the tax years 2004/2005 through 2007/2008. The refund shall be payable in two (2) installments of \$75,000.00 on July 31, 2009 and \$35,000.00 on July 31, 2010 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 167-08**

Address: 139 Jericho Turnpike  
Petitioner: KFC  
Petitioner's Attorney: David Koch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding KFC, Section 9, Block 450, Lots 220-223, 277-280 is approved.

Further resolved, that the Petitioner will receive a refund of \$23,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 31, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 168-08**

Address: 244 Mineola Boulevard  
Petitioner: L&F  
Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding L&F, Section 9, Block 408, Lots 334-337 is approved.

Further resolved, that the Petitioner will receive a refund of \$9,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		

**Resolution No. 169-08**

Address: 159 Liberty Avenue

Petitioner: Leventhal

Petitioner's Attorney: Siegal

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Leventhal, Section 9, Block 300, Lots 6-9 is approved.

Further resolved, that the Petitioner will receive a refund of \$11,500.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 31, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

<u>Yes</u>	<u>No</u>	<u>Absent</u>
Trustee Paul A. Pereira		
Trustee Thomas F. Kennedy		
Trustee Lawrence A. Werther		
Trustee Paul S. Cusato		
Mayor Jack M. Martins		



**Resolution No. 170-08**

Address: 131 Liberty Avenue

Petitioner: Liberty Plaza

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Liberty Plaza, Section 9, Block 301, Lots 11-17, 45 is approved.

Further resolved, that the Petitioner will receive a refund of \$14,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable in two (2) installments of \$7,000.00 on July 1, 2008 and July 1, 2009 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

**Resolution No. 171-08**

Address: 100 East Second Street

Petitioner: Northside Properties

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Northside Properties, Section 9, Block 302, Lots 23-27 is approved.

Further resolved, that the Petitioner will receive a refund of \$6,000.00 for the tax years 1990/2000 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 172-08**

Address: 178 Second Street

Petitioner: Peykar

Petitioner's Attorney: Koch

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Peykar, Section 9, Block 419, Lot 229 is approved.

Further resolved, that the Petitioner will receive a refund of \$3,000.00 for the tax years 1998/1999 through 2007/2008. The refund shall be payable on July 31, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 173-08**

Address: 96 Willis Avenue

Petitioner: Police Benevolent

Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Police Benevolent, Section 9, Block 452, Lot 624 is approved.

Further resolved, that the Petitioner will receive a refund of \$24,000.00 for the tax years 1997/1998 through 2007/2008. The refund shall be payable in two (2) installments of

\$10,000.00 on July 31, 2008 and \$14,000.00 on July 31, 2009 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 174-08**

Address: 106 Old Country Road

Petitioner: Roslyn Road Triangle

Petitioner's Attorney: Koeppel

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Roslyn Road Triangle, Section 9, Block 350, Lots 9-10 is approved.

Further resolved, that the Petitioner will receive a refund of \$4,500.00 for the tax years 2001/2002 through 2005/2006. The refund shall be payable on July 31, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 175-08**

Address: 225 & 226 Jericho Turnpike

Petitioner: RSBP

Petitioner's Attorney: Jaspan

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding RSBP, Section 9, Block 313, Lots 1476, 1477 is approved.

Further resolved, that the Petitioner will receive a refund of \$5,300.00 for the tax years 2004/2005 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

**Resolution No. 176-08**

Address: 345 Hillside Avenue

Petitioner: Sanj Realty

Petitioner's Attorney: Herman Katz

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Sanj Realty, Section 9, Block 271, Lots 106-110 is approved.

Further resolved, that the Petitioner will receive a refund of \$10,000.00 for the tax years 2002/2003 through 2007/2008. The refund shall be payable on July 31, 2008 following the submission of a voucher along with a Judgment and Stipulation.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul S. Cusato

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

**Resolution No. 177-08**

Address: 365 Willis Avenue  
Petitioner: Stephlan, LLC  
Petitioner's Attorney: Meyer Suozzi

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Stephlan, LLC, Section 9, Block 318, Lot 130 is approved.

Further resolved, that the Petitioner will receive a refund of \$6,300.00 for the tax years 2002/2003 through 2007/2008. The refund shall be payable in two (2) installments of \$5,500.00 on July 1, 2008 and \$800.00 on July 1, 2009 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 178-08**

Address: 184-182 Second Street  
Petitioner: Triple Crown Realty  
Petitioner's Attorney: Cronin

Resolved, that the certiorari settlement recommended by Spellman Rice Schure Gibbons McDonough & Polizzi, LLP, regarding Triple Crown Realty, Section 9, Block 419, Lot 222 is approved.

Further resolved, that the Petitioner will receive a refund of \$13,000.00 for the tax years 2001/2002 through 2007/2008. The refund shall be payable on July 1, 2008 following the submission of a voucher along with a Judgment and Stipulation.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 179-08**

Resolved to authorize the Village of Mineola to enter into an Inter-Municipal agreement regarding Common Interest Cost Sharing relative to the MTA/ Long Island Railroad 3<sup>rd</sup> Track expansion project and to allocate up to \$40,000.00 from the Village's contingency fund to finance the project.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 180-08**

Resolved to approve the point earnings report certified by the Chief of the Mineola Volunteer Fire Department relative the Village's Length of Service Award Program (LOSAP).

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 181-08**

Resolved that the Village's participation in a Nassau County environmental bond grant be declared an unlisted action under SEQRA with no significant negative environmental impact.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 182-08**

Resolved that the Village's participation in the New York State grant for storm water remediation be declared an unlisted action under SEQRA with no significant negative environmental impact.

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

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 183-08**

Resolved that the Incorporated Village of Mineola opposes the proposal before the Town of North Hempstead to enact a flow control law with respect to solid waste management.

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Vote:**

Yes

No

Absent

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 184-08**

Resolved that the Board of Trustees approves the special permit, site plan and architectural plans for The Winston, a residential condominium project at the northwest corner of Old Country Road and Willis Avenue proposed by Polimeni International, LLC subject to the following conditions:

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

In the Matter of the Application of  
  
POLIMENI INTERNATIONAL, LLC

For a Special Permit pursuant to Chapter 30, Section 30.5 of the Code of the Incorporated Village of Mineola, upon the property located at the northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419.

**DECISION**

-----X

NAME OF APPLICANT: Polimeni International, LLC  
  
SUBJECT PROPERTY: Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419  
  
STREET LOCATION: Northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York 11501

ZONING DISTRICT: Business "B-3" District

RELIEF REQUESTED: Application For a Special Permit pursuant to Chapter 30, Section 30.5

PUBLICATION & POSTING: All in accordance with applicable laws, rules and regulations.

DATE OF HEARING: November 27, 2007; January 9, 2008; February 13, 2008.

APPEARANCES:  
IN SUPPORT: Peter Mineo, Esq., Applicant's Attorney  
Mitch Newman, Architect; Robert Eschbacher, Traffic Engineer; Terry Elkowitz, Planning and Environmental Consultant; Dale Allinson, Tax Attorney; Dr. Pearl Kamer, Economist

**DECISION:**

Polimeni International, LLC (hereinafter, "Applicant") is before this Board pursuant to Chapter 30, Section 30.5 of the Municipal Code of the Incorporated Village of Mineola for a special permit to construct a residential condominium of up to 285 units upon the property located at the northwest corner of the intersection of Old Country Road and Willis Avenue, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 430, Lots 10, 65, 212, 411, 415, 418 and 419) (hereinafter, the "Property").

By Notice of Disapproval, dated October 25, 2007, Applicant's building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village's zoning regulations, specifically: use, front yard setback, rear yard setback, side yard setback, building height and minimum unit size. As a result of the application's noncompliance with zoning code regulations, Applicant was entitled to seek relief before the Zoning Board of Appeals for use and area variances. In the alternative, Applicant could obtain the same relief from the Board of Trustees pursuant to Chapter 30, Section 30.5 under the development incentive bonus law.

Applicant made an application to the Board of Trustees for the required relief sought pursuant to the Village's development incentive bonus law and presented its application on November 28, 2007; January 9, 2008 and February 13, 2008. The Board of Trustees declared itself lead agency pursuant to SEQRA and following a coordinated review by all involved agencies (New York State Department of Environmental Conservation, Nassau County Planning Commission, Village of Garden City Planning Commission, Village of Mineola Planning Board, Village of Mineola Department of Public Works and Village of Mineola Water and Sewer Department) determined that the application was an unlisted action. An expanded Environmental Assessment Form was prepared by the Applicant. The expanded Environmental Assessment Form contained the following: site and surrounding area photographs; correspondence from the



Village Superintendent, Building Department; excerpts from the Village of Mineola Comprehensive Master Plan; traffic impact study; socioeconomic report; correspondence from DiBari Engineering, P.C. regarding water demand for sprinkler system; Pegasus Engineering Report regarding water and sewer infrastructure; rendering of elevations, massing model, shadow study and streetscape (proposed sidewalk paving) plan; population estimates for senior affordable housing; and depictions of senior affordable housing and parking garage. The Board of Trustees, after careful review, issued a Negative Declaration under SEQRA and also issued a Findings Statement.

The Applicant also sought a waiver of appearance before the Village's Planning Board for preliminary site plan review and for architectural review. The waiver was granted by the Board of Trustees.

A review of Applicant's application which was sworn to on September 28, 2007, as submitted to this Board, indicates that the application is to erect up to 285 residential condominium units in a nine-story building, with three levels of underground parking.

During the public hearing, the following representations were made by Applicant:

This is an application for a development incentive bonus for the construction of a residential condominium at the northwest corner of Old Country Road and Willis Avenue. The property is bounded at the south by Old Country Road, at the east by Willis Avenue, at the north by Third Street, and at the west by 170 Old Country Road, which is an office building.

\* \* \* \*

The applicant is considering an offer to this Village of certain amenities – and the areas which the applicant is presently studying are the possible architectural features for 170 Old Country Road, and to or enhance the Mineola Streetscape, some sort of financial assistance to the Mineola Fire Department for equipment or other facilities that it might need in its functions, and otherwise to provide help for the Mineola senior citizens by way of affordable senior housing.

\* \* \* \*

The project summary: up to 285 luxury condominiums. This project will have 434 car parking spaces provided. 14 spaces are on grade, to be allocated to visitor parking. The remainder of the parking is located on three sublevels beneath the structure. The ratio is 1.5 spots per unit.

\* \* \* \*

The first two floors will be cast stone, the upper floors will be all brick. The top mansard, European style, roof will be simulated slate roof with the cupola at the top being simulated turned copper.

\* \* \* \*

The Winston is eighty-eight (88) feet. The adjacent 170 Old Country Road is seventy (70) feet. The Pavilion on the corner is also seventy (70) feet to the roof. The County Seat building is eighty (80) feet to the top. We have ninety (90) feet, which is directly across the street from our 88 feet.

\* \* \* \*

The traffic study included a review of eleven different intersections essentially surrounding the property and extending over in various directions, so that we'd be able to take a look at various through traffic you would be using to come to this site or to leave at different times.

\* \* \* \*

The location is very conveniently located to provide a variety of access points and routes for people to come there. They do not all come from one direction, they are not all leaving and going in one direction. The bottom line, when you review the analysis, is that the additional traffic what would be generated by this, and really based on very conservative assumptions, will not change what conditions would be like without it by distributing the traffic through various intersections.

\* \* \* \*

The traffic study is conservative for several reasons. First, it does not reduce out from the traffic that's currently being generated by the building on the property. We assume that this traffic for the Winston will be above and beyond what's there. In reality, the construction of the Winston building will result in the demolition of several of the office buildings on the property, so that traffic would be reduced and it would not be a full increase due to the Winston. More importantly, we recognize that this is what we would call a classic example of smart growth development. This is also another classic example of what we call transit oriented development.

\* \* \* \*

A supplemental traffic study was prepared to address concerns that have been raised by the Village of Garden City with respect to traffic that might be flowing through the Village resulting from the Winston project. Based upon my review of the situation and discussions with the planners, with the Village of Mineola, I identified four key intersections, Stewart Avenue at Franklin Avenue, Stewart Avenue at Washington Avenue, Franklin Avenue at Eleventh Street, and Washington Avenue at Eleventh Street. The results indicated that the level of services, how the intersection would be operating in the future without the development of the Winston, would not change as a result of the development of the Winston. So the Winston will not cause the level of services for these key intersections to drop from the level they would be at to another level. In other words, there is no impact.

The following amenities were proposed by Applicant in exchange for the relief requested:

\* \* \* \*

Approximately 2,300 linear square feet of streetscape improvements along the entire block bounded by the north side of Old Country Road, east side of Main Street, south side of Third Street, and west side of Willis Avenue and also inclusive of the north side of Third Street and the east side of Main Street leading up to the Long Island Rail Road tracks.

\* \* \* \*

A façade retrofit of the Benchmark office building to blend with the architecture of the Winston.

\* \* \* \*

Construction of a five story (four stories of condominiums above ground level parking) senior affordable housing project on the north side of Front Street consisting of thirty-six (36) condominium units of the following approximate sizes: twenty (20) one-bedroom 650 square foot units; eight (8) one-bedroom 690 square foot units; and eight (8) two-bedroom 1,000 square foot units, to be sold at an average price of \$250,000.00. Applicant will market senior housing condominium units at such time as all building permits have been issued for the

retrofit of the Benchmark office building, and the construction of the parking garage, the senior housing condominium building and the Winston condominium building. Applicant will commence construction of the senior housing condominium building at such time as the construction of the parking garage is completed and 75 percent of the senior housing units are pre-sold.

\* \* \* \*

Construction of a four (4) story 272 parking garage on the north side of Third Street to relocate the current parking on the Front Street senior housing site. Applicant will designate forty (40) spaces on the ground floor of this garage for Mineola metered parking. Metered parking will have two to three hour maximums and be free after 6:00 pm on weekdays and all day on the weekends.

\* \* \* \*

Applicant will contribute \$3,000,000.00 to Mineola for its use toward other public amenities at its discretion to be paid in the following manner: one-third upon issuance of construction permits; one-third upon pre-sales of condo units reaching 50%; and one-third upon issuance of Certificates of Occupancy and building is ready for occupancy.

\* \* \* \*

Assuming that all zoning approvals have been issued by Mineola and Garden City, all building permits have been issued by Mineola and all sales thresholds have been met, estimates of the construction timelines are as follows: "Parking Garage" four to six months; "Senior Housing Condominium Building" one to one and a half years; "Retrofit of Benchmark façade" three to six months; "Winston Condominium Building" one and one and a half years to two years.

\* \* \* \*

Applicant will start construction of the parking garage immediately upon issuance of the building permits for all four projects (parking garage, retrofit of Benchmark, senior housing and the Winston). It is estimated that this construction will take four to six months. Upon completion of the garage, and reaching the sales threshold set forth in paragraph 3 of the public amenities letter, Applicant will immediately begin construction of the senior housing condominiums building, which is estimated to take one to one and a half years.

\* \* \* \*

It is Applicant's understanding that construction of the senior housing is the most important of the four construction projects and will diligently proceed with it as described above. It is not possible to estimate a starting date for the Winston because even after Mineola grants the special permit for incentive bonuses and subdivision approval, the Applicant still must obtain subdivision approval from the Garden City Planning Board. Only after that approval is obtained can the Applicant proceed to prepare final construction drawings, start construction of the parking garage immediately upon issuance of the building permits for all four projects (parking garage, retrofit of Benchmark, senior housing and the Winston).

Thereafter, a referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission by decision, dated April 11, 2008 supports the proposed project for a number of reasons, including the following: the project is supported by the goals and recommendations set forth in the Mineola Comprehensive Master Plan and the subsequent Development Incentive Bonus Overlay District; Mineola will be the recipient of public amenities from the developer in accordance with the requirements of the Development Incentive Bonus Overlay District; the inclusion of a 36-unit affordable senior housing development at a nearby site; the location of the project provides convenient pedestrian

access to downtown Mineola and is also walkable to Garden City. It provides pedestrian accessibility to Mineola's Intermodal Transportation Center; the proximity of the project to rail services would likely appeal to persons employed in Manhattan and other areas served by the LIRR and is walkable to major employers in Mineola and Garden City such as the County Government Center, Winthrop University Hospital and the financial institutions along Franklin Avenue; the project will bring new purchasing power to businesses in Mineola and Garden City; the project could serve as a model for downtown revitalization as an impetus to revitalize underutilized properties in Mineola's Central Business District and fringe commercial areas; the project could serve as a cornerstone for pedestrian connectivity and pedestrian improvements in Mineola's downtown area and along Old Country Road. 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 intends to erect a nine story multiple dwelling;
- 2) The dwelling will consist of a residential condominium of up to 285 units;
- 3) The traffic circulation and access aspect of the project will function in an adequate and reasonable manner;
- 4) The number of parking spaces for 285 units creates an adequate unit-to-parking space ratio especially in light of proximity to parallel transportation;
- 5) Applicant's proposal is a classic transit oriented smart growth project which is located in the downtown area and is in conformity with the Village's proposed Master Plan;
- 6) The height of the proposed building will not alter the character of the neighborhood.
- 7) The Village accepts the Applicant's offered amenities and the Applicant's timetable for sequencing all aspects of the project.
- 8) The public amenities to be provided by the Applicant (particularly the affordable senior housing component) when combined with the payment in lieu of further amenities, constitutes an appropriate qualification for the incentive bonuses sought.

Based upon the above findings, it is hereby determined that the granting of the Application, requesting a special permit pursuant to Section 30.5 of the Village Code for development incentive bonuses according to which the applicant offers certain community benefits and amenities and payment in lieu thereof in exchange for the Board of Trustees granting relief from certain zoning code regulations, shall advance the Village's specific physical, cultural and social policies in accordance with the Village's comprehensive plan and in coordination with community planning mechanisms and land use techniques. Further, it is hereby determined that the Special Permit will provide a desirable facility to the area, will promote the revitalization of

the Village's Downtown and will not be incongruous to the neighborhood by reason of excessive traffic.

**IT IS THEREFORE RESOLVED**, that the Special Permit is **GRANTED** subject to the following conditions:

- 1) Installation of approximately 2,300 linear square feet of streetscape improvements along the entire block bounded by the north side of Old Country Road, east side of Main Street, south side of Third Street, and west side of Willis Avenue and also inclusive of the north side of Third Street and the east side of Main Street leading up to the Long Island Rail Road tracks;
- 2) A façade retrofit of the Benchmark Office Building to blend with and compliment the architecture of the Winston;
- 3) Construction of a five story (four stories of condominiums above ground level parking) senior affordable housing project on the north side of Front Street consisting of thirty-six (36) condominium units of the following approximate sizes: twenty (20) one-bedroom 650 square foot units; eight (8) one-bedroom 690 square foot units; and eight (8) two-bedroom 1,000 square foot units, to be sold at an average price of \$250,000.00;
- 4) Construction of a four (4) story 272 car parking garage on the north side of Third Street to relocate the current parking on the Front Street senior housing site. Applicant will designate forty (40) spaces on the ground floor of this garage for Mineola metered parking. Metered parking will have two to three hour maximums and be free after 6:00 pm on weekdays and all day on the weekends;
- 5) Applicant will contribute \$3,000,000.00 to be deposited in the Village's trust fund to be used by the Village to make improvements to public amenities and improvements in other areas of the Village where those amenities are needed, to be paid in the following manner: one-third upon issuance of construction permits; one-third upon pre-sales of condo units at the Winston reaching 50%; and one-third upon issuance of a Certificate of Occupancy for the Winston Building; and
- 6) Applicant will start construction of the parking garage immediately upon the issuance of the building permits for all four projects (parking garage, retrofit of Benchmark, senior housing and the Winston). Upon completion of the garage, and reaching the sales threshold, Applicant will immediately begin construction of the senior housing condominium building;
- 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 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.

This constitutes the decision of the Board of Trustees.

Dated: Mineola, New York  
July 2, 2008

Motioned by Trustee Lawrence A. Werther  
Seconded by Trustee Thomas F. Kennedy

**Village Clerk Joseph R. Scalero polled the Board:**

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Mayor Jack M. Martins requested a motion to go into Executive Session at 10:27pm.**

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Mayor Jack M. Martins requested a motion to come out of Executive Session at 10:46pm.**

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 185-08**

Resolved to authorize a salary increase of \$4,000. each to Recreation Attendants Marta DeSousa and Anna Athan in recognition of increased annual duties as directors of the Summer Recreation Program, formerly managed by an outside contractor.

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

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira  
Trustee Thomas F. Kennedy  
Trustee Lawrence A. Werther  
Trustee Paul S. Cusato  
Mayor Jack M. Martins

**Resolution No. 186-08**

Resolved to set August 13, 2008 at 6:30 p.m. for a public hearing on a proposed local law amending the Zoning Code which will permit fences up to six (6') feet in height in the rear yard of corner residential lots provided that such fences shall be set back at least four (4') feet from the property lines of such lots.

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Paul A. Pereira

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

**Mayor Martins requested a motion to close the meeting at 10:55 pm.**

Motioned by Trustee Lawrence A. Werther

Seconded by Trustee Thomas F. Kennedy

**Vote:**

**Yes**

**No**

**Absent**

Trustee Paul A. Pereira

Trustee Thomas F. Kennedy

Trustee Lawrence A. Werther

Trustee Paul S. Cusato

Mayor Jack M. Martins

Respectfully submitted,

---

Joseph R. Scalero  
Village Clerk