

Minutes - Board Meeting 06/16/2021

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, June 16, 2021 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira (via teleconference)
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: *Williston Times*

Sunshine Observers: 4 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:35 PM.

Resolution No. 160-21

Resolved to approve bills and payroll.

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Resolution No. 161-21

Resolved to approve the membership of the following candidates as recommended by the Mineola Fire Department, effective June 9, 2021:

Lawrence Sharp	Company 2
Jose Mauricio Coreas Cruz	Company 3

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

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Resolution No. 162-21

Resolved to approve a request of the Mineola Chamber of Commerce to conduct the Mineola Street Fair on Sunday October 10, 2021 (Raindate: Sunday October 17, 2021) using the same site plan as 2019.

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 Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 163-21

Resolved to approve a request by the Mineola Union Free School District for the use of the John S. DaVanzo Community Pool on Mondays July 12 – August 9, 2021 from 8:30 AM to 9:30 AM for its special education summer program.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 164-21

Resolved to authorize the Clerk of the Justice Court to attend the 2021 New York State Association of Magistrates Court Clerks Annual Training Conference September 12 – 15, 2021 in Albany, New York.

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

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 165-21

Resolved to accept the retirement resignation of Justice Court employee Jeanine Lopez and authorize the benefit time payout in accordance with the Collective Bargaining Agreement.

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 Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 166-21

Resolved to authorize the public bid for the 2021 Roadway Improvements Contract.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 167-21

Resolved to authorize the expansion of existing curb cuts to 16 feet at 141 Jerome Avenue, Mineola.

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 Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 168-21

Resolved to accept the retirement resignation of Water Division Laborer Manuel Fernandes and authorize the benefit time payout in accordance with the Collective Bargaining Agreement.

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 Paul A. Pereira
Trustee Dennis J. Walsh

Resolution No. 169-21

Resolved to authorize the job posting for a Water Operator in the Water Division.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Resolution No. 170-21

Resolved to authorize the posting of a Water Servicer Trainee position in the Water Division.

Motioned by Trustee Dennis J. Walsh
Seconded by Trustee Paul A. Pereira

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Scott P. Strauss		
Trustee Paul S. Cusato		
Trustee Paul A. Pereira		
Trustee Dennis J. Walsh		

Village Attorney John P. Gibbons, Jr. presented the following resolution:

Resolution No. 171-21

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

NYU LANGONE HEALTH

DECISION

For Final Site Review and Approval pursuant to Chapter 198, Section 198-6 of the Code of the Incorporated Village of Mineola, at premises known as 259 First Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 673, Lot 10.
-----X

NAME OF APPLICANT:	NYU Langone Health
SUBJECT PROPERTY:	Section 9, Block 673, Lot 10
STREET LOCATION:	259 First Street Mineola, New York 11501

ZONING DISTRICT:	Hospital District
RELIEF REQUESTED:	Application for the construction of a new visitor parking garage, the demolition of the existing visitor garage, the demolition of the existing professional residence building and other parking and access improvements within the NYU Langone Hospital Campus.
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	April 21, 2021 and May 19, 2021
APPEARANCES:	Michael Sahn, Esq., Counsel for NYU Thomas McKevitt, Esq., Counsel for NYU Daniel Winkelman, VHB Engineering Melissa Sarco, NEI Architects

DECISION:

NYU Langone Health (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 198, Section 198-6 of the Municipal Code of the Incorporated Village of Mineola, for final site review and approval for (1) the construction of a new visitor parking garage at Third Avenue and First Street with three below grade levels and five above grade levels, (2) the demolition of the existing visitor garage, (3) the demolition of the existing professional residence building, and (4) other parking and access improvements within the NYU Langone Hospital Campus located upon the property known as 259 First Street, Mineola, New York, (known and designated on the Nassau County Land and Tax Map as Section 9, Block 673, Lot 10) (hereinafter, the “Property”). Applicant submitted a complete Building Department application, sworn to by Jesse McCarter as Director of Capital Programs for NYU Langone Health System on March 29, 2021, and a series of drawings collectively referred to as “BOT Submission” which includes, among other things, Sheet No. C3.1 referred to as Layout and Material Plan, stamped by Angelo V. Laino, Licensed Professional Engineer, a Boundary Survey and Overall Plan, Sheet 1 of 6, dated November 20, 2020, prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C., and stamped by Christopher C. Danforth, N.Y. Licensed Surveyor, a Site Plan prepared by Emmead Architects, Ewing Cole/VHB, dated May 19, 2021, and an Expanded Environmental Assessment prepared by VHB, dated January 29, 2021.

By Notice of Disapproval, dated February 4, 2021, Applicant’s building permit was denied. The Superintendent of Buildings determined that the proposed application requires site plan review and approval. Pursuant to Chapter 198 of the Village Code, the application was

initially referred to the Planning Board for preliminary site review (Village Code Section 198-5) and for architectural review (Village Code Section 198-4). By Resolution of the Planning Board, dated March 8, 2021, the Planning Board resolved that “the Planning Board defers to the Board of Trustees for site plan review and approval in accordance with the Municipal Code for the Incorporated Village of Mineola”. The Planning Board did not make a similar deferral of their authority to conduct architectural review pursuant to Village Code Section 198-4. Therefore, NYU is required to appear before the Planning Board for architectural review.

The public hearing on this application was opened on April 21, 2021 before the Board of Trustees. At that time, the Board resolved to declare itself Lead Agency under SEQRA for purposes of environmental review and issued a preliminary classification of the proposed action as an Unlisted Action. NYU made a presentation through its counsel, engineer and architect. The entire project, as proposed, will take place on the hospital campus within the Hospital Zoning District. The hospital campus is approximately 11.46 acres and the proposed garage would occupy approximately 2.26 acres of the campus. At present, visitors to the hospital park their vehicles in the existing visitors parking garage which is located in the southerly portion of the campus. The existing garage has been in existence for 47 years and is reaching the end of its useful life-span. The proposed new visitors parking garage will be located at the corner of Third Avenue and First Street with three (3) below grade levels and five (5) above grade levels and provide a total of 700 parking stalls which represent a net increase of 134 parking stalls from the old visitors parking garage. The new visitors parking garage requires a height variance and a dimensional variance for the parking stalls. The application has been heard by the Zoning Board of Appeals and the variance decision is pending.

The construction phase of the project is estimated to be 26 months. NYU has provided a traffic mitigation plan for the construction phase which was developed by its engineers, VHB Engineering. The parking garage will be self-service for visitors and open 24 hours a day, 7 days a week. The garage will connect to the hospital building at the southwest corner of the parking garage to allow visitors to walk directly from the garage into the hospital building. Ingress and egress from the garage will be located on First Street and there will be a secondary access off of Second Street and Third Avenue. The construction of the new garage necessarily requires the demolition of the professional residence building and those employees will be relocated to off-campus offices.

During the April 21, 2021 public hearing, there were significant concerns raised by the Board, including NYU's construction sequencing which envisioned the demolition of the existing visitors parking garage prior to the completion and operation of the new visitors parking garage. In addition, the proposed access plan along First Street would create queuing problems which would halt traffic and result in dangerous traffic conditions. A number of other concerns were raised by the Board and area residents which are detailed in the hearing transcript. At the conclusion of the April 21, 2021 public hearing, the Board continued the hearing to May 19, 2021.

Prior to the continued public hearing on May 19, 2021, a referral of the application was made by the Village to the Nassau County Planning Commission. The Nassau County Planning Commission by Resolution No. 10424-21, adopted on May 6, 2021, recommended that the Village Board of Trustees take whatever action it deemed appropriate. The Nassau County Planning Commission also issued an accompanying letter, dated May 7, 2021, regarding the application. The Nassau County Planning Commission advised that:

[t]he Commission did express concern relative to the potential parking problems that may be encountered during the period of construction of the new visitors parking garage. It is the Commission's understanding that the Hospital plans to demolish the existing visitors parking garage prior to the completion of the new visitors parking garage. While the Hospital has provided a plan to mitigate the impacts of the project on parking during the construction period, the Planning Commission feels that it is in the best interest of the Village and the Hospital to maintain the existing visitors parking garage until the new facility is completed and ready for use.

On May 19, 2021, the public hearing resumed. During the continued public hearing, NYU withdrew its request to demolish the existing visitors parking garage before the new visitors parking garage is constructed and operational. In addition, NYU modified the interior traffic circulation pattern to mitigate against any excessive queuing of vehicles. At the conclusion of the May 19, 2021 public hearing, the Board adopted a Negative Declaration under SEQRA finding, among other things, that the Proposed Action will not have a significant adverse impact on the environment.

During its review of the proposed site plan, the Board of Trustees has considered a number of factors including, but not limited to,

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.

2. Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and pedestrian convenience, including handicapped access.
3. Location, arrangement, appearance and sufficiency of off-street parking spaces and loading areas.
4. Location, arrangement, size, design and general compatibility of buildings, uses, lighting and signs with other buildings and uses on and in the neighborhood of the site.
5. Adequacy of architectural and plant screening and buffer areas, including the adequacy, type and arrangement of plant materials (to include trees, shrubs and other landscaping) constituting a visual-screening and noise-deterring buffer between the proposed use and adjoining uses or properties and the manner in which new and existing plant material will contribute to the stated purpose and development of the buffer.
6. Adequacy of stormwater and sanitary waste disposal facilities.
7. Protection of existing natural and landscaping features.
8. Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
9. Adequacy of water supply facilities.
10. Overall impact on the neighborhood, including compatibility of design considerations.
11. Conformance with the current Village Comprehensive Zoning Plan; and
12. Adequacy of the overall plan in minimizing harmful effects upon the environment.

Based upon the evidence adduced at the public hearing, and the criteria set forth in the Village Code Section 198-5D, it is hereby determined that the application for Final Site Review and Approval, subject to the conditions stated below, is harmonious to the Hospital District, will conform to the general character of the neighborhood and that the public health, morals, safety and general welfare of the neighborhood will be secured by the granting of the application.

IT IS, THEREFORE, RESOLVED, that the Final Site Plan is **GRANTED** subject to the following conditions:

- 1) NYU is required, pursuant to Village Code Section 198-4, to seek and obtain architectural review and approval from the Village Planning Board;
- 2) The existing visitors parking garage shall not be demolished until such time as the Mineola Superintendent of Buildings certifies that construction of the new visitors parking garage is completed and operational;

- 3) NYU shall provide a stormwater pollution prevention plan (SWPPP) consistent with requirements of Chapter 454 of the Village of Mineola Municipal Code. The SWPPP shall meet the performance and design criteria and standards contained in Chapter 454 of the Mineola Municipal Code.
- 4) All development shall be in accord with the Site Plan and related documents on file in the Mineola Building Department;
- 5) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Decision shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code;
- 6) 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 Decision. Applicant's representations are deemed to be part of the conditions of this Final Site Plan Approval;
- 7) Violation of a condition set forth in this Decision shall be deemed a violation of the Village Zoning Law and shall subject NYU to all penalties set forth in the Zoning Law; and
- 8) Compliance with the conditions set forth herein shall be a predicate to the issuance of a Certificate of Occupancy to the extent that such conditions require fulfillment prior to the completion of the building.

This constitutes the Decision of the Board of Trustees. Applicant shall, within ten (10) days of the date of filing of this Decision, consent in writing to the conditions contained herein.

Dated: Mineola, New York
June 16, 2021

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

Yes

No

Abstain

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:00 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 Paul A. Pereira
Trustee Dennis J. Walsh

Mayor Scott P. Strauss called the Public Meeting to order at 7:35 PM.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira (via teleconference)
Trustee Dennis J. Walsh

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Joseph R. Scalero
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini

Press Observer: *Williston Times*

Sunshine Observers: 5 Observers

Mayor Scott P. Strauss stated that the first concert of the Concerts in the Park season was a great night out, and announced that the next concert is July 9; reported that the Mineola Auxiliary Police Department is celebrating 80 years, and thanked Chief Mike Spae for his leadership, and congratulated Regis Gallet on his promotion to Lieutenant; congratulated Lou Panacciulli who is the incoming President of the Chamber of Commerce, and thanked outgoing President Joel Harris; discussed the Summer Recreation Program cancellation; announced the opening of the John S. DaVanzo Community Pool; reminded residents to get their leisure passes as soon as possible, adding that late fees are being waived this year, and wished all dads a happy Father's Day.

Trustee Paul A. Pereira wished all fathers a happy Father's Day; discussed COVID regulations being lifted which is welcome news; reflected on the past year, and wished residents a great, safe summer.

Trustee Paul S. Cusato congratulated Boy Scout Troop 45's nine newest Eagle Scouts; discussed the first Concert in the Park; congratulated the Chamber of Commerce incoming President Lou Panacciulli and outgoing President Joel Harris; and congratulated the two recipients of the Chamber of Commerce scholarship award, and wished all dads a happy Father's Day.

Trustee Dennis J. Walsh discussed the cancellation of the Summer Recreation Program; announced the Chamber of Commerce Street Fair on October 10 with a rain date of October 17; stated that there was a flag raising ceremony at Village Hall to commemorate Portugal Day; discussed the John S. DaVanzo Community Pool opening, and wished all fathers a happy Father's Day.

1 speaker addressed the Board

Mayor Strauss asked Superintendent of Public Works Thomas J. Rini to give an overview of the ongoing National Grid Northwest Nassau Natural Gas Integrity Project which has affected Roslyn Road.

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:00 PM.

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

Vote:

Yes

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee Dennis J. Walsh

No

Abstain

Respectfully submitted,

Joseph R. Scalero
Village Clerk