

Minutes - Board Meeting – 01/11/2023

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 11, 2023 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

ALSO PRESENT: Village Attorney John P. Gibbons, Jr.
Village Clerk Bryan L. Rivera
Deputy Village Clerk Linda Pardo
Superintendent of Public Works Thomas J. Rini
Superintendent of Buildings Liam P. O’Keefe

Press Observer: None

Sunshine Observers: 12 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 6:40 PM

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 SDS ARCHITECTURE & CONSTRUCTION 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” AND SECTION 550-13 ENTITLED “B-2 DISTRICTS” SUBSECTION (A)(1) TO ESTABLISH A CONVENIENCE STORE SELLING BEER, PREPACKAGED FOOD, TOBACCO, TABACCO PRODUCTS AND LOTTO UPON THE PROPERTY KNOWN AS 96 MAIN STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 426, LOT 1; and

The application was presented by Frank Lauria and Shivant Kumar. No speakers from the public addressed the Board.

Resolution No. 014-23

Resolved to declare the Special Use Application of SDS Architecture & Construction 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” and Section 550-13 entitled “B-2 Districts” Subsection (A)(1) for the purpose of establishing a convenience store selling beer, prepackaged food, tobacco, tabacco products and lotto upon the property known as 96 Main Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 426, Lot 1, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Donna Solosky
Seconded by Trustee Janine Sartori

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 015-23

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

SDS ARCHITECTURE & CONSTRUCTION
DECISION
For a Special Use Permit pursuant to Chapter 550,
Section 550-12(B) and Section 550-13 of the Code
of the Incorporated Village of Mineola, at premises
known as 96 Main Street, Mineola, New York,
known and designated on the Nassau County Land
and Tax Map as Section 9, Block 426, Lot 1.
-----X

NAME OF APPLICANT:	SDS Architecture & Construction
SUBJECT PROPERTY:	Section 9, Block 426, Lot 1
STREET LOCATION:	96 Main Street Mineola, New York 11501
ZONING DISTRICT:	"B-2" District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Sections 550-12(B) and 550-13 to establish a convenience store selling pre-packaged food, beer, tobacco products and lotto upon the Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 11, 2023
APPEARANCE:	Frank Lauria, SDS Architecture & Construction Shivant Kumar, Tenant/Operator

DECISION:

SDS Architecture & Construction (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Sections 550-12 and 550-13 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a convenience store with the sale of pre-packaged

food, beer, tobacco products and lotto upon the property known as 98 Main Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 426, Lot 1) (hereinafter, the “Property”).

By Notice of Disapproval, 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 for the establishment of a convenience store upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission 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 for the establishment of a convenience store upon the Property;
- 2) Applicant shall be opened 7:00 am to 9:00 pm, seven (7) days a week;
- 3) The Applicant will not prepare or cook food upon the Property;
- 4) Applicant shall not sell or display any vape products, any hookah products, any glass water pipes or paraphernalia used for the consumption of marijuana or its derivative;
- 5) Applicant shall not allow for any smoking of any products upon the Property;
- 6) Applicant has access to the basement of the Property for storage only;
- 7) 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-2” 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) Applicant shall not prepare or cook food upon the Property;

- 2) Applicant shall only utilize the basement space for storage only;
- 3) Applicant shall not sell or display any vape products, any hookah products or any glass water pipes or paraphernalia used for the consumption of marijuana or its derivative;
- 4) Applicant shall not sell any putrescible food/drinks products. Should Applicant sell such products, all putrescible waste must be stored indoors until pick-up;
- 5) Deliveries to the premises shall occur during off-peak weekday hours and not before 7:00 AM;
- 6) Applicant shall have no seating/tables upon the Property;
- 7) The operation of the business shall be self-contained on the Property;
- 8) The Property shall be maintained in a clean and broom-swept condition at all times;
- 9) Each of these conditions is material to the approval granted by the Board of Trustees. Violations of any of the conditions of this Special Use Permit shall subject the applicant or its successors to enforcement pursuant to the Village's Municipal Code, including possible revocation of this Special Use 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 decision. Applicant's representations are deemed to be part of the conditions of this Special Use Permit; and
- 11) Violation of a condition set forth in this Special Use Permit 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
January 11, 2023

Motioned by Trustee Janine Sartori
Seconded by Trustee Paul S. Cusato

Village Clerk Bryan L. Rivera polled the Board:

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira
Trustee Paul S. Cusato
Trustee Janine Sartori
Trustee Jeffrey M. Clark
Trustee Donna M. Solosky

Press Observer: None

Sunshine Observers: 8 Observers

A Public Hearing was held at 6:50 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF PR CONSULTING ENGINEERING, PC FOR A

SPECIAL PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “ZONING”, TO CONSTRUCT 10 RESIDENTIAL UNITS UPON THE PROPERTY KNOWN AS 159 & 163 HARRISON AVENUE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 416, LOTS 128 & 130.

The application was presented by Louis Martins, Paul Barroca and Leroy Barroca. No speakers from the public addressed the Board.

Resolution No. 016-23

Resolved to declare the Special Use Application of PR Consulting Engineering, PC for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, for the purpose of constructing 10 residential units upon the property known as 159 & 163 Harrison Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 416, Lot 128 & 130, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee Jeffrey M. Clark

Vote:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Paul A. Pereira		
Trustee Paul S. Cusato		
Trustee Janine Sartori		
Trustee Jeffrey M. Clark		
Trustee Donna M. Solosky		

Resolution No. 017-23

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

PR CONSULTING ENGINEERING, PC

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-15.1 of the Code of the Incorporated Village of Mineola, to construct 10 multifamily residential units upon the property located at 159 and 163 Harrison Avenue, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 416, Lots 128 & 130.
-----X

NAME OF APPLICANT:	PR Consulting Engineering, PC
SUBJECT PROPERTY:	Section 9, Block 416, Lots 128 & 130
STREET LOCATION:	159 and 163 Harrison Avenue, Mineola, New York
ZONING DISTRICT:	“R-5” Residential District Downtown Overlay District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-15.1

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

DATE OF HEARING: January 11, 2022

APPEARANCES: Louis Martins, Esq., Applicant's Attorney
Paul Barroca, Owner

PR Consulting Engineering, PC (hereinafter, "Applicant") appeared before this Board pursuant to Chapter 550, Section 550-15.1 of the Municipal Code of the Incorporated Village of Mineola (the "Downtown Overlay District law") for a special use permit to construct a total of 10 residential apartment units upon the property located at 159 Harrison Avenue (5 units) and 163 Harrison Avenue (5 units), Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 416, Lots 128 & 130) (hereinafter, the "Property"). The proposed lots will have a three-story building comprised of three (3) apartment units fronting the street and in rear will be a garage with two (2) apartment units above.

Applicant seeks relaxation of the Village's zoning regulations with respect to building height, front yard setback, side yard setback, lot coverage percentage, minimum unit size, parking and loading. Applicant was entitled to seek relief before the Zoning Board of Appeals for area variances. In the alternative, Applicant was able to seek the same relief from the Board of Trustees pursuant to Chapter 50, Section 550-13.1 under the Village's Downtown Overlay District law. This latter course was elected by Applicant.

Applicant made an application to the Board of Trustees for the required relief pursuant to the Village's Downtown Overlay District law and presented its application on January 11, 2023. The Board of Trustees declared itself lead agency pursuant to SEQRA and determined that the Application was a Type II Action. This Board also assumed jurisdiction over site plan and architectural review.

A referral of the Application was made to the Nassau County Planning Commission. The Nassau County Planning Commission, by Resolution No. 10510-23, adopted January 5, 2023, recommended that the Village Board of Trustees take whatever action it deemed appropriate.

Thus, now before this Board is a proposal to construct a three-story multifamily residential apartment building with three 3-bedroom units and a two-story building in the rear with a garage at grade and two (2) apartments above at 159 Harrison Avenue. Applicant further seeks to

construct a three-story multifamily residential apartment building on the adjacent property at 163 Harrison Avenue, also with three 3-bedroom units fronting Harrison Avenue and a two-story building in the rear with a garage at grade and two (2) apartments above. In this connection, the Applicant seeks, under the Village's Downtown Overlay District law, the relaxation of the Village's zoning laws

Applicant also seeks site plan approval for the revised site layout of the building and architectural approval for the building design. In consideration of the Board's approval of this special use permit, the Applicant has offered the following public amenities:

1. Streetscape improvements along Harrison Avenue in front of the Property matching the Village's area aesthetics.
2. Ten percent (10%) of the number of apartments constructed (1 unit) to be affordable housing units with interior finishes to match market units.
3. A monetary contribution to the Village in lieu of further public amenities in the amount of \$50,000.00 (\$25,000.00 paid upon the issuance of the building permit and \$25,000.00 paid upon the issuance of a Certificate of Occupancy/Temporary Certificate of Occupancy).

FINDINGS

The Project as is proposed was contemplated by the Village's Master Plan. It will contribute to the vibrancy and the economic stability of the Village's Downtown and, as a transit-oriented development, it qualifies as a smart growth component of Mineola's Downtown Revitalization. Implementation of the proposed action will not create a material conflict with the community's current plans or goals. In fact, the overall theme of the Village of Mineola's Comprehensive Master Plan is to build upon Mineola's strong sense of community among its residents and envisions the Village as an even more desirable, safe and attractive place to live and work.

The recommendations in the Comprehensive Master Plan seek to realize the Village's full potential, and the proposed residential rental buildings have been designed to help to achieve these goals. The proposed project incorporates a use that will contribute to and strengthen the Village in its downtown area.

DECISION

Based upon the above findings, it is hereby determined that the granting of the application requesting a special use permit pursuant to Section 550-13.1 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 Master Plan and in coordination with community planning mechanisms and land use techniques. Further, it is hereby determined that the special use 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, as follows:

- 1) The Application for a special use permit to construct and maintain a three-story multifamily residential apartment building with a two-story building in the rear with a garage at grade and 2 apartment units above at 159 Harrison Avenue and a three-story multifamily residential apartment building with a two-story building in the rear with a garage at grade and 2 apartment units above at 163 Harrison Avenue for a total of 10 units (9 market rental units and 1 affordable housing unit) is **GRANTED**.
- 2) The offer made by the Applicant to provide development incentive payments in the amount of Fifty Thousand (\$50,000.00) Dollars to the Village in lieu of further public amenities is **ACCEPTED**.
- 3) The offer made by the Applicant to provide streetscape improvements along Applicant's street frontage on Harrison Avenue in accordance with Village requirements is **ACCEPTED**.
- 4) Final site plan approval for the Project is hereby **GRANTED**.
- 5) Architectural approval for the Project is hereby **GRANTED**.

ALL OF THESE ENUMERATED GRANTS AND APPROVALS ARE CONDITIONED UPON THE FOLLOWING:

- 1) The payment by the Applicant to the Village for development incentive bonuses awarded in the amount of Fifty Thousand (\$50,000.00) Dollars (\$25,000.00 paid upon the issuance of the building permit and \$25,000.00 paid upon the issuance of a Certificate of Occupancy/Temporary Certificate of Occupancy).

- 2) The failure to make a required payment shall authorize the Village, in addition to all other legal remedies, to place the outstanding accelerated payment amount on the tax bill for the Property and such shall be a lien upon the Property. The election of any remedy shall not preclude the Village from pursuing any other legal remedy.
- 3) Compliance with the Long Island Workforce Housing Law, including the provision of 1 unit of affordable housing of a quality and location within the building equal to that of the market rate units. The affordable workforce housing units shall represent the distribution of apartments in the buildings and be distributed randomly throughout the building. For purposes of this Decision, “affordable workforce housing” means housing for individuals and families at or below 120% of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development (www.huduser.gov). Rent, including utilities, for each affordable workforce housing unit shall be no more than 30% of that household’s income. Affordable workforce housing units shall be of consistent design to those of the rest of the development. The applicant and its successors shall annually submit a certification to the Village that it is in compliance with this requirement. This condition shall not in any way relieve applicant of its requirement to comply with other applicable provisions of the New York State General Municipal Law § 699-b.
- 4) Applicant shall cause all refuse to be removed from the premises by a private carter at Applicant’s expense.
- 5) Streetscape improvements on Harrison Avenue in front of the Property in accordance with Village requirements.
- 6) Each apartment unit shall be assigned one designated parking space for which no fee shall be charged. Landlord shall not offer a discount to any tenant who elects not to retain his/her assigned parking space.
- 7) Applicant shall repair any damage to any Village roads caused by Applicant during the course of construction in accordance with Village requirements.
- 8) Applicant shall comply with the Village’s Stormwater Management Plan and in the event that its construction activities shall cause the redirection of underground water flow such that it impacts any adjoining property, Applicant shall be responsible for remedying such condition.

- 9) In the event that Applicant seeks IDA financing, the PILOT shall be for a maximum of 20 years and Applicant shall not seek a longer extension at a later time from the IDA.
- 10) In the event that Applicant seeks IDA financing, the Applicant shall be required to execute and deliver to the Village a Host Community Benefit Agreement in the form attached to this Decision as Exhibit A.
- 11) Applicant shall acknowledge that the conditions set forth in this Decision are reasonable, fair and equitable. In the event that any legal action or proceeding shall be instituted by the Village in order to enforce any condition herein, the Village shall be entitled to an award of attorney's fees in the event that it shall prevail in any such action or proceeding. All terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.
- 12) 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.
- 13) Violation of a condition set forth in this Decision shall be deemed a violation of the Mineola Municipal Code and shall subject the owner or occupant of the premises to all penalties set forth in the Mineola Municipal Code.

All of the terms, conditions and obligations contained in this Decision shall be binding upon the Applicant, its heirs, successors and assigns.

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. Failure to so consent shall render this Decision null and void.

Dated: Mineola, New York
January 11, 2023

Motioned by Trustee Janine Sartori
Seconded by Trustee Donna M. Solosky

Village Clerk Bryan L. Rivera polled the Board:

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Mayor Paul A. Pereira requested a motion to close the Public Hearing at 7:25 PM.

Motioned by Trustee Donna M. Solosky

Seconded by Trustee Paul S. Cusato

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Mayor Paul A. Pereira called the Work Session to order at 7:25 PM.

PRESENT:

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

ALSO PRESENT:

Village Attorney John P. Gibbons, Jr.

Village Clerk Bryan L. Rivera

Deputy Village Clerk Linda Pardo

Superintendent of Public Works Thomas J. Rini

Superintendent of Buildings Liam P. O'Keefe

Press Observer:

None

Sunshine Observers:

1 Observer

Resolution No. 018-23

Resolved to approve bills and payroll.

Motioned by Trustee Paul S. Cusato

Seconded by Trustee Jeffrey M. Clark

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Resolution No. 019-23

Resolved to approve a request by the Knights of Columbus Corpus Christi Council Number 2502 for the use of six metered parking spaces on Jericho Turnpike adjacent to their premises Friday, February 10, 2023 to facilitate a charity event.

Motioned by Trustee Paul S. Cusato

Seconded by Trustee Jeffrey M. Clark

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Resolution No. 020-23

Resolved to approve a request by the Mineola Junior Fire Department for the use of the Village Hall Community Center to conduct its Pasta Dinner Saturday, March 25, and Sunday, March 26, 2023 beginning at 8:00 am.

Motioned by Trustee Donna M. Solosky

Seconded by Trustee Jeffrey M. Clark

Vote:

Yes

No

Abstain

Mayor Paul A. Pereira

Trustee Paul S. Cusato

Trustee Janine Sartori

Trustee Jeffrey M. Clark

Trustee Donna M. Solosky

Resolution No. 021-23

Resolved to authorize the hiring of Kristopher Strucic for the 4:00 a.m. – 12:30 p.m., Monday through Friday, Parking Enforcement Officer position in the Parking Meter and Parking Enforcement Division of the Department of Public Works at the starting salary rate in accordance with the Collective Bargaining Agreement.

Motioned by Trustee Paul S. Cusato

Seconded by Trustee Janine Sartori

Yes

No

Abstain

Trustee Donna M. Solosky

Yes

No

Abstain

Trustee Donna M. Solosky

Yes

No

Abstain

Trustee Donna M. Solosky