

Minutes - Board Meeting 02/20/2019

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, February 20, 2019 at Village Hall, 155 Washington Avenue, Mineola, New York 11501.

PRESENT: Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
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: None

Sunshine Observers: 3 Observers

A special presentation was made by the Board of Trustees to Mineola High School sophomore Yesenia Hanif who was named the grand prize winner in the Univision/ACT Contest, Sweet 15: A Dream Achieved Contest. As the grand prize winner Yesenia earned a \$50,000 scholarship.

Mayor Scott P. Strauss called the Work Session to order at 6:50 PM.

Resolution No. 27-19

Resolved to approve bills and payroll.

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

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

Resolution No. 28-19

Resolved to approve a request by Stephania Catering to renew a permit to operate a catering truck in the Village of Mineola along specified routes Monday – Friday.

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 George R. Durham
Trustee Dennis J. Walsh

Resolution No. 29-19

Resolved to approve a request by the Mineola Portuguese Center, Inc. for the use of Wilson Field and Field #2 Friday June 7 through Sunday June 9, 2019 to conduct a Portuguese American Feast.

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

Vote:

Yes

No

Abstain

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

Resolution No. 30-19

Resolved to approve a request by Boy Scout Troop 45 for the use of the Village Hall Community Center gymnasium Tuesday May 7, 2019 at 7:00 PM – 10:00 PM to hold a “Basketball Night.”

Motioned by Trustee George R. Durham
Seconded by Trustee Paul A. Pereira

Vote:

Yes

No

Abstain

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

Resolution No. 31-19

Resolved to approve a request by Boy Scout Troop 45 for the use of the John S. DaVanzo Community Pool to conduct Lifesaving Merit Badge sessions on Mondays July 29 – August 26, 2019, 6:00 PM – 8:00 PM.

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

Vote:

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

Resolution No. 32-19

Resolved to approve the membership of the following candidate as recommended by the Mineola Fire Department:

Justin Parker Company 2

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 George R. Durham		
Trustee Dennis J. Walsh		

Resolution No. 33-19

Resolved to authorize the posting of two half-time Laborer positions for Mineola Memorial Library.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

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

Resolution No. 34-19

Resolved to authorize the lowest priced proposal received to Dynaire Corporation for the removal of the inoperative Trane HVAC facilities management system and replace with a Honeywell HVAC facilities management system with supervisory software package.

Dynaire Corporation:	\$ 43,850.00
Lane Associates:	\$ 48,750.00
County Fair Air Conditioning Corporation:	\$ 51,620.00

Funding Source: 2018/2019 Library Fund and/or the Library Fund Unreserved Fund Balance

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 George R. Durham
Trustee Dennis J. Walsh

Resolution No. 35-19

Resolved to authorize posting the following positions in the Parking Enforcement Division:

One Full Time position from 4:00 a.m. – 12:30 p.m., Monday through Friday
Part-Time Positions – Number of positions to be determined

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

Vote:

Yes

No

Abstain

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

Village Attorney John P. Gibbons, Jr. introduced the following resolutions:

Resolution No. 36-19

RESOLVED, that the Board of Trustees, as lead agency for the development of a four-story mixed use building with 10 residential units upon the property located at 86-88 Main Street, Mineola, and after due deliberation, review and analysis of the proposed action and the criteria set forth in 6 NYCRR §617.7(c) and (e) hereby determines that the proposed action will not result in significant adverse impacts to the environment and, therefore, is issuing this Negative Declaration.

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

Vote:

Yes

No

Abstain

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

Resolution No. 37-19

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

PUCCIO PROPERTIES, LLC

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-5(I) of the Code of the Incorporated Village of Mineola, to construct a four-story mixed use building upon the property known as 86-88 Main Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 426, Lots 2 and 3.

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NAME OF APPLICANT:	Puccio Properties, LLC
SUBJECT PROPERTY:	Section 9, Block 426, Lots 2 and 3
STREET LOCATION:	86-88 Main Street, Mineola, New York
ZONING DISTRICT:	“B-2” District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-5(I)
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	November 14, 2018 and January 9, 2019.
APPEARANCE:	Marco Silva, Esq., Applicant’s Attorney Joseph Puccio, Applicant-Owner Willy Zambrano, Architect

Puccio Properties, LCC (hereinafter, “Applicant”) appeared before this Board pursuant to Chapter 550, Section 550-5(I) of the Municipal Code of the Incorporated Village of Mineola for a special use permit to construct a four-story mixed use building with 10 residential units upon the property located at 86-88 Main Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 426, Lots 2 and 3) (hereinafter, the “Property”).

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 and

parking. Daniel B. Whalen, as Superintendent of the Building Department, issued a zoning code compliance letter to the Applicant's architect, Zambrano Architectural Design, dated July 5, 2018. 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 550-5(I) under the Village's development incentive bonus 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 development incentive bonus law and presented its Application on November 14, 2018 and January 9, 2019. 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, Nassau County Department of Public Works, Village of Mineola Planning Board, Village of Mineola Department of Public Works and Village of Mineola Water and Sewer Department, , Long Island Rail Road, Winthrop University Hospital), determined that the Application was an Unlisted action. A full Environmental Assessment Form was prepared by the Applicant.

A referral of the Application was made to the Nassau County Planning Commission. The Nassau County Planning Commission, by Resolution No. 10263-18, deemed the application incomplete and requested the following:

- [A] Parking Analysis is requested that accounts for the demands of the proposed restaurant and the proposed residential units, including the availability of over-night parking.
- Building elevations are requested with architectural features.

The Applicant submitted the requested materials, including a Traffic Engineering Report which contained a parking analysis for the Property and the surrounding area. The Nassau County Planning Commission, by Resolution No. 10276-18, recommended that the Board of Trustees take whatever action it deems appropriate. The Board of Trustees, after careful review of all relevant documents and testimony, issued a Negative Declaration under SEQRA. This Board also assumed jurisdiction over site plan and architectural review.

Thus, now before this Board is a proposal to construct a four-story mixed used building with 10 residential apartments (9 market rental units and 1 next-generation, workforce, first responder unit).

In this application, the Applicant seeks, under the Village's Development Incentive Bonus Law, the relaxation of the Village's zoning laws in several ways:

1. Building height;
2. Building setbacks;
3. Lot coverage percentage;
4. Minimum unit size; and
5. Parking.

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 which are set forth in a letter to the Board from the Applicant's attorney, Marco D. Silva, Esq., dated October 25, 2018:

1. Streetscape improvements along Main Street – Applicant proposes to remove the existing curb cut and sidewalk cement pad and replace with brick pavers matching the Village's Downtown aesthetics.
2. Ten percent (10%) of the number of apartments constructed (1 unit) of affordable housing units with interior finishes to match market units.
3. Landscape improvements – Applicant proposes to install and maintain the area at the end of Main Street that will be terminated as a result of the LIRR Main Line Grade Crossing Elimination Project.
4. Commuter parking – Applicant will restrict all tenants from obtaining commuter parking passes.
5. A monetary contribution to the Village in lieu of further public amenities in the amount of \$40,000.00.

FINDINGS

The Project as is proposed was contemplated by the Village's draft 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 building has 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 550-5(I) 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 four-story mixed use building with 10 residential apartments (9 market rental units and 1 next-generation, workforce, first responder unit) upon the Property is **GRANTED**.
- 2) The offer made by the Applicant to restrict tenants from obtaining commuter parking passes is **ACCEPTED**.
- 3) The offer made by Applicant to provide streetscape improvements in and around Main Street is **ACCEPTED**.
- 4) The offer made by the Applicant to provide development incentive payments in the amount of Forty Thousand (\$40,000.00) Dollars to the Village in lieu of further public amenities is **ACCEPTED**.

- 5) Final site plan approval for the Project is hereby **GRANTED**.
- 6) 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 Forty Thousand (\$40,000.00) Dollars to be paid upon the issuance of a building permit.
- 2) The provision of 1 unit of next-generation, workforce, first responder housing of a quality equal to that of the market rate units in compliance with General Municipal Law Section 699-b.
- 3) Applicant shall perform streetscape improvements along Main Street including, but not limited to, removal of the existing curb cut and sidewalk cement pad and replace with brick pavers matching the Village's Downtown aesthetics.
- 4) In lieu of the landscaping improvements at the end of Main Street offered by Applicant, Applicant shall make a monetary contribution to the Village in the amount of \$5,000.00.
- 5) Applicant has represented to the Board of Trustees that he will not obtain financing through the Industrial Development Agency. In the event that Applicant seeks such financing, Applicant shall be required to appear before the Board of Trustees and enter into a Host Community Benefit Agreement acceptable to the Board of Trustees prior to the issuance of a building permit.
- 6) Applicant shall utilize a private sanitation service for all garbage pick-up at the Property;
- 7) The representations made by Applicant on the record in this proceeding have been deemed material to this Application and have been relied upon by the Board of Trustees in its deliberations and decisions. Said representations are deemed to be part of the conditions of this special use permit.
- 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.

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
February 20, 2019

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

Village Clerk Joseph R. Scalero polled the Board:

Vote:

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

Mayor Scott P. Strauss requested a motion to close the Work Session at 7:15 PM.

Motioned by Trustee Paul A. Pereira
Seconded by Trustee George R. Durham

Vote:

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

Mayor Scott P. Strauss called the Public Meeting to order at 7:30 PM.

PRESENT:

Mayor Scott P. Strauss
Trustee Paul S. Cusato
Trustee Paul A. Pereira
Trustee George R. Durham
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: 3 Observers

Mayor Scott P. Strauss clarified an article in the *Mineola American* in which he was misquoted regarding the downtown parking problems noting that he did not state that downtown parking issues are the result of new construction, to the contrary, parking shortage is caused by decades-old buildings that were built with insufficient parking; congratulated six Cub Scouts from Pack 246 who earned their Arrow of Light award; congratulated Mineola Fire Department member Neal Ressa on being named Company 1’s Firefighter of the Year; announced that the Irish American Society’s St. Patrick’s Day parade is March 3, and the Mineola Junior Fire Department’s annual pasta dinner is March 10; reminded residents to follow snow regulations, and congratulated Village Clerk Joseph Scalero on being elected First Vice President of the NYS Association of City and Village Clerks.

Trustee Paul A. Pereira congratulated Joe Scalero on being elected First Vice President of the State Clerks Association; congratulated Mineola High School sophomore Yesenia Hanif who was recognized during Work Session for being named the \$50k grand prize winner in the Univision/ACT Contest, Sweet 15: A Dream Achieved Contest, and announced that the annual Portuguese American Feast will be June 7-9 with the Portugal Day parade being held on June 9.

Trustee Paul S. Cusato thanked the members of the Mineola Fire Department who were on standby during recent storm.

Trustee George R. Durham discussed parking and commuter permit issues in the downtown area, and congratulated the six members of Cub Scout Pack 246 on achieving their Arrow of Light award.

Trustee Dennis J. Walsh announced that the Irish American Society’s St. Patrick’s Day parade on March 3 will be even bigger than previous years.

No speakers addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 7:40 PM.

Motioned by Trustee Paul A. Pereira
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 George R. Durham		
Trustee Dennis J. Walsh		