

Minutes - Board Meeting – 05/10/2023

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 10, 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: 45 Observers

A special presentation was made by the Village Board to members of Mineola High School’s FIRST Robotics Competition team #6806 who earned the “Engineering Inspiration Award” at the Finger Lakes Regional in Rochester, which qualified them to compete at the FIRST World Championship in Houston, TX.

Press Observer: Williston Times

Sunshine Observers: 26 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 6:45 PM.

A Public Hearing was held at 6:45 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF SAMANTHA ROSSI 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” TO ESTABLISH A PERSONAL TRAINING STUDIO UPON THE PROPERTY KNOWN AS 263 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 394, LOT 26.

The application was presented by Samantha Rossi and Hermes Gonzalez. No speakers from the public addressed the Board.

Resolution No. 127-23

Resolved to declare the Special Use Application of Samantha Rossi for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550-12 entitled “B-1 Districts”, Subsection (B) entitled “Special Uses” for the purpose of establishing a personal training studio upon the property known as 263 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 26, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Donna M. Solosky
Seconded by Trustee Paul S. Cusato

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 128-23

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

SAMANTHA ROSSI

	<u>DECISION</u>
For a Special Use Permit pursuant to Chapter 550, Section 550-12.B of the Code of the Incorporated Village of Mineola, at premises known as 263 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 26.	
-----X	

NAME OF APPLICANT:	Samantha Rossi
SUBJECT PROPERTY:	Section 9, Block 394, Lot 26
STREET LOCATION:	263 Jericho Turnpike Mineola, New York 11501
ZONING DISTRICT:	“B-1” District
RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-12.B to establish a personal training studio upon Property
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	May 11, 2023
APPEARANCE:	Samantha Rossi, Business Owner

DECISION:

Samantha Rossi (hereinafter, “Applicant”) is before this Board, pursuant to Chapter 550, Section 550.12 of the Municipal Code of the Incorporated Village of Mineola, for a special use permit to establish a personal training studio upon the property known as 263 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 394, Lot 26) (hereinafter, the “Property”).

By Notice of Disapproval, dated March 15, 2023, Applicant’s building permit was denied. The Building Inspector determined that the proposed application is contrary to the Village’s zoning regulations. Applicant was thus required to seek relief before the Board of Trustees for a special use permit to establish a personal training studio upon the Property.

A referral of the application was made to the Nassau County Planning Commission. The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate. Based upon the evidence adduced at the public hearing, and the documentation submitted to the Board in support of the application, the Board makes the following findings of fact:

- 1) Applicant is seeking a special use permit to establish a personal training studio upon the property known as 263 Jericho Turnpike, Mineola, New York;
- 2) Classes will be one-on-one training by appointment only;
- 3) Applicant will not be preparing, cooking and/or selling food upon the Property; and
- 4) The proposed use, subject to the conditions imposed by this Board, will provide a desirable service and convenience to the Village.

Based upon the above findings, it is hereby determined that the proposed use, subject to the conditions stated below, is harmonious to the “B-1” District, will conform to the general character of the neighborhood, and that the public health, morals, safety and general welfare of such neighborhood will be secured by the granting of the requested Special Use Permit. Further, it is hereby determined that the Special Use Permit will provide a desirable facility to the area and will not be incongruous to the neighborhood by reason of excessive traffic.

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

- 1) The operation of the facility shall be self-contained within the interior of the building;

- 2) If Applicant installs any weight-lifting equipment, Applicant shall install and maintain reinforced rubber padding to mitigate noise and vibrations in all areas where weight-lifting equipment is located;
- 3) Music, if any, shall be played at a low volume and shall not be audible outside of the building;
- 4) All doors and/or windows facing residential areas shall remain closed at all times;
- 5) 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;
- 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 Special Use Permit; and
- 7) 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
May 10, 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

Press Observer: *Williston Times*

Sunshine Observers: 24 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 7:05 PM.

A Public Hearing was held at 7:05 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

**APPLICATION OF PASQUALE INVESTOR FOR A SPECIAL PERMIT
PURSUANT TO CHAPTER 550 OF THE CODE OF THE
INCORPORATED VILLAGE OF MINEOLA ENTITLED "ZONING",
SECTION 550-15.2 ENTITLED "JERICHO TURNPIKE OVERLAY**

**DISTRICT” TO CONSTRUCT 18 RESIDENTIAL UNITS UPON THE
PROPERTY KNOWN AS 157-161 JERICHO TURNPIKE, MINEOLA,
NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY
LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 158.**

The application was presented by David Mammina and Tony Lubrano. 4 speakers from the public addressed the Board.

Resolution No. 129-23

Resolved to declare the Special Use Application of Pasquale Investor for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550-15.2 entitled “Jericho Turnpike Overlay District”, for the purpose of constructing 18 residential units upon the property known as 157-161 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 158, as a Type II action pursuant to S.E.Q.R.A.

Motioned by Trustee Paul S. Cusato
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 130-23

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

In the Matter of the Application of

PASQUALE INVESTOR

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-15.2 of the Code of the Incorporated Village of Mineola, to construct a multifamily 18 residential unit apartment building upon the property located at 157-161 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 158.
-----X

NAME OF APPLICANT:	Pasquale Investor
SUBJECT PROPERTY:	Section 9, Block 405, Lot 158
STREET LOCATION:	157-161 Jericho Turnpike, Mineola, New York
ZONING DISTRICT:	“B-1” District (Special Business) Jericho Turnpike Overlay District

RELIEF REQUESTED:	Application For a Special Use Permit pursuant to Chapter 550, Section 550-15.2
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	May 10, 2023
APPEARANCE:	David Mammina, Architect

Pasquale Investor (hereinafter, “Applicant”) appeared before this Board pursuant to Chapter 550, Section 550-15.2 of the Municipal Code of the Incorporated Village of Mineola (the “Jericho Turnpike Overlay District law”) for a special use permit to construct a multifamily residential apartment building with 18 apartment units upon the property located at 157-161 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 158) (hereinafter, the “Property”). The proposed residential building rises three stories (parking on grade with 3 stories of residential apartments above) and measures a total height to the top of the roof deck of 40 feet (excluding all parapet walls, bulkheads and mechanicals required by New York State Uniform Building and Fire Code). Twelve (12) of the apartment units are one-bedroom units and the remaining six (6) units are two-bedroom. Applicant is providing 27 on-site parking spaces.

Applicant seeks relaxation of the Village’s zoning regulations with respect to building height for parapet only which is 44’8” in height, minimum lot width (39.00 feet at Washington Avenue) and parking space dimensions (9 spaces at 9’x18’ and 14 spaces at 9’x20’). Applicant was entitled to apply for 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 550-13.2 under the Village’s Jericho Turnpike Overlay District law. The Board of Trustees, in its sole discretion, granted permission to the Applicant to proceed under the Village’s Jericho Turnpike Overlay District law.

Applicant made an application to the Board of Trustees for the required relief pursuant to the Village’s Jericho Turnpike Overlay District law and presented its application on May 10, 2023. The Board of Trustees declared itself lead agency pursuant to SEQRA and determined that the Application was a Type II Action. An expanded Environmental Assessment Form was prepared by the Applicant. 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. 10528-23, adopted April 27, 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 multifamily residential apartment building containing a total of 18 units (16 market rental units and 2 affordable housing units). In this connection, the Applicant seeks, under the Village's Jericho Turnpike Overlay District Law, the relaxation of the Village's zoning laws in several ways:

1. Building height for parapet only;
2. Lot width along Washington Avenue; and
3. Parking space dimension.

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. Aesthetic amenities which include a brick building façade. The development will be the first of its kind in the Jericho Turnpike Overlay District providing other property owners a standard to follow as Mineola works to redevelop this area.
2. Streetscape improvements along Applicant's street frontage on Jericho Turnpike.
3. 2 units of affordable housing units distributed randomly throughout the building with interior finishes to match market units.
4. In the event that Applicant seeks financing from the Nassau County Industrial Development Agency ("IDA"), Applicant shall provide PILOT payments for real estate taxes to be set by the IDA.
5. In the event that Applicant obtains a PILOT from the IDA, Applicant shall enter into a Community Host Benefit Agreement with the Village of Mineola which shall include a schedule of payments negotiated with the Board of Trustees to compensate the Village for hosting the project.

FINDINGS

The Project as is proposed was contemplated by the Village's Master Plan and Jericho Turnpike Overlay District. It will contribute to the vibrancy and the economic stability of the Village's newly adopted Jericho Turnpike Overlay District. 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 this Overlay District.

DECISION

Based upon the above findings, it is hereby determined that the granting of the application requesting a special use permit pursuant to Section 550-13.2 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 newly adopted Jericho Turnpike Overlay District 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 multifamily residential apartment buildings containing a total of 18 apartment units (16 market rental units and 2 affordable units) upon the Property is **GRANTED**.
- 2) The request to provide 27 on-site parking spaces with dimensions set forth in the application is **GRANTED**.
- 3) The offer made by the Applicant to provide a Host Community Benefit Agreement in the form acceptable to the Village should Applicant seek a PILOT for real estate taxes as set by the Nassau County Industrial Development Agency is **ACCEPTED**.
- 4) The offer made by the Applicant to provide streetscape improvements along Applicant's street frontage on Jericho Turnpike in accordance with Village requirements is **ACCEPTED**.

- 5) Final site plan approval for the Project is hereby **GRANTED**.
- 6) Applicant's offer that, prior to the issuance of a Building Permit, the Applicant shall submit revised Architectural drawings for the Project to the Building Department which are acceptable to the Board of Trustees is hereby **ACCEPTED**.

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

- 1) Prior to the issuance of a Building Permit, the Applicant shall submit revised Architectural drawings for the Project to the Building Department and the Board of Trustees shall retain jurisdiction over this application, specifically with respect to the architectural design. The Board of Trustees reserves the right to require additional modifications to the architectural design, if necessary.
- 2) Compliance with the Long Island Workforce Housing Law, including the provision of 2 units 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. Each applicant is required to engage in affirmative marketing to ensure outreach to racially and ethnically diverse households, including those who are least likely to apply. 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.
- 3) Applicant shall cause all refuse to be removed from the premises by a private carter at Applicant's expense. Any dumpster shall be properly enclosed and screened so not to be visible from the street.

- 4) Streetscape improvements on Jericho Turnpike in front of the Property in accordance with Village requirements.
- 5) 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.
- 6) Applicant shall repair any damage to any Village roads caused by Applicant during the course of construction in accordance with Village requirements.
- 7) 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.
- 8) 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.
- 9) 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 acceptable to the Village.
- 10) 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.
- 11) 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.
- 12) 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
May 10, 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 8:20 PM.

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

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 8:35 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

Press Observer:

None

Sunshine Observers:

1 Observer

Resolution No. 131-23

Resolved to approve bills and payroll.

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

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. 132-23

Resolved to approve a request by the Mineola Union Free School District for the use of the Memorial Park tennis courts weekdays, Monday, May 22, 2023 through Friday, June 2, 2023 from 1:00 PM – 2:45 PM.

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. 133-23

WHEREAS, the Board of Trustees of the Incorporated Village of Mineola has been made aware by the Town of North Hempstead of a proposal to install a dog run in the Roslyn Road Park in the Village of East Williston; and

WHEREAS, the Board believes that the proposed dog run will serve the best interest of the community and will not have a detrimental impact upon the surrounding area; and

WHEREAS, the Board has no objection to the installation of the dog run in East Williston in the Roslyn Road Park; and

NOW, THEREFORE, BE IT RESOLVED, the Board finds that the proposed Anthony Leva Memorial Dog Run, as it is proposed and as it is designed, will serve the best interests of the community and will not have a detrimental impact on the surrounding area, and that the proposed Anthony Leva Memorial Dog Run does not violate any Mineola Village Code provisions.

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. 134-23

WHEREAS, the New York State Senate (S8895) and New York State Assembly (A10041A) sponsored legislation to permit the Village of Mineola to alienate certain parkland for use in the Village's public water supply system and replace such alienated parkland with a new dedicated parkland; and

WHEREAS, the legislation was passed by both the Senate and Assembly on June 1, 2022 and signed by the Governor on December 16, 2022 and has been appended to this Resolution; and

WHEREAS, the parkland authorized by New York State to be discontinued and alienated which lies contiguous to Eighth Avenue is described in the aforementioned legislation; and

WHEREAS, the parkland authorized by New York State to be dedicated as replacement parkland is within the Village of Mineola which lies contiguous to Emory Road is described in the aforementioned legislation; and

NOW, THEREFORE, BE IT RESOLVED, the Board acknowledges the passage of such legislation to permit the Village of Mineola to alienate certain parkland for use in the Village's public water supply system and replace such alienated parkland with new dedicated parkland. Any such Village resolutions contrary to the above are hereby rescinded and replaced hereby.

STATE OF NEW YORK

8895--A

IN SENATE

April 27, 2022

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the village of Mineola, county of Nassau, to alienate certain parklands for use in the village of Mineola public water supply system and replace such alienated parkland with a new, dedicated parkland

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subject to the provisions of this act, the village of Mineola, located in the county of Nassau, acting by and through its governing body and upon such terms and conditions as determined by such body, is hereby authorized to discontinue as parklands and alienate the lands more particularly described in section three of this act, for the construction of necessary and appropriate water treatment facilities.

§ 2. The authorization contained in section one of this act shall take effect only upon the condition that the village of Mineola shall acquire and dedicate the lands of equal or greater fair market value that have never been used for park purposes described in section four of this act as additional parklands of the village.

§ 3. The parklands authorized by section one of this act to be discontinued as parklands are described as follows:

All that piece or parcel of property, situated in the Incorporated Village of Mineola, Nassau County, New York shown as Part of Lot 9 in Block 671 of Section 9 on the Nassau County Land and Tax Map, and being more particularly described as follows:

Beginning at a point on the westerly line of Eighth Avenue, said point being 124.53 feet northerly from the intersection of the northerly line of Old Country Road and the westerly line of Eighth Avenue;

Thence South 85°26'06" West a distance of 100.27 feet to a point;

Thence North 08°46'00" West a distance of 84.84 feet to a point;

Thence North 81°14'00" East a distance of 100.00 feet to a point on the westerly line of Eighth Avenue;

EXPLANATION--Matter in *italics* (underscored) is new;
matter in brackets [] is old law to be omitted.

Thence South 08°46'00" East along the westerly line of Eighth Avenue a distance of 92.19 feet to the point or place of beginning.

Said parcel containing 8,852 square feet or 0.2032 more or less acres.

§ 4. Prior to the discontinuance and alienation of parkland described in section three of this act, the village of Mineola, acting by and through its governing body, shall dedicate replacement lands for use as parklands for public park purposes described as follows:

All that piece or parcel of property situated in the Incorporated Village of Mineola, Nassau County, New York, shown as part of Lot 225 on Block 1 in Section 9 of the Nassau County Land and Tax Map and being more particularly described as follows:

Beginning at a point on the easterly line of Emory Road, said point being 357.41 feet southerly from the intersection of the southerly line of Wilson Boulevard and the easterly line of Emory Road;

Thence North 76°20'00" East a distance of 41.20 feet to a point on a chain link fence;

Thence the following two (2) courses and distance along said chain link fence:

(1) Easterly along the arc of a curve to the left having a radius of 69.11 feet and an arc length of 61.07 feet, subtended by a chord bearing South 78°55'29" East a distance of 59.101 feet to a point, and

(2) North 76°32'16" East a distance of 77.15 feet to a point;

Thence South 09°51'54" East a distance of 117.83 feet to a point;

Thence South 76°20'00" West a distance of 164.21 feet to a point on the easterly line of Emory Road;

Thence North 13°40'00" West along the easterly line of Emory Road a distance of 142.59 feet to the point or place of beginning.

Said parcel containing 21,222 square feet or 0.4872 acres more or 29 less.

§ 5. In the event that the parklands described in section four of this act to be acquired and dedicated by the village of Mineola pursuant to this act are not equal to or greater than the parklands described in section three of this act being alienated, the village of Mineola shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the village of Mineola received any funding support or assistance from the federal government for the purchase, maintenance, or improvement of the parklands set forth in section three of this act, the discontinuance and alienation of such parklands authorized by the

provisions of this act shall not occur until the county of Nassau has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and usefulness to the lands being alienated or converted.

§ 7. This act shall take effect immediately.

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

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		

Mayor Paul A. Pereira requested a motion to close the Work Session at 8:40 PM.

Motioned by Trustee Jeffrey M. Clark
Seconded by Trustee Donna M. Solosky

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		

Respectfully submitted,

Bryan L. Rivera
Village Clerk