

Minutes - Board Meeting – 10/11/2023

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

Mayor Paul A. Pereira called the Public Hearing to order at 7:00 PM.

A Public Hearing was held at 7:00 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF MICHAEL E. MALLIA 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 A THREE STORY, 10 UNIT RESIDENTIAL BUILDING LOCATED UPON THE PROPERTY KNOWN AS 155 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 156.

The application was presented by Marco Silva and Michael Mallia. No speakers from the public addressed the Board.

Resolution No. 257-23

Resolved to declare the Special Use Application of Michael Mallia 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 a three story, 10 unit residential building located upon the property currently known as 155 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156, as an unlisted action pursuant to S.E.Q.R.A.

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. 258-23

RESOLVED, that the Board of Trustees, as lead agency for the development of a three-story residential building with 10 residential units upon the property located at 155 Jericho Turnpike, 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 Jeffrey M. Clark

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

Resolution No. 259-23

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X
In the Matter of the Application of

MICHAEL E. MALLIA

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 10 residential unit apartment building upon the property located at 155 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156.

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NAME OF APPLICANT: Michael E. Mallia

SUBJECT PROPERTY: Section 9, Block 405, Lot 156

STREET LOCATION: 155 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: October 11, 2023

APPEARANCE: Marco Silva, Esq.
Michael E. Mallia, Architect

Michael E. Mallia, on behalf of 4190 Austin Boulevard LLC (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 10 apartment units upon the property located at 155 Jericho Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 156) (hereinafter, the “Property”). The proposed residential building rises three stories and measures a total height to the top of the roof deck of 43’9” feet (excluding all parapet walls, bulkheads and mechanicals required by New York State Uniform Building and Fire Code). The building will consist of ten (10) one-bedroom apartment units.

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 October 11, 2023. The Board of Trustees declared itself lead agency pursuant to SEQRA and determined that the Application was an Unlisted 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. 10548-23, adopted on October 6, 2023, recommended disapproval of the application to construct a three-story residential development with 10 residential apartment units. The basis of the recommendation was the non-conforming

size of the lot and the absence of on-site parking. The subject property has six (6) municipal lots within a two-block radius providing in excess of 200 parking spaces for commercial uses which are not utilized at night. The Nassau County Planning Commission was not aware of these municipal parking lots. Applicant indicated that residents of the proposed development would be directed to park in those municipal lots through a permit system. By letter, dated November 1, 2023, the Board of Trustees provided its analysis and reasoning to the Nassau County Planning Commission in favor of approving the project.

Before the Board is a proposal to construct a multifamily residential apartment building containing a total of 10 units (9 market rate rental units and 1 affordable housing unit). In order to construct this project, 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;
2. Front yard setback;
3. Parking space and dimensions; and
4. Off-street loading and unloading.

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 project, the Applicant has offered the following public amenities:

1. Aesthetic amenities which include a brick building façade. The development will blend with the neighboring properties in the Jericho Turnpike Overlay District and will provide other property owners in the District with a standard to follow as Mineola works to redevelop this area.
2. Streetscape improvements along Applicant's street frontage on Jericho Turnpike.
3. One (1) affordable housing unit with interior finishes to match the market rate 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.

6. A contribution to the Village's Parking Trust Fund in the amount of \$40,000.00.
7. A monetary contribution to the Village in lieu of further public amenities in the amount of \$100,000.00 to be paid pursuant to the following schedule:
 - a. One-third (\$33,333.33) payable upon issuance of a building permit;
 - b. One-third (\$33,333.33) payable eighteen months following the issuance of a building permit; and
 - c. One-third (\$33,333.34) payable upon the issuance of a Certificate of Occupancy/Temporary Certificate of Occupancy.

FINDINGS

The Project as it is proposed was contemplated by the Village's Master Plan and Jericho Turnpike Overlay District law. 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 project 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 building containing a total of 10 apartment units (9 market rate rental units and 1 affordable unit) upon the Property is **GRANTED**.
- 2) The offer by the Applicant, by means of mitigation, to contribute \$40,000.00 to the Village's Parking Trust Fund is **GRANTED**.
- 3) Applicant's offer to provide development incentive payments in the amount of \$100,000.00 to the Village is lieu of further public amenities 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) 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 One Hundred Thousand (\$100,000.00) Dollars pursuant to the schedule set forth above in this Decision. 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
- 2) Compliance with the Long Island Workforce Housing Law, including the provision of 1 unit of affordable housing of a quality 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 80% 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 building. The Applicant and its successors shall annually submit a certification to the Village that it is in compliance with this requirement. The 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 Property by a private carter at Applicant's expense. Any dumpster shall be properly enclosed and screened so not to be visible from the street. Applicant shall provide sufficient, lockable, concealed, and covered storage space for the necessary number of refuse collection dumpsters to service the Applicant's buildings. Applicant shall provide sufficient space on its property to have refuse collected by the private carter's equipment. Under no circumstances shall refuse collection be permitted on public streets.
- 4) Streetscape improvements on Jericho Turnpike in front of the Property in accordance with Village requirements. Street Lighting Improvements shall generally conform with the Village's existing decorative pole and luminaire style, and all luminaires shall be energy saving Light Emitting Diode (LED) luminaires. A separate street lighting installation, wiring and photometric plan shall be provided to the Department of Public Works and the Village's Engineers for review and approval prior to any construction or installation.
- 5) Applicant, by permits obtained through the Village of Mineola, shall direct tenants to the six (6) municipal parking lots within a two-block radius which are not utilized at night.
- 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) With regard to letters of Water Availability and/or Sanitary Sewer Availability, in the event it is determined that the Village's existing water supply capacity, water distribution system capacity and/or sanitary sewer collection system capacity is insufficient to service the Applicant's demands for required domestic water supply, fire service water supply and sanitary sewer demands, the Applicant agrees to make the necessary infrastructure improvements, at their cost, as required by the Village Department of Public Works and the Village's Engineers.
- 9) When constructing domestic water, fire service connections and sanitary sewer connections, the Applicant shall comply with all requirements of the County of Nassau Department of Health, the Village's Department of Public Works Water and Sewer Division or as directed by the Superintendent of Public Works.
- 10) 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.
- 11) 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.
- 12) Prior to the issuance of any Building Permit from the Incorporated Village of Mineola, Applicant shall contribute \$40,000.00 to the Village's Parking Trust Fund.
- 13) 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.
- 14) 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.
- 15) 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 Property 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
October 11, 2023

Motioned by Trustee Janine Sartori
Seconded by Trustee Jeffrey M. Clark

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: 7 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 7:30 PM.

A Public Hearing was held at 7:30 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION OF COMBINED RESOURCES CONSULTING AND DESIGN, INC. FOR A SPECIAL PERMIT PURSUANT TO CHAPTER 550 OF THE CODE OF THE INCORPORATED VILLAGE OF MINEOLA ENTITLED “ZONING”, SECTION 550-15.3 ENTITLED “HISTORIC OVERLAY DISTRICT” TO CONSTRUCT A THREE STORY, 30 UNIT, RESIDENTIAL ADDITION TO AN EXISTING COMMERCIAL BUILDING WITH PARKING ON GRADE UPON THE PROPERTY KNOWN AS 155 FIRST STREET, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 420, LOT 26.

The application was presented by Jack Martins, Sal Ferrara and Michael Ambrosino. No speakers from the public addressed the Board.

Resolution No. 260-23

Resolved to declare the Special Use Application of Combined Resources Consulting and Design, Inc. for a Special Use Permit pursuant to Chapter 550 of the Code of the Incorporated Village of Mineola, entitled “Zoning”, Section 550-15.3 entitled “Historic Overlay District” for the purpose of constructing a three story, 30 unit, residential addition to an existing commercial building with parking on grade located upon the property currently known as 155 First Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 420, Lot 26, as an unlisted action pursuant to S.E.Q.R.A.

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		

Mayor Paul A. Pereira requested a motion to leave the record open pending submission of new renderings and to close the Public Hearing at 8:40 PM.

Motioned by Trustee Janine Sartori
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		

Respectfully submitted,

Bryan L. Rivera
Village Clerk