

Minutes - Board Meeting – 01/10/2024

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, January 10, 2024 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: 5 Observers

Mayor Paul A. Pereira made a brief statement about Dolores Jose and extended condolences to her family. Mayor Pereira congratulated two Mineola High School students, Samantha Ashley Stewart and Luigi Sartori (Deputy Mayor Sartori’s son), on being named Regeneron Science Talent Search Scholar semifinalists.

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 RENA GHELICKKHANI 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 AN ACUPUNCTURE CLINIC UPON THE PROPERTY KNOWN AS 190 EAST JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 371, LOT 18.

The application was presented by Rena Ghelichkhani. No speakers from the public addressed the Board.

Resolution No. 008-24

Resolved to declare the Special Use Application of Rena Ghelichkhani 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 an acupuncture clinic upon the property known as 190 East Jericho Turnpike,

Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 371, Lot 18, 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 009-24

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

RENA GHELICHKHANI

DECISION

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 190 East Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 371, Lot 18.
-----X

NAME OF APPLICANT:	Rena Ghelichkani
SUBJECT PROPERTY:	Section 9, Block 371, Lot 18
STREET LOCATION:	190 East 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 an acupuncture clinic
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARING:	January 10, 2023
APPEARANCE:	Rena Ghelichkhani

DECISION:

Rena Ghelichkhani (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 an acupuncture clinic upon the property known as 190 East Jericho

Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 371, Lot 18) (hereinafter, the “Property”).

By Notice of Disapproval, dated November 6, 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 an acupuncture clinic 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 an acupuncture clinic upon the property known as 190 East Jericho Turnpike, Mineola, New York; and
- 2) 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) Applicant shall obtain and maintain all necessary licenses, permits and approvals from all agencies having jurisdiction with respect to the acupuncture clinic;
- 2) 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;
- 3) 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
- 4) 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 10, 2024

Motioned by Trustee Paul S. Cusato
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: None

Sunshine Observers: 2 Observers

Mayor Paul A. Pereira called the Public Hearing to order at 6:52 PM.

A Public Hearing was held at 6:52 PM at the Village Hall, 155 Washington Avenue, Mineola, New York, 11501 in order to receive public comment upon the following:

APPLICATION MICHAEL STAMBOLIS 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” TO CONVERT EXISTING GROUND FLOOR RETAIL SPACE INTO TWO (2) RESIDENTIAL APARTMENT UNITS UPON THE PROPERTY KNOWN AS 145 JERICHO TURNPIKE, MINEOLA, NEW YORK, KNOWN AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 405, LOT 102.

The application was presented by Michael Lisi and Michael Stambolis. No speakers from the public addressed the Board.

Resolution No. 010-24

Resolved to declare the Special Use Application of Michael Stambolis 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 converting existing ground floor retail space into two (2) residential apartment units upon the property known as 145 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lots 102, as a Type II action pursuant to S.E.Q.R.A.

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

Vote:

Yes

No

Abstain

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

Resolution 011-24

BOARD OF TRUSTEES
INCORPORATED VILLAGE OF MINEOLA

-----X

In the Matter of the Application of

MICHAEL STAMBOLIS

DECISION

For a Special Use Permit pursuant to Chapter 550, Section 550-15.2 of the Code of the Incorporated Village of Mineola, to convert the existing ground floor retail space into two (2) residential unit apartments upon the property located at 145 Jericho Turnpike, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 404, Lot 102.

-----X

NAME OF APPLICANT:	Michael Stambolis
SUBJECT PROPERTY:	Section 9, Block 405, Lot 102
STREET LOCATION:	145 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:	January 10, 2024
APPEARANCE:	Michael Stambolis

Michael Stambolis (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 convert the existing ground floor retail space into two (2) residential apartment units upon the property located at 145 Jericho

Turnpike, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 405, Lot 102) (hereinafter, the “Property”).

Applicant was entitled to apply for relief before the Zoning Board of Appeals for 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 January 10, 2024. 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.

The Nassau County Planning Commission has recommended that this Board take whatever action it deems appropriate.

In consideration of the Board’s approval of this project, the Applicant has offered the following public amenities:

1. Aesthetic amenities which include maintaining the aesthetic storefront appearance on the ground floor residential apartment units. This will allow the development to blend with the neighboring properties in the Jericho Turnpike Overlay District;
2. A contribution to the Village’s Parking Trust Fund in the amount of \$6,000.00; and
3. A monetary contribution to the Village in lieu of further public amenities in the amount of \$20,000.00 to be paid upon issuance of a building permit.

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 convert the existing ground floor retail space into two (2) residential apartment units upon the Property is **GRANTED**.
- 2) The offer by the Applicant, by means of mitigation, to contribute \$6,000.00 to the Village's Parking Trust Fund is **GRANTED**.
- 3) Applicant's offer to provide development incentive payments in the amount of \$20,000.00 to the Village is lieu of further public amenities is **ACCEPTED**.
- 4) 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 Twenty Thousand (\$20,000.00) 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) 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.
- 3) Applicant shall repair any damage to any Village roads caused by Applicant during the course of construction in accordance with Village requirements.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) Prior to the issuance of any Building Permit from the Incorporated Village of Mineola, Applicant shall contribute \$6,000.00 to the Village's Parking Trust Fund.
- 8) 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.
- 9) 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.

10) 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
January 10, 2024

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

Village Clerk Bryan L. Rivera polled the Board:

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 Public Hearing at 7:15 PM.

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		

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: None

Resolution No. 012-24

Resolved to approve bills and payroll.

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 No. 013-24

Resolved to accept the request received from the apparent low bidder, J. Anthony Enterprises, to withdraw their general construction bid proposal received on January 3, 2024, for the PFAS Treatment at Well #1 – Phase 1 Installation Contract. It was determined that the bidder failed to include costs associated with Support of Excavation required for the project and to accept the bid award would cause financial hardship to the contractor.

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. 014-24

Resolved to award the public bid and contract for General Construction for the PFAS Treatment at Well #1 – Phase 1 Installation Contract.

Contractor: Philip Ross Industries, Inc.
Contract Amount: \$3,200,000.00

