Minutes - Board Meeting 05/20/2015

Minutes of the meeting of the Board of Trustees of the Incorporated Village of Mineola held Wednesday, May 20, 2015 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 Cora T. Kelly Village Treasurer Giacomo Ciccone Superintendent of Public Works Thomas J. Rini
Press Observer:	*Mineola American*
Sunshine Observers:	8 Observers

Mayor Scott P. Strauss called the Work Session to order at 6:30 PM.

Resolution No. 119-15

Resolved to approve bills and payroll.

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

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. 120-15

Resolved to approve a request by the Mineola Leisure Club for the use of the Community Center auditorium on Tuesdays from 9:00 AM – 3:00 PM and a general purpose room for line dancing instructions from 11:00 AM – 12:00 PM from September 8, 2015 – June 7, 2016.

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. 121-15

Resolved to approve a request by the Mineola Leisure Club for the use of the Community Center general purpose room for a board meeting on Tuesday August 4, 2015 at 10:30 AM, and a general purpose room for new members' registration on Tuesday August 25, 2015 at 10:30 AM - 2:00 PM.

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

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. 122-15

Resolved to authorize the execution of an Intermunicipal Cooperation Agreement between the County of Nassau, New York and the Village of Mineola.

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. 123-15

Resolved to approve payments totaling $16,827.32 from the Development Incentive Bonus Funds FY2014/2015:

Vendor	Amount	Project
Dvirka & Bartilucci	$ 4,945.43	Memorial Park Project
Dvirka & Bartilucci	$ 3,593.10	Village Hall/Community Center Emergency Generator
Dvirka & Bartilucci	$ 8,288.79	Water Distribution System Hydraulic Modeling
Total	$16,827.32	

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. 124-15

Resolved to approve a request by the Mineola Fire Department for budget transfers in the amount of $1,455.18 between the following lines:

From:	(Self Cont Breathing Apparatus)	$1,455.18
	To Be Transferred	$1,455.18
To :	(Communications)	$1,227.88

To :	(Rental Equipment)	$ 227.30
	Total Transfer	$1,455.18

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 125-15

Resolved to award the 2015 Uniform Contract to the lowest responsible bidder:

Recommend awarding the contract to Eighth Street Designs

Funding Source: 2015/2016 General Fund, Water Fund and Pool Fund budgets.

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 126-15

Resolved to purchase 2 Hexagon 28 structures with Multi Rib Panel Roof from NJPA Contract No. 022113-PPC.

Vendor: Poligon
Cost: $ 32,450.00

Funding Source: Development Incentive Bonus Funds

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 127-15

Resolved to authorize an engineering proposal and engineering services contract for survey, design, detailed plans, specifications, bidding and construction inspection for the 2015 Roadway Improvements Contract:

Engineers: D & B Engineering & Architects
Estimated Cost: $ 105,000.00

Funding Source 2015/2016 General Fund Budget

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

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 128-15

Resolved to authorize a public bid for the Handicap Accessible Bathroom Building at Memorial Park:

Engineers: D & B Engineers & Architects

Motioned by Trustee Paul S. Cusato
Seconded by Trustee George R. Durham

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 129-15

Resolved to authorize a public bid for the installation of 2 Emergency Generators for the Central Garage and Department of Public Works Office Building:

Engineers: D & B Engineers & Architects

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 130-15

Resolved to authorize the renovations of the Men's Bathroom at Company #3:

WEB Construction Corp.:	$29,500.00
LCG Construction, Inc.:	$36,250.00
J & P Services, Inc.:	$42,000.00

Recommend WEB Construction Corp.

Funding Source: 2014/2015 General Fund Budget and/or Unreserved Fund Balance

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		

Superintendent of Public Works Thomas J. Rini provided an update on various projects throughout the village and announced that the Holiday Sanitation Schedule will be in effect for the observance of Memorial Day.

Mayor Scott P. Strauss gave an historical overview of the proposed Village Green application and asked Village Attorney John P. Gibbons, Jr. to read the proposed decision and then requested a motion to approve the decision as read.

Resolution No 131-15

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

MINEOLA METRO LLC

For a Special Permit pursuant to Chapter 550, Section 550-5(I) of the Code of the Incorporated Village of Mineola, to construct a 266 unit mixed-use residential and commercial rental building upon the property located at 199 Second Street, Mineola, New York, known and designated on the Nassau County Land and Tax Map as Section 9, Block 423, Lots 4-10 and 318.
----------X

DECISION

NAME OF APPLICANT:	Mineola Metro LLC
SUBJECT PROPERTY:	Section 9, Block 423, Lots 4-10 and 318
STREET LOCATION:	South side of Second Street and the east side of Mineola Boulevard, Mineola, New York
ZONING DISTRICT:	Special Business "B-2" District
RELIEF REQUESTED:	Application For a Special Permit pursuant to Chapter 550, Section 550-5(I)
PUBLICATION & POSTING:	All in accordance with applicable laws, rules and regulations.
DATE OF HEARINGS:	November 12, 2014; January 14, 2015; February 11, 2015; and March 11, 2015.
APPEARANCES:	Kevin M. Walsh, Esq., Applicant's Attorney. IN SUPPORT: Frank Lalezarian and Kevin Lalezarian, Principals; Stephen Jacobs and Gavri Slasky, Architects; Ginny Watral, Gail Pesner and Patrick Lenihan, VHB Engineering; Steven Dubner, Landscape Architect.

Mineola Metro LLC (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 permit to construct an eight-story mixed-use residential and commercial rental building

containing 266 residential units and 14,454 square feet of retail and restaurant space upon the real property located at 199 Second Street, bounded on the west by Mineola Boulevard and on the north by Second Street, Mineola, New York (known and designated on the Nassau County Land and Tax Map as Section 9, Block 423, Lots 4-10 and 318) hereinafter, (the "Property").

Applicant seeks relaxation of the Village's Zoning regulations with respect to use, building height, front yard setback, side yard setback, lot coverage percentage, minimum unit size, parking, loading zones, and restaurant use. Applicant was entitled to seek relief before the Zoning Board of Appeals for area and use 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 12, 2014; January 14, 2015; February 11, 2015; and March 11, 2015. 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, Garden City Planning Commission, Long Island Rail Road, Winthrop University Hospital) determined that the Application was a Type I action. An expanded Environmental Assessment Form was prepared by the Applicant. The expanded Environmental Assessment Form contained the following: site and surrounding area photographs; correspondence from the Superintendent of the Village's Building Department; excerpts from the Village of Mineola Comprehensive Master Plan; demographic analysis; traffic impact study; rendering of elevations; massing model; and shadow study. Based upon a request by this Board, an Addendum to the Expanded Environmental Assessment was prepared by the Applicant. This Board ordered an independent traffic engineering analysis as well as an independent planning analysis examining residential density capacity in the Village's Downtown. This Board also determined that traffic mitigation for this project required the elimination of eight (8) on-street metered parking spaces on adjacent roads. The Board of Trustees, after careful review of all relevant documents and testimony, issued a Negative Declaration under SEQRA and also issued a Findings Statement. 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 decision of May 7, 2015 recommended that the Village Board of Trustees take whatever action it deemed appropriate.

Thus, now before this Board is a proposal to construct a residential mixed-use and commercial rental apartment building containing 239 market rental units and 27 next-generation, workforce, first responder units.

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

1. Use;
2. Building height;
3. Building setbacks;
4. Lot coverage percentage;
5. Minimum unit size;
6. Parking;
7. Loading zones; and
8. Restaurant use.

Applicant also seeks site plan approval for the revised site layout of the mixed-use building and architectural approval for the building design.

In consideration of the Board's approval of this special permit, the Applicant has offered the following public amenities:

1. Substantial streetscape improvements creating pedestrian connectivity to the Village's downtown by the installation of pavers, lighting and other street furnishings along the south side of Second Street from Mineola Boulevard to the existing completed Village streetscape on the south side of Second Street; on the north side of Station Plaza Road between Mineola Boulevard and Main Street; on the west side of the property along the existing path running from Station Plaza Road to Second Street.
2. The construction of the Village Green which will be located on the property within the wings of the proposed building. The Village Green will be stone and landscaped. The Village Green will include a plaza with outside seating, extensive landscaping and a holiday "event" area, including a fountain. The Village Green

will be open to the public. The Village Green will be maintained by the Mineola Metro LLC, with the obligation for maintenance to run with the land.

3. 27 units of affordable housing units distributed randomly throughout the building with interior finishes to match market units.

4. PILOT payments over a 20-year period for real estate taxes to be set up by the Nassau County Industrial Development Agency.

5. A Host Community Benefit Agreement to be executed to include a schedule of payments negotiated with the Board of Trustees to further compensate the Village for hosting this project.

6. A monetary contribution to the Village in lieu of further public amenities in the amount of $2,000,000.00 to be disbursed in the following manner:

   a. $1,000,000.00 on September 1, 2016 or if a building permit is issued prior to that date, upon issuance of the building permit; and

   b. $1,000,000.00 on September 1, 2017; if a Certificate of Occupancy is issued prior to that date, upon issuance of a Certificate of Occupancy.

7. A monetary payment to the Village as compensation for the elimination of eight (8) on-street metered parking spaces in the amount of $175,000.00.

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 location of the project provides convenient pedestrian access to downtown Mineola. It provides pedestrian accessibility to Mineola's Intermodal Transportation Center; the proximity of the project to rail services would likely appeal to persons employed in Manhattan and other areas served by the LIRR and is walkable to major employers in Mineola and Garden City such as the County Government Center, Winthrop University Hospital and the financial institutions along

Franklin Avenue; the project will bring new purchasing power to businesses in Mineola; the project could serve as a model for downtown revitalization and as an impetus to revitalize underutilized properties in Mineola's Central Business District; the project could serve as a cornerstone for pedestrian connectivity and pedestrian improvements in Mineola's downtown area.

The recommendations in the Comprehensive Master Plan seek to realize the Village's full potential, and the proposed mixed-use 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 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 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 (particularly compared to traffic which would be generated by as-of-right uses).

IT IS THEREFORE RESOLVED, as follows:

1) The Application for a Special Permit to construct and maintain a mixed-use rental apartment and commercial building containing 239 market rental units and 27 next-generation, workforce, first responder units along with 14,454 square feet of retail space at the Property is **GRANTED**.

2) No specific approval is given at this time with respect to that portion of the retail space proposed for restaurant use. The Village does not approve restaurant use in a generic manner. A proposed restaurant operator would be required to make a separate application for a special permit.

3) The request to provide 457 on-site parking spaces, some in a tandem format, is **GRANTED.**

4) The request that the Village accept a 20-year PILOT Agreement between the Nassau County Industrial Development Agency and the Applicant with respect to the proposed Project is **GRANTED.**

5) The offer made by the Applicant to provide a Host Community Benefit Agreement to the Village is **ACCEPTED.**

6) The offer made by the Applicant to provide development incentive payments in the amount of Two Million ($2,000,000.00) Dollars to the Village in lieu of further public amenities is **ACCEPTED.**

7) The offer made by Applicant to provide the sum of $175,000.00 as compensation for the elimination of eight (8) on-street metered parking spaces is **ACCEPTED**.

8) The offer made by Applicant to construct a Village Green at the Property is **ACCEPTED.** Applicant shall execute and deliver to the Village a recordable covenant to run with the land setting forth the rights of the public to utilize the Village Green and the obligations of the Applicant and its successors to maintain the Village Green.

9) The offer made by Applicant to provide substantial streetscape improvements creating pedestrian connectivity to the Village's downtown by the installation of pavers, lighting and other street furnishings is **ACCEPTED**.

10) Final site plan approval for the Project is hereby **GRANTED**.

11) 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 as and for the development bonuses awarded herein the sum of Two Million ($2,000,000.00) Dollars as follows:

   a) $1,000,000.00 on September 1, 2016 or if a building permit is issued prior to that date, upon issuance of the building permit; and

   b) $1,000,000.00 on September 1, 2017; if a Certificate of Occupancy is issued prior to that date, upon issuance of a Certificate of Occupancy.

2) The payment by Applicant as compensation for the elimination of eight (8) on-street metered parking spaces in the sum of $175,000.00 due upon the issuance of a Certificate of Occupancy.

3) The failure of the Applicant to make any of the listed payments on the date due shall result

in an automatic acceleration of all other outstanding payments. 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.

4) The provision of 27 units of next-generation, workforce, first responder housing of a quality equal to that of the market rate units.

5) Streetscape improvements around the perimeter of the block on which the Property is located.

6) The execution and delivery of a Host Community Benefit Agreement.

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 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
May 20, 2015

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

Village Clerk Joseph R. Scalero polled the Board

Vote:

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

Mayor Scott R. Strauss requested a motion to close the Work Session at 7:50 PM

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		

Mayor Scott P. Strauss called the Public Meeting to order at 7:50 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 Cora T. Kelly
Superintendent of Public Works Thomas J. Rini

Press Observer: *Mineola American*
Williston Times

Sunshine Observers: 8 Observers

Mayor Scott P. Strauss presented Superintendent of Public Works Thomas J. Rini a proclamation recognizing the Department of Public Works staff on a job well done during National Public Works Week. Mayor Strauss reported on his attendance at the Good Deeds Awards hosted by Rabbi Perl; the Bocce Club at Wilson Park and the Mineola High School Service Center Awards. Mayor Strauss congratulated the Leisure Club on celebrating its 40th Anniversary; reminded residents of the Memorial Day Parade Monday May 25 starting at 11:00 AM and the Portugal Day Parade May 31.

Trustee Paul A. Pereira commented on the Memorial Day Parade, the Mineola firefighter memorial service and on the Portugal Day Parade.

Trustee Paul S. Cusato announced that Mineola High School Principal Ed Escobar is moving to an administrative position within the school district and wished him good luck and reminded residents that the "Fire for Life" program has begun and to watch for it in the mail.

Trustee George R. Durham encouraged residents attending the Memorial Day Parade to note all of the new improvements being made to Mineola Memorial Park; announced that Boy Scouts of America Troop 45 will hold its Eagle Court of Honor Friday May 29 honoring four new Eagle Scouts, George Becker, Leonard Mara, Steven Martone and Theodore Bishop. Trustee Durham announced that Troop 45 is now selling tickets to its Father's Day Pancake Breakfast, encouraging residents to support this event, and stated the Mineola Athletic Association's Family Fun Day will be held on Saturday May 30.

Trustee Dennis Walsh commented on the Memorial Day Parade and on the Mineola Fire Department Inspection Ceremony; announced that the Mineola Historical Society is having a guest speaker on Theodore Roosevelt on Tuesday May 26; and congratulated the newly elected Mineola School Board of Trustees.

1 Speaker addressed the Board

Mayor Scott P. Strauss requested a motion to close the Public Meeting at 8:15 PM.

Motioned by Trustee Dennis J. Walsh
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		