

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
March 22, 2016
8:22 p.m.

HEARING P-3-16

To consider the application of Joan III, LLC and Joe III, LLC, fee owners, and BSL NY Development LLC, contract vendee, for a special use permit to permit the development of a two-story assisted living facility and site plan approval in a Neighborhood Business Zone on premises located at 900 Woodbury Road, Woodbury, NY. (M.D. 2/9/16 #15).

P R E S E N T:

- SUPERVISOR JOHN VENDITTO
- COUNCILMAN JOSEPH D. MUSCARELLA
- COUNCILMAN ANTHONY D. MACAGNONE
- COUNCILMAN CHRIS COSCHIGNANO
- COUNCILMAN JOSEPH G. PINTO
- COUNCILWOMAN REBECCA M. ALESIA
- COUNCILWOMAN MICHELE M. JOHNSON

(Appearances continued on following page.)

I certify this is a true and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary



JULIA GIANNAKOPOULOS
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
RONALD SCAGLIA, ASSISTANT TO THE SUPERVISOR,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT, PUBLIC
INFORMATION
BARRY BREE, DEPUTY COMMISSIONER, PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER OF
THE DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT
FRANK GATTO, ASSISTANT TO THE COMMISSIONER,
DEPARTMENT OF GENERAL SERVICES

1 (Whereupon, the following proceedings
2 were reported by Stenographer Yvonne Angeles:)

3 SUPERVISOR VENDITTO: Ladies and
4 gentlemen, if everyone will find seats, we will
5 continue and we will continue by asking our Town
6 Clerk, Mr. Altadonna, to kindly poll the Board.

7 MR. ALTADONNA: Supervisor Venditto?

8 SUPERVISOR VENDITTO: I am here.

9 MR. ALTADONNA: Councilman Muscarella?

10 COUNCILMAN MUSCARELLA: Here.

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: Here.

13 MR. ALTADONNA: Councilman Coschignano?

14 COUNCILMAN COSCHIGNANO: Here.

15 MR. ALTADONNA: Councilman Pinto?

16 COUNCILMAN PINTO: Here.

17 MR. ALTADONNA: Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: Here.

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: Here.

21 SUPERVISOR VENDITTO: Ladies and

22 gentlemen, if everyone will please rise and join in
23 Pledge of Allegiance to our flag led by Councilman
24 Joe Pinto.

25 (Pledge of Allegiance recited.)

1 SUPERVISOR VENDITTO: Mr. Altadonna, if
2 you would call the first hearing.

3 MR. ALTADONNA: Hearing P-3-16, to
4 consider the application of Joan III, LLC and Joe
5 III, LLC, fee owners and BSL NY Development LLC,
6 contract vendee for a special use permit to permit
7 the development of a two-story assisted living
8 facility ad site plan approval in a Neighborhood
9 Business Zone on premises located at 900 Woodbury
10 Road, Woodbury, NY.

11 SUPERVISOR VENDITTO: Counselor?

12 MS. SIMONCIC: Good evening,
13 Mr. Supervisor and Members of the Board.

14 My name is Judy Simoncic with the firm
15 of Forchelli, Curto, offices at 333 Earl Ovington
16 Boulevard in Uniondale. I'm appearing this evening
17 on behalf of the applicants, Joan III, LLC, Joe
18 III, LLC, the owner of the premises and BSL NY
19 Development, contract vendee.

20 With me this evening is Cathy Hooker,
21 Regional Director of Operations of Benchmark Senior
22 Living, Director; Ken Littlefield, Director of
23 Development for Benchmark Senior Living; Chris
24 Robinson with RMS Engineering. He is the engineer
25 and the gentleman who prepared the plans before the

1 Board this evening. Wayne Muller with RMS
2 Engineering, our traffic engineer; John Breslin
3 with Breslin Appraisals, real estate appraiser;
4 Steve Ruiz from Mosley Architects. He is the
5 architect that prepared the plans that are before
6 the Board this evening; and finally, Stephanie
7 Davis, Senior Project Manager of FPM Environmental
8 Consulting Group.

9 SUPERVISOR VENDITTO: Welcome.

10 MS. SIMONCIC: First, I just want to
11 briefly address how they changed the time of the
12 hearing.

13 As the Board knows, the original
14 hearing was scheduled for 10:00 a.m. and at the
15 request of some neighbors, it was moved to
16 8:00 p.m. and because we had we had already sent
17 out the notices for the 10:00 a.m. meeting, we were
18 instructed by the Town Attorney's office to resend
19 certified mailing to everyone within 300 feet of
20 the property, which we did.

21 We also did send notice by regular mail
22 as well because we wanted to ensure people got
23 notified. And finally, we did change the time on
24 the posters that were on Woodbury Road and Lark
25 Road. We had subsequently submitted an Affidavit

1 of Mailing for the second mailing and second
2 posting.

3 I would like to submit to the Board
4 some green cards that we received in the interim
5 (handing).

6 SUPERVISOR VENDITTO: Return receipts?

7 MS. SIMONCIC: Correct.

8 So between the Town posting on the
9 website with the new time and the efforts that we
10 made -- we believe we gone above and beyond.

11 We did also have somebody here this
12 morning at Town Hall. Nobody showed up for our
13 meeting. We wanted to be certain if somebody came,
14 we can answer any questions; also, advise them that
15 there were postings that the hearing was changed to
16 8:00 p.m., so we really covered all our bases.

17 SUPERVISOR VENDITTO: Well done.

18 MS. SIMONCIC: Turning to the
19 application, the premises that is the subject of
20 this application before you this evening is known
21 as 900 Woodbury Road in Woodbury. It's designated
22 as Section 12, Block 527, Lot 24 on the Nassau
23 County Land and Tax Map. It has a total lot area
24 of 3.76 acres. It's zoned Neighborhood Business.

25 It's presently improved with a

1 one-story building that's been historically used
2 for retail uses and it also has a two-and-half
3 story single-family dwelling which is actually a
4 nonconforming dwelling. It's been on the property
5 since about 1938. Residential use is not permitted
6 in the zone and it's illegally nonconforming use on
7 the property. It also has a two-story accessory
8 structure and a one-story frame garage. The
9 premises has frontage of 371.26 feet on Woodbury
10 Road and frontage of 15.29 feet on Lark Drive.

11 In terms of the surrounding area,
12 before you, on the board to the right, is an aerial
13 photo. It's really an isolated pocket in Woodbury
14 that's surrounded by single-family dwellings, but
15 if you look to the north, it's bounded by the north
16 by the LIE overpass; to the west, you have the
17 Seaford-Oyster Bay Expressway; to the south, you
18 have the Northern State Parkway, and then to
19 southeast, Manetto Hill Road. So we are bounded on
20 four sides by very major arterial roadways.

21 With respect to the application itself,
22 we are here tonight seeking a special use permit
23 and site plan approval pursuant to Oyster Bay
24 Codes, Section 246-5.2, to permit the property to
25 be developed with a two-story, 73,955 square foot

1 building to be used as an assisted living facility.

2 This building is proposed to
3 accommodate 91 units with a maximum of 105 beds.

4 The proposed assisted facility will be
5 owned and operated, as I indicated before, by
6 Benchmark Senior Living.

7 At this point, I'd like to introduce
8 Cathy Hooker who is the Regional Director of
9 Operations with Benchmark to talk about Benchmark
10 and describe the amenities and services that will
11 be provided in this particular community.

12 SUPERVISOR VENDITTO: Welcome, Cathy.

13 MS. HOOKER: Thank you. Good evening.

14 As Judy said, I'm Cathy Hooker, the
15 Regional Director of Operations for ten of the
16 facilities in Connecticut hoping to come to
17 New York.

18 Benchmark Senior Living is a leading
19 provider in senior living services. It has been in
20 business for eighteen years. Benchmark currently
21 owns and operates 51 assisted living facilities
22 throughout the Northeast, in Connecticut, Maine,
23 New Hampshire, Pennsylvania, Massachusetts and
24 Vermont.

25 Benchmark has been the recipient of

1 numerous national awards for its innovative and
2 effective senior living programs. While Benchmark
3 does provide a variety of levels of care within its
4 communities, this proposed facility will have two
5 levels of care; one level is traditional assisted
6 living, providing assistance with basic activities
7 of daily living such as bathing, dressing,
8 transportation, activities, medication program,
9 social activities, cultural and educational
10 activities, beauty spa within inside the community
11 and taking our residents out. We will have an
12 assisted living enhanced resident licensed.

13 The second level of care will be for
14 our memory-care residents who have dementia and
15 Alzheimer's. Special needs assisted living
16 residence license will be for that.

17 Benchmark Senior Living is there to
18 make sure -- it's designed to ensure a happier,
19 healthier life for all our residents. We care for
20 residents with very little -- very little
21 assistance needed for activities of their daily
22 living for those with memory impairment and very
23 high needs. Benchmark allows has a variable
24 staffing model. It varies according to our
25 residents' needs as opposed to a fixed staffing

1 model. Each resident is assessed prior to moving
2 in by a registered nurse. The assessment provides
3 the information needed to ensure the community is
4 prepared to provide the proper individual care
5 needed.

6 An assessment is completed every 120
7 days with a family meeting to follow.

8 Communication between the community and the family
9 is of utmost importance to the well being of
10 everyone.

11 Our Live Now, Live Well program is
12 designed to offer fitness, social, spiritual and
13 cultural opportunities for our assisted living
14 residents. Our Live Now, Live Engage program is
15 designed to offer similar opportunities for our
16 memory impaired residents.

17 This an award-winning program led by a
18 certified dementia specialist. Benchmark teaches
19 our residents how to share moments, memories and
20 milestones online to our Benchmark connections
21 coordinator. Many of our residents have a Facebook
22 page and can Skype with their family and friends.

23 We have an arthritis exercise in-house,
24 PT from an outside provider in-house doctors,
25 podiatrists and dentists.

1 Benchmark is proud of our award-winning
2 dining program. Dining, which is one of the most
3 important parts of our residents' day. Chef
4 demonstrations, special holiday events, private
5 dining room for friends and family to spend time
6 together. Sensory dining for our memory impaired
7 residents. Special dietary needs are part of the
8 assessment and shared with the dining staff to make
9 sure dietary restraints are met.

10 We followed the leadership model in our
11 communities which means we have seven-day a week
12 management presence in the community. Benchmark
13 supports our associates through continued education
14 from our own Benchmark University. Our company
15 funds associates in need -- run and funded by
16 associates and raises funds for any associates that
17 need.

18 Surveys are sent to all of our
19 associates ensuring that we as a company are
20 meeting their needs to perform their role.
21 Benchmark also has their own internal audit tool
22 that is used throughout the year which models and
23 exceeds the State's survey. This tool is used to
24 ensure that all departments are meeting the
25 standards and requirements set by Benchmark in the

1 state in which they operate. This ensures the
2 highest quality of our services to our residents.

3 There's an annual customer survey as
4 well which is sent to all residents and their
5 responsible parties. Benchmark is making a
6 difference in other states and our residents have a
7 very wonderful life.

8 Thank you.

9 MS. SIMONCIC: Before I introduce Chris
10 Robinson to talk about the site plan, I want to
11 talk about the process and what this application
12 went through prior to being scheduled for this
13 public hearing.

14 First, we did undergo extensive site
15 plan review with the Department of Planning and
16 Development and its consultants reviewed the
17 application. They issued comments. We responded
18 to those comments and that took place for many
19 months of review and tweaking the plan and making
20 it the best plan it can be and acceptable to the
21 Department of Planning and Development.

22 Additionally, with respect to the
23 environmental review, we did undergo a full
24 assessment by the Town's consultants, Cashin,
25 Spinelli & Ferretti and that review occurred over

1 several months and there are numerous comment
2 letters that the applicant was required to address.

3 And ultimately, we did address all
4 their comments to their satisfaction and the
5 environmental review resulted in the culmination of
6 an extensive memorandum issued by Cashin's office
7 dated October 8, 2015. That memorandum addressed a
8 number of environmental factors that were
9 considered during review.

10 And of particular note on this
11 application, is the Town's consultant's finding
12 with respect to the character of the surrounding
13 community and the proposed facility. The Town's
14 consultant found that -- and I'm quoting from the
15 memo -- the proposed assisted living facility
16 generally is a more compatible use with respect to
17 surrounding single-family neighborhood and certain
18 other uses; for example, office, retail stores,
19 fast food restaurant in multiple-use building, a
20 veterinarian office and a motor vehicle dealership.

21 As I indicated at the beginning of my
22 presentation, John Breslin, our real estate expert,
23 is here to testify and you will hear more about the
24 character of the neighborhood and how this truly
25 fits best with this neighborhood.

1 At this point, I would like to
2 introduce the applicant's engineer, Chris Robinson,
3 to talk about the site plan and discuss the overall
4 proposal.

5 SUPERVISOR VENDITTO: All right.

6 Welcome, Chris.

7 MR. ROBINSON: Good evening.

8 Chris Robinson, RMS Engineering,
9 355 New York Avenue, Huntington, New York. I'm
10 here on behalf of BSL NY Development LLC.

11 As Ms. Simoncic explained, the 3.76
12 acre parcel located on the southerly side of
13 Woodbury Road between Lark Drive, Wren Drive and
14 the Seaford Oyster Bay Expressway.

15 The proposal is for a two-story,
16 91-unit, 105-bed assisted facility. The
17 development as proposed is designed completely to
18 comply with the NB, Neighborhood Business District.
19 No variances are being sought at all. The special
20 item would be the special permit required for the
21 assisted living facility.

22 I have hand-ups for each of the Board
23 that we have up here (handing). The building is
24 designed in a residential style. It's a two-story
25 building. It will be 29'6" high with 11 and a half

1 feet to the first floor, 11 to the second floor.
2 Then, there's a sloped roof that goes up another
3 7 feet to the ridge. From the street, it will
4 appear as a typical peaked-sloped shingled roof.
5 In actuality, that will go up and it will cover a
6 7-foot drop down to the flat roof. All the
7 mechanical equipment will be hidden and screened,
8 both acoustically and visually behind that. You
9 can see the picture of the sloped roof, all the
10 mechanical equipment will be hidden behind that;
11 very similar to the Sunrise Assisted Living
12 building that was built in the Town of Oyster Bay
13 several years ago on Old Country Road, where the
14 look from the street as a peaked roof and the
15 mechanical equipment is hidden behind that roof.

16 There's a copy of the rendering here on
17 the wall facing the audience. We also have some
18 reduced copies that's been just handed up.

19 Also, I have with me tonight, Steve
20 Ruiz from Mosley Architects, if there are any
21 specific questions regarding the architectural
22 style or the amenities that are provided.

23 The building is set back 91.1 feet from
24 Woodbury Road, 49.8 feet from Lark Drive. It's
25 35.7 feet from the westerly property line at the

1 closest point and the 83.4 feet from the easterly
2 property line. The building will cover
3 approximately 24 percent of the property and
4 permeable surfaces such as pavements, walkways will
5 cover another 22 percent. The remaining 53.3
6 percent will be a mixture of landscaping and
7 natural areas. That equates to approximately
8 2 acres out of the 3.76 acres will remain green
9 with landscaping as, well augmented landscaping.

10 Benchmark prides itself on beautiful
11 landscape grounds. In addition to existing trees,
12 Benchmark will be planting over 200 trees and over
13 800 shrubs and plants.

14 The plan indicates two gardens; one is
15 an internal garden in a courtyard which is a memory
16 care garden which is a secured facility so the
17 memory care residents can have an outdoor
18 experience inside. The exterior garden which is on
19 the west side of the building is shown with the
20 round patio and walkways so the residents can enjoy
21 benches, be outside and enjoy the beautiful
22 landscaped gardens as they walk the property.

23 The site is currently fenced with a
24 six-foot high white solid vinyl fence along most of
25 the east of the property line. The balance of the

1 site right now has a chain-link fence with green
2 privacy slats. We are going to replace that fence
3 with a new six-foot vinyl fence to match the one
4 that's on the east side now which will run around
5 the entire property.

6 There are significant landscape buffers
7 on the property, 17 feet on the easterly property
8 line to the curb line which will be planted with a
9 staggered row of evergreens. Plus, there's
10 additional landscaping between 20 and 50 feet on
11 the other side of the parking to the building.

12 On the front side of Woodbury Road, you
13 have 22 feet to the nearest parking stall and the
14 landscaping ranges from 91 to 140 feet back from
15 the street.

16 The building, as you can see, is kind
17 of an articulated facade, so it provides for layers
18 of landscaping. There's not a long straight line
19 that faces any line, so it has more of a
20 residential feel as you see it from the surrounding
21 with staggered layers of landscaping.

22 The refuse enclosure is located on the
23 east site about 65 feet from each property line.
24 We provide two loading spaces as required by Town
25 code. They're really just parking space for

1 delivery trucks. They're about 85 feet from the
2 east property line. With respect to the delivery
3 trucks, it's primarily food service for the food
4 service for the residents. They get one to two
5 deliveries per week. It's a small box truck.

6 The NB district permits a lot coverage
7 of 60 percent. The proposal here is 24 percent,
8 less than half than what's allowable. As a matter
9 of fact, the gross building area is a little over
10 73,000 feet. It's much less that you can actually
11 cover for the property -- one-story shopping center
12 or office building.

13 The development is going to provide
14 95 parking stalls, 65 will be paved, 30 we're
15 indicating as land bank parking pursuant to Section
16 246-7.5.5 of the Town code. The land bank parking
17 is located on the southeast corner where the
18 natural wooded area will remain. It meets 100
19 percent with the dimensional criteria with the
20 Town. This would be built if the Town felt it was
21 necessary, but certainly, we feel that the
22 Benchmark facility does not need that extra amount
23 of parking.

24 SUPERVISOR VENDITTO: You said 91 beds?

25 MR. ROBINSON: Parking spaces.

1 SUPERVISOR VENDITTO: No, beds.

2 MR. ROBINSON: It's 91 units up to 105
3 beds. There are some companion units, some double
4 units and single studio units.

5 The lighting on the property is going
6 to be very residential style. We have 44-inch high
7 bollard lights that go around the walkways around
8 the property. The lighting for the park areas
9 themselves are only ten-foot high poles, very
10 similar to the driveway light you have in your
11 house. It's all low intensity LED lighting, fully
12 dark-sky compliant providing a very low level of
13 lighting.

14 We prepared a photometric plan that was
15 reviewed by Cashin & Spinelli and the Town. We
16 have copies of it if anybody has any questions
17 regarding the photometric, but there's zero spill
18 that would leave the property. It's all
19 self-contained. All the lighting will be turned
20 off by 11:00 p.m. on any given night. Although,
21 there will be some decorative lighting throughout
22 the building, low voltage and exit lighting before
23 the doorway.

24 The existing -- the property as it is
25 today, as Ms. Simoncic explained, has a small

1 retail building in the front. That building today
2 is 12.3 feet off the west property line, 19.8 feet
3 off Woodbury Road as compared to the building --
4 the new building will be at its closest point on
5 the west, 35.7 feet and over 91 feet from Woodbury
6 Road. So we are going to pull the buildings away
7 from the property, landscape around the perimeter.
8 It will be a nice setup.

9 Also included with some of the reduced
10 copies that we handed up are two as-of-right plans.
11 As part of looking at zoning here, the NB zone,
12 Neighborhood Business District, we looked at what
13 other uses could be permitted on this property
14 without any relief and without the special permits
15 from the Board for some requirements like site plan
16 approval and a building, we prepared two plans; AR1
17 is a -- shows a typical one-story, multi-use office
18 building with an internal bank with a drive-thru,
19 internal restaurant, less than 75 seats. That
20 plan, in a very conservative -- played out to
21 global 46,000 feet, 100 percent required -- meet
22 parking requirements, buffers and landscaping.

23 The second plan we put together, AR2,
24 which you have in front of you, indicates the
25 potential for a small community shopping center,

1 typical retail stores, about 48,000 feet, a bank
2 with a drive-thru, some inline restaurants and a
3 small second floor office, we call it. Very
4 typical that you see around the town that could
5 also be built on this property, completely
6 as-of-right, only needs site plan review from the
7 Building Department.

8 I would be happy to go through anything
9 else the Board may have, any questions, drainage,
10 any other items. I will be available for any
11 questions that the community may have.

12 SUPERVISOR VENDITTO: Okay. Standby.

13 MS. SIMONCIC: I just want to make one
14 other note regarding the development.

15 I had spoken with a couple of the
16 neighbors and this was a question and concern,
17 whether there was any kind of access to Lark Drive.
18 There is absolutely no access to Lark Drive on this
19 development and all the accesses are from Woodbury
20 Road.

21 Currently, the site has two access
22 points on Woodbury Road and we're consolidating
23 that and making it one. So I just wanted to make
24 that point.

25 If the Board has no questions of me or

1 Mr. Robinson, I'd like to introduce Wayne Muller,
2 our traffic engineer with RMS Engineering. Wayne
3 has testified before this Board on numerous
4 occasions and I would ask the Board to recognize
5 him as an expert in his field.

6 SUPERVISOR VENDITTO: We may or may not
7 disagree with him, but we recognize his competency
8 to testify.

9 Good to see you, Wayne.

10 MR. MULLER: Good to see you, too.

11 Good evening, Mr. Supervisor, Members
12 of Board.

13 My name is Wayne Muller. I'm with the
14 firm of RMS Engineering. Our offices are at
15 355 New York Avenue, Huntington, New York.

16 As previously indicated by Mr. Robinson
17 and Ms. Simoncic, we are proposing to construct a
18 91-unit, 105-five bed assisted living facility on
19 the subject parcel.

20 The property is located on the aerial
21 photograph to my right, the Board's left -- for the
22 purposes of our analysis, a site plan and our
23 reports, we have used Woodbury Road to be in an
24 east/west orientation. It kind of runs on an
25 angle. But this is supposed to depict east/west,

1 even though everyone contradicts that it's
2 north/south.

3 In this area, it runs east/west as
4 depicted in the plans, as indicated in the reports
5 that we prepared that we submitted as part of the
6 record. The property is located on the south side
7 of Woodbury Road.

8 As indicated on the plans prepared by
9 my office, the subject property or the project
10 requires 95 parking spaces and 95 parking spaces
11 are provided on the site, 30 of which we are land
12 banking; meaning, we don't believe or the applicant
13 doesn't believe -- we don't believe, based on other
14 studies that we've done at similar assisted living
15 facilities, that being Sunrise and the Bristol,
16 that all 95 parking spaces are not required for the
17 utilization that we would anticipate; however, in
18 the event that the needs arise and the Town
19 determines, you have to build the 30 spots, we have
20 that option and we would be fully code compliant.

21 Mr. Robinson is indicating, as shown on
22 the site plan, two loading spaces are required and
23 two loading spaces are provided. Therefore, the
24 quantity of parking and the loading on the property
25 that's configured on the site plan satisfies the

1 Town code requirements. We are not seeking a
2 variance for those provisions.

3 As shown on the plan, we are proposing
4 one single-access driveway to the property
5 essentially located in the middle of the property
6 along Woodbury Road. It will be configured for all
7 entering and exiting movements. You can make a
8 left in, a right in, a left out, right out.
9 Woodbury Road, along the project frontage, two
10 lanes in each direction, that would be the east and
11 west direction with a center left-turn lane to
12 assist vehicles to enter the project. One of the
13 requirements the Town's consultant raised was what
14 would be site distance; meaning, how would cars be
15 able to see when they're exiting the driveway
16 looking east and west on Woodbury Road. The site
17 distance at the subject driveway far exceeds any
18 recommended standards. Woodbury Road is straight
19 and level. You can see through Terrehans Lane to
20 the south and all the way past the expressway to
21 the north.

22 As Ms. Simoncic indicated and as shown
23 on the site plans, there will be no access from
24 Lark Drive to the property. All accesses will be
25 from Woodbury Road. We are pretty confident that

1 even if we did propose a driveway to Lark Drive,
2 there would be no way that the Town would approve
3 such a driveway. Again, Woodbury Road is where the
4 driveway should be and that's the way we designed
5 it.

6 We prepared a detailed traffic analysis
7 of the development of the subject property that we
8 are discussing here tonight in accordance with
9 recognized standards and procedures. The
10 methodology employed and the results of the
11 analysis are summarized in our August 2015 report
12 which was previously submitted as part of the
13 record. A review of the analysis that's contained
14 in our report is presented in the Cashin,
15 Spinelli & Ferretti October 8, 2015 Memorandum to
16 the Chief of Commission.

17 The traffic analysis that we prepared
18 specifically analyzed the peak traffic conditions
19 at the two most impacted intersections along
20 Woodbury Road; that being Lark Drive to the south
21 and Wren Drive to the north, as well as the
22 proposed site driveway under the building
23 condition.

24 Traffic volume and turning movement
25 counts were obtained at those locations in March of

1 2015 during the peak hours of traffic; that being
2 the morning commuter peak hour, the afternoon
3 weekday -- excuse me, the p.m. commuter peak hour
4 and the Saturday midday peak hour.

5 Those would be the time periods in
6 which Woodbury Road and those intersections would
7 experience their highest volumes.

8 The weekday data was collected on
9 Thursday, March 19, 2015 and the Saturday day was
10 collected on March 21, 2015. The traffic volumes
11 were then synthesized to create peak conditions and
12 what we did is, we analyzed the existing level of
13 service in the way these intersections operate
14 under 2015 conditions throughout the property.

15 We analyzed two future traffic
16 conditions. The first being the no-build
17 condition. That means future traffic conditions
18 without traffic generated by the subject
19 development. The second scenario would be the
20 build condition that in which the traffic generated
21 by the project would be superimposed onto the no
22 build condition.

23 In order to obtain a no-build
24 condition, we expanded the existing volumes that we
25 obtained utilizing a growth factor that we obtained

1 from the New York State Department of
2 Transportation for two years. That would represent
3 the no-build traffic condition assuming traffic
4 growth within the study area.

5 In order to estimate the quantity of
6 traffic that would be generated by the proposed
7 Benchmark facility, we consulted two sources; the
8 first being the Institute of Transportation
9 Engineers Trip Generation. I believe the Board is
10 familiar with that. That document has been
11 discussed here many times in the past; although, I
12 haven't discussed it.

13 The second being data that we obtained
14 from Benchmark themselves at four existing assisted
15 living facilities in Connecticut. The first one
16 being Brookfield Commons which is located in
17 Brookfield, Connecticut. The second is the Village
18 at South Farms in Middletown, Connecticut. The
19 third being Carriage Green in Milford Connecticut
20 and the fourth being Coachman Square at Woodbridge
21 in Woodbridge, Connecticut.

22 What we found is that utilizing that
23 data and adjusting it, at least, on the square
24 footage of the building because, obviously, that
25 has some bearing on it, that the Institute of

1 Transportation Engineers Traffic Generation data
2 was higher than what they had observed in
3 Connecticut. Therefore, we used the highest
4 standard for the analysis that we presented here
5 tonight. We then superimposed the traffic
6 generated by the proposed assisted living facility
7 onto the roadway network and then analyzed the
8 no-build and build conditions using the appropriate
9 modeling software. And what we found is that there
10 would be no significant change to the operation of
11 the roadway network upon the introduction of the
12 traffic generated by the assisted living.

13 In addition, we found that the driveway
14 would operate at acceptable levels of service;
15 meaning, we do not anticipate that there will
16 significant delays for vehicles exiting the
17 property or entering the property.

18 COUNCILWOMAN ALESIA: Just out of
19 curiosity, when you compute the number for the
20 proposed development, is that also amplified in two
21 years -- with the amplification for two years'
22 worth of traffic, the same that you do it when
23 there's a no-build?

24 MR. MULLER: The traffic generated by
25 the proposal would be static because there are only

1 so many units and so many beds and it's based on a
2 per bed ratio, so it's static. It would be,
3 like -- they're not going to add any more beds. We
4 know how many beds there were at the other
5 facilities. We know IT rates are computed on a per
6 bed basis, so it's per beds.

7 SUPERVISOR VENDITTO: When you say
8 there's no change, no change from what?

9 MR. MULLER: From the no-build
10 condition. The no-build -- the worst level of
11 service that we saw was Level C. We maintain that.
12 If it was A, we maintained it. In general, at the
13 study intersections -- and I will pull out the
14 actual levels of service -- if the no-build service
15 was, for instance, a B, the B was maintained.

16 UNIDENTIFIED SPEAKER: When everybody
17 comes to visit their relatives on a Saturday
18 morning, it's going to be a mass --

19 SUPERVISOR VENDITTO: Excuse me. Hold
20 on.

21 Excuse me, young fellow, what we are
22 going to do is when they complete their
23 application, anybody in the audience who wants to
24 address the Board can so then. You will have ample
25 opportunity.

1 MR. MULLER: For instance, at the
2 intersection of Woodbury Road and Lark Drive in the
3 morning peak hour, the level of service leaving
4 Lark Drive is C and the no-build is maintained at
5 C. The build condition which is just a minor
6 increase in delay. That will be anticipated.

7 Similarly, in the afternoon peak hour,
8 the same thing, level of service is C. That's
9 maintained with a small increase in delay and the
10 level of service on Lark Drive gets a little better
11 on Saturday because the volume is lower and that's
12 a B and that's maintained at a B. At the
13 intersection of Woodbury Road and Wren Drive, the
14 level of service leaving Wren Drive is a C in
15 morning. It's maintained at a C. C in the
16 afternoon, maintained at a C and a B on Saturday
17 and maintained as a B.

18 There's a minor increase in vehicular
19 delay; although, no significant changed in the
20 level of service. We would anticipate there would
21 be some change; however, the change is relatively
22 small based on the fact that the traffic generated
23 by these types uses is also relatively small.

24 The next step of our analysis indicated
25 that it was essentially an analysis of the -- based

1 on our analysis, this important to know, we do not
2 believe that traffic mitigation is required or
3 proposed for the development of the property as an
4 assisted living facility. The volumes that are
5 generated by these facilities are not great enough
6 to warrant any modification to the roadway.

7 Also, in speaking with Ms. Simoncic,
8 the inquiry was made as to whether or not the
9 traffic signal would be installed as part of this
10 development and our analysis has indicated that no
11 traffic signal will not be installed. We don't
12 believe that it's warranted to be installed;
13 meaning, that there are certain criteria
14 established by the Federal Government to install a
15 traffic signal and those are based on the volume of
16 traffic both on the main street, Woodbury Road and
17 that it would come out of the side street that
18 being the driveway to the assisted living facility.
19 We do not meet any of those criteria; therefore, we
20 are not proposing to install a traffic signal.

21 SUPERVISOR VENDITTO: What is the
22 traffic criteria? I'm sorry.

23 MR. MULLER: There is specific criteria
24 set forth in the manual on Uniform Traffic Control
25 Devices.

1 SUPERVISOR VENDITTO: Can you give me a
2 thumbnail on it?

3 MR. MULLER: Absolutely.

4 Let's say, on Woodbury Road, the major
5 street volume would have to be in the magnitude of
6 420 vehicles an hour in both directions. Woodbury
7 Road easily satisfies that one piece of criteria;
8 however, the second piece would be that we would
9 need to have 140 vehicles on the side street, that
10 being Lark Drive, Wren Drive or the subject
11 property's driveway and we are nowhere near that
12 criteria.

13 COUNCILWOMAN ALESIA: Sorry.

14 What about the proximity of Manetto
15 Hill Road to the access point on there? That isn't
16 close enough to factor in for a traffic light?

17 MR. MULLER: No.

18 UNIDENTIFIED SPEAKER: Yes, it is.

19 SUPERVISOR VENDITTO: Everybody will
20 get a chance.

21 COUNCILWOMAN ALESIA: I'm asking by the
22 standards.

23 MR. MULLER: If you look at the aerial
24 to my right, we are a few hundred feet from the
25 either Lark Drive or Wren Drive. We essentially

1 tried to put the driveway in the middle of the
2 property. We believe, in accordance with the
3 recognized standards, that driveway is far enough
4 not to warrant the installation of the signal.

5 COUNCILWOMAN ALESIA: I don't mean to
6 put you on the spot. This might be a better
7 question for Ms. Simoncic.

8 Do you think the applicant would be
9 opposed to putting a traffic light there if that
10 was something that would make the community feel a
11 little more comfortable?

12 UNIDENTIFIED SPEAKER: No, we don't
13 want the traffic light. We don't want the
14 building.

15 SUPERVISOR VENDITTO: Ladies and
16 gentlemen, please. Everyone will get a full -- we
17 will stay here all night. Everyone will get a full
18 and fair opportunity to be heard.

19 COUNCILWOMAN ALESIA: I'm intimately
20 familiar with the area because it's the entrance to
21 my neighborhood. I traverse it twice a day.

22 MR. MULLER: The installation of the
23 traffic signal, putting the Federal criteria aside,
24 would be determined based on the approval of the
25 Nassau County Department of Public Works because

1 Woodbury is a County road.

2 We would have no problem going to the
3 County and discussing the installation of a traffic
4 signal with them. And, obviously, the final
5 determination, whether we believe that it doesn't
6 satisfy, there might be other factors that we're
7 not seeing based on the analysis that we've seen or
8 we would have no problem going to the County and
9 discussing that with them.

10 In fact, if this development were to
11 move forward, by law, we would be required to go to
12 the County under the 239 NF, so we would definitely
13 discuss that with them and report back to the Town.

14 SUPERVISOR VENDITTO: Let me stop you
15 at that point.

16 I believe the stenographer is -- you
17 want to make the switch?

18 (Time noted: 9:04 p.m.)

19 (Whereupon, the following proceedings
20 were reported by Stenographer Julia Giannakopoulos:)

21 SUPERVISOR VENDITTO: Ladies and
22 gentlemen, we will continue.

23 UNIDENTIFIED SPEAKER: Could you put
24 the tripod on the first deck, please? We can't see
25 it. On the first deck.

1 Thank you. Much better.

2 SUPERVISOR VENDITTO: Okay, so continue.

3 MR. MULLER: Just to briefly discuss a
4 little bit more the manual on Uniform Traffic
5 Control Devices criteria, there are actually eight
6 different warrants that could be satisfied to
7 warrant the installation of a traffic signal.

8 The first two are based on the minimum
9 volumes which are based on eight-hour volume, which
10 I don't believe that we would satisfy. Second
11 warrants for four-hour volumes. We don't meet or
12 satisfy those. And then there's a peak-hour
13 warrant. So if, say, a facility had extremely high
14 peak hour, that would satisfy it. That could be
15 used to satisfy the warrant, but we don't meet that
16 warrant. And there's a minimum pedestrian volume
17 which we in no way, shape or form meet. And
18 there's one regarding a school crossing which are
19 located at the facility, which we don't have in
20 this instance.

21 As part of the coordinated traffic
22 signal system, there's a signal to the south at
23 Terrehans Lane, and there's one all the way to the
24 north of Manetto Hill Road, we don't satisfy that.
25 They are too far apart, those two traffic signals.

1 And then there's one called the roadway network
2 which is kind of a catch-all. We don't necessarily
3 satisfy that, but, again, talking with the
4 applicant, we would have no problem going to the
5 County and discussing installation of a signal in
6 this area with them provided they would agree that
7 the warrants would be satisfied.

8 SUPERVISOR VENDITTO: You'll let us
9 know the results of that discussion with the County
10 when they first become available because that
11 impacts on our decision?

12 MR. MULLER: Okay, we'll do that.

13 We'll get a meeting set up as soon as
14 we can with Mr. Wenberger, Mr. Nimmo, and then go
15 meet with them, find out what they would want us to
16 use on the project.

17 COUNCILMAN PINTO: With regards to
18 access, going into the location, did you ever think
19 about -- do you have a turning lane, by any chance,
20 going in and out?

21 MR. MULLER: Yes, there is. It's on an
22 aerial.

23 COUNCILMAN PINTO: If there's one,
24 that's fine. I just wanted to find out.

25 MR. MULLER: Yes, there's a left-turn

1 lane on Woodbury Road, that would allow cars to
2 make a left in. We are not proposing --

3 COUNCILMAN PINTO: I'm talking about
4 going along Woodbury Road, to make that right turn
5 lane, you can put a turning lane in --

6 UNIDENTIFIED SPEAKER: It's not showing
7 on the map.

8 MR. MULLER: We don't have one shown.
9 We don't believe we need one because we have like
10 an intersection or a radius-type driveway shown.

11 UNIDENTIFIED SPEAKER: Isn't there one
12 now, by the way?

13 SUPERVISOR VENDITTO: Ladies and
14 gentlemen, please let --

15 COUNCILMAN PINTO: My question was, if
16 we could put a turning lane, that might soften
17 traffic going in and out.

18 UNIDENTIFIED SPEAKER: There's already
19 one there, there's a turning lane.

20 COUNCILMAN PINTO: So the answer is you
21 don't have one?

22 MR. MULLER: We do not have one
23 depicted on the plan; however, speaking with my
24 partner, Chris, we could easily provide a small
25 deceleration lane to get into the property.

1 There's a left-turn lane on Woodbury Road to come
2 in, so that would satisfy -- that we can easily do
3 that.

4 COUNCILMAN MACAGNONE: I understand
5 what the Councilman is saying, we would like to see
6 one making a right-hand turn in if the traffic is
7 slow on Woodbury Road.

8 MR. MULLER: Sure, we could do that.

9 COUNCILMAN PINTO: To get off the main
10 road, you really just turn -- have a turning lane
11 just for that complex.

12 MR. MULLER: We can definitely
13 incorporate that into our plan. Again, when we
14 meet with the County, because, again, it's a County
15 road, we'll discuss with them the right-turn lane
16 in and possibility of a signal along the frontage.

17 In addition, as discussed by
18 Mr. Robinson, we created two plans depicting
19 development of the property in accordance with the
20 existing neighborhood business, or NB, zoning.
21 Those plans are shown on my right, I believe they
22 went to the Board previously this evening, and what
23 they show is we prepared essentially two different
24 scenarios. And the first one we call the -- just
25 bear with me for one second -- the multiuse

1 building scenario.

2 Under that scenario, we were able to
3 determine that a building, one building containing
4 41,500 square feet of medical office, a
5 3,000-square-foot bank and a 75-seat restaurant
6 could be constructed within the NB zoning
7 without any relief from the Board.

8 SUPERVISOR VENDITTO: Are these the
9 plans that Mr. Robinson referred to?

10 MR. MULLER: Yes.

11 SUPERVISOR VENDITTO: I was going to
12 wait until you completed. I don't believe we have
13 those plans. I don't know what happened, but I
14 don't think any of the Board members have those
15 alternate proposed development plans.

16 MR. ROBINSON: I have full size of each
17 which we'll hand in as exhibits.

18 SUPERVISOR VENDITTO: You don't have
19 one, a desktop size?

20 MR. ROBINSON: We have one of each
21 (handing).

22 MR. MULLER: For the record, what we
23 are submitting is one copy of we call the
24 as-of-right plan for the multiuse building, and in
25 the plaque is an 8 and a half by 11 with all the

1 numbers blown up because as we get older, it gets
2 difficult for us to read.

3 COUNCILMAN COSCHIGNANO: Mr. Robinson
4 referred to them as AR1 and AR2?

5 MR. MULLER: And AR2, correct. And the
6 second one is AR2 which is the multiuse retail
7 building with, again, 8 and a half by 11 on the
8 back, and then one additional set of AR1 and AR2
9 without the handouts.

10 COUNCILMAN COSCHIGNANO: Mr. Muller,
11 would you know the residents that would residence
12 there that probably wouldn't be driving, but at
13 least have vehicles, if could you tell us how many
14 employees there would be there or what you are
15 basing your numbers on for in terms of whose cars
16 will they be and how many?

17 MR. MULLER: During the maximum shift,
18 which is between 7:00 a.m. and 3:00 p.m., there's a
19 maximum of 26 employees that will be on the site,
20 and the peak hour traffic generation at these types
21 of facilities, believe it or not, is probably made
22 up of employees.

23 There are not that many visitors that
24 come to these facilities. That's just kind of the
25 way it is. You know, the traffic generation is

1 based on employees. So during the maximum shift,
2 there will be 26 employees. The next shift would
3 have 10 to 12, and then 4 to 6 in the overnight.

4 SUPERVISOR VENDITTO: On what basis do
5 you say no visitors will come to visit the
6 facility?

7 MR. MULLER: I'm not saying no
8 visitors, but it's not that every unit has a
9 visitor come all at the same time every day.

10 SUPERVISOR VENDITTO: On what basis do
11 you say that? Are there studies at other
12 facilities?

13 MR. MULLER: Yes, the studies that were
14 taken by Benchmark's other consultant in
15 Connecticut give extremely well with the Institute
16 of Transportation Engineers data and also data that
17 we've collected or had collected at the Bristol in
18 North Hills, which is a very similar facility to
19 this, but much larger.

20 SUPERVISOR VENDITTO: I would like to
21 think that people in the Town of Oyster Bay,
22 generally, have more heart that --

23 COUNCILMAN MACAGNONE: You've mentioned
24 the Bristol in North Hills. I've been in that
25 parking lot quite a few times. Very crowded and

1 it's not enough spaces there. Your studies might
2 say something, but I go there a lot for business,
3 and I see it packed quite a bit.

4 MR. MULLER: You are absolutely
5 correct, but the thing is, is that for a
6 comparative purpose -- I'm just trying to find my
7 data, just bear with me.

8 SUPERVISOR VENDITTO: I think part of
9 the problem we are having, I'm not trying to be a
10 wise guy, but, basically, it seems to be you are
11 trying to convince the Board that this has
12 virtually no impact. I mean, it has to have some
13 impact.

14 MS. SIMONCIC: It's generally accepted
15 that assisted living facilities are a benign use,
16 they don't generate lot of traffic. And with
17 respect to comparing this to the Bristal in North
18 Hills, this particular facility is anticipated to
19 have an average age of residents of 87 years of
20 age.

21 Bristal do have younger residents and,
22 unfortunately, it is sad, but people do not come to
23 visit these older residents, and that has been the
24 experience of Benchmark at other facilities that do
25 service, you know, elderly, more elderly residents.

1 SUPERVISOR VENDITTO: All right.

2 Thank you.

3 MR. MULLER: Just to go back to the
4 Bristol in North Hills, that's a much larger
5 facility than this one, it's 170 units. And you
6 are right, that parking field, when we observed it,
7 was full; however, the ratio of the number of cars
8 parked per unit was around 0.46. So if we would
9 apply that to this facility, we would come up with
10 a number of vehicles parked of roughly around
11 40-something which makes sense, well below what the
12 Code would require and well below of what we are
13 providing on the property.

14 COUNCILMAN COSCHIGNANO: How many
15 spaces are on your plan?

16 MR. MULLER: 65 paved and 30 land bank.

17 COUNCILMAN PINTO: Does that take into
18 consideration the workers? You said there's 26
19 workers at a time.

20 MR. MULLER: Yes.

21 COUNCILMAN PINTO: So 46 spaces with
22 the workers?

23 MR. MULLER: Yes. So the workers would
24 be there, assumably, in one per vehicle, if you
25 wanted to take the worst-case scenario, that some

1 could come by carpool, be dropped off, or mass
2 transit. They could, I'm not saying that they
3 would be. So if we were to assume the worst-case
4 scenario, that we would have 26 cars parked there
5 per employee, right?

6 So that would still leave 65 minus 26
7 for visitors, but based on studies that we've done
8 at Sunrise at Huntington, the Seasons at East
9 Northport, which is, again, that's another Bristol
10 facility, similar in size to this, that the parking
11 ratios are less than 0.5 per unit. So these
12 numbers that we are proposing tonight, with 65,
13 hey, are more than adequate to satisfy the
14 anticipated demand during the weekday and on a
15 Saturday.

16 SUPERVISOR VENDITTO: All right.

17 We understand your position.

18 MR. MULLER: Again, just to briefly
19 discuss the two as-of-right plans, plan AR1, which
20 is the multiuse building containing various
21 different uses, that would be, again, 41,500 square
22 feet of medical office, 3,000-square-foot bank and
23 75-seat restaurant, at the site driveways during
24 the morning peak hour, a total of 170 vehicles
25 would be anticipated using the ITE statistics to

1 generate the traffic by those uses.

2 In comparison, the assisted living will
3 generate 24 vehicles. So the impact of the
4 multiuse building for the morning commuter hour
5 would be significantly greater. In the afternoon
6 commuter hour, the multiuse building would generate
7 a total of 252 vehicles versus 38 for the assisted
8 living, and on a Saturday afternoon, the multiuse
9 building would generate 270, versus, again, 37 for
10 the assisted living. So, just looking at that ones
11 as-of-right scenario, the assisted living is
12 roughly about eight times less than what could be
13 built there without any relief from the Board.

14 If you went to the second scenario,
15 which is plan AR2, which is, again, the community
16 shopping center, we would look at 27,500 square
17 feet of strip retail, 3,000-square-foot bank and
18 the 75-seat restaurant and the second story
19 consisting of 14,600 square feet of medical office.

20 Again, running through the same type of
21 comparison that I just did, in the morning a total
22 of a 132 vehicles would be generated versus 24 for
23 the assist living; 258 in the afternoon versus 38
24 for the assisted living; and 305 on a Saturday
25 afternoon versus 37 for the assisted living. So

1 just for a comparative purpose, the assist living
2 that we are proposing tonight generates a
3 significantly lesser quantity of traffic.

4 COUNCILMAN PINTO: I don't understand
5 this parking ratio. You said it's 0.46, a number
6 of parking space spaces per unit, it's 91 units,
7 right, and that takes you to roughly 43, 44 spaces?

8 MR. MULLER: Correct.

9 COUNCILMAN PINTO: And then you have to
10 add the 26 --

11 MR. MULLER: Correct, but the numbers
12 of space that is we observe, say -- and I found the
13 data, it was right in front of me -- at the Bristol
14 in North Hills, during weekday we found that the
15 maximum number of vehicles parked per bed was 0.44
16 during the weekday peak hour, 0.46 on Saturday and
17 0.44 on Sunday. That's total, that's everybody
18 that was parked there at any given time.

19 COUNCILMAN PINTO: That's including the
20 employees?

21 MR. MULLER: Everybody.

22 COUNCILMAN PINTO: That's not on top of
23 it?

24 MR. MULLER: No, no, no.

25 So, again, if we were to looking to,

1 say, put 105 beds, it's roughly 48 total vehicles
2 parked, staff, visitors, trucks, whatever came
3 during that time frame that we analyzed. And just
4 going through the various different other
5 facilities that we looked at, we looked at Sunrise
6 in Dix Hills, this is a comparative purpose, the
7 maximum that we saw there was the Saturday peak
8 hour, 0.43, again, very close to the 0.46, and the
9 Bristol at East Northport, we saw a maximum 0.5 on
10 a Friday at 2:00, again, very close to what we are
11 anticipating here, far below of what is provided by
12 Code, and then the Bristol at North Hills which we
13 just discussed, so all these different facilities
14 which are located in different areas of Long Island
15 have a similar parking generation characteristics.

16 And again, the 65 spaces that we are
17 proposing here before the Board paved we believe
18 will more than satisfy demand. Again, but if there
19 was a situation that arose where the Town did not
20 believe that those 65 were adequate, we have 30
21 additional to satisfy the Code, which we would then
22 pave.

23 Again, it's my opinion that based on
24 the traffic generated by the facility, which we
25 believe is much lower than what we could put there

1 in accordance with the neighborhood business, that
2 the traffic generated by this project will not
3 significantly increase any vehicular or pedestrian
4 safety or have an impact on that, and that's
5 primarily due to the fact that the traffic
6 generation based on this type of facility is
7 extremely low.

8 We would consider this to be a very low
9 generator of traffic, and it fits well within this
10 area because, in fact, it is a low generator. You
11 have the uses that could generate a significantly
12 larger quantity of traffic, and then we would have
13 to analyze those impacts, but, in my professional
14 opinion, those impacts would be significantly
15 greater.

16 Again, based on the analysis that we
17 prepared, no mitigation off site is required as a
18 result of the analyses that we prepared; however,
19 during the course of the process, we will set up a
20 meeting with the County and discuss signalization
21 along the frontage, the installation of a turning
22 lane for vehicles traveling which we would say, in
23 the -- I guess the easterly direction -- it's kind
24 of confusing -- to make a pretty smooth move into
25 the facility and don't have to slow down traffic on

1 Woodbury Road.

2 Based, therefore, on all the analyses
3 that we performed, it is my professional opinion
4 that the granting of the special permit will not
5 create any significant traffic congestion or hazard
6 traffic, and that the project should be approved by
7 the Board based on the fact that it is a fairly
8 favorable use compared to other uses that could be
9 put there as a course of right or as of right.

10 SUPERVISOR VENDITTO: Thank you.

11 MS. SIMONCIC: At this time, I would
12 like to call John Breslin of Breslin Realty to
13 address the Board. Mr. Breslin has appeared before
14 this Board on numerous occasions.

15 MR. MULLER: I'm sorry, just one final
16 thing.

17 I would just like to submit the copies
18 of the two tables that we prepared, A and B, and
19 these represent the traffic generation numbers that
20 were cited before based on the two alternate
21 development plans (handing).

22 Thank you.

23 MS. SIMONCIC: I was just indicating
24 that Mr. Breslin has testified before this Board as
25 a real estate expert, and I would ask the Board if

1 they still recognize him.

2 SUPERVISOR VENDITTO: With that
3 stipulation, Mr. Breslin has been previously made --

4 MR. BRESLIN: Good evening.

5 My name is John Breslin. I'm the
6 principal of Breslin & Breslin Appraisal Company in
7 Huntington, the office address is 44 Elm Street.

8 I haven't been here for a while. Nice
9 to see you all again. Some new faces since the
10 last time I was here.

11 The proposal for an assisted living
12 facility is another step in providing housing for
13 elderly citizens. This Board has been -- your
14 predecessors had been, you know, the leading
15 proponents of taking care of senior housing. I
16 remember being at this podium and other venues with
17 respect to applications for senior housing over the
18 last twenty years when this Board has granted
19 different types of applications for senior housing
20 and this room was already crowded with people. It
21 provided necessary housing for our seniors.

22 The population continues to the age,
23 and the next step in the process is this type of
24 housing, assisted living. It's something
25 essential, there's a tremendous need for it, both

1 in the Town of Oyster Bay, as well as Long Island
2 in general.

3 This type of use is in many Zoning
4 districts a residential use. Oyster Bay Zoning
5 District is a little bit more stringent, so of the
6 other communities on Long Island, you need a
7 special permit if your business is in industrial
8 districts. Special permit clearly is something
9 that's contemplated by the Zoning districts. You
10 have to meet the certain criteria, but it's in a
11 business and in industrial district that you
12 require to be a special permit; however, it is
13 clearly a residential use which makes it, I think,
14 compatible with surrounding residential uses, and
15 in this particular case, I think, it provides a
16 tremendous transition from the traffic of Woodbury
17 Road, the intense commercial utilization of
18 Woodbury Road and the expressway across the street
19 and the surround residential community that's
20 behind it on Lark Drive.

21 Lark Drive is a nice residential
22 community, a pocket of residential community
23 surrounded by major highways, very well-maintained
24 homes, and you have this pocket of commercial
25 property in front of it along Woodbury Road.

1 This development gives you the
2 opportunity to provide that transition of
3 residential use in the commercial zone as opposed
4 to the as-of-right plans that Mr. Robinson provided
5 that are far more intense and could have
6 significantly greater impacts on those surrounding
7 residential communities that we are abutting. The
8 scope and the intensity of those developments, I
9 think is slightly glossed over, but we are talking
10 about roughly 50,000 square feet of commercial
11 development as opposed to a residential structure.

12 Mr. Robinson eluded to Sunrise that
13 exists on in Plainview on Old Country Road, and I
14 happened to take a picture of that facility and I
15 would like to hand that up, as you look at it from
16 Old Country Road, and I think that's an example of
17 one right in the Town here nearby where the
18 assisted living facility on the road similar;
19 although, not as busy like this particular
20 location, blends in very nicely and provides that
21 transition as well like I believe Benchmark will in
22 this facility, and it is a residential appearing
23 structure similar to what's proposed by the
24 Benchmark, two stories in height, very, very
25 similar in size to what's contemplated here, but I

1 would like to hand that up (handing).

2 As indicated, the property we are
3 proposing on the 3.76-acres, a 91-unit, 105-bed
4 assisted living facility, it does require a special
5 permit from the Board. One of the exhibits is the
6 aerial that's before you, it shows the pocket, it
7 shows the unique nature of this particular property
8 and the development that surrounds it and the
9 nature of the highway system that completely
10 dominates the Expressway, the Northern State, the
11 Seaford-Oyster Bay Expressway that bound the
12 perimeter of this little pocket of the subject
13 property and the residential homes that surround
14 it.

15 When you look at this and you decide on
16 the special permit criteria, there's certain things
17 and criteria you must look at to see whether or not
18 this is going to have an adverse impact on real
19 property values and the pattern of development and
20 a character of the community.

21 SUPERVISOR VENDITTO: Mr. Breslin,
22 sorry to interrupt you, but how many units are at
23 Sunrise Plainview?

24 MR. BRESLIN: I think it was 78 or
25 something like that, if I remember correctly.

1 SUPERVISOR VENDITTO: Okay. We could
2 check. I just thought you might know.

3 MR. BRESLIN: I think it's a smaller
4 site than what we have here, but it's very similar.

5 SUPERVISOR VENDITTO: I got it.

6 MR. BRESLIN: When you compare this
7 contemplated use from an intensity point of view
8 compared to what can be built as of right, clearly
9 under the special permit criteria, this is
10 certainly far less intense.

11 The coverage, as Mr. Robinson
12 indicated, is only 24 percent as opposed to
13 something that will be and is allowed as 60 percent
14 range. It's only 24 percent. There will be over
15 two acres of landscaped area. One of the criteria
16 is the buffering and landscaping of the site as
17 compared to what could be on the site in connection
18 with the zoning. Clearly, this proposal meets
19 those criteria and, in fact, exceeds them.

20 One of the other criteria you look at
21 is whether it would be environmental conditions,
22 and I think the report by Mr. Cashin's office
23 clearly shows that this is a very significant
24 positive from an environmental point of view
25 redevelopment of this property as compared also to

1 the as-of-right. Also, the site, there was an
2 environmental issue with respect to the dry
3 cleaner. As a result of this redevelopment, this
4 is getting cleaned up. The height and bulk, as
5 contemplated by the Zoning ordinance, this
6 particular development is a two-story structure,
7 residential in appearance. The setbacks of the
8 structure, as Mr. Robinson indicated, are
9 significant from the nearby community. Again, far
10 greater than what's permitted as of right. The
11 buffer is significant. Again, far greater than
12 what would be permitted as of right. All those,
13 when you analyze them under the special permit
14 criteria, are significantly better than what one
15 could have, again, making it a positive situation
16 under the special permit criteria.

17 One of the other things is looking at
18 it from the intensity point of view. The intensity
19 is measured different ways. One is traffic.
20 Mr. Muller went over that. Other is the nature of
21 the look and the amount of people that would go to
22 the site. Again, it's residential in appearance
23 compared to a commercial utilization of the site.
24 It's very important as it relates to the
25 residential community behind it. Again, this is

1 significantly better, what we are contemplating on
2 the site.

3 Lastly, if you look at it
4 aesthetically, the current configuration of the
5 site, the redevelopment of it would be a
6 significant improvement of the physical
7 characteristics that exists on the property today.
8 The redevelopment, as shown on the renderings,
9 would be a significant improvement of a look along
10 Woodbury Road, all for the commercial look along
11 Woodbury Road as well as for residential properties
12 that exist behind it.

13 I believe it is an appropriate land use
14 for a road such as Woodbury Road, and it does
15 provide that necessary transition between the busy
16 street and a residential community. It provides
17 the necessary service for the residents of the Town
18 of Oyster Bay as well as the community at large.
19 It's a land use that's necessary for the residents
20 in the Town. The community, it's ideally suited
21 for a busy street like this. It's a site that
22 appears to meet all four provisions of your Zoning
23 ordinance and the special permit criteria.

24 So, in conclusion, it is my opinion by
25 granting this relief, and this is based upon

1 studies that my firm has done throughout the years
2 and measuring these assisted living facilities
3 mostly in residential areas, that by granting this
4 to allow, it's not going to have any adverse impact
5 on the surrounding property values, it's consistent
6 with a pattern of development as one would expect
7 having this use on a busy street and the
8 residential use behind it.

9 It's not going to prevent the use of
10 the surrounding real properties both residentially
11 and/or commercially in this immediate vicinity
12 immediate vicinity. It fits well, and municipal
13 services are available to this property.

14 With that, I can answer any questions.

15 SUPERVISOR VENDITTO: Thank you,
16 Mr. Breslin.

17 MR. BRESLIN: Thank you very much.

18 MS. SIMONCIC: Unless the Board has any
19 questions, at this time, that will conclude our
20 presentation. I know there are some neighbors here
21 that who would like to speak.

22 SUPERVISOR VENDITTO: We have a number
23 of residents who want to address the Board relative
24 to this matter, so would you stand by in the event
25 residents have any questions and you to reply?

1 MS. SIMONCIC: Okay.

2 Thank you.

3 SUPERVISOR VENDITTO: John Russell.

4 John, where are you? Come on up.

5 John, let me just, before you start,

6 are there any residents out there who want to

7 address the Board relative to this matter who have

8 not filled out a speaker form?

9 If that, come on up and kind of quietly
10 go up to the side.

11 MR. RUSSELL: If I may.

12 SUPERVISOR VENDITTO: Sure.

13 MR. RUSSELL: Good evening.

14 Thank you for your time.

15 First off, it sounds to me in the last

16 few minutes that we are being forced that, A, a

17 nursing home, if they are calling it a health care

18 facility, which to me is a nursing home,

19 considering you have a 95-bed unit, up to a 105

20 residents, to me is a nursing home, call it what

21 you want. If you don't like nursing home, A, you

22 have a choice of AR1 and AR2, which, according to

23 the registered letters that they have sent me, is

24 not on this document, is not even discussed.

25 That's one.

1 The average age is going to be 85 years
2 old, is what we were told earlier, of the
3 residents. You have 26 nurses. Now, of the
4 average age, they are going to have 95 parking
5 spaces. Of that number, roughly, you have 60 -- no
6 offense to anybody, it's older that I -- you have
7 60 residents 85-plus or in the 85-range driving
8 around through the neighborhood, number one.

9 Two, the second floor is supposed to be
10 for a memory handicapped people. As they pointed
11 out -- if I may use their map.

12 SUPERVISOR VENDITTO: Of course.

13 MR. RUSSELL: As they pointed out, we
14 are in a heavy highway area. First off, when we
15 moved there, Seaford-Oyster Bay did not exist.
16 There's the Long Island Expressway, yes, and
17 there's the Northern State. If you have, and you
18 know as well as I, residents that are memory
19 impaired, they do get out. It's unfortunate, but
20 they do get out of these facilities.

21 In the proximity of highways,
22 Seaford-Oyster Bay, Manetto Hill Road, and Woodbury
23 Road, you are going to have a very serious problem
24 with a potential of somebody seriously getting
25 hurt.

1 As far as the diagram of the building,
2 they told us that we have a nice -- can I use their
3 diagram again?

4 SUPERVISOR VENDITTO: Absolutely.

5 MR. RUSSELL: They show you a nice
6 residential roofline and so long and so forth.

7 According to the other plan, which is
8 this one, that picture you see here would be fair
9 to say is Manetto Hill Road. Subsequently, the
10 rooftop would be used for mechanical equipment,
11 exhausts from kitchens, air conditioning,
12 generators, medical facility oxygen, so long and so
13 forth, which means they are going to be spewing out
14 on top of us.

15 Also, left out of this drawing and that
16 one here as well is where are they going to put the
17 giant emergency generators that would have to be
18 installed for this facility which has to be run, I
19 believe, on a monthly basis, and those puppies are
20 not small. They come in on special-use tractor-
21 trailers. That's how large they are. The nursing
22 facility over here just opposite the golf course
23 has five of these puppies.

24 As far as safety, they mentioned the
25 traffic, no hinderance and so long and so forth.

1 We are concerned, or I am anyway, which
2 has increased in the last few years, people
3 bypassing the traffic light, which they pointed
4 out, on Manetto Hill Road and Woodbury Road. They
5 are now in the process of cutting through, going up
6 Lark, Wren and so long and so forth to bypass that
7 traffic light as well as the evening to bypass the
8 traffic light on Manetto Hill Road.

9 We are going to have increased volume
10 of traffic there, not only from people getting into
11 the facility, but people coming to see them due to
12 the fact that they come off the LIE onto Manetto
13 Hill Road. The first street is Canterbury Road;
14 from Canterbury Road, up Lark, and into the
15 facility.

16 We have a growing population of new
17 people moving in with children. Potentially,
18 there's an area to look for a disaster. People
19 exceeding speed limits going through an area as it
20 is, including some of my neighbors, but we have
21 young children there.

22 SUPERVISOR VENDITTO: They just
23 admitted they do.

24 MR. RUSSELL: I'm not pointing any
25 fingers. I might be one of them a time or two

1 myself.

2 Overall, I don't think it's a good idea
3 due to the fact it's a glorified nursing home.

4 That doesn't include any of the incidents going in
5 and out basically you could almost 24 hours a day.
6 'Cause if you have senior citizens 85-plus, some of
7 those are going to be taken away to hospitals, both
8 for outpatient care or rehab or whatever the case
9 might be, so you'll have these corporations or
10 companies that take these patients in and out of
11 the ambulettes, they go back and forth. Who is to
12 say they are not going to come in off of Manetto
13 Hill Road from Plainview, up Lark, Wren, and then
14 get in, off of Woodbury Road?

15 The traffic light situation, there's
16 one just south of the Seaford-Oyster Bay and
17 there's one at the corner of Lark and -- Manetto
18 Hill Road and Woodbury Road. People are already
19 circumventing that one. So if you put a health
20 care facility in there, forget about it.

21 You would go to any of the nursing
22 facilities or assisted living facilities around
23 here, as I believe you stated, try get a parking
24 spot. If you have a total of 91 -- up to 105
25 patients, you got a staff of 26 people, that's like

1 1-to-4 ratio. That doesn't include doctors coming
2 in, presumably, 'cause they are not there all the
3 time. How many -- kitchen, dining room facility
4 people, maintenance people, health care people,
5 deliveries, how many people does that incorporate?
6 This area is not the zoning for something of such
7 as this use. And then to come up with AR1 and AR2
8 is like you take this one or we'll give you two or
9 three. We've already been down this road once
10 before, and we'll argue on this one again if we
11 have to.

12 I thank you.

13 SUPERVISOR VENDITTO: I think, as Mr.
14 Breslin said, the Town of Oyster Bay has been at
15 the forefront of appropriate housing for our senior
16 citizens. We can debate all day long whether or
17 not this is a residence in the sense of common
18 jargon, if you will.

19 Again, it has earmarks of -- you know,
20 sometimes like hospital or, you know, institutional
21 setting. We understand all of that. We are very,
22 very mindful of all of the potential for traffic
23 problems, but one thing that the applicant did very
24 well, they certainly got the message through to you
25 as to what the purpose of AR1 and AR2 is.

1 MR. RUSSELL: Yes, either you take the
2 A or we give you B or C.

3 SUPERVISOR VENDITTO: Okay, have a nice
4 night.

5 MR. RUSSELL: Thank you very much.

6 SUPERVISOR VENDITTO: Chris Miciagno.
7 Welcome, Chris.

8 MR. MICIAGNO: Thank you.

9 My name is Chris Miciagno. I'm
10 actually an internal medicine physician, so I have
11 some insight to some of the assisted living
12 facilities, and I have patients that I have filled
13 out applications for and prepared them and prepared
14 their families to go to. So it sounds like the
15 facility -- sounds like the Benchmark people have a
16 very nice set up for what they have to do, but I
17 just don't know if it's the right space. They are
18 very qualified to build the place, but I don't know
19 if they can do it here.

20 SUPERVISOR VENDITTO: What do you mean
21 when you say not the right space, what do you mean,
22 not the right location?

23 MR. MICIAGNO: The location, yes, the
24 location. And I think there's a couple of things
25 that makes this, even compared to what they were

1 speaking in regards to the other facility that
2 they've compared it to, sounds like the average age
3 in this place is higher than some of the other
4 facilities. They said 87 is the average age.
5 That's significant compared to some other
6 facilities.

7 Most of those patients, which I call
8 them patients, that's what they are, they are going
9 to require more care than probably the other
10 facilities. If you are in your 80s, you are going
11 to have more physical therapists visiting, more
12 visiting nurses, more home health aides. You may
13 have more higher traffic than the 0.45 cars per a
14 resident that will be there during the day. So
15 even if you went with those numbers, 0.45, 45
16 spots, you have people coming in and out, plus or
17 minus deliveries, plus probably a higher amount of
18 ambulances, and you are going to feel a lot of
19 traffic in and out of there.

20 SUPERVISOR VENDITTO: Are there
21 typically a lot of social programs there, too, as
22 well, bringing people from off campus or is it all
23 done in-house or --

24 MR. MICIAGNO: Yes, that's probably how
25 you would get some -- I mean, a lot of these are

1 just residents, but a lot of times then there would
2 be an invitation for some family members to come
3 visit, so that will bring a little more traffic, a
4 little more parking spots that need to be taken up.

5 I think in the proposal that's up
6 there, now it goes up to 65 spots which goes right
7 down the back of the residents on Wren Drive, which
8 I think you probably would fill, just based on
9 things they are saying now.

10 And then that extra, to make that 90-
11 -- 95 spots, that would probably clean up the last
12 wooded area and it will go right up against the
13 rest of the homes.

14 SUPERVISOR VENDITTO: There are 65 and
15 30 that are land bank.

16 MR. MICIAGNO: Yes, so the land bank
17 ones that probably will be used very soon, and that
18 means that nice wooded area is not going to be
19 there. Like I said, it can fill up pretty quickly.
20 Especially some of the things you mentioned, like
21 some of the places, they are very crowded when you
22 try to get in there. And I'm very mindful of our
23 health workers who are very considerate about
24 families and residents, but I think there may be a
25 higher than normal traffic at this area due to the

1 age of the population that will be living there.
2 They need more transports back and forth to the
3 hospital, which they can be discreet about, but
4 that's also, if there's an ambulance coming, that's
5 going to stop everything. That's going to stop
6 traffic moving on and off of Woodbury Road, that
7 will stop cars getting out the parking lot.
8 There's only one way out of that parking lot. It
9 goes right down the one side.

10 Also, there is a big problem John
11 brought up about the by-traffic that's coming
12 through the residences. I have two small children.
13 There is a lot of new families, and there's an
14 increase in people bypassing Woodbury Road, Manetto
15 Hill Road light and Canterbury, they go through our
16 neighborhood. I even see people coming. I try to
17 move my car a little towards the center so they
18 would slow down, okay? But I can see that very
19 easily, convenience-wise, people are going to make
20 a right turn out of there, go past right down Wren,
21 right out towards the Northern State, and they cut
22 through our community. And it's not just these are
23 regular roads. These are people's homes with
24 children out there who are playing in the streets.
25 So it's different than having in the middle of the

1 area where there's just big highways. There's
2 actually small streets where the kids play, a lot
3 of kids play.

4 And I'm not sure about all the traffic.
5 I know the number of cars that they were quoting,
6 that were coming through these areas, but in the
7 mornings, a lot of this is school buses. The
8 school buses are going to come right through there.
9 All the school buses go right down Woodbury Road
10 right to Baylis which is right down the street, and
11 that's the closest elementary school, and there's
12 cars coming right off Northern State down the
13 Terrehans Lane that can come onto Woodbury. That's
14 a lot of congestion in that area in the morning.

15 Like I said, I don't know if the
16 turning lane would really help because people come
17 down Terrehans Road, and they are going to come
18 right into there, and if they are going to slow
19 down for a turning lane, it's going to even back up
20 into that road. Traffic light, although I like
21 that more safely, I think that may slow things down
22 more. I don't think the site is really perfect for
23 this.

24 I guess, in general, that's -- one
25 other thing. I looked at a lot of these plans, and

1 I looked at the lighting, and a lot of the lighting
2 would be -- the fence would be 7 foot, the lighting
3 would be 10 foot. Right now they are going to come
4 probably back -- can I point on this?

5 SUPERVISOR VENDITTO: Sure. Show us
6 which plan you are using.

7 MR. MICIAGNO: This plan (indicating).
8 So the lightings are going to come
9 right about every few feet to right about here
10 (indicating). Right now they come right to about
11 right here, right to my house, and they take up
12 about 3 feet above the fence, which I saw the
13 lamps' structures, they don't really seem to be
14 reflecting towards the inside, towards the
15 facility, they are just basic standard lamps, so
16 that light will be shining into our homes, into our
17 backyards.

18 And even some of the lighting from the
19 building, on the building itself, there's lights
20 that are coming towards the parking lot, those are
21 also pointing right into our backyards. I know
22 they are the same on this side lighting up a little
23 park and this area (indicating). So I think some
24 of the lighting things might not be as correct as
25 -- I guess they could be fixed, but then the way

1 they are designed now, they are not designed that
2 way.

3 And the last thing I think is the
4 dementia unit is I think a little unusual, but
5 those patients --

6 SUPERVISOR VENDITTO: In what regard?

7 MR. MICIAGNO: Most of patients I have
8 that go to assisted living are capable of doing a
9 lot of things themselves, but they do need simple
10 help. They may need someone to check on their
11 medicine, maybe they need help with just getting
12 changed or someone to help them with groceries,
13 just simple things. Having a dementia unit here,
14 you are having people that are going to be there
15 like all the time. Granted, they are not going to
16 drive cars and they are not going to take up
17 parking spots, but they do require a lot more care,
18 a lot more intense care that needs to be done, so I
19 think -- especially there will be a need for more
20 people to come visit, like they'll need more
21 physicians to come in, more providers, more
22 dentistry. Those people, I don't think are in
23 those 24 people, in case 24 people are running the
24 whole place including the physicians coming in.
25 And then also there are like home care people or

1 physical therapists that may come in, visiting
2 nurses, all these assisted people that are going to
3 come in and out of that place, it's going to be a
4 lot. I think it's a lot more than 65 spots or even
5 90 spots will be taken up.

6 And unfortunately, that's probably
7 going to come down to people parking in our
8 neighborhood down Wren, down Lark, so they can just
9 get spots so they can work for a few hours and
10 leave. And I understand that's -- this is a lesser
11 evil. It's a very good thing, and I agree 100
12 percent that we need more housing for elderly, and
13 they need to be taken care of, but this might not
14 be the place for this site.

15 It's a beautiful site, but not in this
16 location. Beautiful plan, but not in this
17 location, and I guess that's probably it.

18 SUPERVISOR VENDITTO: Great.

19 We'll make a switch.

20 (Time noted: 9:50 p.m.)

21 (Whereupon, the following proceedings
22 were reported by Stenographer Yvonne Angeles:)

23 SUPERVISOR VENDITTO: Hank Garber.

24 MR. GARBER: The troublemaker is here.

25 SUPERVISOR VENDITTO: You better have

1 something good to say.

2 MR. GARBER: John, you've know me a
3 long time.

4 Have I never had anything good to say?

5 SUPERVISOR VENDITTO: I'm kidding. I'm
6 kidding.

7 MR. GARBER: First off, thank you all
8 for acquiescing and scheduling this for this
9 evening. We all appreciate it.

10 As you can see --

11 (Applause.)

12 MR. GARBER: As you can see, it was not
13 going to be five or ten people showing up to
14 express our displeasure on what was thrust upon us.
15 By accident, two weeks ago -- Counselor, I hate to
16 tell you this, but your dog and pony show didn't do
17 a damn thing --

18 SUPERVISOR VENDITTO: Hank, be a good
19 boy.

20 MR. GARBER: -- anything that's
21 proposed here.

22 Yes, it's beautiful and none of us,
23 none of us had any objection to providing care for
24 those of us that are starting to age as well as
25 those of us who may be fortunate enough to still

1 have parents who are in such a facility.

2 My mother-in-law is in one and I
3 understand the need for it. Certainly, when I
4 write the check every month. The issue is when you
5 refer continually to our development as this pocket
6 of homes or that residential neighborhood, this is
7 where we live and when you belittle the impact on
8 traffic, environment, noise, safety, that troubles
9 me and I think I'm speaking on behalf of many
10 people including, hopefully, many of you on the
11 Board.

12 Let's talk about traffic. It has been
13 mentioned, but comparing us to either Old Country
14 Road, the Long Island Expressway or places in parts
15 of Connecticut that most of us have never heard of
16 is ludicrous. You failed abysmally in not reaching
17 out to us in the earlier stages of this plan.

18 What did we think about this? Did we
19 have any input that maybe we can offer that might
20 have helped make this a little bit easier of a pill
21 to swallow?

22 The traffic is bad enough. Years ago,
23 I remember Cerro -- the traffic cutting down Wren
24 Drive. I used to have to stand at night and over
25 the Summer with either a baseball bat or a broom

1 stick threatening cars from driving down there at
2 high speeds because our kids were all young at the
3 time and this is where they played. They wanted to
4 get together. This is not a new problem.

5 Having this, potentially can make it
6 even worse. The increased volume of traffic in the
7 community, more people avoiding -- makes it worse.
8 Putting a turn signal in front of this facility is
9 the worst possible thing that can be done. Between
10 the two lanes in each direction, there's a buffer
11 that has the striped lines that most people used to
12 use it to turn into the dry cleaner or the deli or
13 the corsetier shop. So it's all there for an
14 adequate turning lane. Put a right-turn lane in
15 there, it's going to make things worse.

16 From an environmental standpoint, the
17 noise level will increase. There is no way you can
18 tell us it won't. It's bad enough now between
19 being sandwiched between the Long Island Expressway
20 and the Seaford-Oyster Bay. This will only make it
21 worse. If you could put up 20-foot poles that
22 blare white noise throughout the community, maybe
23 we have, you know, a little bit of a smile on our
24 faces, but that's not going to happen. The buses
25 that come there with the schools. This also a

1 potential added volume when you add to it.

2 Granted, when it comes to assisted
3 living facilities, the visitation schedules vary.
4 But quite often, the parking lots are overflowing.
5 I have heard nothing mentioned whatsoever as to how
6 long this project will take to construct. Where
7 the construction vehicles, the contractors, the
8 workers, where are they going to park until there
9 is sufficient and adequate space for their cars to
10 be parked. They're going to be parking on Lark and
11 on Wren and possibly Sparrow Street, that hasn't
12 been mentioned.

13 We are a community of approximately 80
14 homes. We take great pride in our community. Most
15 of us try and do the best we can. I understand,
16 again, that an assisted living facility is
17 necessary. There are many other open spaces within
18 the Town of Oyster Bay that I think are much better
19 served than forcing something like that this that
20 can potentially can be a nightmare. I have spoken
21 to real estate agents, contrary to what Mr. Breslin
22 was saying and I was told, in all probability, the
23 value, selling prices will go down. They are first
24 coming back from the last ten years. This was told
25 to me by someone who has been selling real estate

1 in the Plainview Syosset area for over 25 years.
2 So I think she has good pulse on what people do and
3 don't want.

4 We tried to sell our house several
5 years ago. We had a couple come from 36th Street
6 and Third Avenue in Manhattan and they complained
7 that the noise level was too high. What it's going
8 to be with generators and compressors and all this
9 other stuff? I don't know. I don't know. I
10 can't, in all conscious say, yes, this is the
11 greatest thing since slice bread because it's not.
12 You have done nothing to convince me. I don't
13 think you have done a thing to convince the 800
14 people here.

15 So I leave it in your hands to get to
16 the bottom of it. If they would come back to us
17 with something, maybe, scaled back, more
18 responsible, more attuned to what we do and do not
19 want or are willing to put up with, we are
20 reasonable people. We will talk. We went down
21 this road with you several years ago -- I'm sure
22 you remember -- because it was an unreasonable
23 request. You were fortunate enough to listen to us
24 and turn it down. I don't see why you would do any
25 different today.

1 SUPERVISOR VENDITTO: Thank you.

2 Hank just has to be a little more
3 direct.

4 MR. GARBER: You want me to give you
5 more?

6 SUPERVISOR VENDITTO: Robert Archer?

7 Robert, where are you?

8 MR. ARCHER: It has all been covered.

9 SUPERVISOR VENDITTO: Are you sure? We
10 did this whole thing just for you. Very good.

11 Audrey Ricken?

12 MS. RICKEN: Everything has been
13 covered. I too agree that I don't understand the
14 location. My mom is in an assisted living. She
15 has stores. She has restaurants. She is twenty
16 minutes from where I live. I don't understand the
17 location.

18 The other thing is -- I forgot who said
19 it, that they don't get visitors. My family sees
20 my mom four times a week. To say they don't get
21 visitors is really unrealistic. I sit at the table
22 with my mom having lunch every Saturday and there's
23 five people at the table and three of them have a
24 visitor. So to say that we don't go visit is
25 really unrealistic. I don't understand the 24

1 people -- that's been covered. I think John and
2 Chris and Hank did a fantastic job.

3 SUPERVISOR VENDITTO: Thank you.

4 Patrick Fallen?

5 MR. FALLEN: I wasn't going to speak on
6 this topic.

7 SUPERVISOR VENDITTO: You're going to
8 wait for public comment?

9 MR. FALLEN: Yes.

10 SUPERVISOR VENDITTO: This one, I can't
11 read. Is it Kobert [sic]? I don't want to read an
12 address. It says food delivery, pickup, traffic
13 lights, school children. Left? Okay.

14 UNIDENTIFIED SPEAKER: I think it's
15 been covered.

16 SUPERVISOR VENDITTO: Okay.

17 Councilman Macagnone said Judy Korbett.
18 She's not here.

19 UNIDENTIFIED SPEAKER: Supervisor, two
20 of them were sitting here and wanted to speak, one
21 of them, but they are in the ladies' room.

22 SUPERVISOR VENDITTO: Even if you
23 haven't filled out a speaker form, we will still
24 listen to you.

25 MS. RUSSELL: I just have a question.

1 SUPERVISOR VENDITTO: Why don't you
2 come forward? Come to the podium. We will give
3 everyone a chance to speak. We will do it by show
4 of hands. Just identify yourself to the
5 stenographer.

6 MS. RUSSELL: Theresa Russell.

7 SUPERVISOR VENDITTO: Theresa Russell
8 related to John Russell?

9 MS. RUSSELL: One and the same. I just
10 got a question.

11 Would the Town -- I mean, if this
12 didn't fly, is a variance needed to put up, like,
13 private homes in that area?

14 I mean, down near Baylis, not far from
15 Baylis, there's an area and they made, like, a
16 horseshoe of homes. I'm just wondering, does it
17 have to be the small business that they said, if
18 you don't take it, then this -- could we have
19 private homes.

20 SUPERVISOR VENDITTO: You need a change
21 of zone.

22 MS. RUSSELL: That would be --

23 SUPERVISOR VENDITTO: The counsel would
24 have authorize and change, but it would have to be
25 brought to us first.

1 MS. RUSSELL: That could be a pause --

2 SUPERVISOR VENDITTO: If the owner
3 chose to build single-family homes there, they
4 would come to this Board with an application and
5 say we would like to build so many one-family homes
6 and we would have to approve it.

7 MS. RUSSELL: That could be a D?

8 SUPERVISOR VENDITTO: You want an ARD?

9 MS. RUSSELL: I was wondering because
10 on Jackson Avenue, they have also -- where that
11 florist was, there are five homes that were built
12 and five homes have already been sold, I guess,
13 before they even went up. And I guess, if you
14 drive around in Oyster Bay, you can see the little
15 ranches and whatever they are, the capes, are now
16 mega mansions. So I was just curious to know.

17 SUPERVISOR VENDITTO: I think the point
18 the applicant is making with AR1 and AR2 is that
19 without any Town Board action, other than approving
20 the site plan, they wouldn't need a public hearing.
21 They can go ahead and do the things that they
22 pointed out, the retail use and the office use.

23 Those would not be --

24 MS. RUSSELL: But the other thing --
25 getting a variance would be allowed?

1 SUPERVISOR VENDITTO: It would be a
2 change of zone, actually. You have to change of
3 zone to a residential zone.

4 MS. RUSSELL: Thank you.

5 SUPERVISOR VENDITTO: Your better half
6 there --

7 MR. RUSSELL: If I may just add
8 something to that.

9 SUPERVISOR VENDITTO: Sure.

10 MR. RUSSELL: Basically, what you just
11 is what I was mentioning before. They can do AR1
12 or AR2.

13 SUPERVISOR VENDITTO: As of right --

14 MR. RUSSELL: As of right now without
15 any permission.

16 But their whole spiel, we are a
17 healthcare facility -- so it's basically, we are
18 going to force feed one of these three to you.
19 Which one do you want? If you don't like it here,
20 go back to Connecticut.

21 SUPERVISOR VENDITTO: I report. You
22 decide.

23 MR. RUSSELL: Thank you.

24 SUPERVISOR VENDITTO: Do you remember
25 the actor John Russell? Do you remember the --

1 MR. RUSSELL: Yes, I do.

2 SUPERVISOR VENDITTO: Which show was he
3 on; do you remember?

4 MR. RUSSELL: He's the --

5 SUPERVISOR VENDITTO: The cowboy.

6 MR. RUSSELL: The Martian.

7 SUPERVISOR VENDITTO: There you go.

8 Very good. Excellent.

9 All right. By show of hands, how many
10 people want to address the Board? We will go --
11 let's go to the back, to the young lady back there.
12 Come on up.

13 Are you Judy, by any chance?

14 MS. KORBETT: Yes.

15 SUPERVISOR VENDITTO: Oh, okay. We
16 were looking for you.

17 MS. KORBETT: I'm not a good speaker.
18 They say they are -- um --

19 SUPERVISOR VENDITTO: Take your time.
20 You're only being watched but a few thousand
21 people.

22 MS. KORBETT: So, they're for profit,
23 correct? I mean, that's what --

24 SUPERVISOR VENDITTO: I'm sorry.
25 They're what?

1 MS. KORBETT: They are for profit.

2 They make a profit.

3 SUPERVISOR VENDITTO: Of course.

4 Hopefully, for their sake they make a
5 profit.

6 MS. KORBETT: Now, the food, are they
7 being delivered by U.S. Foods because those trucks,
8 the smallest trucks for U.S. Foods is the size of
9 the parking lot.

10 SUPERVISOR VENDITTO: I don't know who
11 the food provider will be, but they did mention
12 deliveries in --

13 MS. KORBETT: But also the size of the
14 truck that comes through.

15 SUPERVISOR VENDITTO: I would suspect
16 that some of the --

17 MS. KORBETT: That's one of my concerns
18 because I work in real estate and property
19 management and strip malls and I know what comes
20 through.

21 SUPERVISOR VENDITTO: Okay.

22 MS. KORBETT: Are they willing to pay
23 for our gated community because we should be -- if
24 we're commercial, we should have a gated community
25 without the residential being involved?

1 SUPERVISOR VENDITTO: Good luck with
2 that one.

3 MS. KORBETT: Well, if they want --
4 they should be -- they're making profit. If they
5 want to be there, they should be paying for that.

6 SUPERVISOR VENDITTO: I got your point.

7 MS. KORBETT: I have parents that are
8 87 and 89. I visit them every day, six days a week
9 in Queens. I would love nothing more for them to
10 come out here where I could walk over to them and
11 see them seven days a week. So, not that I'm
12 against it, I'm against it exactly where it is, in
13 between a residential community. It doesn't make
14 sense.

15 Okay, I think I have one more question.
16 I think they addressed -- they were talking more
17 about Saturday deliveries and Saturday people
18 coming and that would be, like their peak hours.

19 What about the school buses? Peak
20 hours to me is Monday through Friday, 9:00 to 5:00.
21 The bus stop is right in -- I don't have
22 school-aged children anymore. They're past
23 college. The bus stops right in front of my house
24 on Wren which is Woodbury Road and Wren.

25 So how is that going affect them with

1 the food deliveries, the linen? When is the
2 garbage going to be picked up? Is that a private
3 pick up? Is that every day? I haven't had a
4 rodent in my house since the deli moved out which
5 was, I don't know how many years ago. Otherwise, I
6 had rodents living in my house. That is going to
7 happen again if I have that garbage there.

8 SUPERVISOR VENDITTO: The applicant --
9 the applicant -- all of us to some extent -- the
10 applicant is advocating a position, while we take
11 our seats on this Board, we don't leave our common
12 sense outside. We bring our living experiences in
13 this Town of many, many years with us. So we get
14 it. We are able to weigh all sides of the
15 argument.

16 MS. KORBETT: It's like ShopRite
17 pulling into the middle of your house. It's just
18 not right; when we moved in here and didn't pay for
19 that.

20 SUPERVISOR VENDITTO: For someone who
21 said you don't speak well, you did --

22 MS. KORBETT: I really don't.

23 Thank you.

24 SUPERVISOR VENDITTO: I'm going to take
25 a five-minute break.

1 (Whereupon, a recess was taken at this
2 time.)

3 (Time noted: 10:20 p.m.)

4 SUPERVISOR VENDITTO: Ladies and
5 gentlemen, if everyone will find seats, we will
6 continue.

7 By show of hands, just people who still
8 want to speak on this application. I will work
9 back to front. I don't think -- we need you to
10 come forward. Just relax. It's only being
11 streamed town wide.

12 MR. OSTER: Steven Oster.

13 I have two questions. The first one
14 was, right now -- two questions. The first one is
15 they have this pretty rendering with all the
16 greenery. They talk about the percentage of
17 parking lot coverage versus green space; however,
18 they didn't go into their Phase 2, Phase 3 plans if
19 needed according to the 95 spots for 65 -- what the
20 percentage is because of the parking lots, you are
21 going to lose that most of that greenery.

22 The second question I had was I saw
23 something with you guys were trying to get into
24 Huntington. There was a lot of backlash from the
25 Town. I was curious where you guys were with that

1 one. I think that one was 65. This is 105.

2 Why is this bigger to start and why is
3 it not something smaller?

4 SUPERVISOR VENDITTO: Judy, will you
5 make a note of the questions? She'll address that
6 when she comes back to the podium in just a little
7 bit.

8 Okay, let's keep working our way
9 forward. Young lady, just identify yourself for
10 the stenographer.

11 MS. BURCHSTEDT: My name is Samantha
12 Burchstedt.

13 I just want to be clear where everyone
14 is from because we are talking about AR2 and AR3.

15 So are you from a -- from Benchmark --

16 SUPERVISOR VENDITTO: Address me.

17 MS. BURCHSTEDT: If they are -- is
18 Benchmark buying it or is it a real estate
19 development company that's buying it and if
20 Benchmark doesn't get approved, then we move on to
21 number two or would another offer need be made to
22 the owner of the property?

23 SUPERVISOR VENDITTO: I think we are
24 going to find out that's it's a contract vendor and
25 a contract vendee subject to a contingency that the

1 Zone get approved.

2 Judy, you want to give -- that's a
3 quick answer.

4 MS. SIMONCIC: That's exactly it.
5 Benchmark is buying the property and operating it
6 and it's subject to --

7 SUPERVISOR VENDITTO: Benchmark is
8 going to be -- right now, I assume, a conditional
9 contract in place.

10 Benchmark will purchase the property if
11 they get the zoning to utilize it for the purposes
12 they expressed tonight.

13 MS. BURCHSTEDT: If Benchmark does not
14 get approval for it, we go back to square one and
15 possibly someone can make an offer to the owner and
16 build AR2. So they have nothing to do with AR2 or
17 AR3? They are trying to scare us a little bit. I
18 just want to be clear.

19 SUPERVISOR VENDITTO: Why don't we let
20 counsel give the most direct answer?

21 MS. SIMONCIC: If I may, regarding the
22 alternative, that was not presented to the Board to
23 scare the neighbors or to say if this is not going
24 to get approved, this is what we are going to
25 build. Benchmark is in the assisted living

1 facility business. They want to build what we are
2 proposing.

3 Under law, as this Board knows, this
4 particular use, which is an assisted living
5 facility, is a special use permit under the Code,
6 so the criteria is to demonstrate that the proposed
7 use is less onerous than other permitted uses in
8 the district. That is the sole purposes of
9 presenting those alternative plan, not because
10 Benchmark wants to build that, they don't. They're
11 proposing --

12 MS. BURCHSTEDT: If this gets voted
13 down, which we hope it does, then we just go back
14 to the drawing board and the owner looks for
15 another buyer and we'll see what happens.

16 SUPERVISOR VENDITTO: Hold on.

17 If it gets voted down, I would assume
18 their contract now becomes void and the property is
19 back in the hands of the owner. They may choose to
20 develop it or they may look for a third-party
21 purchaser who will come in with another proposal.

22 MS. BURCHSTEDT: Right.

23 We just go back to the drawing board.
24 I wanted to make sure there wasn't, like, you do A
25 or you do B or you do C. I was a little confused.

1 SUPERVISOR VENDITTO: No, no. I think
2 the point of AR1 and AR2 is to alert the community.
3 How you react to it is a whole different question.

4 But it's to say to the community, as of
5 right, we could to do these things, but we choose
6 not to do them. Instead we would like to propose
7 the -- to make the proposal that they're making
8 tonight which they believe is less burdensome, if
9 you will, than the AR1 and AR2.

10 MS. BURCHSTEDT: This has nothing to do
11 with AR1 and AR2 and it's been drilled in, but I
12 live on Lark and I have little kids. I have a
13 5-year-old and a 7-year-old and the cars speed
14 through there. I have friends cut through to get
15 down Gainsboro and Greenvale Lane because -- so
16 they don't have to hit the light. It is so
17 dangerous.

18 Right now we have three Baylis
19 Elementary school buses that come through there
20 because they each pick up a few kids. There are so
21 many buses in there. It's ridiculously dangerous.
22 Just so you're aware of how it is now. I can't say
23 how it's going to be.

24 SUPERVISOR VENDITTO: Samantha, thank
25 you very much.

1 MS. BURCHSTEDT: Thank you.

2 SUPERVISOR VENDITTO: The gentleman
3 sitting behind --

4 MR. MEJIAS: Hello, my name is Frank.

5 SUPERVISOR VENDITTO: Can you give us
6 your full name for the record?

7 MR. MEJIAS: My name is Frank Mejias.
8 I have a question.

9 In case of a fire, which way are the
10 trucks going to go in and exit?

11 SUPERVISOR VENDITTO: Judy, do you have
12 a quick response?

13 MR. MEJIAS: When you're putting out a
14 fire here, you're not going to potentially create a
15 second means of egress on Lark? How are you going
16 to get approved? I'm a builder and you need a
17 means of egress.

18 SUPERVISOR VENDITTO: Frank, I'll tell
19 you what. You're going to stay around a little
20 bit, right?

21 MR. MEJIAS: Yeah.

22 SUPERVISOR VENDITTO: They will back to
23 the podium shortly. We will make sure they answer
24 the questions for you.

25 MR. MEJIAS: Okay.

1 SUPERVISOR VENDITTO: Bob, I think you
2 are up.

3 MR. FREIER: Hi, I'm Bob Freier. I
4 live in Woodbury also. I'm off of Jericho
5 Turnpike, but I understand their concerns.

6 I just want to the comment to the
7 applicant, I guess. We just recently went through
8 a process with -- for those of you who know,
9 there's a Best Western Hotel on the corner of
10 Piquets and Jericho Turnpike. They are going to be
11 taking that down, building a two-story medical
12 office building. They are going to have a bank and
13 they're going to have three or four retail stores.

14 The person who is doing that, for years
15 now, way before they even submitted any paperwork
16 to the Town, met with the surrounding communities.
17 They met with my community. There's another -- off
18 Piquets Lane, there's another condo community
19 called the Woodlands, the community behind that,
20 Crystal -- and they were, in all earnest, in all
21 honesty, they were trying to be good neighbors.
22 They didn't have to come to us because they were
23 not asking for any kind of variances or anything
24 like that, but they wanted to support of the
25 neighborhood before they moved forward. So we have

1 been meeting with them, probably, for probably two
2 years. You know, we had a lot of concerns about
3 the trees. They got an arborist to come in and
4 meet with us and we walked through all the trees.
5 The Woodlands had a concern about people -- right
6 now, people off Pickets turn in there just to come
7 back out. So they agreed to put in -- pay for and
8 put in a fence.

9 Our community, besides the trees, had
10 an issue, you know, potentially about backing up,
11 not being able to get out and there's no light to
12 get out of our community. We had school buses
13 making a left turn onto oncoming traffic. They
14 agreed, if the State should agree to it, and they
15 put money in escrow for us to pay for a traffic
16 light. So they went out of their way to be a good
17 neighbor and we literally met with them so many
18 times so every issue was addressed before they even
19 filed with the Town. And when the Planning
20 Commission had hearing to discuss it, they were
21 discussing it, they were asking a lot of questions
22 and someone from our development got up and said we
23 have been meeting with this group for the last
24 couple of years. Our community fully supports it.
25 Once they heard that, they were, like, great, the

1 residents -- you know, the meeting ended.

2 It sounds like no one has done that
3 here. I think the gentleman -- be a good neighbor.
4 You know, don't give these guys two weeks' notice
5 and say if you don't agree to this, this is going
6 to be built. Don't use scare tactics. Meet with
7 them and see if you can come to an agreement and
8 work this out. That's exactly what they did at the
9 Best Western Hotel. Some community outreach would
10 be a really good idea. And just maybe just to
11 mention also what kind of considerations has been
12 given. It's a volunteer fire department. They
13 operate ambulances and things like that. How is
14 that going to affect their ability to, you know, to
15 continue to serve the community that they serve now
16 because they will be more ambulances coming back
17 and forth and ambulettes and things like that?

18 That's all.

19 SUPERVISOR VENDITTO: Thanks, Bob.

20 I think Bob makes a point that Hank
21 made, I think, about the outreach thing and I think
22 that's something that the applicant is pretty
23 mindful of.

24 As far as the fire department is
25 concerned, we will be talking about that.

1 Any other hands?

2 John, I know you want to come back, but
3 let me make sure we've exhausted everyone else.

4 No other hands?

5 All right, John Russell. Come on back.

6 MR. RUSSELL: It's very simple.

7 I am not against senior citizens.

8 Slowly but surely, I'm getting there myself. But
9 rather than a nursing home, how about the Town of
10 Oyster Bay, the spirit that this Town is working
11 in, realizing that we are all -- collectively, we
12 are all getting older, how about senior housing
13 similar to what they built over near GEICO? That
14 would be good use for the property.

15 In reference to also -- I forgot your
16 name. Judy? In reference to that young lady with
17 the change of venue, the original meeting was this
18 morning at 10:00 and it was changed to 8:00. I
19 only received that letter coincidentally, they were
20 both typed the same day (indicating).

21 SUPERVISOR VENDITTO: I'm sorry.

22 MR. RUSSELL: This is notifying me that
23 the meeting is at 10:00 a.m. (indicating). This
24 one is notifying me the meeting is at 8:00.

25 COUNCILMAN MACAGNONE: What is the

1 date, Mr. Russell?

2 MR. RUSSELL: They were both mailed on
3 the 16th as per the envelopes.

4 MS. SIMONCIC: As I indicated in the
5 beginning, I sent the letter by certified mail and
6 regular mail to make sure --

7 SUPERVISOR VENDITTO: He is saying that
8 he has one telling him --

9 UNIDENTIFIED SPEAKER: No, impossible.

10 SUPERVISOR VENDITTO: Thanks, John.

11 Last call. Anyone else who cares to
12 address the Board relative to this matter?

13 MS. KORBETT: I do.

14 SUPERVISOR VENDITTO: Is that Judy?

15 MS. KORBETT: There was a sign that was
16 put up by the attorneys I guess on Lark, not by
17 Wren.

18 SUPERVISOR VENDITTO: I have never seen
19 a lawyer that could put a sign.

20 MS. KORBETT: Somebody put up a sign.
21 It was down two days later. So if anyone was to
22 drive around the community, we would not know what
23 time this meeting...it was or anything else. It
24 have flat down, backwards. So the people that
25 turned out tonight, we all had, like, an e-mail

1 chain going; Otherwise, we wouldn't have known and
2 we would have lost.

3 SUPERVISOR VENDITTO: Thank you, Judy.

4 MS. SIMONCIC: Regarding the signs, I
5 actually live within the mile of the site. I'm a
6 resident of the Town of Oyster Bay and a resident
7 of Woodbury.

8 I have driven by this property every
9 day since the meeting has been changed to ensure
10 that the sign was there.

11 At one point, it was leaning against
12 the fence and I called the sign company and said
13 get down here and secure it, make sure no one can
14 take it away.

15 So I will attest to the fact that the
16 sign has been on Lark Drive from the very beginning
17 and we did submit of affidavits of postings with
18 respect to the sign.

19 SUPERVISOR VENDITTO: Okay.

20 MR. GARBER: I have a picture of it.

21 MS. SIMONCIC: Obviously, we did a good
22 job of notifying everybody because residents did
23 show up. We did everything feasible in terms of
24 notifying residents by sending letter.

25 Again, the meeting was changed at the

1 request of the residents. We are happy that
2 everyone was here to voice their opinion and
3 concerns about the project. So that's all I will
4 say about those.

5 At this time, I would like Chris
6 Robinson to address a couple things and I'm going
7 to call someone else from Benchmark.

8 SUPERVISOR VENDITTO: We may have one
9 or two people that want to come back. Let them
10 finish up here and then we'll -- any remaining
11 questions we will take and you may have to stick
12 around.

13 MR. ROBINSON: I just want to answer a
14 couple of questions.

15 One was on the land banked parking
16 question. We have 30 land banked parking spaces,
17 14 which are shown on the northeast corner between
18 the building and Woodbury Road, 16 in the southeast
19 corner. The 30 spaces at approximately 380 square
20 feet of pavement per space, that's the space in the
21 24-foot back up aisle will be approximately 11,340
22 square feet. It will reduce the open green
23 landscape area from 53.3 percent green to
24 46 percent green.

25 With respect to other question

1 regarding lighting, the lighting is LED, low
2 voltage lighting, 10-foot mounted, down lit onto
3 the property. There will no spill. There are no
4 building mounted lights. I'm not sure what he was
5 talking about on the plan. There's some accent
6 lighting over the doorways, but there's no building
7 mounted lights shining on the property.

8 SUPERVISOR VENDITTO: Chris, we
9 listened to everybody's testimony, obviously. We
10 got it.

11 COUNCILMAN PINTO: If there was a
12 situation where the lighting was in the resident's
13 backyard.

14 You would take care of that?

15 MR. ROBINSON: We would adjust it.
16 It's all going to be LED lighting. Very low, very
17 low. We provided a photometric plan.

18 Again, all these plans have been
19 reviewed and detailed by Cashin & Spinelli. They
20 did review the photometric plan. We had some back
21 and forth regarding that and having no landscaping
22 shown on the property, we had zero spill.

23 Once you have the staggered row of
24 evergreens, there will absolutely nothing that will
25 shine on the neighboring properties.

1 With respect to the fire protection,
2 the building is fully sprinklered, 100 percent.
3 The fire department connection, the pump
4 connection, will be out on Woodbury Road remote
5 from the building so the pumper trucks can pull
6 right up on Woodbury Road, if there ever be a fire,
7 and there's adequate space to maneuver and access
8 to the building code to bring a fire truck if they
9 needed to access the roof of the building.

10 And, again, this will be reviewed by
11 the Nassau County Fire Marshal. There will be an
12 application made to the Nassau County Fire Marshal
13 for site plan approval.

14 COUNCILMAN MACAGNONE: That addresses
15 the fire, but what about the EMS? The ambulance
16 service, did we speak to the fire department about
17 having added need for service?

18 MR. ROBINSON: A couple of things, the
19 Benchmark facility has a van and a Town car readily
20 available to drive residents if they need to visit
21 doctors or go on excursions and the like. They
22 generally have ambulette or ambulance visits;
23 roughly, three a week is probably what they get.
24 It's not as intense as it was being made out to be.
25 There's plenty of adequate room for the

1 maneuverability in the portico in the front and
2 turning around on the property.

3 COUNCILMAN MACAGNONE: Thank you.

4 COUNCILMAN COSCHIGNANO: Can you also
5 address the comment that was made about generators?

6 MR. ROBINSON: There's a generator
7 shown on the plan. It's a fully acoustic-screened
8 generator. It's located immediately south of the
9 loading -- parking spaces for the loading trucks.
10 It's shown on the plan.

11 We also have a transformer shown on
12 that side just north of the trucks and as well as
13 right behind the refuse enclosure. It's a fenced
14 in and screened and be done with acoustical panels
15 built into the generator.

16 COUNCILMAN COSCHIGNANO: Do you know
17 the dimensions off the top of your head?

18 MR. ROBINSON: It's roughly about
19 8 x 10 or 6 x 10, in rough dimensions. It will be
20 a diesel generator. They do have to get exercised,
21 I believe, every day. It will turn on for fifteen
22 minutes, cycle off. It happens roughly about once
23 a week, they cycle through. It's not -- there will
24 be one. There won't be five. It's a single
25 generator for the use of this building.

1 SUPERVISOR VENDITTO: Thank you.

2 Judy, can you address the ingress and
3 egress, I guess, for the emergency vehicles, fire
4 department. I'm talking about ingress and egress.
5 I think he was talking about surface -- unless I
6 misunderstood.

7 MR. ROBINSON: The ingress and egress
8 for the fire department will be through the main
9 driveway on Woodbury Road. There's adequate width.
10 They drive aisles provided are 24 feet.

11 The New York State building code
12 requires a minimum of 20 feet for a drive aisle for
13 a fire apparatus. There's adequate room to serve
14 the building.

15 Again, the fire department connection,
16 if there were a fire in the building -- the
17 building is 100 percent fully sprinklered. It's
18 made of steel construction, concrete flooring. The
19 fire department connection would be at Woodbury
20 Road, so the pumper truck will tie on to a hydrant,
21 pull up to the fire department connection, put
22 additional water into the sprinkler system. That
23 would occur out on Woodbury Road. For emergency
24 access into the building, to get on the roof, to
25 get to the second floor, they will be through the

1 paved driveway.

2 SUPERVISOR VENDITTO: Frank, I just
3 want to make sure -- I'm not saying you have to
4 agree with it, but did he answer your question?

5 MR. MEJIAS: I know from experience --

6 SUPERVISOR VENDITTO: Go ahead.

7 MR. MEJIAS: -- that you need the
8 ladder trucks, so for a ladder truck to come and
9 enter this section (indicating) and set up here
10 (indicating), there's going to be more than one
11 truck for the fire.

12 My worry is, at a later point, you're
13 going to create a second means of egress which is
14 going to end up right in front of my house.

15 MR. ROBINSON: We have no plans for a
16 second egress coming out of here. This application
17 will be reviewed in detail by the Nassau County
18 Fire Marshal and upon their site plan review, which
19 is one of the next steps to take place.

20 Even if there were the need for a
21 secondary egress, we would do what we have
22 typically done on some of the major housing jobs,
23 is put a grass creek style system where you have
24 100 percent capacity to handle the weight of the
25 truck under the lawn.

1 We would typically screen that with
2 concrete curbing, but it will be green and there'll
3 be a crash gate fence. We don't think it's
4 necessary in this case. I have been doing this for
5 thirty years, designing these types of facilities,
6 dozens on Long Island. We believe what plan we put
7 together, we stick behind.

8 SUPERVISOR VENDITTO: Frank, your point
9 is well taken. He is representing that he is not
10 doing that and we will hold him to that.

11 Judy, do you have anything else that
12 you want to address?

13 MS. SIMONCIC: I wanted to have Ken
14 Littlefield address some of the operational
15 questions.

16 SUPERVISOR VENDITTO: Go ahead.

17 MR. LITTLEFIELD: Hi. My name is
18 Ken Littlefield.

19 Thank you for hearing me.

20 I just want to address some of the
21 questions that were brought up tonight. The first
22 one -- there's no particular order -- one, I want
23 to apologize if there was any lack of community
24 outreach to the community. That's the last thing
25 we wanted to do. We are more than willing to

1 continue to talk to the community to build a
2 beautiful building to fit in with the surrounding
3 community.

4 SUPERVISOR VENDITTO: For what it's
5 worth, Ken, where are you from, the Oyster Bay
6 area?

7 MR. LITTLEFIELD: I'm born and raised
8 in Setauket, Little Wading River.

9 SUPERVISOR VENDITTO: You're close
10 enough.

11 In the Town of Oyster Bay, what you
12 will find is that residents -- when residents are
13 not aware of a proposal -- let me start again.

14 Residents of the Town of Oyster Bay,
15 very jealously and I think rightfully, guard their
16 property and guard their community. When residents
17 of the Town of Oyster Bay do not understand or it
18 has not been communicated to them, you know, the
19 nature of the proposal -- by the time you come into
20 this room, you're already in trouble. Whereas, if
21 you go to the community beforehand, I think you
22 would find them quite reasonable.

23 When you eliminate the barriers and the
24 lack of communication, I think you would find, I
25 would say most of the time, the residents may have

1 some suggestions that -- it's a compromise. It's
2 certainly one that you can live and certainly one
3 the residents can live with. I don't know if we
4 are too far down the road -- no pun intended -- in
5 this process, but you might want to the consider
6 that. You might want to consider reaching out and
7 talking to some of the residents that are here
8 today. If you feel you have already done so and
9 you've done adequate communication -- I'm not
10 directing it or making it a condition of anything
11 this Board does, but just a neighborly suggestion.

12 MS. SIMONCIC: Along those lines, we
13 did have a meeting, a prehearing meeting, with the
14 abutting neighbors and only two of the neighbors
15 came to the meeting. It was a couple of months
16 ago. And then when the hearing --

17 SUPERVISOR VENDITTO: Ladies and
18 gentlemen, you've been great. You really
19 represented your community well. Let's not spoil
20 it.

21 Let her finish and if anyone wants to
22 address the Board, I'll allow it.

23 MS. SIMONCIC: When the hearing was
24 scheduled, I had sent out a letter which we
25 typically don't do, but I wanted to ensure that if

1 anybody had any interest in it, they can call me
2 and we would be willing to meet. I did send out
3 that letter and I spoke to about five residents in
4 the immediate area and everybody, after I spoke to
5 them and answered their questions, they seemed
6 positive. So, quite honestly, it's a surprise to
7 me that there's so much interest in, I guess,
8 opposition to this application at this time. But
9 we did offer and I spoke with the neighbor last
10 week when the meeting was changed to 8:00 p.m. I
11 was expecting a call from Hank and they said they
12 may want to meet with me and the applicant. We
13 were willing to do that.

14 Obviously, along those lines, we are
15 still willing to continue dialogue with the
16 residents. We did design a project with them in
17 mind. We increased buffer areas where they are not
18 required, compliance with the Zoning code, full
19 compliance. But, again, we are happy to continue
20 dialogue. We are more than willing and I know
21 Benchmark is more than willing to set up a meeting
22 through Hank or any of the other residents. We
23 will be willing to do that.

24 SUPERVISOR VENDITTO: Fair enough.

25 All right, Ken, back to you.

1 Hank, we will back.

2 MR. GARBER: I want to challenge --

3 SUPERVISOR VENDITTO: Challenge noted.

4 MR. LITTLEFIELD: I'll try to answer
5 some of the questions and then Judy can get back to
6 your question.

7 The first one came up was the average
8 age in our facilities. One of the things we
9 noticed over the last five years is that the
10 average age increased from 85, 86, 87 to 88 during
11 the depression. It's now come back down to 87. We
12 have over 5,000 residents in our communities and we
13 have a pretty good feel for what the average age is
14 in our communities.

15 In New York, we licensed to a special
16 license called the Enhanced Assisted Living
17 Resident License. That's for assisted living
18 residence. This is a stricter license than what
19 many of our competitors achieve. It's called AR
20 license. The enhanced license allows us to have
21 our residents' age in place. It allows us to have
22 nurses on site. It allows us to build, to handle a
23 type of resident in an I2 use group, which is a
24 very frail resident that needs help to evacuate
25 which allows us to evacuate within the building and

1 not have to leave.

2 What we do is we divide the building
3 into sections so we don't have to take our
4 residents outside because we build the building to
5 the specific standards. We use structural steel
6 and concrete, noncombustible materials, fully
7 sprinklered buildings and this allows us to keep
8 our residents safe in a protected environment.

9 Another question that came up was the
10 NEP systems, mechanical, electrical and plumbing
11 systems and the noise and where they are located.
12 We talked about our mansard roof -- I will quickly
13 point to the -- you can still hear me, I'll talk a
14 little louder -- what this mansard roof is doing is
15 that it forms a triangle where you have the sloped
16 roof and then straight back forming a flat well on
17 the inside. The whole building is surrounded by
18 this sloped roof, but the inside is where the well
19 is. That's where the mechanical equipment is.
20 It's out of sight. It's elevated and there's, of
21 course, acoustical properties in the well to
22 prevent noise distribution.

23 So I wanted to address that we don't
24 have these units around our building in plain sight
25 and sound and smells.

1 The next issue that I heard spoken was
2 about our memory care folks and what we call
3 elopement issues or wander issues. There was
4 concern about our residents getting out.

5 SUPERVISOR VENDITTO: You said
6 elopement?

7 MR. LITTLEFIELD: Elopement, that's the
8 term.

9 So what we have done with this
10 facility, we created an interior courtyard so our
11 residents do not have access to the outside. It's
12 a controlled environment. That's one step to keep
13 them -- to have the outside feel, but keep them
14 protected.

15 One thing that Benchmark is real proud
16 of is over the last two years we partnered with
17 Stanley Healthcare Systems and we have state of the
18 art realtime locating systems for our residents.
19 This allows us to track our residents all the time.
20 It also goes to the outside of our building where
21 we installed geo fences. So, not only do we know
22 where our residents are, if someone is a wander
23 risk, we are alerted when they're near the door.
24 We are alerted if they reached the door. We are
25 alerted if they get outside and then we are alerted

1 again if they are off the property. This is at
2 great expense, but for the safety of our residents.

3 The next issue that came up from the
4 good doctor, was talking about the amount of
5 drivers and care staff to take care of the care
6 levels. I wanted to make it clear about our
7 residents. We deal with a very frail population.
8 Obviously, our memory care folks are not driving.
9 So if you eliminate those that drive right off the
10 bat, you've eliminated a significant amount of
11 drivers, and this is from experience, I would
12 venture to say less than five people will have cars
13 in the assisted living side and I'd venture to say
14 that it's probably none. So we -- the residents
15 can drive, if they are able, but what we found,
16 based on the needs of the residents, when they come
17 into our facilities, they usually have given up
18 their driving.

19 Next item has to do with the traffic
20 and some concerns about school-aged children. Busy
21 time periods, we mentioned, are peak shift is from
22 7:00 to 3:00. That's when we have the majority of
23 department heads in, when we have majority of our
24 staffing in. But I want to make it clear, and we
25 can talk about this when we meet with the community

1 later on, we are flexible with our staffing.

2 If there's a situation with bus
3 traffic, traffic because of people going to work,
4 we can be flexible with our staff. I want the
5 community to realize that.

6 Another concern was construction
7 parking. The role I have with the company is
8 construction and development. I am very aware of
9 the concerns of noise, traffic, deliveries,
10 especially during the construction phase.

11 One of the questions was how long was
12 it going to take. It's going to take about 14
13 months. In those 14 months, especially in the
14 front end of that, there will be noise. There will
15 be site clearing and heavy equipment and those are
16 loud activities. However, they would diminish over
17 time as the project gets built.

18 As far as on-site parking for the
19 construction folks, we feel it's adequate. If
20 there's ever a situation, we would make a deal with
21 one of the surrounding office buildings down the
22 road and provide bus transportation for our
23 workers.

24 Another item that came up was pest
25 control and rodents. We hired a large company. We

1 have national contracts with working. We don't
2 want rodents anymore than you do. We would be very
3 diligent before construction on setting traps and
4 during the life of the facility, having an
5 up-to-date pest control agreement.

6 Those were the questions that I heard.
7 If there are anymore, I'd be happy to answer them.

8 SUPERVISOR VENDITTO: You did a good
9 job. Thank you.

10 There are a couple -- I think Steven,
11 you wanted come forward again.

12 MR. OSTER: I want to make a comment on
13 the certified mail. My two neighbors got them and
14 I did not.

15 Also, I was wondering if there was --
16 they were talking about the other facility they
17 were trying to build --

18 SUPERVISOR VENDITTO: I think I missed
19 the latter part.

20 MR. LITTLEFIELD: I think he was
21 talking about Huntington. There's been no decision
22 on that facility right now. The Town Board let it
23 expire. So we are currently working with the
24 landowner. We still control the site. We are
25 looking to our options.

1 SUPERVISOR VENDITTO: Judy -- Judy
2 resident.

3 MS. KORBETT: I didn't have any of my
4 questions answered. I'm curious about the size of
5 the trucks that's coming in with the delivery of
6 food.

7 MR. LITTLEFIELD: We don't use U.S.
8 Food. We use DeCarlo and other companies.
9 Typically, they are small box trucks.

10 Now, I will say when we when we open up
11 the community, there will be large delivery truck
12 for furniture. That's about the biggest deliveries
13 we get. After that, they really go down to small
14 box size, not full 18-wheeler.

15 MS. KORBETT: How many days a week will
16 this be because one small truck is not going to
17 feed 96 units of people?

18 MR. LITTLEFIELD: It's simply about
19 three times a week.

20 MS. KORBETT: Garbage pickup?

21 MR. LITTLEFIELD: That's three times
22 and that's private carting.

23 UNIDENTIFIED SPEAKER: What time is
24 garbage pick up?

25 MR. LITTLEFIELD: Typically, between

1 7:00 and 9:00.

2 Once again, we are opened to being
3 flexible.

4 MS. KORBETT: If you have large amount
5 of food delivered and diapers. And at 87 years
6 old, this is not even considered a senior
7 community. It is a nursing home. I'm sorry. My
8 parents are 87 and 89.

9 MR. LITTLEFIELD: A nursing home in
10 New York State has a tremendous amount of
11 requirement above and beyond what assisted living
12 is. We are not a nursing home. We are part of
13 senior living spectrum and we deal with the frail.

14 SUPERVISOR VENDITTO: Judy disagrees.
15 John Russell going for a
16 record-breaking floor --

17 MR. RUSSELL: If you are 87 years old
18 or older, you are going to be using Depends or
19 whatever they use at that age. It's a nursing
20 home. You can throw perfume on it, it's still a
21 nursing home.

22 SUPERVISOR VENDITTO: Okay. Reasonable
23 people can disagree.

24 MR. RUSSELL: I'm not reasonable.

25 SUPERVISOR VENDITTO: Is there anyone

1 else who cares to address the Board on this matter?

2 (Time noted: 10:56 p.m.)

3 (Whereupon, the following proceedings
4 were reported by Stenographer Julia Giannakopoulos:)

5 SUPERVISOR VENDITTO: Is there anybody
6 else who cares to address the Board relative to
7 this matter?

8 Speak now or -- Hank, did you want to
9 say something?

10 MR. GARBER: Judy mentioned my name.

11 You called me? You never called me.

12 You mentioned earlier that you reached out to some
13 people. Who? When? Where did you meet? None of
14 us have heard about this.

15 And then you said something about
16 moving forward, and, again, you brought up my name.
17 That's wonderful. Thank you for thinking to
18 include me, but why didn't you ask me if I want to?

19 Again, you are very quick to say, but
20 you don't prove anything.

21 SUPERVISOR VENDITTO: Hank, you made
22 your point.

23 Samantha, did you want to add
24 something?

25 MS. BURCHSTEDT: I just wanted to know

1 what the rest of this process was.

2 Are you going to get to that at the
3 end?

4 SUPERVISOR VENDITTO: I'm sorry?

5 MS. BURCHSTEDT: What's the rest of
6 this process?

7 SUPERVISOR VENDITTO: What we are going
8 to is when we complete the meeting, you know,
9 whether it's shortly of, you know, 2:00 or 3:00 in
10 the morning, whatever it takes, when we finish, we
11 are going to close the hearing, and we are going to
12 reserve decision, so we'll make a decision in the
13 future.

14 Where are my -- John Ellsworth,
15 somebody help me here, what would be the timeline?

16 MR. ELLSWORTH: Depending on how they
17 work with the community.

18 SUPERVISOR VENDITTO: Let's assume that
19 it's just us, if they -- look, if they get
20 together, as I'll remind them to do, we can always
21 wait for them to tell us that, you know what, we
22 are at an impasse and just make a decision. So
23 let's assume they are at an impasse, what would the
24 timeline be.

25 MR. ELLSWORTH: If they are at an

1 impasse?

2 SUPERVISOR VENDITTO: At an impasse.

3 MR. ELLSWORTH: And the project is not
4 going to be approved?

5 SUPERVISOR VENDITTO: No, it's up to
6 the Board to decide.

7 MR. ELLSWORTH: Okay, then the first
8 thing you would have to do is the Environmental
9 Resolution, and once the Board passes on that, they
10 get sent to the County Planning Commission. They
11 have a month to render their decision, and then it
12 comes back to the Board, this Board for a decision
13 on the Special Use Permit.

14 SUPERVISOR VENDITTO: So what do they
15 get, 90 days or 120 days?

16 MR. ELLSWORTH: Yes.

17 SUPERVISOR VENDITTO: Samantha, I don't
18 know if you heard that.

19 MS. BURCHSTEDT: Yes, that's perfect.

20 SUPERVISOR VENDITTO: Judy, you want to
21 wrap it up?

22 MS. SIMONCIC: Sure.

23 In terms of speaking, I did not reach
24 out to Hank. I spoke with one of his neighbors,
25 Valerie Massimo, and apparently, there was an

1 e-mail chain with all the residents on it, and I
2 said I'm happy to meet with the residents if they
3 want before the meeting, and she said I would be
4 hearing from somebody, possibly Hank.

5 Obviously, we never spoke, but I'm
6 happy to speak with the neighbors and set up the
7 meeting following this meeting.

8 SUPERVISOR VENDITTO: Okay, you'll keep
9 in touch with our attorney's office.

10 MS. SIMONCIC: Right.

11 SUPERVISOR VENDITTO: We will begin the
12 process, and we'll render a decision.

13 The other thing -- go ahead, I'm sorry.

14 MS. SIMONCIC: Can I address the Board?

15 SUPERVISOR VENDITTO: Sure.

16 MS. SIMONCIC: Or if you want to go
17 first?

18 SUPERVISOR VENDITTO: No, you finish
19 up.

20 MS. SIMONCIC: Okay. I just want to
21 address the use of this property.

22 It is a true assisted living facility
23 as that term is defined in the Oyster Bay Code.
24 This facility is generally no different than, for
25 example, the Amber Court facility in Westbury that

1 has traditional assisted living and a dementia
2 facility which was actually recently approved by
3 the Board not that long ago.

4 Similarly, the Bristal at Jericho,
5 which was just approved by the Board, also assisted
6 living with a dementia component. That's how the
7 Town defines assisted living facilities, so we fit
8 squarely within the definition under the Code, and
9 as such, we require a Special Use Permit from this
10 Board, and as the Board knows, the determination of
11 this use as a Special Use Permit is tend to amount
12 to a finding that this use is compatible with the
13 surrounding neighborhood and it's zoned for this.

14 Based upon all the testimony that
15 you've heard this evening, we believe we've
16 demonstrated through all the expert testimony that
17 the use will be in harmony with the character of
18 the neighborhood and the surrounding properties,
19 that it won't have any adverse impact on the
20 surrounding property values, it won't have any
21 adverse impact on traffic, on surrounding roadways,
22 and, in fact, the purpose of those alternate plans
23 was to demonstrate that this proposed use will have
24 significantly less traffic than the as-of-right
25 uses that could be on this property as currently

1 zoned, and that's the only purpose that we
2 submitted those alternate plans. It's a benign
3 use. It's a great transition use for the
4 neighborhood.

5 Again, we are proposing the project
6 that fully complies with the Town of Oyster Bay
7 Code, no variances are required. And, as it was
8 mentioned earlier by Mr. Breslin, seniors and the
9 aging population are a high priority in the Town of
10 Oyster Bay, and the Town was a pioneer of Golden
11 Age housing years ago.

12 Since the adoption of that Zoning
13 ordinance, there have been 1,400 units built,
14 senior housing units built in the Town. In the
15 Town of Oyster Bay, I just called the other day to
16 just check on the waiting list, as everybody, I'm
17 sure, is aware, there's thousands of people waiting
18 to get into senior housing in this Town, and the
19 wait is some two to three years, I've been told.
20 And studies and statistics show that the elderly
21 population in this town is growing at record
22 numbers. The population increase of people 75 and
23 older increased by 23 percent between 2010 and
24 2014, according to the census.

25 So this assisted living facility will

1 provide a comfortable and secure place for the
2 Town's aging residents to spend the later years of
3 their lives. People that want to stay in Oyster
4 Bay, people in Woodbury, the draw for this facility
5 we anticipate is between 3 to 5 miles within the
6 Woodbury area. There's no other facility in the
7 area. This is a very good location for it for that
8 reason. This facility will also be an asset to the
9 community, and, as I said, will provide a much
10 needed assisted living facility in Woodbury area.

11 And, more importantly, this community
12 will provide for use which is needed in the Town
13 and will benefit the residents of the Town that
14 have lived there their whole lives and want to stay
15 here such as myself.

16 I plan on staying in Woodbury for a
17 very, very long time. I am an advocate of the
18 applicant as the attorney, but personally I think
19 this project is a great project for the area and
20 for the location. And based upon everything you've
21 heard, we respectfully request the Town Board
22 approve the application.

23 SUPERVISOR VENDITTO: Okay, ma'am?

24 Again, not to be dismissive, but you
25 brought it up so I'd like to just --

1 SUPERVISOR VENDITTO: We need a name
2 for the record.

3 MS. OSTER: Marla Oster, Wren Drive.

4 SUPERVISOR VENDITTO: Marla Oster,
5 related to Steven Oster?

6 MS. ASTRO: That would be my spouse.

7 Hank is my next door neighbor. Hank is
8 a great neighbor.

9 I don't think anyone is dismissing the
10 need for this in the community. I grew up here.
11 We just moved back here after being in the city, so
12 I'm coming back to the Town of Oyster Bay.

13 SUPERVISOR VENDITTO: Good.

14 MS. OSTER: We want to have our family
15 here. My father is here, he lives in the town as
16 well. We are a community here.

17 I think, because you brought it up, I
18 think it warrants being said. It is an important
19 part of the community; however, if this was in your
20 -- you said you live in Woodbury, you are part of
21 our community. I think if this was in your
22 backyard, you would be having a different
23 perspective on this.

24 SUPERVISOR VENDITTO: Okay, thank you.

25 Judy, what have you got?

1 MS. KORBETT: Pickup for garbage three
2 times a week, that means 1,638 feces, diapers in
3 the garbage in the back of our house.

4 SUPERVISOR VENDITTO: You are really
5 getting down and dirty.

6 MS. KORBETT: There's not one person
7 that doesn't wear a diaper at age 87.

8 SUPERVISOR VENDITTO: Ladies and
9 gentlemen, before we close a meeting, you may find
10 this following comment I'm about to make a bit odd;
11 especially, in light of sometimes hearings like
12 this get contention, but the fact of the matter is
13 everybody behaved tonight in a very civil manner,
14 everybody spoke their peace, the applicant
15 certainly spoke its case, and the residents
16 certainly represented their community very well.

17 I just want you to know that a night
18 like this is exactly why the Town of Oyster Bay is
19 a very special place that it is. When residents
20 come together, express their views, state their
21 positions, that's how you get a good project in the
22 end, or that's how you don't get a project in the
23 end, and that's why the property values are so high
24 in the Town of Oyster Bay, and that's why it is and
25 will continue to be among the nicest places

1 anywhere in this nation to live and to raise the
2 family in. It all begins with the residents
3 themselves who give a darn about their community.

4 So, thank you very much for
5 participating.

6 MR. RUSSELL: One other thing. I won't
7 come anymore, honestly.

8 The generators that the engineer, or
9 whatever he is, mentioned, He said it's going to be
10 6 x 8. This is the a photograph of a local -- a
11 photograph of two generators at a local health
12 facility not far from here, and there's five of
13 these puppies up there.

14 And believe me, my generator at my home
15 is 3-foot wide -- 3-foot long, 2-foot high, 2-foot
16 wide. God bless if you are going to run a facility
17 on an a 8-foot generator with that many patients in
18 there, or residents.

19 Thank you.

20 SUPERVISOR VENDITTO: Mr. Muscarella,
21 I'll take a motion.

22 COUNCILMAN MUSCARELLA: Supervisor, I
23 make a motion that this public hearing be closed
24 and a decision be reserved.

25 COUNCILMAN COSCHIGNANO: Seconded.

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SUPERVISOR VENDITTO: All in favor?

ALL: "Aye."

SUPERVISOR VENDITTO: Thank you all
very much.

We are going to take a short break and
continue with our Regular Action Calendar.

(Time noted: 11:07 p.m.)

TOWN OF OYSTER BAY
TOWN BOARD
ACTION CALENDAR
March 22, 2016
11:30 p.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOHN VENDITTO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILMAN CHRIS COSCHIGNANO
COUNCILMAN JOSEPH G. PINTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
RONALD SCAGLIA, ASSISTANT TO THE SUPERVISOR,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



JULIA GIANNAKOPOULOS
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
BARRY BREE, DEPUTY COMMISSIONER, PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER OF
THE DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT
FRANK GATTO, ASSISTANT TO THE COMMISSIONER,
DEPARTMENT OF GENERAL SERVICES

1 SUPERVISOR VENDITTO: We'll continue
2 with the call of our Regular Action Calendar.

3 MR. ALTADONNA: May I have a motion to
4 adopt Resolution No. TF 5-16?

5 Transfer of Funds Resolution No.
6 TF 5-16; Resolution relating to Transfer of Funds
7 within various departments accounts for the Year
8 2016.

9 On the motion?

10 COUNCILMAN MUSCARELLA: So moved.

11 COUNCILMAN MACAGNONE: Seconded.

12 MR. ALTADONNA: Motion made by
13 Councilman Muscarella, seconded by Councilman
14 Macagnone.

15 On the vote, Supervisor Venditto?

16 SUPERVISOR VENDITTO: "Aye."

17 MR. ALTADONNA: Councilman Muscarella?

18 COUNCILMAN MUSCARELLA: "Aye."

19 MR. ALTADONNA: Councilman Macagnone?

20 COUNCILMAN MACAGNONE: Councilman
21 Coschignano?

22 COUNCILMAN COSCHIGNANO: "Aye."

23 MR. ALTADONNA: Councilman Pinto?

24 COUNCILMAN PINTO: "Aye."

25 MR. ALTADONNA: Councilwoman Alesia?

1 COUNCILWOMAN ALESIA: "Aye."

2 MR. ALTADONNA: Councilwoman Johnson?

3 COUNCILWOMAN JOHNSON: "Aye."

4 MR. ALTADONNA: Motion to adopt

5 Resolution TF 5-16 passes with seven ayes.

6 May I have a motion to adopt Resolution

7 Nos. 133-2016 through 154-2016?

8 Resolution No. 133-2016; Resolution
9 authorizing the employment of the services of the
10 Nassau County ASA Umpires Association to provide
11 officials for the Town's Senior Citizen softball
12 teams for the 2016 season. (M.D. 3/1/16 #4).

13 Resolution No. 134-2016; Resolution
14 granting request from Joni Gladowsky, Trustee of
15 the Joni Gladowsky Breast Cancer Foundation, for a
16 waiver of skate rentals and ice rink fees for a
17 charity event at Syosset-Woodbury Community Park
18 Ice Rink on March 4, 2016. (M.D. 3/1/16 #6).

19 Resolution No. 135-2016; Resolution
20 authorizing the Supervisor and his designee, to
21 execute all forms in connection with the pursuit of
22 the 2016 Clean Vessel Assistance Program Operation
23 and Maintenance funding through the New York State
24 Clean Vessel Assistance Program relative to pump
25 out services offered at Tobay Beach and Marina,

1 Theodore Roosevelt Memorial Beach and Marina and
2 Harry Tappen Beach and Marina. (M.D. 3/1/16 #12).

3 Resolution No. 136-2016; Resolution
4 authorizing the Supervisor to sign a Youth Program
5 Contractual Agreement under the Workforce
6 Innovation and Opportunity Act for the period
7 March 15, 2016 through June 30, 2017, in connection
8 with the delivery of youth employment and training
9 services. (M.D. 3/1/16 #13).

10 Resolution No. 137-2016; Resolution
11 pertaining to Contract No. PWC 15-16, On-Call
12 Engineering Services relative to Traffic
13 Engineering, Construction of Drainage Improvements
14 for Division Avenue. (M.D. 3/1/16 #25).

15 Resolution No. 138-2016; Resolution
16 granting request from the NY Autofest, for Town
17 assistance in conducting a car show and concert on
18 June 11, 2016, to utilize Municipal Parking Field
19 O-4 in Oyster Bay and the use of various Town
20 equipment for the event. (M.D. 3/1/16 #30).

21 Resolution No. 139-2016; Resolution
22 authorizing Resolution No. 196-2007 be rescinded
23 due to various circumstances in connection with the
24 standardized refuse body. (M.D. 3/1/16 #27).

25 Resolution No. 140-2016; Resolution

1 authorizing Contract No. PWC 10-16, On-Call
2 Engineering Services relative to Construction
3 Management for Construction of Drainage
4 Improvements for Division Avenue. (M.D. 3/1/16
5 #26).

6 Resolution No. 141-2016; Resolution
7 granting request for Town assistance from LI 2Day
8 Hope Runs Here 5K Run/Walk to Fight Breast Cancer
9 on August 20, 2016 and to use various Town
10 equipment for the event. (M.D. 3/1/16 #31).

11 Resolution No. 142-2016; Resolution
12 granting request from the Chamber of Commerce of
13 the Massapequa, Inc., for Town assistance in
14 conducting their Annual Street Fair on June 5,
15 2016, to use various Town equipment, Municipal
16 parking Field M-6 from June 3-5, 2016 and to have
17 Town Ordinance Chapter 82-3 waived for the event.
18 (M.D. 3/1/16 #32).

19 Resolution No. 143-2016; Resolution
20 authorizing the Department of Environmental
21 Resources to host the Dune Stabilization Program at
22 TOBAY Beach on April 2, 2016 and to purchase food,
23 supplies and t-shirts for the program. (M.D.
24 3/1/16 #33).

25 Resolution No. 144-2016; Resolution

1 authorizing membership in the NYS Urban and
2 Community Forestry Council for 2016. (M.D. 3/8/16
3 #4).

4 Resolution No. 145-2016; Resolution
5 authorizing the securement and payment for the
6 Town's property insurance coverage and to make
7 allowance for potential new locations and/or
8 increased values. (M.D. 3/8/16 #12).

9 Resolution No. 146-2016; Resolution
10 granting request from Doreen Meringolo and Anne
11 Cozzini to donate a tree and accompany plaque in
12 memory of Donna Geraci to be placed at John J.
13 Burns Town Park. (M.D. 3/8/16 #5).

14 Resolution No. 147-2016; Resolution
15 granting request of Roman Catholic Church of
16 St. Gertrude in Bayville, for Town assistance and
17 the use of Centre Island Beach, the use of the Town
18 showmobile and various equipment and to have a
19 waiver of Town ordinances 168-3, 168-5B and 168-20
20 waived for their Annual Feast from June 16-20,
21 2016. (M.D. 3/8/16 #6).

22 Resolution No. 148-2016; Resolution
23 authorizing the implementation of a resident and
24 nonresident fee for the seasonal rental of Kayak
25 racks at John J. Burns Town Park. (M.D. 3/8/16

1 #9) .

2 Resolution No. 149-2016; Resolution
3 authorizing the Department of Environmental
4 Resources to co-sponsor the Annual Spring Oyster
5 Bay Harbor and Beach Cleanup in conjunction with
6 the North Oyster Bay Baymen's Association, the
7 Friends of the Bay and public volunteers, scheduled
8 to be held April 30, 2016 at Theodore Roosevelt
9 Memorial Park, Western Waterfront, Beekman Beach,
10 Centre Island Beach and Stehli Beach. (M.D. 3/8/16
11 #15) .

12 Resolution no. 150-2016; Resolution
13 authorizing the award of Contract No. SE 002-16,
14 Recycling of Commingled Glass, Ferrous and
15 Non-Ferrous Metal and Rigid Plastic containers.
16 (M.D. 3/8/16 #19) .

17 Resolution No. 151-2016; Resolution
18 pertaining to an agreement with Junior League of
19 Long Island, a member of the Association of Junior
20 Leagues International, Inc., relative to a donation
21 to build an additional playground at Haypath Park
22 in Old Bethpage. (M.D. 3/8/16 #16 & 3/15/16 #4) .

23 Resolution No. 152-2016; Resolution
24 directing the Town Clerk to advertise a Notice of
25 Hearing to consider the 2016 Hydrant Rental

1 Contract for the Oyster Bay Water District.
2 Hearing Date: April 5, 2016. (M.D. 3/1/16 #34).

3 Resolution No. 153-2016; Resolution
4 directing the Town Clerk to advertise a Notice of
5 Hearing to consider the 2016 Hydrant Rental
6 Contract for the Plainview Water District. Hearing
7 Date: April 5, 2016. (M.D. 3/1/16 #35).

8 Resolution No. 154-2016; Resolution
9 directing the Town Clerk to advertise a Notice of
10 Hearing to consider the proposed exemption of
11 taxation, special ad valorem levies and special
12 assessments for All Veterans Organizations in the
13 Town of Oyster Bay. Hearing Date: April 5, 2016.
14 (M.D. 3/1/16 #36).

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Seconded.

18 MR. ALTADONNA: Motion made by
19 Councilman Muscarella, seconded by Councilman
20 Macagnone.

21 SUPERVISOR VENDITTO: Is that the whole
22 calendar?

23 COUNCILMAN MACAGNONE: Yes.

24 SUPERVISOR VENDITTO: We have a speaker
25 on 136, Mr. Ripp.

1 MR. ALTADONNA: 136, 148, and 151.

2 SUPERVISOR VENDITTO: Yes, Robert.

3 MR. RIPP: Yes.

4 Hello. My name is Robert Ripp. I'm
5 from Massapequa, New York.

6 Can I ask you, are we still
7 livestreaming?

8 SUPERVISOR VENDITTO: Excuse me?

9 MR. RIPP: Is the livestream working
10 tonight?

11 SUPERVISOR VENDITTO: Oh, yes.

12 MR. RIPP: Before I speak on a
13 Resolution, as a resident of Oyster Bay, I feel I'm
14 obligated to immediately provide this information
15 to the Town Board.

16 SUPERVISOR VENDITTO: Is it on a
17 resolution, Robert?

18 MR. RIPP: No, it's not, but it's
19 extremely important.

20 SUPERVISOR VENDITTO: Why don't you
21 hold it until the public comment period?

22 MR. RIPP: Because I would like an
23 official record of it.

24 SUPERVISOR VENDITTO: You'll get it.
25 You'll get it during the public comment period.

1 Let's deal with Resolution 136.

2 MR. RIPP: I'll move on, but I just
3 want to put on the record that I would have it
4 preferred that it be on the record.

5 SUPERVISOR VENDITTO: Robert, listen to
6 me, as the Chair of the meeting, I'm asking you to
7 deal with Resolution 136. In a few minutes, we'll
8 be on public commentary.

9 MR. RIPP: I'd like to know in regards
10 to Resolution 136, does the Town have any idea,
11 approximately, how many people are actually
12 receiving training through this program here?

13 SUPERVISOR VENDITTO: Sure, we do. I
14 don't know if we have the statistics available, but
15 we can provide them to you.

16 MR. RIPP: Okay, so that would be
17 something you have to tell me at a later date?

18 SUPERVISOR VENDITTO: Yes, we have to
19 find it.

20 MR. RIPP: I'm on 147, is that okay?
21 Actually, 148.

22 This is in regards to John Burns Park,
23 and I actually used the ramp down there quite
24 frequently. I think the kayaking thing is a great
25 idea, but I'm just curious, where in the park are

1 the plans are to put the kayak storage? And I
2 would like to draw your attention to, you know,
3 I've noticed -- I've used that ramp since the early
4 '80s, I was a commercial shell fisherman. I went
5 out there every day. I've used the ramp every day,
6 and I've seen a lot of changes in Burns Park.

7 I mean, my own personal opinion, I kind
8 of like it the way it was, but recently there's --
9 I mean, the Town has so many sports activities and
10 things going on that the parking area that's
11 designed for the boat ramp use, there's a specific
12 like parking area that has elongated parking for
13 cars and trailers and has a nice wash-down. It's
14 really set up very nice.

15 COUNCILMAN PINTO: Southwest corner.

16 MR. RIPP: Yes. It's a great, set up
17 really, really nice, but the problem is that it's
18 so many people now that's using the facility, that
19 if you don't, like, launch your boat at, like, you
20 are at Dock 30, you may not get a spot there
21 anymore.

22 SUPERVISOR VENDITTO: Are you saying we
23 shouldn't bring the kayak to --

24 MR. RIPP: I'm not saying we shouldn't,
25 but I'm just curious, like, where it's going to be

1 set up. And I just want to bring to your attention
2 the additional use of that area, I would like to
3 see some like --

4 COUNCILMAN COSCHIGNANO: Designated
5 spots?

6 MR. RIPP: Designated spots for the
7 people that are going to be kayaking and boat
8 ramping. That's what I would like to say.

9 Thank you.

10 SUPERVISOR VENDITTO: Go ahead, Robert,
11 151.

12 MR. RIPP: Yes.

13 150?

14 SUPERVISOR VENDITTO: I have 151 here.

15 MR. RIPP: I'm sorry. I got 150 in
16 front of me, if it's okay. I might have made a
17 mistake.

18 In regard to this Resolution --

19 SUPERVISOR VENDITTO: Which one is it
20 now?

21 MR. RIPP: 150, this is regarding the
22 recycling of commingled glass, ferrous,
23 non-ferrous, I don't know if I'm saying it right,
24 non-ferrous material -- is this -- so I can
25 understand this correctly, is this the accumulation

1 of the material that's picked up from residents,
2 and then is it going to this facility to be
3 processed? Is this what's happening?

4 SUPERVISOR VENDITTO: I don't know what
5 you mean by accumulated.

6 MR. RIPP: We have the -- this is what
7 I'm gathering, and I might be wrong, but, you know,
8 in the Town we have a recycling program, and, like,
9 specifically I've asked a number of times why the
10 private Sanitation service in my neighborhood is,
11 under their permit obligation, they are supposed to
12 be doing the recycling --

13 SUPERVISOR VENDITTO: This is about the
14 recycling.

15 MR. RIPP: This is about the recycling.

16 So when they pick that stuff up, what
17 I'm asking you is, is it then going to this
18 facility here with these Resolutions?

19 SUPERVISOR VENDITTO: Which facility?
20 I'm sorry, I don't have the Resolution.

21 MR. RIPP: I'm sorry. Where it says
22 here, Eric Tuman, the Commissioner of the
23 Department of General Services by a Memorandum
24 dated March 8, 2016, recognize that a bid proposal
25 SE 002-16 be awarded to Omni Recycling of Westbury,

1 7 Portland Avenue, Westbury, New York 11590, as the
2 lowest responsible bidder.

3 So I'm just wondering if what Omni is
4 actually doing, is that like a recyclable plant
5 that the Town is delivering the stuff to?

6 SUPERVISOR VENDITTO: I believe that's
7 their offices. Am I wrong? What do they do to the
8 material, Hal? Just make it quick, whatever you
9 got.

10 MR. MAYER: They take it and they
11 dispose. You are correct, the address in Westbury
12 is their headquarters or offices. This Omni comes
13 to the Town's facility in Old Bethpage, sorts and
14 separates and picks up the commingled recyclables
15 and then they take it away and dispose it. They
16 were the lower bidder on the contract providing
17 that service.

18 SUPERVISOR VENDITTO: You want to know
19 where they dispose of it?

20 MR. RIPP: No. I wanted to know what
21 their actual participation in the thing was.

22 So, the Town picks up the recyclables
23 and brings it to our facility in Town?

24 MR. MAYER: At Old Bethpage.

25 MR. RIPP: And then these people show

1 up, you mentioned something about, like, separating
2 or going through it -- is that what you said? I
3 don't want to misquote you -- and then they remove
4 it to their facility?

5 MR. MAYER: I'm not sure whether they
6 separate it upfront or put it together and separate
7 it at their facility, but they get rid of all the
8 materials put there, glass and metal.

9 SUPERVISOR VENDITTO: Pursuant to the
10 contract.

11 MR. MAYER: Right.

12 MR. RIPP: Thank you.

13 151, that's the donation for the park.

14 I just wanted to know if the Town has
15 any intention of matching or contributing any
16 additional funds to that project.

17 SUPERVISOR VENDITTO: I know we are
18 charged with building and maintaining it. I don't
19 know if \$30,000 is enough to --

20 COUNCILWOMAN ALESIA: The only thing
21 I'm aware that we are contributing is the surfacing
22 material.

23 SUPERVISOR VENDITTO: That's our
24 responsibility.

25 COUNCILWOMAN ALESIA: Yes, it's a

1 special-needs playground.

2 MR. RIPP: That material, will we be
3 bidding that out or would that be under a
4 requirements contract?

5 SUPERVISOR VENDITTO: I don't think
6 that decision is -- no, we don't bid that.

7 Is that something you do in-house?

8 MR. NOCERINO: No, no. We have a
9 contractor for it. There's quotes for the
10 surfacing.

11 SUPERVISOR VENDITTO: Is it pursuant to
12 a requirements contract or you are going to be
13 bidding it; do you know?

14 MR. NOCERINO: We have -- there was a
15 bid on who does surfacing for us. They won the
16 contract, everyday repair, and they put that
17 service on.

18 COUNCILWOMAN ALESIA: I'll also mention
19 that Senator Hannon's office is considering trying
20 to get a grant to add a little bit more to the
21 playground as well.

22 SUPERVISOR VENDITTO: That's always
23 welcome.

24 MR. RIPP: Just so I'm clear, the
25 paving and the surfacing you are talking about will

1 be handled through the existing requirements
2 contract?

3 COUNCILWOMAN ALESIA: Oh, yes. It's
4 not paving. It's not paving. It's like they
5 rubberize this --

6 COUNCILMAN PINTO: It has to be
7 specially tested.

8 COUNCILWOMAN ALESIA: Special surface.

9 MR. MAYER: It's the playground
10 surface. It's suitable for --

11 MR. RIPP: Okay. Thank you very much.

12 SUPERVISOR VENDITTO: There was another
13 speaker form.

14 I don't know --

15 MR. ALTADONNA: Yes, Paul Molinari, but
16 he has gone.

17 SUPERVISOR VENDITTO: Okay.

18 MR. ALTADONNA: Motion made by
19 Councilman Muscarella, seconded by Councilman
20 Macagnone.

21 On the vote, Supervisor Venditto?

22 SUPERVISOR VENDITTO: "Aye."

23 MR. ALTADONNA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: "Aye."

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: "Aye."
2 MR. ALTADONNA: Councilman Coschignano?
3 COUNCILMAN COSCHIGNANO: "Aye."
4 MR. ALTADONNA: Councilman Pinto?
5 COUNCILMAN PINTO: "Aye."
6 MR. ALTADONNA: Councilwoman Alesia?
7 COUNCILWOMAN ALESIA: "Aye."
8 MR. ALTADONNA: Councilwoman Johnson?
9 COUNCILWOMAN JOHNSON: "Aye."
10 MR. ALTADONNA: Motion to adopt
11 Resolutions Nos. 133-2016 through 154-2016 passes
12 with seven "Ayes."
13 We are complete, Supervisor.
14 COUNCILMAN MUSCARELLA: Supervisor, I
15 make the motion to adjourn the meeting.
16 COUNCILMAN MACAGNONE: Seconded.
17 SUPERVISOR VENDITTO: All in favor?
18 ALL: "Aye."
19 SUPERVISOR VENDITTO: Opposed?
20 (No response.)
21 SUPERVISOR VENDITTO: So moved.
22 We are adjourned.
23 (Time noted: 11:42 p.m.)
24
25