

TOWN OF OYSTER BAY  
TOWN BOARD  
REGULAR MEETING  
June 7, 2016  
10:15 a.m.

**HEARING - P-4-16**

To consider the application of C & B Realty #3 LLC, fee owner, for a Special Use Permit to permit the construction of a restaurant with a seating capacity in excess of 76 seats within the shopping center located in a Neighborhood Business (NB) Zone at the southeast corner of Woodbury Road and South Oyster Bay Road, Plainview, New York. (M.D. 4/12/16 #13).

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

(Appearances continued on following page.)

I certify this is a true  
and accurate transcript.



\_\_\_\_\_  
YVONNE ANGELES  
Official Reporter/Notary

**ORIGINAL TRANSCRIPT**

ALSO PRESENT:

THOMAS M. SABELLICO, DEPUTY TOWN ATTORNEY  
DONNA P. SWANSON, DEPUTY TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
DIANE SMITH, OFFICE OF THE TOWN CLERK  
CAROL FIORENZA, SECRETARY TO THE TOWN CLERK  
CAROL STRAFFORD, DIRECTOR, OFFICE OF THE TOWN  
ATTORNEY  
JUNE MASCIA, DEPUTY COMMISSIONER,  
GENERAL SERVICES  
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
LOUIS IMBROTO, ASSISTANT TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,  
PUBLIC INFORMATION OFFICE  
BRIAN DEVINE, RESEARCH ASSISTANT,  
PUBLIC INFORMATION OFFICE  
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,  
OFFICE OF THE EXECUTIVE  
RALPH RAYMOND, DEPUTY TOWN CLERK  
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK  
FRANK GATTO, ASSISTANT TO THE COMMISSIONER,  
GENERAL SERVICES  
VICKY SPINELLI, DEPUTY COMMISSIONER,  
DEPARTMENT OF HUMAN RESOURCES  
RICHARD LAMARCA, DIRECTOR, DIVISION OF  
LABOR-MANAGEMENT RELATIONS,  
DEPARTMENT OF HUMAN RESOURCES  
TIMOTHY ZIKE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
BARRY BREE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PUBLIC SAFETY  
FRANK A. NOCERINO, COMMISSIONER,  
PARKS DEPARTMENT  
ROBERT M. McEVOY, COMPTROLLER

1 SUPERVISOR VENDITTO: Ladies and  
2 gentlemen, we will begin and we will begin by  
3 asking our Town Clerk, Mr. Altadonna, to poll the  
4 Board.

5 MR. ALTADONNA: Supervisor Venditto?

6 SUPERVISOR VENDITTO: I am here.

7 MR. ALTADONNA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: Here.

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: Here.

11 MR. ALTADONNA: Councilman Coschignano?

12 COUNCILMAN COSCHIGNANO: Here.

13 MR. ALTADONNA: Councilman Pinto?

14 COUNCILMAN PINTO: Here.

15 MR. ALTADONNA: Councilwoman Alesia?

16 COUNCILWOMAN ALESIA: Here.

17 MR. ALTADONNA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: Here.

19 MR. ALTADONNA: Ladies and gentlemen,  
20 if everyone will please rise and join in the Pledge  
21 of Allegiance to our flag led by our Receiver Jim  
22 Stefanich.

23 (Pledge of Allegiance recited.)

24 SUPERVISOR VENDITTO: I'm looking over  
25 at the calendar people, we have three hearings on,

1 two Zoning hearings and a hearing on the Amnesty  
2 Provision.

3 What I would like to do, and I think  
4 the Board is on board, is call the Amnesty one  
5 first. This way we don't hold up the Zoning  
6 applicants.

7 So you will go two, three, one.

8 MR. ALTADONNA: Okay.

9 SUPERVISOR VENDITTO: I'm sorry, call  
10 the second hearing.

11 MR. ALTADONNA: Hearing P-4-16; to  
12 consider the application of C & B Realty #3 LLC,  
13 fee owner, for a Special Use Permit the  
14 construction of a restaurant with a seating  
15 capacity in excess of 76 seats within the shopping  
16 center located in a Neighborhood Business (NB) Zone  
17 at the southeast corner of Woodbury Road and South  
18 Oyster Bay Road, Plainview, New York.

19 SUPERVISOR VENDITTO: Mr. Cincotta,  
20 good morning.

21 MR. CINCOTTA: Good morning,  
22 Mr. Supervisor.

23 Good morning, Board Members.

24 SUPERVISOR VENDITTO: You're counsel on  
25 both hearings?

1 MR. CINCOTTA: Yes, I am.

2 My name is Anthony J. Cincotta. I'm an  
3 attorney with offices at 100 Crossways Park West,  
4 Suite 101, Woodbury, New York.

5 SUPERVISOR VENDITTO: I just want to  
6 alert the audience that we are familiar with  
7 Mr. Cincotta. He has appeared before this Board  
8 many times. That does not mean that we agree with  
9 him, but he typically does a good job.

10 Anthony, it's all yours.

11 MR. CINCOTTA: This morning I represent  
12 C & B Realty #3 LLC. The owner of a multi-tenant  
13 retail shopping center located at the southeast  
14 corner of South Oyster Bay Road and Woodbury Road  
15 in Plainview. It's known as the Woodbury Plaza  
16 Center also known as Section 12, Block 342, Lot 18,  
17 on the Nassau County Tax Map.

18 SUPERVISOR VENDITTO: Mr. Cincotta,  
19 which store is it?

20 MR. CINCOTTA: It's one of the stores  
21 in the center. If you're familiar with the center,  
22 the store on the northerly end is Bed, Bath &  
23 Beyond. The store on the southerly end is Chase  
24 Bank, and in between, there are other stores.

25 This store that we are proposing this

1 morning is between the Men's Wearhouse, I believe,  
2 and Vince Camuto shoe store and next to it is  
3 the --

4 SUPERVISOR VENDITTO: I'll tell you  
5 what, where is it from the old Boomy's?

6 MR. CINCOTTA: It's north of Boomy's by  
7 about four or five stores. It's going to be  
8 between the --

9 SUPERVISOR VENDITTO: That's good.

10 MR. CINCOTTA: In fact, Boomy's has  
11 closed.

12 SUPERVISOR VENDITTO: Painfully, I know  
13 that.

14 MR. CINCOTTA: This is an application  
15 for a special use permit to permit the owners of  
16 the shopping center to lease and construct a full  
17 service restaurant known as Callexico.

18 The purpose of the application for the  
19 permit is because the proposed Callexico restaurant,  
20 the way it's been laid out, will have an occupancy  
21 of 118 persons. In this zone, the NB zone, where  
22 the center is located, we're only permitted to have  
23 an occupancy of 75 seats. If we build the  
24 additional 45 seats, we have to come before this  
25 Board requesting a special use permit.

1                   The shopping area is rather large.  
2                   It's about 9.2 acres. It has frontage along  
3                   Woodbury Road, 367 feet and frontage along South  
4                   Oyster Bay Road, 704 feet. The improved part of  
5                   the shopping center, which is the first floor of  
6                   the strip center, plus a small second floor on the  
7                   southerly end contains a 111,929 square feet. It's  
8                   divided into approximately 20 tenancies. The  
9                   larger tenancy is in the center.

10                   Starting from the north is Bed, Bath &  
11                   Beyond. Adjacent to that, we have Men's Wearhouse,  
12                   we have a CVS, we have a Banana Republic and we  
13                   have a Trader Joe's. These are the three large  
14                   stores at the present time.

15                   There's only one restaurant right now.  
16                   The name of the restaurant is Cosi. It's located  
17                   towards the southerly portion of the restaurant.  
18                   That has an occupancy of 75 seats. Next to Cosi is  
19                   what was formerly known as Boomy's which is a  
20                   delicatessen-type restaurant which has a seating  
21                   capacity of 75 seats. That restaurant has been  
22                   closed. The landlord is negotiating with the new  
23                   tenant. We expect to have a new restaurant tenant  
24                   in that space, but that restaurant will be limited  
25                   to about 75 seats. Boomy's has 75, we expect this

1 to be smaller.

2 SUPERVISOR VENDITTO: Is something  
3 happening with Boomy's?

4 MR. CINCOTTA: It closed, but there's  
5 something happening in the space where it was  
6 located.

7 Moving further down the center, moving  
8 north, there's a vacant area adjacent to Trader  
9 Joe's which is being used to enlarge Trader Joe's.  
10 He is taking on more space. I have a photograph of  
11 that section which is the area where Trader Joe's  
12 is being enlarged.

13 SUPERVISOR VENDITTO: How many seats do  
14 you have, Anthony?

15 MR. CINCOTTA: 118 is proposed. This  
16 is the photograph of the space where the restaurant  
17 to be proposed is going to be located (handing).  
18 The new restaurant is going in between the existing  
19 Banana Republic store and Vince Camuto shoe store.  
20 The space is 3,900 square feet.

21 Based upon the layout and the plans  
22 submitted by the tenant, the Town has determined  
23 that we have an occupancy of 118 seats over the 75  
24 seat permitted in the zone; hence, the requirement  
25 for this application.



1 SUPERVISOR VENDITTO: What hours of  
2 operation are they looking at?

3 MR. CINCOTTA: The restaurant will be  
4 having the typical hours which would usually be  
5 from 11:30 -- they will be open seven days a week.  
6 They will be open from 11:30 in the morning until  
7 closing, which the latest would be midnight.

8 If things are ordinarily closing,  
9 they'll close before midnight. They will be open  
10 Saturdays and Sundays the same hours.

11 SUPERVISOR VENDITTO: Is it a chain?

12 MR. CINCOTTA: I have a menu to hand up  
13 to the Board. It's a full-service restaurant. It  
14 has a bar and it has table seating. It also has an  
15 interesting feature -- here's a copy of the menu  
16 (handing). The front of the building will have a  
17 glass doorway across the entire front which can  
18 open during warm weather. They will be able to  
19 retract the front wall of the building and open it  
20 up to fresh air.

21 Although, we have seating, there are  
22 seats -- you can tell from the site plan, there are  
23 seating areas in front of the glass door.

24 COUNCILMAN MACAGNONE: Will there be  
25 music?

1 MR. CINCOTTA: We don't think so.

2 It's a family-type restaurant.

3 COUNCILMAN MACAGNONE: I'm just asking  
4 because of the noise.

5 MR. CINCOTTA: We don't anticipate that  
6 there's going to be music there.

7 COUNCILWOMAN ALESIA: I would be remiss  
8 if I didn't bring up the fact that my office is  
9 inundated on a weekly basis with calls complaining  
10 about traffic in and out of that shopping center,  
11 the adjacent shopping center on South Oyster Bay.

12 I've been in touch with the owners of  
13 the shopping center in conjunction with Legislator  
14 Jacobs from the County begging them to undertake a  
15 traffic study instead of putting a light because  
16 people cannot get out of the shopping centers.

17 I'm sure you're intimately familiar  
18 with coming in and out as am I because I live  
19 immediately south. The entrance and exit of the  
20 two centers do not line up and there is a real  
21 possibility of a bad accident happening.

22 COUNCILMAN MACAGNONE: I happen to live  
23 in the same area and I agree. It's terrible over  
24 there any time of the day, seven days a week.

25 SUPERVISOR VENDITTO: Are we talking

1 egress and ingress?

2 COUNCILWOMAN ALESIA: Correct.

3 MR. CINCOTTA: I'm aware of that  
4 situation and I discussed it with my client and my  
5 client has been in contact with the County and  
6 whoever else is involved. They have our full  
7 support. If a light is determined to have to be at  
8 that exit point, we fully support it.

9 SUPERVISOR VENDITTO: What exit point  
10 are we talking about?

11 MR. CINCOTTA: The one on South Oyster  
12 Bay Road.

13 COUNCILMAN MACAGNONE: Cars make a left  
14 out there and --

15 MR. CINCOTTA: You can make a left and  
16 a right from that exit.

17 SUPERVISOR VENDITTO: But the ingress  
18 and egress point is south of Woodbury Road facing  
19 west?

20 MR. CINCOTTA: Yes, that's an ingress  
21 and egress.

22 SUPERVISOR VENDITTO: There's a lot of  
23 parking.

24 COUNCILWOMAN ALESIA: The issue is  
25 really not the parking. The issue is that people

1 can't get safely out of the shopping center.

2 COUNCILMAN MACAGNONE: Actually,  
3 Woodbury Road is tough getting into because cars  
4 back up there. It's not an ideal shopping center  
5 to make a right into.

6 MR. CINCOTTA: You can't make a left  
7 going westbound.

8 COUNCILMAN MACAGNONE: I know.

9 MR. CINCOTTA: There's an exit and  
10 entrance at the southern-most end of the shopping  
11 center down by the bank. There's another ingress  
12 and egress at that point.

13 So we are aware of the traffic  
14 situation and the light situation and the County  
15 has our full cooperation. Whatever they need from  
16 us, we are happy to do. We are concerned about the  
17 safety of your customers coming in and out. So  
18 whatever we have to do, will be done.

19 SUPERVISOR VENDITTO: How is that going  
20 to happen?

21 MR. CINCOTTA: I think what happens is  
22 that the County first does a study to determine if  
23 a light has to be put in there. Then, they  
24 determine where the light has to go and whether  
25 they are going to pay for it or they're going to

1 make the store owners pay for it.

2 COUNCILWOMAN ALESIA: Respectfully, I  
3 think a lot of that has already occurred.

4 At this point, the ball was in -- what  
5 we would like to see at -- it's really a County  
6 issue. It's not our roadway, but my understanding  
7 is that we were waiting for the shopping center  
8 owners to contribute financially to putting the  
9 light in. That's my understanding.

10 SUPERVISOR VENDITTO: So the County has  
11 made a determination that the light is warranted?

12 COUNCILWOMAN ALESIA: That's my  
13 understanding.

14 MR. CINCOTTA: We are prepared to  
15 contribute what has to be done on our part towards  
16 the installation of that light.

17 COUNCILWOMAN ALESIA: That's all I had  
18 to hear.

19 MR. CINCOTTA: It's a new phenomenon.  
20 It started out in California. They now have some  
21 restaurants in the northeast, a few in New York  
22 City. There's one on the upper east side. There's  
23 one in Park Slope in Brooklyn. There's one in  
24 Greenpoint in Brooklyn and one in Red Hook,  
25 Brooklyn.

1                   They also have a concession-type  
2 restaurant in the Barclays Center which is on  
3 Atlantic Avenue in Brooklyn. So they have four  
4 full-service restaurants and one concession-type  
5 restaurant operating in the Barclays Center. This  
6 will be their first restaurant in Long Island.  
7 This will be probably be corporate-owned. There  
8 are franchise available, I guess, if people want to  
9 invest down the road. But this will be  
10 corporate-owned and it will be our first Long  
11 Island full-service, sit-down restaurant.

12                   I have this morning Mr. Rick DeMarco  
13 who's here on behalf of the Calexico Group. If the  
14 Board has any questions whatsoever regarding the  
15 operation of the restaurant, the menu, the hours, I  
16 will be happy to bring them up if you have any  
17 questions.

18                   I also have someone from our  
19 architectural firm here this morning who can answer  
20 any questions. Basically, we are going to follow  
21 the architecture of the shopping center.

22                   There will be no changes in the  
23 shopping center. There will be no addition to the  
24 square footage in the shopping center. Everything  
25 is being done within the tenant area.

1 SUPERVISOR VENDITTO: We will be happy  
2 to say hello to Mr. DeMarco. Welcome to the Town  
3 of Oyster Bay. It sounds good. We'll see how it  
4 goes.

5 MR. DeMARCO: Thank you.

6 SUPERVISOR VENDITTO: Does the  
7 architect have any renderings today?

8 MR. CINCOTTA: We don't. We have --

9 SUPERVISOR VENDITTO: It's not  
10 critical.

11 MR. CINCOTTA: We have a plan to submit  
12 to the Town. We have a floor plan.

13 SUPERVISOR VENDITTO: I meant if you  
14 had any renderings.

15 MR. CINCOTTA: No.

16 SUPERVISOR VENDITTO: What is the  
17 nearest facility that they operate in?

18 MR. CINCOTTA: Brooklyn, Park Slope,  
19 Greenpoint.

20 SUPERVISOR VENDITTO: This is going to  
21 be the first --

22 MR. CINCOTTA: Yes.

23 One of the issues that comes up is the  
24 issue of off-street parking. This is the south  
25 shopping center. It has a number of tenants. The

1 present center has 568 parking spaces. The site  
2 plan of the shopping center changes from time to  
3 time as tenancy moves out and some move in.

4 At the present time, the best we can  
5 determine with the conversion of Boomy's from a  
6 75-seat restaurant to 50-seat restaurant to include  
7 the new Callexico restaurant, we appear to be  
8 requiring 594 spaces whereas we have 568 on site.  
9 There's a shortfall and that could be the subject  
10 of a Zoning Board of Appeals application.

11 SUPERVISOR VENDITTO: You're talking  
12 about the overall shopping center?

13 MR. CINCOTTA: Yes.

14 SUPERVISOR VENDITTO: Give me the  
15 numbers again.

16 MR. CINCOTTA: 594 required, 568  
17 provided.

18 As you can imagine, the primary stores  
19 in the shopping center are retail stores and their  
20 business hours start in the morning at 10:00 and  
21 generally go to 5:00 or 6:00 in the evening. The  
22 restaurant, we expect to begin to get busy around  
23 5:00.

24 Because of the mix of stores, there  
25 will be a constant movement of traffic and we've



1 never had a parking problem in the shopping center  
2 because there's always enough stores coming and  
3 going and people coming and going, having a flux  
4 where the parking is always sufficient.

5 As you know, this parking -- this  
6 shopping center is self-contained. It doesn't  
7 really lend itself for having somebody come to the  
8 center, can't find a spot, going out on Woodbury  
9 Road and parking in the residential streets.

10 That's not going to happen. I think human nature,  
11 being what is, if a customer comes to go to the  
12 shopping center, go to one of the stores and can't  
13 find a space among the 568 spaces, they will just  
14 move onto the next shopping center. I don't think  
15 you have a parking -- over parking. There should  
16 be no disturbance to the neighbors from over  
17 parking in the shopping center.

18 SUPERVISOR VENDITTO: I happened to be  
19 a tenant there when we had campaign headquarters  
20 there. I never remember -- it's a huge parking  
21 lot.

22 What about during holiday time?

23 MR. CINCOTTA: I've been going to the  
24 center off and on for probably 25 years. I don't  
25 ever recall seeing the place totally filled where

1 you couldn't get a space. You drive around, you  
2 will find a space.

3 SUPERVISOR VENDITTO: That was the old  
4 Penney's. They did an amazing job. It's a very  
5 sophisticated, well-groomed facility. They did a  
6 lot with it.

7 MR. CINCOTTA: The level of the stores  
8 in there --

9 SUPERVISOR VENDITTO: It's high level.

10 MR. CINCOTTA: It lends itself as a  
11 first-class shopping center. We might end up  
12 before the Zoning Board of Appeals. We are going  
13 to revise our site plan and get back into the  
14 question of how the occupancies of all the stores  
15 impacts the site plan.

16 If we are short, we may have to go  
17 before the Zoning Board of Appeals. I don't think,  
18 as I said before, the off-street parking should  
19 present a problem. It has never been a problem and  
20 it's not suitable to leave the center and drive  
21 around corner and park on the residential streets.

22 SUPERVISOR VENDITTO: I know they have  
23 their charts and calculator, but sometimes you have  
24 to use common sense. It seems like there's a lot  
25 of room. There really shouldn't be a problem.

1 MR. CINCOTTA: After 5:00 or 6:00 in  
2 the evening, there will be plenty of spaces.

3 The applicant believes the addition of  
4 this restaurant will be a benefit to the center  
5 and, hopefully, be a benefit to the customers to  
6 the center and the patrons who might be using the  
7 restaurant from the neighborhood. We believe that  
8 the addition of seating capacity from 75 to 118  
9 seats will have no effect whatsoever on the  
10 surrounding properties or impact the health, safety  
11 and welfare of the neighbors in the community.

12 I spoke -- a few of the neighbors  
13 called. We are actually sending out notices within  
14 300 feet. We sent out a number of notices and  
15 about five or six neighbors called me. They were  
16 mostly questioning about the type of restaurant and  
17 where it's going to be located. Nobody had  
18 concerns. We believe we will become a good  
19 neighbor.

20 As I said before, if we have to do  
21 something, we will do something to the negative  
22 impact -- the traffic situation with the light. My  
23 clients will come forward and do whatever has to be  
24 done.

25 SUPERVISOR VENDITTO: Do you want to

1 introduce anyone else?

2 MR. CINCOTTA: Edward Glackin, he is  
3 the gentleman involved with the conversations with  
4 the County involving the traffic light.

5 SUPERVISOR VENDITTO: Mr. Glackin, come  
6 on up.

7 Can you confirm with what --

8 MR. GLACKIN: I met with County DPW and  
9 Legislative Representatives of the County. We have  
10 indicated that we hired traffic consultants and we  
11 have expressed the resistance is coming from the  
12 other shopping center owner.

13 SUPERVISOR VENDITTO: The resistance --  
14 oh, I see.

15 MR. GLACKIN: We see a benefit in  
16 installing the light. We are prepared to move  
17 forward on that basis. We are trying to be  
18 somewhat deferential to the property owner across  
19 the street, but that's where it really stands today  
20 and the County knows that. I told them directly.

21 SUPERVISOR VENDITTO: Does anyone have  
22 any further questions for Mr. Cincotta, Mr. DeMarco  
23 or the architect?

24 (No verbal response.)

25 SUPERVISOR VENDITTO: Mr. Cincotta, I

1 have no forms from anyone who indicated they care  
2 to address the Board relative to the hearing in  
3 question.

4 If there is anyone who would like to  
5 input us, we will be more than happy to listen.

6 I don't see any takers -- yes, come  
7 forward and identify yourself.

8 MR. PERMAN: My name is Ed Perman and I  
9 agree with the comments of the traffic situation.

10 I'm wondering, if the traffic light  
11 gets contemplated, would it serve the shopping  
12 center that's across the street because the  
13 dangerous aspect is both ways coming from the  
14 shopping center in question to the one across the  
15 street?

16 SUPERVISOR VENDITTO: Maybe I didn't  
17 hear it right, but I thought it would.

18 Did I hear that wrong? I mean, common  
19 sense would kind of --

20 MR. GLACKIN: What's actually been  
21 contemplated with County DPW is a traffic light at  
22 the south end of both shopping centers.

23 At the southerly end of Woodbury Plaza,  
24 which is the subject of this application, we have  
25 Chase Bank and Trader Joe's and CVS. That would be

1 opposite Staples. It would require some alteration  
2 within the Staples shopping center. It would be  
3 aligned with their driveway and that seems to be  
4 part of their concern.

5 COUNCILMAN COSCHIGNANO: I would hope  
6 that they would change their mind and fully support  
7 a light at that location because that's a very  
8 dangerous exit from that Staples shopping center.

9 MR. GLACKIN: I've been at this 30  
10 years this year, the shopping center industry, and  
11 I've always said safety first, so I agree with you.

12 COUNCILMAN COSCHIGNANO: It would be a  
13 good spot.

14 COUNCILMAN MACAGNONE: It would be a  
15 very good spot for a light.

16 MR. GLACKIN: A light further north, we  
17 studied it, the problem is, as you all know, South  
18 Oyster Bay Road and Woodbury is one of the busiest  
19 intersections in the County.

20 If you are trying to locate -- further  
21 north than that, you would have back up. The only  
22 feasible location for the light would be at  
23 southerly driveways.

24 SUPERVISOR VENDITTO: Mr. Perman, does  
25 that help you?

1 MR. PERMAN: Yes, I would just say that  
2 that would be a plus for both shopping centers.

3 SUPERVISOR VENDITTO: Thank you.

4 Anyone else who cares to address the  
5 Board relative to this matter?

6 What do you have, Larry?

7 MR. SKLAR: You're talking about a  
8 traffic study. I requested one here about eight  
9 years ago.

10 We thought the traffic was moving too  
11 fast at this intersection and it came back that the  
12 traffic during the day never went more than  
13 22 miles per hour.

14 At the end of the shopping center where  
15 you need a traffic light, I don't know if everybody  
16 is aware, a block and a half down the road is two  
17 lights. People can come out from the -- coming  
18 from east to west and that is only two blocks. The  
19 second problem is that you have to have a --  
20 everybody comes out of Staples and tries to shoot  
21 across the street to get into that shopping center.

22 SUPERVISOR VENDITTO: You agree that a  
23 light is warranted?

24 MR. SKLAR: That light should be there.  
25 If you did a traffic study, they're going to tell

1 you, you have more accidents at that intersection  
2 than most of the County.

3 SUPERVISOR VENDITTO: Thanks, Larry.

4 Is there anyone else who cares to  
5 address the Board relative to this hearing?

6 (No verbal response.)

7 SUPERVISOR VENDITTO: I see no takers.  
8 Mr. Cincotta, if you want to sum up; otherwise, I  
9 think we're good.

10 MR. CINCOTTA: Thank you for your time  
11 this morning. I appreciate it and hopefully this  
12 matter will be favored upon.

13 SUPERVISOR VENDITTO: Well done.

14 Mr. Altadonna, do we have any  
15 correspondence?

16 MR. ALTADONNA: The attorney for the  
17 applicant has filed his Affidavit of Service and  
18 Disclosure.

19 The communications are as follows: We  
20 have memos from the Department of Planning and  
21 Development as per present use of the required  
22 off-street parking for Woodbury Plaza included in  
23 the application is 594 spaces.

24 The total parking provided is 568  
25 spaces. The site plan includes 15 handicapped



1 parking spaces. The Nassau County Land Tax Map  
2 indicates the property is Section 12, Block 342,  
3 Lot 18.

4 According to the Town of Oyster Bay  
5 Zoning Map, Lot 18 is located within the  
6 Neighborhood Business (NB) zone. There are no open  
7 code compliance cases on the subject premise;  
8 however, there are variance applications and the  
9 Town Board resolution on file.

10 There is no further correspondence.

11 SUPERVISOR VENDITTO: Mr. Muscarella,  
12 I'll take a motion.

13 COUNCILMAN MUSCARELLA: Supervisor,  
14 I'll make a motion that this public hearing be  
15 closed and the decision be reserved.

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 Mr. Cincotta, thank you very much.

23 Job well done.

24 MR. CINCOTTA: Thank you.

25 (Time noted: 10:43 a.m.)

TOWN OF OYSTER BAY  
TOWN BOARD  
REGULAR MEETING  
June 7, 2016  
10:44 a.m.

**HEARING - Z-1-16**

To consider the application of Steven Baker, fee owner, and 388 Realty Ltd., tenant, for a Change of Zone from a Residential R1-7 to R-0 Residence Office District Zone for premises located at 388 South Oyster Bay Road, Hicksville, NY. (M.D. 4/26/16 #26).

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  
THOMAS M. SABELLICO, DEPUTY TOWN ATTORNEY  
DONNA P. SWANSON, DEPUTY TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
(Appearances continued on following page.)

I certify this is a true  
and accurate transcript.



\_\_\_\_\_  
YVONNE ANGELES  
Official Reporter/Notary

**ORIGINAL TRANSCRIPT**

ALSO PRESENT:

DIANE SMITH, OFFICE OF THE TOWN CLERK  
CAROL FIORENZA, SECRETARY TO THE TOWN CLERK  
CAROL STRAFFORD, DIRECTOR,  
OFFICE OF THE TOWN ATTORNEY  
JUNE MASCIA, DEPUTY COMMISSIONER,  
GENERAL SERVICES  
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
LOUIS IMBROTO, ASSISTANT TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,  
PUBLIC INFORMATION OFFICE  
BRIAN DEVINE, RESEARCH ASSISTANT,  
PUBLIC INFORMATION OFFICE  
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,  
OFFICE OF THE EXECUTIVE  
RALPH RAYMOND, DEPUTY TOWN CLERK  
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VICKY SPINELLI, DEPUTY COMMISSIONER,  
DEPARTMENT OF HUMAN RESOURCES  
RICHARD LAMARCA, DIRECTOR, DIVISION OF  
LABOR-MANAGEMENT RELATIONS,  
DEPARTMENT OF HUMAN RESOURCES  
TIMOTHY ZIKE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
BARRY BREE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PUBLIC SAFETY  
FRANK A. NOCERINO, COMMISSIONER,  
PARKS DEPARTMENT  
ROBERT M. McEVOY, COMPTROLLER

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

3 MR. ALTADONNA: Hearing Z-1-16; to  
4 consider the application of Steven Baker, fee  
5 owner, and 388 Realty Ltd., tenant, for a Change of  
6 Zone from a Residential R1-7 to R-0 Residence  
7 Office District Zone for premises located at  
8 388 South Oyster Bay Road, Hicksville, NY. (M.D.  
9 4/26/16 #26).

10 SUPERVISOR VENDITTO: Before we begin,  
11 Mr. Cincotta, I don't mean to whine, but is there  
12 air conditioning in this room?

13 MR. SABELLICO: There was a problem.

14 SUPERVISOR VENDITTO: It' going to be a  
15 three-shirt day sitting here.

16 Okay, Mr. Cincotta, let's proceed.

17 MR. CINCOTTA: Thank you, again,  
18 Mr. Supervisor, Members of the Board.

19 Appearing on behalf of the applicant,  
20 Anthony J. Cincotta, C-I-N-C-O-T-T-A, I represent  
21 this morning Mr. Steven Baker as owner and  
22 388 Realty LTD as the contract vendee and also the  
23 tenant.

24 We are seeking a change of zone from an  
25 R1-7 zone to R-0 residential office zone. We are

1 staying along South Oyster Bay Road a little bit  
2 north of the property we were talking about  
3 earlier. This is on the west side of South Oyster  
4 Bay Road and north of Woodbury Road. It happens to  
5 be within Hicksville. So this application is in  
6 Hicksville, the prior application was in Plainview.

7 SUPERVISOR VENDITTO: This is, I think,  
8 reminiscent of my very early days on the Board  
9 when, pretty much, that whole strip was converted  
10 to R-0. We are talking about the same basic area.  
11 I think Steven Baker was --

12 MR. CINCOTTA: I handled Steven  
13 Baker's -- that's the adjacent building.

14 The subject property is on the west  
15 side of South Oyster Bay Road, 89.36 feet north of  
16 Neran Place in Hicksville known as Section 12,  
17 Block 294, Lot 45. It contains 8,713 square feet,  
18 has a frontage along South Oyster Bay Road of  
19 72 feet and the depth of 120 feet.

20 This is improved by a one-story frame  
21 structure that was originally constructed back  
22 probably in the '50s as a one-family dwelling.  
23 It's within the R1-7 Residential Zone Town of  
24 Oyster Bay requiring a lot area of 7,000 square  
25 feet.

1           This house was one time constructed as  
2           a dwelling. At the time it was constructed, I  
3           believe, it was owned by a dentist who had a  
4           practice in the building. As time went on, the  
5           dentist asked for permission to move and leave his  
6           practice behind him. So I believe there's a Town  
7           Board approval going back to the '60s or '70s where  
8           the dentist who occupied this property made an  
9           application to this Board to convert the entire  
10          building to a dental practice whereas he didn't  
11          have to live in that building. He moved on and it  
12          became a dental office.

13                 Over the years, it morphed from one  
14          business to another. At the present time, it's  
15          being occupied by an accounting firm and also by an  
16          audiology business.

17                         SUPERVISOR VENDITTO: Nobody is living  
18          there?

19                         MR. CINCOTTA: Nobody lives there.  
20          It's strictly an office-type building.

21                         SUPERVISOR VENDITTO: Does that run  
22          with the land, the R-0?

23                         MR. CINCOTTA: Yes, the R-0 --  
24          interestingly enough, the R-0 runs with the land  
25          and under the old code, it had to be a law office,

1 a real estate office, insurance office or the like.  
2 The code has been changed recently whereby you can  
3 provide an R-0 -- the Commissioner of Planning and  
4 Development has the right to determine for future  
5 uses whether it's compatible with the R-0 concept.  
6 So you are not stuck with a law office or an  
7 accounting office or an insurance office. You can  
8 sell it and if the new propose use meets the  
9 determination of the commissioner, it can be --

10 SUPERVISOR VENDITTO: The activity you  
11 just described, you said audiology and what was the  
12 other one?

13 MR. CINCOTTA: Accounting office.  
14 They've been there seven years as tenants. This  
15 building has been in the condition as a business  
16 office probably 20, 25 years.

17 SUPERVISOR VENDITTO: How did you get  
18 to us today?

19 MR. CINCOTTA: The purpose of being  
20 here today is we would like to legalize the  
21 condition that exists.

22 SUPERVISOR VENDITTO: Are there any  
23 outstanding violations or anything of that sort?

24 MR. CINCOTTA: No.  
25 What's happening is that the tenant,

1 who is 388 Realty, was also the accounting firm and  
2 is under contract to buy the building from  
3 Mr. Baker.

4 In today's times, you can't get a  
5 commercial loan without a proper CO. So it would  
6 not be satisfactory to the bank to hand them a loan  
7 without a CO on a building that's supposed to be a  
8 common office building.

9 The purpose today is to ask for a  
10 change of zone from Residence 1-7 to R-0 to allow  
11 us to then to go ahead, go to ZBA if necessary for  
12 a parking variance.

13 Thereafter, to go ahead and get our CO,  
14 to get a CO for an R-0 building so that we would be  
15 in compliance with the law. We can then submit  
16 that to a lender and be able to facilitate a  
17 transaction.

18 SUPERVISOR VENDITTO: It makes perfect  
19 sense. I got it.

20 MR. CINCOTTA: The accounting practice  
21 takes up majority of the building. There's about  
22 five offices on the southerly side of the building.  
23 The audiology office has about three or four  
24 offices. They both have the same hours of  
25 operation. They're open Mondays through Fridays



1 usually 9:00 to 5:00 p.m. The audiology office is  
2 open Saturdays from 9:00 to 3:00. The accounting  
3 office is closed on Saturday.

4 SUPERVISOR VENDITTO: The audiology is  
5 like a what?

6 MR. CINCOTTA: Sale of hearing aides.  
7 I think it's testing and sales of hearing aides. I  
8 have photographs. This is a photograph of the  
9 subject property.

10 SUPERVISOR VENDITTO: I heard you say  
11 the days of the week.

12 Is it basically 9:00 to 5:00?

13 MR. CINCOTTA: 9:00 to 5:00 except for  
14 the audiology office on Saturday, 9:00 to 3:00;  
15 Sundays, they're obviously closed.

16 I took photographs of all the buildings  
17 going north in that block. You have, next to the  
18 subject property, you have the Linda Baker Real  
19 Estate office. That's an R-O application that I  
20 handled a number of years ago.

21 Next to that is another Linda Baker  
22 office, and after, that we have the office of  
23 Dr. Rhee who is a dentist and I handled that  
24 application for an R-O.

25 SUPERVISOR VENDITTO: The names are

1 very familiar.

2 MR. CINCOTTA: There are two more  
3 buildings going further north which I'm not sure if  
4 they got the benefit of an R-0 or whether  
5 they're --

6 I will hand up these photographs to the  
7 Board (handing). There's only one residence on the  
8 block just south of my client's property on the  
9 corner of Meran Place and South Oyster Bay Road.  
10 It's the last true residence. Everything from  
11 Meran going north -- almost to the Northern State  
12 Parkway, there's a synagogue.

13 Most of those buildings over the years  
14 have been converted to business-type buildings.  
15 There is no residential activity going on there.

16 As naturally -- what happens over the  
17 years, as South Oyster Bay Road became more well  
18 traveled, these buildings were no longer suitable  
19 for personal residences.

20 Obviously, there's traffic and noise.  
21 So over the years, they converted, either by law or  
22 by fact, into these office-type buildings as the  
23 condition exists.

24 As you know, directly across the street  
25 to the east is another shopping center called the

1 Plainview Center. It's a mixed multi-tenant  
2 shopping center. To the rear of the property on  
3 the west are the houses. That's a real residential  
4 neighborhood. It just so works out that the use  
5 that we are proposing, the R-0 use, is pretty  
6 compatible with the residential because on the  
7 weekends, there's no activity going on. The  
8 residents don't have to worry about noise or  
9 activity. During the evening, it's quiet, so it's  
10 in keeping with the residential nature of the  
11 properties in the rear going west.

12 SUPERVISOR VENDITTO: It's much like  
13 Merrick Road over in Massapequa, very similar what  
14 happened there. It's not very practical to be  
15 living there and raising a family.

16 MR. CINCOTTA: It's interesting that  
17 when they did these maps -- when the subdivisions  
18 began in the '50s, they filed these maps. They  
19 took these farms and created residential maps and  
20 on these arteries, these main streets, they showed  
21 houses fronting on the main streets. As time went  
22 on, things changed. If you notice along South  
23 Oyster Bay Road going north, getting into Syosset,  
24 there, the houses have their rear yards on the main  
25 highway and the front of the house is on the

1 interior road. That makes more sense where that  
2 house will always be residential. When you have  
3 the front of the house on an arterial road which  
4 becomes more and more busy as time goes by, the  
5 practicality of making it a residence really  
6 diminishes. I guess they got smarter as time went  
7 on.

8 SUPERVISOR VENDITTO: With all due  
9 respect to our grandparents, maybe great  
10 grandparents in some cases, they did a phenomenal  
11 job mapping out this town, pretty much with a  
12 pencil and a piece of paper and a handshake. It  
13 was a little different back then.

14 But the wisdom of residences on South  
15 Oyster Bay Road, you certainly would have to  
16 question it. I noticed we were always slow to  
17 transition. The houses are still there. This  
18 happened on Sunrise Highway too in the Massapeguas  
19 where there used to be houses. It was overwhelming  
20 with Sunrise Highway, the way it developed.

21 Merrick Road and South Oyster Bay Road  
22 were a little slower. It really should be  
23 commercial property when you think about it.

24 MR. CINCOTTA: When the Town developed  
25 the R-0 zone, I think that they required a width of

1 50 or 80 feet wide and they had the criteria of  
2 granting it and that seems to be a practical way of  
3 solving that problem with these houses.

4 SUPERVISOR VENDITTO: They transitioned  
5 nicely into the neighborhood to the rear.

6 MR. CINCOTTA: Yes. We sent out a  
7 number of notices and I haven't heard -- nobody  
8 called me. I haven't heard anything from the  
9 neighbors. I submit this application justified and  
10 warranted and I would ask the Board to look  
11 favorably upon it.

12 SUPERVISOR VENDITTO: Before we let you  
13 go, I don't have any speaker forms from anyone who  
14 indicated that they care to address the Board  
15 relative to the application. But that would not  
16 preclude you. I see no takers.

17 Mr. Altadonna, I'll ask you if there is  
18 any correspondence?

19 MR. ALTADONNA: The attorney for the  
20 applicant has filed an Affidavit of Service and  
21 Disclosures.

22 The communications are as follows: We  
23 have memos from the Department of Planning and  
24 Development. As per present review procedures, the  
25 required off-street parking in the subject

1 application has 13 spaces. The site plan submitted  
2 has a total of only 5 parking spaces. The Nassau  
3 County Land and Tax Map indicates the property is  
4 Section 12, Block 294, Lot 45.

5 According to the Town of Oyster Bay  
6 Zoning maps, the property is located within the  
7 R1-7 residential one-family zone. There are no  
8 open code compliance cases for the subject premise;  
9 however, there are two variance applications on  
10 file and Town Board resolution on file.

11 There is no further correspondence.

12 SUPERVISOR VENDITTO: Thank you.

13 MR. CINCOTTA: I have one more thing.

14 We did appear before the Planning  
15 Advisory Board last week for the approval of the  
16 site plan with the exception of a few minor  
17 changes. They wanted to make sure that we have a  
18 sign. When we exit the site, you're only allowed  
19 to go right which would be south. We are having  
20 our architect prepare that sign.

21 Otherwise, we might end up before the  
22 Zoning Board for off-street parking.

23 SUPERVISOR VENDITTO: You would like to  
24 see it granted.

25 Thank you, Mr. Cincotta.

1 Mr. Muscarella?

2 COUNCILMAN MUSCARELLA: Supervisor,  
3 I'll make a motion that the public hearing be  
4 closed and the decision be reserved.

5 COUNCILMAN MACAGNONE: Seconded.

6 SUPERVISOR VENDITTO: All in favor?

7 ALL: "Aye."

8 SUPERVISOR VENDITTO: Opposed?

9 (No response.)

10 SUPERVISOR VENDITTO: So moved.

11 Thank you, Mr. Cincotta.

12 We will take a brief break and come  
13 back.

14 (Whereupon, a recess was taken from  
15 10:57 a.m. to 11:11 a.m.)

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TOWN OF OYSTER BAY  
TOWN BOARD  
REGULAR MEETING  
June 7, 2016  
11:12 a.m.

**HEARING - Local Law**

To consider Local Law entitled, "A Local Law  
Creating a Building Permit Amnesty Program for  
Residential Homeowners with the Town of Oyster  
Bay." (M.D. 4/26/16 #25).

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

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DONNA P. SWANSON, DEPUTY TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY

(Appearances continued on following page.)

I certify this is a true  
and accurate transcript.



\_\_\_\_\_  
YVONNE ANGELES  
Official Reporter/Notary

**ORIGINAL TRANSCRIPT**



ALSO PRESENT:

DIANE SMITH, OFFICE OF THE TOWN CLERK  
CAROL FIORENZA, SECRETARY TO THE TOWN CLERK  
CAROL STRAFFORD, DIRECTOR, OFFICE OF THE TOWN  
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DEPARTMENT OF PLANNING AND DEVELOPMENT  
BARRY BREE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PUBLIC SAFETY  
FRANK A. NOCERINO, COMMISSIONER,  
PARKS DEPARTMENT  
ROBERT M. McEVOY, COMPTROLLER

1 SUPERVISOR VENDITTO: Ladies and  
2 gentlemen, if everyone will find seats, we will  
3 continue and we will continue by calling our Town  
4 Clerk to call the third hearing which is Hearing  
5 Number 1 on the calendar.

6 MR. ALTADONNA: Local Law; to consider  
7 Local Law entitled, "A Local Law Creating a  
8 Building Permit Amnesty Program for Residential  
9 Homeowners within the Town of Oyster Bay. (M.D.  
10 4/26/16 #25).

11 SUPERVISOR VENDITTO: Mr. Sabellico?

12 MR. SABELLICO: Good morning,  
13 Mr. Supervisor, Members of the Town Board.

14 Thomas M. Sabellico, Special Counsel,  
15 Office of the Town Attorney.

16 Supervisor, I'm here this morning to  
17 present a proposed Local Law. Legislation that was  
18 forwarded to the office of the Town Attorney by  
19 Councilman Coschignano. It is to create an Amnesty  
20 Program within the Office of Planning and  
21 Development.

22 Currently, building permits and other  
23 associated permits are required when any  
24 construction is performed specific to this law and  
25 our residents.

1           This law has two aspects to it which  
2 would help create compliance. It would be user  
3 friendly to our homeowners and property owners in  
4 reducing the penalty fee and permit fee. I will  
5 explain that.

6           Currently, when construction is to be  
7 performed, the homeowner is to obtain a permit to  
8 erect or to construct. There's a fee that's  
9 calculated based upon the cost of the improvement.  
10 If that permit is not obtained at the time of  
11 construction and the construction is performed  
12 without permit, but later on, the homeowner wants  
13 to legalize it, they need to file a permit to  
14 maintain.

15           At that time, the normal fee is  
16 calculated, plus there is a maintain fee which is  
17 basically a penalty which is three times the permit  
18 fee.

19           This Amnesty Program seeks to have  
20 property owners come in, file the application for a  
21 permit to maintain and if they do, the maintain  
22 fee, the three-time penalty would be waived. That  
23 would allow for safer structures because we know  
24 they would be built to code. It would allow for  
25 property owners to bring their property into

1 compliance without suffering the penalty.

2 SUPERVISOR VENDITTO: And they're  
3 getting a fee rather than three times the fee?

4 MR. SABELLICO: Correct. They will get  
5 a fee whereas people -- they have the  
6 misunderstanding that without a permit, that they  
7 are not paying real estate taxes, so now you're  
8 getting the one fee, but we will be waiving the  
9 maintaining penalty.

10 Most important, it ensures that we are  
11 going to obtain plans for the construction that  
12 Commissioner Zike is here to speak more about, but  
13 we will be getting the plans to make sure that the  
14 construction that has occurred is to code and it's  
15 safe.

16 Second aspect of the proposed law is to  
17 reduce the fee for expired permits. Currently,  
18 when a building permit is issued, it's good for one  
19 year. After it expires, it could be renewed for a  
20 fee of \$100, second time, 125. Up to five, which  
21 can cause an aggregate of \$750. The proposed law  
22 says that if a building permit is expired, they can  
23 renew if for a fee of \$200. So that we don't  
24 penalize people who obtain their permit and came in  
25 four years ago and paid \$100 and paid \$125, it's a

1 maximum of \$200 and they receive credit for  
2 anything they already paid.

3 SUPERVISOR VENDITTO: In other words,  
4 they would be penalized more than the person who  
5 actually --

6 MR. SABELLICO: Correct.

7 SUPERVISOR VENDITTO: I meant in law  
8 school, I remember they ask you these Latin  
9 hypotheticals, some of those things are seared in  
10 your brain. I see all the lawyers nodding their  
11 head.

12 This woman called and said I got the  
13 permit. I haven't done the construction, but my  
14 permit expired.

15 MR. SABELLICO: They can renew that,  
16 maximum \$200.

17 The proposed legislation calls for an  
18 effective date of July 1st, but once this has been  
19 published, I understand from Councilman Coschignano  
20 and from Planning and Development, that there's  
21 been a very favorable response and there's a  
22 request if this could become effective immediately.  
23 The law would become effective once adopted by the  
24 Board and filed with the Secretary of State. The  
25 quickest that this law would become effective, if

1 the Board would vote today to adopt it, it would  
2 have an effective immediate date probably by Monday  
3 or Tuesday when it's filed with the Secretary of  
4 State.

5 SUPERVISOR VENDITTO: I don't have a  
6 problem with that. I don't know what the urgency  
7 is, but as long as Mr. Zike is ready to --  
8 hopefully, the phone will be ringing off the hook.

9 MR. ZIKE: We will be ready.

10 MR. SABELLICO: With the approval of  
11 the Board, the Amnesty Program shall begin  
12 immediately and continue through December 31, 2016.

13 SUPERVISOR VENDITTO: We are voting  
14 today?

15 MR. SABELLICO: It's up to you.

16 COUNCILWOMAN ALESIA: I think this is a  
17 terrific idea and I give a lot of kudos to the  
18 Planning Department and Councilman Coschignano for  
19 the idea. I think one of the most frequent  
20 comments that I hear out in public is that people  
21 are mystified by the permitting process. I think  
22 that a big portion of making this successful and  
23 making the Building Department stronger and better  
24 than it already is might be an educational  
25 component. I think that it would help the

1 residents to understand when they want to --  
2 whether it's put on a deck, whatever the case may  
3 be, people are very confused. I think that if we  
4 could possibly do some work on getting it on a  
5 website and a flow chart that would help people  
6 understand and increasing the education component  
7 in conjunction with this, I think that's a very  
8 powerful tool.

9 Great job, Council.

10 Thank you.

11 SUPERVISOR VENDITTO: I'm going to give  
12 it to Councilman Coschignano after I make a few  
13 brief remarks because he spearheaded this thing. I  
14 mean everybody else supported, but he was the one  
15 who stepped out on this.

16 Among the most daunting tasks that Town  
17 employees face from the Commissioner or the Deputy  
18 Commissioner, Timmy and Diana, right on down the  
19 line to all the personnel in the Building  
20 Department, among the most daunting tasks that Town  
21 employees face is working in that Building  
22 Department.

23 I don't know how many people understand  
24 how difficult it is because, typically, when  
25 residents come there, it can be a little bit

1       mystifying.

2                       Not only that, it's a hassle. You are  
3       living in a house, you think it's fine and an  
4       inspector knocks on your door and tells you, you  
5       are not in compliance, you're against the law,  
6       lightening will strike you. So they come there not  
7       in the best frame of mind.

8                       The men and women in the Department of  
9       Planning and Development have to deal with someone  
10      in that state of mind to begin with and it gets  
11      worse because there's a lot of paperwork involved,  
12      expenses involved, architects. I know I'm making  
13      it sound like, Supervisor, do something about it.  
14      I wish I could, but the function of the men and  
15      women in the Planning Department in doing those  
16      things, the residents find very distasteful.

17                      I put a deck in my backyard a few years  
18      back. I wanted to strangle someone. The only time  
19      I ever got involved with the Building Department.  
20      But it's absolutely necessary and it is foremost  
21      amongst the reasons why, when you drive across the  
22      length and breath of Long Island, you know you are  
23      in the Town of Oyster Bay. It's a very painful  
24      process. It's a very arduous process. I think we  
25      maximized, to the best we can, putting on a happy



1 face and try to make it a more pleasant experience.

2 It's essential -- the work they do  
3 there is essential to the quality of life in the  
4 Town of Oyster Bay. As difficult as it is, every  
5 nail that you put in, it impacts. Just imagine  
6 what the Town would look like if we didn't have  
7 building permits and we didn't have standards as to  
8 how things are constructed. We don't need to come  
9 inside your house and tell you how to live, but in  
10 terms of the impact it has on surrounding  
11 properties -- if you just use your imagination, if  
12 we didn't have zoning codes and building codes and  
13 men and women to administer them, I don't know that  
14 you would want to the live in the Town of Oyster  
15 Bay. And I don't know that the Town of Oyster Bay  
16 would be among the most desirable places to live  
17 anywhere in the United States. That's not me  
18 talking. Look at the census data and see what  
19 people are willing to do to live in the Town of  
20 Oyster Bay.

21 Everybody loves New York City,  
22 everybody loves going here, going there, but when  
23 it comes to pick a house, they come to the Town of  
24 Oyster Bay. That's really the reason why. So the  
25 next time it happens to you, don't do what I did.

1 Don't get upset. Just understand there's a greater  
2 good and a bigger picture involved. The work they  
3 are doing in the Building Department is vital to  
4 the quality of life here in the Town of Oyster Bay.

5 COUNCILMAN COSCHIGNANO: I think  
6 everything has been said. I just want to express  
7 the urgency as applications are coming in and as  
8 everyone knows, every minute of every day, there's  
9 residents calling, do I have to wait until July 1st.

10 No, they don't have to wait. We are  
11 going to get this started immediately.

12 I want to say thanks for doing a great  
13 job. I have been given the credit, but I worked on  
14 this with other Board Members. Thank you to Tom  
15 Sabellico who helped a great deal as well as the  
16 Deputy Commissioner Tim Zike and Steven Marx from  
17 your office. We all worked on it together and so  
18 did other members of this Board. It's a collective  
19 effort.

20 Thank you, Supervisor and Members of  
21 the Board.

22 SUPERVISOR VENDITTO: Thank you, Tim  
23 Zike.

24 Take the word back to Diana and all the  
25 men and women in your department. We appreciate

1 what they do. Many of the attractions in the Town,  
2 our school district, our parks, but the work you do  
3 over there is front and center.

4 Yes, ma'am? We are going to open up  
5 comments on this hearing.

6 Did you fill out a form?

7 UNIDENTIFIED SPEAKER: No.

8 SUPERVISOR VENDITTO: I think I will do  
9 that right now.

10 Tom, are you done?

11 MR. SABELLICO: Yes.

12 SUPERVISOR VENDITTO: I do have one  
13 speaker form from Donna Malter.

14 MS. MALTER: Just to introduce myself.  
15 We met several times. I've been a realtor in the  
16 Town of Oyster Bay for 34 years. I have been the  
17 top producing realtor at Coldwell Bankers.

18 The reason I'm here is that I agree  
19 with this need for safety and security and to have  
20 an overseeing body for the residents, old and new.  
21 I'm here because I need to understand it well  
22 enough to explain it to my clients and also voice  
23 my concerns about how to make it a little bit  
24 better accepted.

25 SUPERVISOR VENDITTO: The floor is

1 yours, but I'm going to forget if I don't say this  
2 now. I don't see a problem in getting, what we  
3 call, a plain language fact sheet summarizing  
4 the -- so that even me -- even I will be able to  
5 understand it. You don't have to be a lawyer to  
6 understand what we are doing. So if you want to  
7 work -- we will get out a plan --

8 MS. MALTER: I don't mind --

9 COUNCILWOMAN ALESIA: Actually, I  
10 think -- Chris, do you want to speak to that?

11 COUNCILMAN COSCHIGNANO: I think we put  
12 it out on in our Talk of the Town newsletter last  
13 month and the language is in the local law, but who  
14 wants to read that. It's a good idea to have a  
15 fact sheet and we will work on something. But it's  
16 as simple as it sounds.

17 Anyone who comes in during this period  
18 to legalize a structure that's already been built  
19 is no longer faced with a triple fee. They are  
20 faced with only the single fee.

21 SUPERVISOR VENDITTO: Some people may  
22 not even be aware that they are in violation. If  
23 we can get -- what I'm thinking of -- even a mailer  
24 or a brochure to tell you where to start. You may  
25 be ignorant of the fact that you even have a

1 violation.

2 MS. MALTER: Most people are unaware  
3 that they need compliance for certain items and I  
4 can give you a list of those questions and specific  
5 items. One, in particular, now is a split air  
6 conditioning unit. It goes on the wall. They  
7 don't realize it's like an air conditioner in the  
8 window.

9 SUPERVISOR VENDITTO: Wait, wait, wait.  
10 Not a window unit?

11 MS. MALTER: No, it's a new device.  
12 I'm just bringing it up as an example to give you  
13 help.

14 Next -- I don't want to take too much  
15 time -- is that my concerns are these; we have -- I  
16 also have a senior real estate specialist  
17 designation. I work with seniors a lot.

18 The seniors are not necessarily able to  
19 comprehend and then take action here. The problem  
20 that we will face with them is that they thought  
21 they complied because they hired a licensed company  
22 and yet there was never a Town inspection and  
23 finalization of a CO, so they will be sitting with  
24 open permits. They have no clue.

25 It's a very hard thing that we are

1 saying now to have those seniors face triple fines,  
2 actually, for something they did not know. How do  
3 we deal with that? How do we deal with that as a  
4 compassionate Board and the realism that we work as  
5 a Town? That is a question I'm posing to you.

6 COUNCILMAN COSCHIGNANO: That's the  
7 purpose of the period is to eliminate those  
8 penalties and the more information we can get out,  
9 the better.

10 We started the Talk of the Town  
11 newsletter that goes to all the residents in the  
12 Town and that was a good starting point. We do  
13 have to get the word out as much as possible.  
14 Anything you can do, your colleagues can do, any  
15 more facts that we can put out, the more we can put  
16 on the website, perhaps another mailer, anything we  
17 could do to educate people would be helpful.

18 SUPERVISOR VENDITTO: It starts with a  
19 mindset on the part of the Town. We are not really  
20 interested in damages or fines. Revenue is always  
21 welcome in the Town. However, that's not really  
22 our goal.

23 Our goal is to obtain compliance and to  
24 see to it that the structures are built in such a  
25 manner that they are safe; particularly, commercial

1 properties and what have you.

2 So safety, obviously, presentable, you  
3 want them consistent with the quality of life in  
4 the Town. That's really our prime focus. It's not  
5 about the fines, but the impetus to get people to  
6 comply has been --

7 MS. MALTER: The education would be  
8 multifold. It would be beneficial, perhaps, to  
9 senior clubs throughout the Town because these  
10 people are not reading your newsletter. To the  
11 realtor groups, per se, who will be able to help  
12 you and partner with you to get this information  
13 out and to perhaps hire some more people between  
14 now and the next six months because I know, myself,  
15 of how many of my own clients have filed and those  
16 are sitting on the desks of your current employees.

17 We are going to be multiplying this,  
18 hopefully, if we get our education out and we get  
19 this information out. And where do we stand with  
20 those people who now have to move and their filings  
21 are already in progress? Do we have a budget for  
22 more people to man these extra applications so  
23 people can comply and at the end of the day? We  
24 then have our revenues.

25 SUPERVISOR VENDITTO: This is not done

1 in a vacuum. Obviously, it's done in coordination  
2 with the men and women in the Planning and  
3 Development Department. One of the Deputy  
4 Commissioners, Mr. Zike, is here. He is the  
5 gentleman leaning over talking right now and he  
6 assured us -- you heard him say it. They are ready  
7 and we will do whatever is necessary to get the job  
8 done. I think, rather than continue to conjure up  
9 what if, what if, I think it's important that you  
10 plug into it, if you will.

11 Councilman Coschignano and maybe  
12 Councilwoman Alesia -- I know she is liaison to the  
13 Town Attorney's office and Mr. Zike, Mr. Sabellico  
14 and the public information people, coordinate a  
15 meeting with you.

16 MS. MALTER: I would be happy to.

17 SUPERVISOR VENDITTO: I think that  
18 would be good. We want to keep the circle small  
19 initially because too many cooks -- if you and  
20 anybody you want to bring with you who might bring  
21 something to the table. I think we can go over  
22 these points and address them.

23 MS. MALTER: I do believe having it  
24 done today cannot hurt one bit.

25 COUNCILWOMAN ALESIA: Before you walk



1 away, one of the things that Councilman Coschignano  
2 and I have been discussing is doing seminars at  
3 the --

4 SUPERVISOR VENDITTO: Somehow you knew  
5 Frank Gallo --

6 COUNCILWOMAN ALESIA: -- was doing  
7 seminars at the local library, a representative or  
8 two from the Planning and Building Department, with  
9 an elective.

10 Do you think that would be helpful to  
11 the seniors.

12 MS. MALTER: I think anything that  
13 gives information, but the communication is done in  
14 a clear, concise way without fear, is the way it  
15 goes.

16 COUNCILMAN COSCHIGNANO: The purpose is  
17 to become user friendly and try not to have people  
18 not concerned to get what they need to get in and  
19 many times as a real estate agent, I'm sure you  
20 deal with people coming to closing and not having  
21 everything they need, so this is an opportunity to  
22 get people to get those things straightened out.

23 MS. MALTER: An 88-year-old woman needs  
24 and wants to sell her colonial. We have an open  
25 permit. No clue, no clue, title came up -- I'm

1 taking care of her, but this is the kind of thing  
2 that we are working with and just multiply it.

3 Thank you.

4 SUPERVISOR VENDITTO: We appreciate it.  
5 Very helpful.

6 We need to set up the lines of  
7 communication here. Tom Sabellico, the gentleman  
8 who made the presentation, who is sitting there  
9 with the apricot shirt.

10 MR. SABELLICO: Coral.

11 SUPERVISOR VENDITTO: I don't have any  
12 other forms from persons who indicated they care to  
13 address the Board relative to this matter. I know  
14 there are several of you out there. I know the  
15 young lady who raised her hand.

16 UNIDENTIFIED SPEAKER: Good morning.

17 Thank you very much.

18 Margaret Eagan from Hicksville.

19 I just also want to support and --  
20 exactly what's being said today. I think the most  
21 important thing right now is communication.

22 Unfortunately, I don't think the  
23 newsletter is going to cut it. I think we have to  
24 go further with seminars, getting civic  
25 associations involved, let's get Channel 12

1 involved. This is big.

2 I also want to support Councilwoman  
3 Alesia. The online portal that I -- I don't know  
4 what should be -- what I have to apply for. It has  
5 to be transparent and very easy for someone to go  
6 to. That will eventually ease the workload of  
7 those people that are sitting there taking phone  
8 calls and everything else. I think -- if we make  
9 things user friendly, clear and I think the issue  
10 with the senior citizens is tremendous. I think I  
11 have to support that as well.

12 This is a big, big topic that perhaps  
13 we can take a time, set aside a time to really  
14 focus on this topic. I think it's great and people  
15 need to know about this. We need to hear about the  
16 positive things. It's all about marketing and  
17 getting this out there. It's extremely important  
18 to us.

19 SUPERVISOR VENDITTO: Margaret, before  
20 you go away, I think we all acknowledge that the  
21 newsletter is not going to cut it. What I would  
22 ask though, and I'm not being a wise guy, if you  
23 don't have the time, just say so, if you don't feel  
24 comfortable -- if you would also leave a number  
25 with Mr. Sabellico. I know you have been to the

1 last few meetings. I've heard you speak before.  
2 You present yourself very well. I think your  
3 interests are genuine. If you want to be part of  
4 the team -- I don't want to open this up to the  
5 world because otherwise it would -- but a handful  
6 of the right people would be just what we are  
7 looking for. I don't want to put you on the spot,  
8 but before you leave here, if you are interested,  
9 if you just give Mr. Coral Shirt over there a way  
10 to communicate with you and we will follow up.

11 Thank you.

12 Paul, come on up. Paul, I'm aware you  
13 have been inputting us in a lot of certainly  
14 interesting, if not sensitive topics. I just want  
15 you to know, we are all reading and we all  
16 appreciate it. Let's work on this.

17 MR. MOLINARI: Good morning,  
18 Mr. Supervisor and Council Members.

19 I had one question. I support this  
20 proposal.

21 Is this an open-ended Amnesty?

22 SUPERVISOR VENDITTO: No.

23 COUNCILMAN COSCHIGNANO: No,  
24 December 31st.

25 All good things must come to an end.

1 SUPERVISOR VENDITTO: I don't want to  
2 say it now, but we have the power to extend it if  
3 it looks like it's working really well.

4 Right now, December 31st.

5 MR. MOLINARI: I would like to make a  
6 couple of comments. Let me explain my experience  
7 five years ago.

8 I have a garage. I live in a house  
9 that my parents bought. It was built in 1950.  
10 They moved in January 1951. I put in a deck, so I  
11 knew I had to get a permit for that contract. I  
12 had a licensed contractor do it. I also had a  
13 six-foot fence put in the backyard. I was told --  
14 I ended up finding out I needed a permit for that.  
15 Also, the garage, as I said, was built in 1950. I  
16 always wondered when I bought the house from my  
17 parents, why wasn't that garage on the June 1950  
18 survey? It turns out, my father probably had it  
19 built when he purchased the house, but before he  
20 moved in. It was built by a builder. There was a  
21 permit application for it. There was never a CO on  
22 it. I had to reopen that 1950 permit and have  
23 it -- get the CO on it.

24 COUNCILMAN COSCHIGNANO: That was  
25 common where a builder would build a house, they

1 needed a CO and they built other structures later  
2 with or without a building permit and they would  
3 sit there without a CO.

4 MR. MOLINARI: I was surprised --

5 SUPERVISOR VENDITTO: The world was a  
6 little less complicated.

7 MR. MOLINARI: Then the fence --  
8 addressing my fence, six-foot fence, it's on a dead  
9 end. Why did I need a permit for that? I had the  
10 triple fine. The fence contractor never told me I  
11 needed a permit, so I was unaware.

12 When I say common sense on my deck, I  
13 designed that deck. I'm a licensed professional  
14 engineer. We used to do everything by pen and ink,  
15 drawings. I was told I need CAD drawings which is  
16 computer system drawings. I had to hire -- I  
17 didn't have that capability. I had to hire an  
18 engineering firm. Then the Town has a code that if  
19 it's -- I don't know -- I'm not familiar with, if  
20 it's cantilevered -- the code says if it's more  
21 than eight inches, there has to be a structural  
22 analysis on it. Yeah, eight inches. The area  
23 where it's cantilevered on my deck is 18 inches by  
24 ten feet. I had to go back to the engineer and  
25 say, do the structural analysis. I designed that.

1 It was 14 by 20. It had, I believe, four  
2 eight-planes, doubleheader bolted to the house.  
3 Hurricane Sandy didn't budge that. The house  
4 swayed, but the deck never moved.

5 I think you have to -- people have to  
6 make a common sense approach when looking at some  
7 of these codes and it will make their lives easier  
8 and the process easier.

9 Thank you.

10 SUPERVISOR VENDITTO: Thanks, Paul.

11 I have no other forms from persons who  
12 indicated they care to address the Board relative  
13 to this matter.

14 Mr. Altadonna, do we have  
15 correspondence?

16 MR. ALTADONNA: We have affidavits of  
17 posting and publications.

18 We have no other correspondence.

19 SUPERVISOR VENDITTO: Mr. Sabellico,  
20 anything by way of closing up the hearing?

21 MR. SABELLICO: No, Supervisor.

22 SUPERVISOR VENDITTO: Mr. Muscarella,  
23 I'll take a motion.

24 COUNCILMAN MUSCARELLA: Supervisor,  
25 I'll make a motion that this public hearing be

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closed and the decision be voted on today.

COUNCILMAN MACAGNONE: Seconded.

SUPERVISOR VENDITTO: All in favor?

ALL: "Aye."

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

We stand ready to proceed with the call  
of the Regular Action Calendar.

(Time noted: 11:42 a.m.)



TOWN OF OYSTER BAY  
TOWN BOARD  
ACTION CALENDAR  
June 7, 2016  
11:43 a.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  
THOMAS M. SABELLICO, DEPUTY TOWN ATTORNEY  
DONNA P. SWANSON, DEPUTY TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
DIANE SMITH, OFFICE OF THE TOWN CLERK  
CAROL FIORENZA, SECRETARY TO THE TOWN CLERK  
CAROL STRAFFORD, DIRECTOR, OFFICE OF THE TOWN  
ATTORNEY  
JUNE MASCIA, DEPUTY COMMISSIONER,  
GENERAL SERVICES  
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY

(Appearances continued on following page.)

I certify this is a true  
and accurate transcript.



\_\_\_\_\_  
YVONNE ANGELES  
Official Reporter/Notary

**ORIGINAL TRANSCRIPT**

ALSO PRESENT:

LOUIS IMBROTO, ASSISTANT TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,  
PUBLIC INFORMATION OFFICE  
BRIAN DEVINE, RESEARCH ASSISTANT,  
PUBLIC INFORMATION OFFICE  
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,  
OFFICE OF THE EXECUTIVE  
RALPH RAYMOND, DEPUTY TOWN CLERK  
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK  
FRANK GATTO, ASSISTANT TO THE COMMISSIONER,  
GENERAL SERVICES  
VICKY SPINELLI, DEPUTY COMMISSIONER,  
DEPARTMENT OF HUMAN RESOURCES  
RICHARD LAMARCA, DIRECTOR, DIVISION OF  
LABOR-MANAGEMENT RELATIONS,  
DEPARTMENT OF HUMAN RESOURCES  
TIMOTHY ZIKE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
BARRY BREE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PUBLIC SAFETY  
FRANK A. NOCERINO, COMMISSIONER,  
PARKS DEPARTMENT  
ROBERT M. McEVOY, COMPTROLLER

1 SUPERVISOR VENDITTO: So moved.

2 We stand ready to proceed with the call  
3 of the Regular Action Calendar.

4 MR. ALTADONNA: May I have a motion to  
5 table Resolution P-8-16?

6 Personnel Resolution Nos. P 8-16 to  
7 P -16 and PA -16 to PA -16; Resolutions related to  
8 personnel of various departments within the Town of  
9 Oyster Bay.

10 On the motion?

11 COUNCILMAN MUSCARELLA: So moved.

12 COUNCILMAN MACAGNONE: Seconded.

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

16 On the vote, Supervisor Venditto?

17 SUPERVISOR VENDITTO: I vote "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilman Coschignano?

23 COUNCILMAN COSCHIGNANO: "Aye."

24 MR. ALTADONNA: Councilman Pinto?

25 COUNCILMAN PINTO: "Aye."

1 MR. ALTADONNA: Councilwoman Alesia?

2 COUNCILWOMAN ALESIA: "Aye."

3 MR. ALTADONNA: Councilwoman Johnson?

4 COUNCILWOMAN JOHNSON: "Aye."

5 MR. ALTADONNA: Motion to table

6 Resolution P-8-16 passes with seven "Ayes."

7 May I have a motion to adopt Resolution  
8 TF-10-16?

9 Transfer Of Funds Resolution No.  
10 TF 10-16; Resolution relating to Transfer of Funds  
11 within various departments accounts for the Year  
12 2016.

13 On the motion?

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Seconded.

16 MR. ALTADONNA: Motion made by  
17 Councilman Muscarella, seconded by Councilman  
18 Macagnone.

19 On the vote, Supervisor Venditto?

20 SUPERVISOR VENDITTO: I vote "Aye."

21 MR. ALTADONNA: Councilman Muscarella?

22 COUNCILMAN MUSCARELLA: "Aye."

23 MR. ALTADONNA: Councilman Macagnone?

24 COUNCILMAN MACAGNONE: "Aye."

25 MR. ALTADONNA: Councilman Coschignano?

1 COUNCILMAN COSCHIGNANO: "Aye."

2 MR. ALTADONNA: Councilman Pinto?

3 COUNCILMAN PINTO: "Aye."

4 MR. ALTADONNA: Councilwoman Alesia?

5 COUNCILWOMAN ALESIA: "Aye."

6 MR. ALTADONNA: Councilwoman Johnson?

7 COUNCILWOMAN JOHNSON: "Aye."

8 MR. ALTADONNA: May I have a motion to  
9 adopt Resolution Nos. 272-2016 through 303-206?

10 Resolution No. 272-2016; Resolution  
11 authorizing the procurement of public performance  
12 licenses and movies for the Movies by Moonlight  
13 portion of the 2016 Music Under the Stars Summer  
14 Concert Series. Account No. CYS A 7020 41800 000  
15 0000. (M.D. 5/16/16 #4).

16 Resolution No. 273-2016; Resolution  
17 authorizing the employment of food services for the  
18 Group Activities Program barbecue held on May 14,  
19 2016 at Marjorie R. Post Community Park to be paid  
20 by Friends of Community Services Department, Inc.  
21 (M.D. 5/16/16 #5).

22 Resolution No. 274-2016; Resolution  
23 authorizing the issuance of a refund for an  
24 overpayment of a sidewalk repair fee to M. Bahar.  
25 Account No. TWN DB 0000 00380 000 0000. (M.D.

1 5/16/16 #14).

2 Resolution No. 275-2016; Resolution  
3 authorizing the property cleanup of 22 Eagle Lane,  
4 Farmingdale, NY be referred to Nassau County for  
5 Placement on the Nassau County Tax Assessment  
6 Rolls. (M.D. 5/16/16 #15).

7 Resolution No. 276-2016; Resolution  
8 authorizing the property cleanup of 18A Park Lane,  
9 Massapequa, NY be referred to Nassau County for  
10 placement on the Nassau County Tax Assessment  
11 Rolls. (M.D. 5/16/16 #16).

12 Resolution No. 277-2016; Resolution  
13 authorizing the property cleanup of 119 Boston  
14 Avenue, Massapequa, NY be referred to Nassau County  
15 for placement on the Nassau County Tax Assessment  
16 Rolls. (M.D. 5/16/16 #17).

17 Resolution No. 278-2016; Resolution  
18 pertaining to Contract No. DPW 06-930, Town of  
19 Oyster Bay Stormwater Management Plan. Account No.  
20 HWY H 5197 20000 000 1503 008. (M.D. 5/16/16 #21).

21 Resolution No. 279-2016; Resolution  
22 granting request from Our Lady of Mercy Church,  
23 Hicksville, for Town assistance in conducting their  
24 Annual Summer Fair from July 27 through July 31,  
25 2016 and to use various Town equipment from July 25

1 through August 1, 2016, for the event. (M.D.  
2 5/16/16 #23).

3 Resolution No. 280-2016; Resolution  
4 authorizing contracts with various performers  
5 and/or their agents for the 2016 Music Under the  
6 Stars concert series including the Salute to  
7 America. Account No. CYS A 7020 47660 000 0000.  
8 (M.D. 5/24/16 #5).

9 Resolution No. 281-2016; Resolution  
10 authorizing the issuance of a refund of a building  
11 permit fee to Slomin's, Inc. Account No. PAD B  
12 0001 02555 000 0000. (M.D. 5/24/16 #11).

13 Resolution No. 282-2016; Resolution  
14 pertaining to a consultant change in corporate name  
15 and directing the Comptroller to update records to  
16 authorize the Supervisor or his designee to execute  
17 a new Standard Consultant Agreement to reflect said  
18 name change. (M.D. 5/24/16 #21).

19 Resolution No. 283-2016; Resolution  
20 granting request from the Incorporated Village of  
21 Massapequa Park, to use one roll-off container for  
22 their Breakfast in the Park from June 24 through  
23 June 27, 2016. (M.D. 5/24/16 #23).

24 Resolution No. 284-2016; Resolution  
25 pertaining to Contract No. PWC22-16, On-Call

1 Architectural Services relative to Architecture,  
2 design and bidding of the Oyster Bay Golf Course  
3 Central Vehicle Maintenance Building Roof  
4 Reconstruction Contract. Account No. PKS H7197  
5 20000 000 1209 001. (M.D. 5/24/16 #22).

6 Resolution No. 285-2016; Resolution  
7 authorizing the Supervisor to sign the Youth  
8 Program Contract under the Workforce Innovation and  
9 Opportunity Act for the delivery of youth  
10 employment and training services with a contractual  
11 start period of June 10, 2016 through June 30,  
12 2017. Account No. IGA CD 6293 48050 000 CW15.  
13 (M.D. 5/24/16 #6).

14 Resolution No. 286-2016; Resolution  
15 authorizing the renewal of the Professional and  
16 General Liability Insurance for the Workforce  
17 Innovation and Opportunity Act Program, effective  
18 May 1, 2016. Account Nos. IGA CD 6293 43000 000  
19 CW15 and IGA CD 6293 47900 000 CW15. (M.D. 5/24/16  
20 #7).

21 Resolution No. 287-2016; Resolution  
22 authorizing the Supervisor to enter into a Street  
23 Light Workflow Agreement to allow PSEGLI to  
24 reattach Town street lighting to new, replacement  
25 utility poles being installed by PSEGLI as part of



1 their Storm Hardening Program being funded by  
2 Federal Emergency Management Agency. (M.D. 5/24/16  
3 #15).

4 Resolution No. 288-2016; Resolution  
5 authorizing the cost of the property cleanup of  
6 216 North Oak Street, Massapequa, NY, be referred  
7 to the County of Nassau for placement on the Nassau  
8 County Tax Assessment Rolls. (M.D. 5/24/16 #16).

9 Resolution No. 289-2016; Resolution  
10 authorizing the cost of the property cleanup of  
11 310 North Baldwin Drive, Massapequa, NY, be  
12 referred to the County of Nassau for placement on  
13 the Nassau County Tax Assessment Rolls. (M.D.  
14 5/24/16 #17).

15 Resolution No. 290-2016; Resolution  
16 directing the Town Clerk to publish a Notice of  
17 Application in connection with the application of  
18 Angela Rinaldo and Nicholas P. Montefusco, to  
19 erect, maintain, improve and/or repair a dock,  
20 float bulkhead or other mooring at 25 Anchor Drive,  
21 Massapequa, NY. (M.D. 5/16/16 #13).

22 Resolution No. 291-2016; Resolution  
23 pertaining to Contract No. PWC 20-16, On-Call  
24 Engineering Services relative to Tank Management  
25 related to existing waste oil storage tank and

1 associated storm water treatment and disposal  
2 system that serve the compactor equipment in the  
3 Highway Department yard. Account No. HWY H 5197  
4 20000 000 1503 008. (M.D. 5/24/16 #20).

5 Resolution No. 292-2016; Resolution  
6 granting request from the Incorporated Village of  
7 Massapequa Park to use one roll-off container for  
8 their Village of Massapequa Park's Fireworks event  
9 on July 1 through July 6, 2016. (M.D. 5/24/16  
10 #24).

11 Resolution No. 293-2016; Resolution  
12 granting request from St. Rose of Lima Parish in  
13 Massapequa for Town assistance in conducting their  
14 Family Festival from July 14 through July 23, 2016  
15 and for the use of various Town equipment from  
16 July 11 through July 25, 2016, for the event.  
17 (M.D. 5/24/16 #25).

18 Resolution No. 294-2016; Resolution  
19 granting request from Maria Regina R.C. Church in  
20 Seaford for Town assistance in conducting their  
21 carnival from June 23 through June 26, 2016 and to  
22 use various Town equipment from June 22 through  
23 June 27, 2016 for the event. (M.D. 5/24/16 #26).

24 Resolution No. 295-2016; Resolution  
25 granting request from the Italian American Citizens

1 Club of Oyster Bay, for Town assistance in  
2 conducting the St. Rocco's Festival in Municipal  
3 Parking Field 0-6 from July 4 through July 11,  
4 2016, use Town equipment form July 3 through  
5 July 11, 2016 and to waive Chapter 82-3 of the Town  
6 of Oyster Bay Code from July 6 through July 10,  
7 2016. (M.D. 5/24/16 #27).

8 Resolution No. 296-2016; Resolution  
9 authorizing the acceptance of various donations to  
10 the Town's Animal Shelter. (M.D. 5/24/16 #28).

11 Resolution No. 297-2016; Resolution  
12 directing the Town Clerk to publish a notice of  
13 hearing in connection with Sunrise Promenade  
14 Associates and Massapequa Restaurant Joint Venture  
15 for a Modification of Special Use Permit and  
16 Modification of Declaration of Covenants and  
17 Restrictions for premises located at 5204 Sunrise  
18 Highway, Massapequa, NY. Hearing date: July 26,  
19 2016. (M.D. 5/24/16 #14).

20 Resolution No. 298-2016; Resolution  
21 amending Resolution No. 724-2015 in connection with  
22 Contract No. PWC 036-13, On-Call Auditing services.  
23 Account No. TWN A 1989 44810 000 0000. (M.D.  
24 5/24/16 #13).

25 Resolution No. 299-2016; Resolution

1 authorizing the Supervisor or his designee to  
2 execute an amendment to Contract No. C310723 with  
3 the New York State Department of Environmental  
4 Conservation to extend the contract end date to  
5 December 31, 2010 to pursue reimbursement for  
6 Project related expenditures in connection with  
7 Oyster Bay Western Waterfront Improvement. (M.D.  
8 5/24/16 #8).

9 Resolution No. 300-2016; Resolution  
10 pertaining to the decision on Amendments to the  
11 Code of the Town of Oyster Bay, New York, amending  
12 Chapter 233 of the said Code, pertaining to  
13 parking, stopping, crossing, loading zones, thru  
14 traffic, trucking operations and other traffic  
15 regulations. Hearing held: May 24, 2016. (M.D.  
16 5/24/16 #4).

17 Resolution No. 301-2016; Resolution  
18 authorizing the issuance of a refund of a building  
19 permit fee to A. Bergmann. Account No. PAD B 0001  
20 02555 000 0000. (M.D. 5/24/16 #12).

21 Resolution No. 302-2016; Resolution  
22 directing the Town Clerk to publish a Notice of  
23 Hearing in connection with the application of KRE  
24 Broadway Owner, LLC (Round 1), for a special use  
25 permit to permit an active recreation use with game

1 room, Hicksville, NY. Hearing date: June 21,  
2 2016. (M.D. 5/24/16 #31).

3 Resolution No. 303-2016; Resolution  
4 directing the Town Clerk to publish a Notice of  
5 Hearing in connection with the application of KRE  
6 Broadway Owner, LLC (Starbucks) for a special use  
7 permit to operate a fast food restaurant with a  
8 drive-thru window, Hicksville, NY. Hearing date:  
9 June 21, 2016. (M.D. 5/24/16 #32).

10 Supervisor, we have speakers on 275 and  
11 298?

12 COUNCILMAN MUSCARELLA: So moved.

13 COUNCILMAN MACAGNONE: Seconded.

14 MR. ALTADONNA: Motion made by  
15 Councilman Muscarella, seconded by Councilman  
16 Macagnone.

17 SUPERVISOR VENDITTO: On the  
18 Resolutions, Robert Ripp, 275 and 298?

19 MR. RIPP: I'm Robert Ripp, 77 Sunset  
20 Road, Massapequa.

21 Just for your own knowledge, I was  
22 watching the live stream prior to attending the  
23 meeting and just so you know the picture is a big  
24 blur. You can hear it, but can't see anything.

25 In Resolution 275, these are all the

1 house -- the property cleanups that we were talking  
2 about and talked about numerous times. I'm at a  
3 loss.

4 From what I believe, I don't think we  
5 have an adequate system. I don't understand why we  
6 do commercial properties.

7 Why we are maintaining the same  
8 properties? Why are we doing some properties that  
9 are for sale? I really don't understand why the  
10 Freedom of Information Request that I put in with  
11 regards to the properties that were cleaned up is  
12 being denied for no reason.

13 I just want to bring to your attention  
14 that Town of Hempstead just passed a law in the  
15 last month. There are better ways to do this. I  
16 don't know. Maybe it's coming from me. I don't  
17 get it. I really would hope that you would start  
18 looking for a better way to address this and banks  
19 are responsible today for these properties.

20 The other Resolution is 298. This is  
21 the request to increase authorization, \$23,000, for  
22 the contract for the company that does the  
23 auditing. It looks like they do the auditing for  
24 the Town's financials.

25 I was curious, can you tell me when the

1 next financial -- when the next auditors are due  
2 for the financial, and I'm curious, when this  
3 original contract was approved, was this contract  
4 approved for a service, like, in a whole or were  
5 they approved, like, per hour or per diem?

6 How is that you're extending the second  
7 year of the contract and it looks now that they  
8 need to invest more work to get this done and we  
9 are footing bill. I'm curious about that.

10 COUNCILMAN PINTO: I can answer the  
11 first part and Bob can answer the second part.

12 It's my understanding that the 2015  
13 financials will be prepared and filed by  
14 September 30th. It's not a confirmed date, that's  
15 the initial date received by the auditors.

16 MR. McEVOY: They are not due until the  
17 end of the tax --

18 COUNCILMAN PINTO: Based on some of the  
19 actions that needed to be done, we increased the  
20 scope and that's why there's an increase.

21 MR. McEVOY: Exactly. The original  
22 contract was bid lump sum.

23 It would have been done earlier. This  
24 is -- due to the extra hours they have to expend  
25 because this is the -- for auditors, this is when

1 they normally would be doing school districts,  
2 during the Summer. But because our financials will  
3 be available by the end of June, they'll work on it  
4 so we get this out, so we don't run into the  
5 problem we had last year where this extends towards  
6 the end of the year and it gets out by the end of  
7 September. They needed to expend the extra work  
8 and also with the required due diligence that they  
9 have to do.

10 Going back to your first question about  
11 the cleanups, I will reiterate it again, we put  
12 this on the Nassau County tax rolls in October and  
13 the Town gets its money from Nassau County in  
14 February.

15 The property taxes in the Town of  
16 Oyster Bay are guaranteed by Nassau County. That's  
17 whether there's property tax or whether there's a  
18 cleanup attached to the property.

19 As I said months ago, what goes on  
20 between the property owner and Nassau County, they  
21 have a tax sale. They'll do whatever they have to  
22 do. The Town of Oyster Bay is made whole for these  
23 cleanups by the February following the October.

24 SUPERVISOR VENDITTO: Thank you, Bob.

25 Hey, Rob, just so, you know, in



1 response to your comment about the live video feed,  
2 it's been reported to me. Not only does it look  
3 like HD right now, it's been working well as far as  
4 we know all along.

5 MR. DEVINE: It cut out for about 30  
6 seconds because the power cord was jostled because  
7 I didn't plug it in all the way. If it ever goes  
8 out, just hit refresh because if you don't refresh  
9 it, it's like a live DVR, so it won't show you the  
10 most up-to-date thing.

11 MR. RIPP: Yes, I noticed that.

12 SUPERVISOR VENDITTO: Jim, go ahead.

13 MR. ALTADONNA: To reiterate, motion  
14 was made by Councilman Muscarella, seconded by  
15 Councilman Macagnone.

16 On the vote, Supervisor Venditto?

17 SUPERVISOR VENDITTO: I vote "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilman Coschignano?

23 COUNCILMAN COSCHIGNANO: "Aye."

24 MR. ALTADONNA: Councilman Pinto?

25 COUNCILMAN PINTO: "Aye."

1 MR. ALTADONNA: Councilwoman Alesia?

2 COUNCILWOMAN ALESIA: "Aye."

3 MR. ALTADONNA: Councilwoman Johnson?

4 COUNCILWOMAN JOHNSON: "Aye."

5 MR. ALTADONNA: Motion to adopt  
6 Resolution Nos. 272-2016 through 303-2016 passes  
7 with seven "Ayes."

8 May I have a motion to suspend the  
9 rules and add the following Walked-on Resolution  
10 No. 304-2016 which is a Resolution relating to the  
11 Amnesty Program for residential homeowners within  
12 the Town of Oyster Bay?

13 Resolution pertaining to the decision  
14 Local Law entitled, "A Local Law creating a  
15 building permit Amnesty Program for residential  
16 homeowners within the Town of Oyster Bay." Hearing  
17 held: June 7, 2016.

18 On the motion?

19 COUNCILMAN MUSCARELLA: So moved.

20 COUNCILMAN MACAGNONE: Seconded.

21 MR. ALTADONNA: Motion made by  
22 Councilman Muscarella, seconded by Councilman  
23 Macagnone.

24 On the vote, Supervisor Venditto?

25 SUPERVISOR VENDITTO: I vote "Aye."

1 MR. ALTADONNA: Councilman Muscarella?  
2 COUNCILMAN MUSCARELLA: "Aye."  
3 MR. ALTADONNA: Councilman Macagnone?  
4 COUNCILMAN MACAGNONE: "Aye."  
5 MR. ALTADONNA: Councilman Coschignano?  
6 COUNCILMAN COSCHIGNANO: "Aye."  
7 MR. ALTADONNA: Councilman Pinto?  
8 COUNCILMAN PINTO: "Aye."  
9 MR. ALTADONNA: Councilwoman Alesia?  
10 COUNCILWOMAN ALESIA: "Aye."  
11 MR. ALTADONNA: Councilwoman Johnson?  
12 COUNCILWOMAN JOHNSON: "Aye."  
13 MR. ALTADONNA: Motion to suspend the  
14 rules and proceed with the added Walked-On  
15 Resolution No. 304-2016 passes with seven "Ayes."  
16 May I have a motion to adopt Walked-on  
17 Resolution No. 304-2016?  
18 Resolution No. 304-2016; Resolution  
19 pertaining to the decision local law entitled, "A  
20 Local Law creating a building permit Amnesty  
21 Program for residential homeowners within the Town  
22 of Oyster Bay." Hearing held: June 7, 2016.  
23 COUNCILMAN MUSCARELLA: So moved.  
24 COUNCILMAN MACAGNONE: Seconded.  
25 MR. ALTADONNA: Motion made by

1 Councilman Muscarella, seconded by Councilman  
2 Macagnone.

3 On the vote, Supervisor Venditto?

4 SUPERVISOR VENDITTO: I vote "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilman Coschignano?

10 COUNCILMAN COSCHIGNANO: "Aye."

11 MR. ALTADONNA: Councilman Pinto?

12 COUNCILMAN PINTO: "Aye."

13 MR. ALTADONNA: Councilwoman Alesia?

14 COUNCILWOMAN ALESIA: "Aye."

15 MR. ALTADONNA: Councilwoman Johnson?

16 COUNCILWOMAN JOHNSON: "Aye."

17 MR. ALTADONNA: Motion to adopt

18 walked-on Resolution No. 304-2016 passes with seven

19 "Ayes."

20 Calendar is complete.

21 SUPERVISOR VENDITTO: Mr. Muscarella, I  
22 will take a motion.

23 COUNCILMAN MUSCARELLA: Supervisor, I  
24 move that the Town Board go into Executive Session  
25 to discuss pending, more current litigation and

1 collective negotiations pursuant to Article 14 of  
2 the Civil Service Law.

3 COUNCILMAN MACAGNONE: Seconded.

4 SUPERVISOR VENDITTO: All in favor?

5 ALL: "Aye."

6 SUPERVISOR VENDITTO: Opposed?

7 (No response.)

8 SUPERVISOR VENDITTO: So moved.

9 We stand ready to conduct an Executive  
10 Session. We will return with the Public Comment  
11 upon completion thereof.

12 (Whereupon, Executive Session commenced  
13 at 11:51 a.m. and ended at 4:08 p.m.)

14 SUPERVISOR VENDITTO: Ladies and  
15 gentlemen, if everyone will find seats, we will  
16 resume.

17 We will resume by taking a motion from  
18 Mr. Muscarella.

19 COUNCILMAN MUSCARELLA: Supervisor, I  
20 will make a motion to end the Executive Session.

21 No action was taken by the Board.

22 COUNCILMAN MACAGNONE: Seconded.

23 SUPERVISOR VENDITTO: All in favor?

24 ALL: "Aye."

25 SUPERVISOR VENDITTO: Opposed?

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(No response.)

SUPERVISOR VENDITTO: So moved.

We stand adjourned and ready to proceed  
with our Public Comment period.

(Time noted: 11:51 a.m.)