

TOWN OF OYSTER BAY
TOWN BOARD
SPECIAL PRESENTATION
June 21, 2016
8:00 p.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

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

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

JUNE MASCIA, DEPUTY COMMISSIONER, DEPARTMENT OF
GENERAL SERVICES
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
KEVIN HANIFAN, COMMISSIONER, DEPARTMENT OF HIGHWAY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
ROBERT DARIENZO, DIRECTOR OF FINANCE
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCE

1 (Time noted: 8:00 p.m.)

2 (Whereupon, this portion of the meeting
3 was reported by Yvonne Angeles as follows:)

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

8 MR. ALTADONNA: Supervisor Venditto?

9 SUPERVISOR VENDITTO: I am here.

10 MR. ALTADONNA: Councilman Muscarella?

11 COUNCILMAN MUSCARELLA: Here.

12 MR. ALTADONNA: Councilman Macagnone?

13 COUNCILMAN MACAGNONE: Here.

14 MR. ALTADONNA: Councilman Coschignano?

15 COUNCILMAN COSCHIGNANO: Here.

16 MR. ALTADONNA: Councilman Pinto?

17 COUNCILMAN PINTO: Here.

18 MR. ALTADONNA: Councilwoman Alesia?

19 COUNCILWOMAN ALESIA: Here.

20 MR. ALTADONNA: Councilwoman Johnson?

21 COUNCILWOMAN JOHNSON: Here.

22 SUPERVISOR VENDITTO: Ladies and
23 gentlemen, if everyone will please rise and join in
24 the Pledge of Allegiance lead by Councilman Chris
25 Coschignano.

1 (Pledge of Allegiance recited.)

2 SUPERVISOR VENDITTO: Ladies and
3 gentlemen, before we begin the proceedings, I think
4 it would be appropriate if we all engage in a
5 moment of silence for the citizens of America that
6 we lost in the attack in Orlando, Florida in the
7 past ten days or so. We will just have a moment of
8 silence out of respect for those victims.

9 (Moment of silence.)

10 SUPERVISOR VENDITTO: All right.

11 Thank very much.

12 Before we begin with the call of the
13 Calendar, Commissioner of Highways has asked for a
14 brief few minutes to address the Board. He is
15 about to retire.

16 You tell us what you want to say.

17 MR. HANIFAN: First of all, I would
18 like to thank the Board for allowing me to address
19 you tonight.

20 As you know, I'm retiring from the Town
21 of Oyster Bay. My career started July 1977 working
22 in Burns Park. That went on for two years. Then,
23 I became a full-time employee in the Highway
24 Department working as a laborer. That was on
25 November 15, 1979. On that day, I met

1 Superintendent of Highways Mr. Rob Andruzzi.

2 He said to me, "Young man, you want to
3 be successful in the Town."

4 I said, "Sure. How am I going to do
5 that?"

6 He said, "You're going to do it this
7 way. You're going to come to work on time, you're
8 going to do what you're told, you're going to keep
9 your mouth shut and you're going to go home to your
10 family at the end of the day."

11 I said, "That's it?"

12 He goes, "That's it. You do that, and
13 you're going to be successful."

14 That started in 1979, and tomorrow at
15 the close of business, I retire as the Commissioner
16 of the Highway Department. That's very good advice
17 that I took from some of the people that preceded
18 me.

19 The Town of Oyster Bay has given me
20 many opportunities to advance my career. In 1981,
21 I was made Equipment Operator. I had to get a
22 commercial driver's license. After passing the
23 Civil Service exam, I was made equipment
24 supervisor. In 2005, I was called to a meeting to
25 see Supervisor Venditto. I walked into the meeting

1 and I sat down.

2 He said to me, "Hanifan, we are making
3 some changes." In the room was Richie Betz. He
4 said Richie is going to the Parks Department to be
5 the Commissioner and you're going to be the
6 Division Head of the Highway Department. He said
7 it was a big responsibility, but he knew I could
8 handle it.

9 That day, he gave me some advice. He
10 said, "Listen, when you have to make tough choices,
11 be Kevin Hanifan. Don't be somebody else. Don't
12 try to take somebody else's style. Do what you do
13 or do what you did to get here," and I always take
14 that advice and I thank you for that.

15 I had a successful career working in
16 the Highway Department. In 2013, this Board
17 appointed me Commissioner and it benefited me and
18 my family and I wanted to say thank you personally.
19 Sending a letter just didn't work. I had to come
20 here and say it to you personally. Thank you all.

21 I had that successful career -- in the
22 Highway Department, we don't do just day-to-day
23 operations, sweeping the streets, cutting the
24 grass, installing new signs, fixing street lights.
25 We fight storms. In my over 36-plus years, I've

1 seen many of them from Hurricane Gloria back in the
2 mid '80s to Hurricane Bob in the early '90s and
3 then more recently Hurricane Irene and, of course,
4 Superstorm Sandy, as well as numerous snowstorms
5 and blizzards like the 30-inch storm that fell this
6 past February. The Town of Oyster Bay was
7 successful in all of those events.

8 The common thread through all of those
9 storms were the workers. The people that I had the
10 privilege to work alongside are the best people I
11 know. They have been referred to as the work force
12 second to none and I echo that wholeheartedly
13 tonight. There are too many to name, but I feel I
14 mention a couple of them; Kim Melworm one of most
15 loyal and competent secretaries I've seen in the
16 Town. I'm sure you're all aware the value of the
17 person that sits outside your office, answers your
18 calls, sets your schedule and brings you the news
19 of day, whether it's good or bad. She is a great
20 asset.

21 I have to speak of John Bishop. John
22 is the ultimate professional. He's been by my side
23 from day one while I've been in Administration in
24 the Highway Department. I can't tell you how many
25 times he has given me advice during tough times.

1 He's an outstanding employee.

2 Lastly, I would like to thank DPW
3 Deputy Commissioner Leslie Maccarone. She is the
4 smartest and hardest working person I know. She
5 truly has the best interest of the Town at heart
6 and I've learned so much from her. I can't thank
7 her enough.

8 When it comes to my family, I have to
9 say thank you. My wife and daughter are home in
10 Hicksville watching it and I have a daughter in
11 Atlanta that I told her to get on and watch this.
12 When you are the wife or a child of a Highway
13 person, you don't get a lot of time with them when
14 the storms are out there. I'm never home. My
15 daughters has always asked, "Dad, how come you have
16 to go to work. There's no school. There's no
17 work. There's no railroad and you have to go to
18 work." I said, "That's what we do."

19 I never made a snowman. I never took
20 them sleigh riding. The last thing I wanted to do
21 after two days of plowing snow was play in the
22 snow, but they understood that.

23 My wife held down the fort with two
24 young children. She was there through blizzards
25 and storms. As a matter of fact, with Superstorm

1 Sandy, a curb-side tree, hit our house and damaged
2 it. She was home with one child and I was working.

3 I have to say thank you to her and
4 thank you to my daughters. I will tell you my
5 daughters publically that there's a very nice
6 Winter vacation in their future and that's on
7 Daddy.

8 My tenure here in the Town of Oyster
9 Bay, I've seen great things happen for the Town and
10 for the residents and I just hope they are not
11 forgotten. So I'd like to say it has been an honor
12 and a privilege to work for the Town of Oyster Bay
13 and serve this Board.

14 Thank you.

15 (Applause.)

16 SUPERVISOR VENDITTO: Commissioner,
17 before you go and any Board members who care to
18 speak up will get an opportunity, you know, sitting
19 here -- by the way, Andruzzi told me the same thing
20 he told you. I just didn't listen to him. When
21 you are sitting here -- I don't want to put one
22 department head over another, one employee over
23 another -- everybody contributes, everybody pulls
24 their weight, so the way I will say it is the way I
25 really feel. You are, in no small measure of the

1 words, a Town's Supervisor's and a Town Board's
2 dream. It has been absolutely a privilege to have
3 you here in the Town.

4 Thank you for everything that you've
5 done to make this Town a great Town that it is.

6 Thank you, Kevin.

7 (Applause.)

8 COUNCILMAN PINTO: I know Kevin was
9 here to thank us, but I think everyone on this
10 Board will agree with me, we thank you
11 tremendously. I know, myself, I would be calling
12 on Kevin all the time and I received many thank you
13 notes because of your work and what your staff has
14 done.

15 On behalf of everyone here, I know we
16 all feel the same way, we are going to miss you so
17 much. Thank you very much.

18 (Applause.)

19 COUNCILMAN MUSCARELLA: You are the
20 ultimate true professional. You did your job with
21 your heart and soul. You gave everything to the
22 Town of Oyster Bay. You absolutely moved us from
23 good to great and we owe a great deal to you and
24 all the residents of Oyster Bay. We can't pay you
25 enough for what you have done for us.

1 Thank you.

2 COUNCILMAN COSCHIGNANO: I'm not going
3 to let, as son of a former Highway worker, who you
4 worked with for quite a while, and I know and
5 appreciate what you do and I know part of what your
6 family has gone through and having you do what you
7 do so well.

8 So, on behalf of our family and all of
9 us and our families in the Town, you guys are put
10 on the line every day. So thank you for everything
11 that you have done and your great department as
12 well.

13 COUNCILMAN MACAGNONE: Kevin, I just
14 want to thank you for always telling us how it is,
15 not what we want to hear because sometimes that's
16 more important. You've always been straight with
17 me and I want to thank you for that.

18 COUNCILWOMAN ALESIA: I think I speak
19 for everyone when I say I don't how we're going to
20 do it without you. You are really, really almost
21 an irreplaceable person.

22 MR. HANIFAN: Councilman, I've said it
23 to my men, that placard says 1653. It was here
24 before us. It will be here after us because the
25 Town government will work and the Town employees

1 will do what they have to do.

2 COUNCILWOMAN JOHNSON: I just want to
3 say thank you. You taught me a lot and really
4 guided me in dealing with a lot of people. I'm
5 getting emotional saying good-bye. I'm going to
6 miss you a lot.

7 Thank you for everything.

8 MR. HANIFAN: Thank you very much.

9 (Applause.)

10 MR. ALTADONNA: Kevin, when you spoke,
11 you mentioned about the sacrifices that you and
12 your family went through. That's what a municipal
13 worker does. They put their Town first and their
14 family sometimes take a second seat. I'm glad you
15 highlighted that.

16 I'm proud of the work that you did and
17 I'm grateful that you're going to have time to
18 retire and enjoy your days that are well earned.

19 MR. HANIFAN: Thank you.

20 SUPERVISOR VENDITTO: Kevin, thank you.
21 We're going to miss you.

22 (Time noted: 8:11 p.m.)

23

24

25

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
June 21, 2016
8:12 p.m.

HEARING - P-5-16

To consider the application of KRE Broadway Owner, LLC (Starbucks) for a special use permit to operate a fast food restaurant with a drive-thru window, Hicksville, NY. (M.D. 5/26/16 #32).

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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COUNCILWOMAN MICHELE M. JOHNSON

(Appearances continued on following page.)

I certify this is a true and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary



HOLLY DALOIA OSTEEN
Official Reporter/Notary

ORIGINAL TRANSCRIPT

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VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCE

1 (Time noted: 8:12 p.m.)

2 (Whereupon, this portion of the meeting
3 was reported by Yvonne Angeles as follows:)

4 SUPERVISOR VENDITTO: We are going to
5 take the hearings out of order in deference to the
6 application, their entourage, starting with counsel
7 and experts and what have you.

8 Hearing Number 3 will become Number 1;
9 Number 4 will become Number 2; and Number 1 will
10 become Number 3; and Number 2 will become Number 4.

11 Did I do that right? Let's call
12 Hearing Number 1 formerly known as Hearing Number
13 3.

14 MR. ALTADONNA: Hearing P-5-16; to
15 consider the application of KRE Broadway Owner,
16 LLC. (Starbucks) for a special use permit to
17 operate a fast food restaurant with a drive-thru
18 window, Hicksville New York.

19 SUPERVISOR VENDITTO: Counselor?

20 MR. D'AGOSTINO: Good evening,
21 Mr. Supervisor, Members of the Board.

22 My name is Albert D'Agostino. The law
23 firm is Minerva & D'Agostino, P.C.

24 SUPERVISOR VENDITTO: Welcome,
25 Mr. D'Agostino.

1 MR. D'AGOSTINO: Good to see you again.

2 The office address is 107 South Central
3 Avenue, Valley Stream. My firm represents the
4 applicants and the application that was just read
5 into the record.

6 I think I followed the checkers of
7 moving the numbers around. I couldn't have it.

8 The application before you today is for
9 a special use permit to allow the demolition of the
10 existing vacant drive-thru teller lanes and
11 construct a new, approximately, 1975 square-foot
12 fast food restaurant with drive-thru in its place
13 for purposes of a new Starbucks.

14 This is also an application for a
15 concurrent site plan approval with a redevelopment
16 of this existing pad site that's part of the
17 Broadway Mall shopping center which I believe all
18 of you know very well.

19 The shopping center is located on
20 Broadway in Hicksville 100 feet south of Nevada
21 Street and is located in the general business zone
22 of the Town of Oyster Bay.

23 As you will hear shortly from the
24 applicant's expert witnesses, the applicant meets
25 the criteria in Section 246-9.4 of the Town Code

1 for the granting of the special use permit. The
2 application will not result in parking or traffic
3 issues at the site.

4 You will also hear about the design of
5 the site to accommodate the drive-thru service as
6 this is not a free-standing site, but rather part
7 of the mall. It's located on the mall property.
8 This application is uniquely situated to
9 accommodate its use.

10 Additionally, it should be noted that
11 the majority of fast food restaurants with
12 drive-thru in the immediate area abut residential
13 property. Whereas here, the closest residential
14 property to the proposed restaurant is over
15 700 feet away.

16 Again, uniquely situated in this
17 property to accommodate the application, you will
18 also note when reviewing the proposed site plan,
19 that there is no direct access from the proposed
20 pad from Routes 106 and 107. They only access it
21 from the mall's main internal circulation route.
22 The hours of operation are from 5:00 a.m. to
23 10:00 p.m. daily for both the restaurant and
24 drive-thru.

25 As this is also an application for a

1 concurrent site plan approval, our engineers are
2 present here today to answer any questions the
3 Board may have regarding the design of this pad
4 site.

5 I would also note that I personally had
6 several meetings with the representatives of the
7 Civic Association in the area and originally there
8 were three items of concern that were expressed and
9 I'm not looking to take the thunder from anyone
10 else who is going to be speaking later on.

11 This was our understanding and my
12 understanding. These items included the speaker
13 and sound, which is utilized for ordering, the
14 serving of wine and liquor at the intersection at
15 the southerly end of Broadway Mall and William
16 Street.

17 In our discussions, we have agreed and
18 Starbucks has agreed that this location will not
19 serve wine and liquor. We have performed a speaker
20 and sound test with a representative of the Civic
21 Association present which confirmed that the
22 speaker will not be audible at the property lines
23 from 700 feet away.

24 We have, despite that offer to install
25 additional screening, a wall along the southerly

1 side of the proposed Starbucks pad in order to add
2 any additional sound insulation that might be
3 requested or required.

4 Lastly, we have agreed to reconfigure
5 the Broadway and William Street intersection
6 subject to New York State Department of
7 Transportation approval to address the concerns of
8 the Civic Association with regard to this existing
9 intersection being of concern to the Association
10 and its leadership.

11 I would note that this is an existing
12 intersection, not one proposed to be installed as
13 part of this application. I would also point out
14 that we had a meeting with the New York State
15 Department of Transportation and it's the
16 Department of Transportation which is, obviously,
17 going to have the final word on the access. But
18 they've asked some additional information from us
19 and they agreed that they will review the changes.

20 SUPERVISOR VENDITTO: I have to
21 interrupt you at this point.

22 I was told that there was some kind of
23 an agreement worked out with the DOT and the State.

24 MR. D'AGOSTINO: I'll tell you what the
25 agreement is.

1 The agreement is that the New York
2 State Department of Transportation is going to make
3 the determination. The meeting which was had
4 yesterday, I was present, several representatives
5 of my client were present and we also had some
6 telephonic input from another interested party.
7 The sum total is that they are going to review and
8 they are going to tell us what they would like to
9 see, not suggest, not ask, tell us.

10 SUPERVISOR VENDITTO: I might have been
11 misinformed. I thought something concrete had --

12 MR. D'AGOSTINO: What I think and --

13 SUPERVISOR VENDITTO: Because traffic
14 is going to be very significant.

15 MR. D'AGOSTINO: Again, I believe the
16 Civic Association President, Mr. Berse, is going to
17 speak later on and he can speak to that. What we
18 did agree on was certain things with respect to
19 general configuration, some signage, but again,
20 this is something that DOT wants to look at and
21 have more than just input in.

22 We do have expert witnesses here who
23 will talk about the traffic and also a real estate
24 expert, and rather than anticipate what the
25 concerns are, as I said, I ask that we have an

1 opportunity to speak and present the witnesses in
2 rebuttal after there are any speakers either in
3 opposition or who may raise additional concerns.

4 As the Board, I believe, is aware, the
5 new owners have recently purchased the mall and
6 acquired in it 2014, approximately two years ago.
7 And they have been investing substantial funds
8 renovating the entire mall, improving the tenant
9 mix, attracting new national tenants and
10 revitalizing the existing shopping mall.

11 Anybody who is familiar with it and I'm
12 sure the Board members are familiar with it, you
13 can see the transformation that has occurred in a
14 short period of time and the efforts of my client
15 to ensure that the mall survives and thrives are
16 continuing.

17 At this point, if the Board does not
18 have specific questions of me, I would like to
19 bring up my first expert witness.

20 COUNCILMAN MACAGNONE: What are the
21 hours of operation?

22 MR. D'AGOSTINO: The hours of
23 operation, which I believe I stated for the record,
24 are 5:00 a.m. to 10:00 p.m. daily.

25 SUPERVISOR VENDITTO: Seven days a

1 week?

2 MR. D'AGOSTINO: Yes.

3 COUNCILMAN MACAGNONE: Thank you.

4 MR. D'AGOSTINO: Shall I call my first
5 witness?

6 SUPERVISOR VENDITTO: Why don't you
7 proceed?

8 MR. D'AGOSTINO: At this time, I'll
9 call Barry Nelson, our real estate witness. I
10 believe Mr. Nelson has testified at least a number
11 of times.

12 SUPERVISOR VENDITTO: Mr. Nelson has
13 testified before this Board on numerous occasions
14 both for and against applications. We certainly
15 acknowledge his competency to do so, but we don't
16 always agree with him.

17 Mr. Nelson, welcome.

18 MR. NELSON: Good evening.

19 MR. D'AGOSTINO: Mr. Nelson, did you
20 perform a site and area inspection of the subject
21 premises at the applicant's request?

22 MR. NELSON: Yes, I did.

23 MR. D'AGOSTINO: Would you please, in
24 narrative form, tell the Board the results of your
25 inspection?

1 MR. NELSON: Certainly.

2 I'm going to hand in a packet of
3 photographs. I think there's 38 pictures that were
4 taken by myself (handing). I took them and they
5 fairly and accurately represent the subject
6 property and the surrounding uses that you will
7 find in the area if you were to drive by the site.
8 I'm sure the Board is very familiar with this
9 location having many applications before you on
10 this mall.

11 First, as counsel mentioned, new
12 owners, the mall has been substantially upgraded in
13 the last two years with the continuation of new
14 tenants, positive developments for the site itself.

15 The Board is familiar with the location
16 on North Broadway. It's the former site of a bank,
17 drive-thru area. I think it had four or five
18 drive-thru lanes at that location apparently many
19 years ago. It's a very successful bank with much
20 activity. It has been vacant for several years at
21 that location. It is between the new location of
22 Chic-fil-A to the north, which I believe this Board
23 heard about a year ago. It's under construction
24 now. To the south is a restaurant. Further north
25 is Boston Market within the mall. It's between

1 Ring Road on the internal mall roadway, and as I
2 mentioned, North Broadway on the easterly side.

3 What's before the Board tonight is the
4 special exception for the so to speak fast food and
5 drive-thru. As counsel mentioned, there are
6 numerous uses along Broadway to the north, to the
7 south, including as you get further south onto
8 Newbridge Road and Broadway. You have several
9 Dunkin' Donuts, not that they have drive-thrus, but
10 they exist in the area. You have McDonald's,
11 Wendy's. The nearest residential would be west of
12 the mall. It would be the entire mall parking to
13 the west and then you come into the residential
14 streets to the west. To the east, you have to
15 cross over Broadway, Sears Automotive Repairs
16 Department store in excess of 1,000, 2,000 feet
17 before you come to the nearest residential.

18 There's much activity in the mall,
19 similar type uses within the mall and along the
20 corridor of North Broadway and Newbridge Road.

21 As far as the special exception, it
22 would be under Section 246.9, the special permit,
23 as well as the performance standards, 246.10.

24 Under this application, what I did is,
25 I looked at the other nearby fast food type

1 operations as far as Burger King, McDonald's,
2 Wendy's. They all have similar type uses, maybe
3 different peaks of their uses, but they're adjacent
4 to residential. Most of them are stand-alone
5 facilities. I looked at other Starbucks units
6 within the Town of Hempstead and Town of Oyster
7 Bay. The most recent one that was constructed
8 would be on, I believe, Hempstead Turnpike in
9 Levittown, 2693 Hempstead Turnpike, northeast
10 corner. It is just outside the neighborhood
11 shopping center, right near the residential to the
12 north, Hempstead Turnpike.

13 I looked at the one within the shopping
14 center, Willow Wood, 1143 Wantagh Avenue. There's
15 another one in the Town of Oyster Bay at
16 205 Stewart Avenue in Bethpage with a drive-thru.
17 There's one in Farmingdale at 10 Michael Avenue,
18 Farmingdale.

19 Last, I think one of the original with
20 the drive-thru would be in Island Park and that
21 would be 457 Boston Boulevard. I worked on several
22 of those over the years.

23 Like I said, I believe the oldest one
24 would be 4057 Boston Boulevard, Island Park which
25 is on Boston Boulevard, residential just to the

1 west of that, and it's a stand-alone unit.

2 As far as the criteria for the special
3 exception, I looked at each standard as it relates
4 to real estate, character of the neighborhood,
5 compatible with the development. I looked at, as I
6 mentioned, the other uses. I believe many other
7 municipalities use the summing up of the standards
8 for a special use permit, and if you just give me a
9 moment, I would like to read them. But I believe
10 it's covered with the Sections of, your Code, 246-9
11 for the special use permits. I looked at each
12 individual standard as it relates to real estate as
13 well as the performance standards in 246-10.

14 Just to sum up, the criteria, I would
15 say, it will not prevent the orderly and reasonable
16 use of adjacent properties or properties in the
17 adjacent use districts. It's a general business
18 district. Most of this area is a GB district. The
19 R1 and R110 Zonings are further outside the mall
20 area outside this immediate vicinity that this use
21 will have no impact to the residential character or
22 their use or quality of life. It will not prevent
23 the orderly and reasonable use of permitted or
24 legally established uses in the district wherein
25 the proposed use is to be located or permitted

1 which is the GB district, general business. It
2 will not adversely affect the safety, the welfare,
3 the comfort, the convenience or the order of the
4 Town and will be in harmony and promote the general
5 purpose and intent of the building ordinance of the
6 Town of Oyster Bay.

7 I took that and I've seen it in many
8 other municipalities, Town of Hempstead, Town of
9 North Hempstead and some of the villages. That,
10 related to your criteria and the Town of Oyster
11 Bay's criteria in 246-9, I believe that you -- by
12 testifying to those criteria and looking at your
13 code and these other Starbucks had similar uses on
14 Broadway, I believe I can form an opinion that this
15 is a good development for this location considering
16 it was a former bank with four or five drive-thru
17 lanes and it's within the mall.

18 Thank you.

19 SUPERVISOR VENDITTO: Mr. Nelson, many
20 of the things you said are accurate. I really
21 don't take issue with them. But listening to you
22 recount all of the various entities that are
23 situated in that corridor, not to mention that we
24 have not even seen the impact of Chic-fil-A yet, at
25 least in reality anyway, we've seen it on paper,

1 You get a sense that maybe there's a breaking
2 point. You know, when is one more too much? I'd
3 just ask you to address that point.

4 Is that something that would concern
5 you?

6 MR. NELSON: If I can just relate to
7 Rockville Centre; one restaurant, two restaurants.

8 SUPERVISOR VENDITTO: That's not a good
9 start.

10 MR. NELSON: Three restaurants, four
11 restaurants, five restaurants, when does it stop?
12 Six restaurants.

13 In this location, the applicant
14 provides adequate parking, provides -- it's part of
15 the mall. You have a demand for it. I believe
16 when is it enough, when they start closing them up
17 and you see the trend and maybe that's what
18 happened with banks because now everybody is doing
19 online banking. But I don't believe you can get
20 your coffee from a cell phone whereas you can do
21 your banking by cell phone.

22 As far as I see now, when is enough?
23 The market will tell you when it's enough. I don't
24 believe it is at this time. This is a coffee, some
25 lightly-warmed cookies and cake, but it seems to be

1 a trend. If you went into Manhattan, you probably
2 would find a Dunkin' Donuts on every other corner
3 or a Starbucks, et cetera. So I believe the market
4 is going to tell you when it is, and at that time,
5 there will be a new use that will come into that
6 location.

7 SUPERVISOR VENDITTO: I'm not picking
8 on you.

9 MR. NELSON: Feel free.

10 SUPERVISOR VENDITTO: From the stand
11 point, the way you -- it's your job to view the
12 issue and present it, yes, to appoint you are right
13 that the market will dictate when enough is enough.

14 But obviously -- again, this is not
15 directed at you. You will be dealing with other
16 experts down the line. You know, enough is enough
17 when somebody gets hit by a car because of the
18 traffic or because of the impact that we are
19 having, whether it be on 107 or whether it be on
20 the side streets or in the parking lot for that
21 matter.

22 Again, the question may go a little
23 bit -- from your standpoint, I think you gave the
24 right answer. Look, no one on this Board, I don't
25 think, is going to argue that Starbucks wouldn't be

1 a very desirable tenant anywhere from the
2 standpoint that you present, but I do have to say
3 it weighs heavily on my mind as to when is enough
4 enough.

5 Again, there other issues beyond your
6 scope of expertise. I understand, but I accept
7 your answer and I appreciate it.

8 MR. NELSON: Thank you.

9 COUNCILMAN PINTO: Are we going to hear
10 from a traffic engineer?

11 SUPERVISOR VENDITTO: I would certainly
12 hope so.

13 COUNCILMAN PINTO: Because one thing
14 that you said about that there's a Starbucks on
15 every corner in the city, I would venture to say
16 that nobody is driving to those establishments in
17 Manhattan.

18 MR. NELSON: You know, let's leave
19 Manhattan alone and let's just talk in the Town of
20 Oyster Bay then. You have numerous coffee shops,
21 Dunkin' Donuts and you do drive to them. You have
22 them -- in most towns, you can find one.

23 Basically, your activity is going to
24 come from that area and people who know that area.
25 So they are going to patronize it on the way to

1 either the railroad station or to the shopping or
2 to another store in that vicinity because if I was
3 on Hempstead Turnpike, I'm not going to drive north
4 on Broadway just to pick up coffee. I'm going to
5 find another one on Hempstead Turnpike and you will
6 find another one or I might go to Bethpage or
7 Stewart Avenue if I'm going. So it's going to be
8 patronized by the local community and the people
9 who are working within that vicinity or going to a
10 local use.

11 COUNCILWOMAN ALESIA: My question for
12 you, which I guess is going to be partially for the
13 traffic engineer and also for you, when did that
14 drive-thru bank close?

15 MR. NELSON: I think it's four or five
16 years ago.

17 COUNCILWOMAN ALESIA: So before the
18 other construction and the upgrades to the mall?

19 MR. NELSON: Yes.

20 COUNCILWOMAN ALESIA: I'll have some
21 followup with that with the traffic guy.

22 SUPERVISOR VENDITTO: Barry, good job.
23 Thank you.

24 MR. NELSON: Thank you.

25 MR. D'AGOSTINO: Mr. Supervisor, before

1 calling my next witness, who is our traffic expert,
2 if I can just add something to the response to the
3 Supervisor's question and to Councilwoman Alesia's
4 question, my understanding is that the drive-up
5 bank aisles closed around 2005 to 2006. We believe
6 it's 2006. And as Mr. Nelson testified, there's a
7 different form of banking today. If you go back to
8 2006, you would have had cars lined up, that type
9 of situation.

10 The other thing I would add to or
11 attempt to add to Mr. Nelson's market response is
12 you have a mall, which I think most people would
13 conceive, in the last few years have drastically
14 improved by the ownership. Malls are very much
15 like any other business area. They change; they
16 become updated. If they stop that, then they start
17 to contract and perhaps or not improving as they
18 once were. Going back a few years, there were some
19 malls on the South Shore. In fact, I think there
20 was one in Massapequa. I'm trying to remember the
21 name of it.

22 SUPERVISOR VENDITTO: Are you talking
23 about Westfield Mall?

24 MR. D'AGOSTINO: A development went in
25 there. That mall basically atrophied. It will

1 come to me before the end of the evening.

2 SUPERVISOR VENDITTO: It could be Bar
3 Harbor.

4 MR. D'AGOSTINO: When malls don't grow
5 and they're not revitalized by new use coming in,
6 that's the type of thing that can happen. But
7 that's just my personal nonexpert addition.

8 At this time, I would call our traffic
9 expert, John Harder, who I believe has testified
10 before this Board pretty recently. If not, I can
11 qualify him as an expert now.

12 SUPERVISOR VENDITTO: I think we will
13 acknowledge that Mr. Harder has the expertise to
14 testify in matters of traffic in hearing such as
15 this.

16 Again, so the audience is aware, we may
17 or may not agree, but we recognize his competency
18 to testify.

19 MR. D'AGOSTINO: Mr. Harder, did you
20 perform a review of the proposed project at the
21 applicant's request with regard to traffic and
22 parking?

23 MR. HARDER: Yes, I did.

24 MR. D'AGOSTINO: Could you, in
25 narrative fashion, advise the Board the results of

1 your review, copy of your review, and I believe you
2 have a copy of your report to offer up?

3 MR. HARDER: Yes, we prepared two
4 reports. Both addressed this application and the
5 next acknowledge the Round 1.

6 The first report was dated March 2,
7 2016. It was a trip generation assessment, traffic
8 in terms of the mall where we expect in terms of
9 changes with the redevelopment and we also prepared
10 a parking analysis which is more appropriate for
11 the Round 1 project because Starbucks is providing
12 sufficient parking in its area adjacent the
13 building.

14 The trip generation was done based on
15 the ITE, the Institute of Transport Engineer.
16 That's the standard reference that you will hear.
17 It's an engineering society that compiles data for
18 various land uses.

19 Our report could have just looked at
20 the site as a shopping center because all of the
21 land uses that we are dealing with here, especially
22 the Starbucks, is a very common place in the
23 shopping Center.

24 Round 1 is a little more unique, but
25 that type of use, nowadays, is fondly found in a

1 shopping center.

2 We did go into more detail and broke
3 out the uses in our report. I think the first
4 thing that we should focus on is that this a
5 regional mall. The total square footage proposed,
6 we are actually reducing the overall square footage
7 by 3,034 square feet. So it's a reduction of
8 building area and that's what is used for trip
9 generation projections. The mall itself is
10 proposed with, assuming this is approved, 880,550
11 square feet, so almost 900,000 square feet. The
12 Starbucks that we are talking about, that we talked
13 about to the Civic in detail makes up .2 percent of
14 the overall mall building area, just to put things
15 perspective.

16 In our report, so instead of just
17 looking at the building's square footage, it's the
18 existing versus what's proposed. We actually found
19 a reduction in trip generation if we just looked at
20 the building area. We did break out the uses in
21 more detail, the out parcel and we looked at
22 Starbucks as a coffee drive-thru use which is a use
23 within ITE and based on the building area.

24 Also, for Round 1, we looked at various
25 land uses to try to make up what we feel is a

1 proper projection for Round 1 which is based on a
2 bowling alley, a high-turnover restaurant and a
3 multipurpose recreational use. So I think we did a
4 good job of trying to do our best of matching what
5 Round 1 will produce.

6 But the trips, when we look at that and
7 we also consider -- ITE has projections of internal
8 capture, so you're going to project the site just
9 on the shopping center's total square footage, you
10 get one number. But if you break out components
11 like we've done for this, there are some internal
12 capture between these two.

13 So if I go to Round 1, maybe get a
14 Starbucks before my way and get something to eat
15 and I go to Round 1, that's a shared trip. So
16 there are some internal capture calculations that
17 ITE presents and we factored those in. It's a more
18 conservative analysis when you proceed this way.

19 What we found is that the traditional,
20 the critical peak hours for a shopping center is
21 weekday evenings, Saturday midday afternoon, you go
22 through this period and the trip generation
23 indicates that there will be reduction in traffic
24 during the peak hours.

25 So the weekday evening peak hour is

1 reduced by 128 trips and the Saturday 151 trips.
2 The morning peak hour is the time we did find an
3 increase and that's not a surprise. Think of the
4 mall, shopping center, you run an ITE trip
5 generation and it's very low because most of uses
6 are not even open. During the morning, we found
7 35-trip increase when he looked at the Starbucks.
8 ITE Starbucks on its own was generating 200 trips,
9 but when you factor in the other -- the fact that
10 the shopping center is a low generator, its
11 internal capture calculation, we get that 35.

12 SUPERVISOR VENDITTO: When you say
13 during the morning, what hours are we talking
14 about?

15 MR. HARDER: Traditionally, ITE would
16 say that's the morning commuter hours, 7:00 to
17 9:00. In talking to the Civics, we did use some
18 counts that we can get into later, but we actually
19 counted 5:00 in the morning to 9:00. People that
20 are destined to the city, so they're going to leave
21 on the train quite early, so we looked early. But
22 the earlier you looked, the volumes are actually
23 lighter.

24 SUPERVISOR VENDITTO: For the first
25 time, we will be introducing traffic at all of

1 those hours. There's nothing else introducing that
2 kind of traffic now, prior to 7:00, I would assume.

3 MR. HARDER: On the site. You are
4 correct. We actually did and now there's
5 submission -- you mentioned earlier about
6 improvements or potential improvements to the site.
7 So we recognize, just overall, that there's an
8 access issue down by James and William Street, but
9 I think the first point is, again, Starbucks is
10 .2 percent of the overall building area. It's a
11 very small component. It's not affecting the real
12 hours of capacity concern which is the evening and
13 Saturday for the mall. But during the morning,
14 it's generating more than what we currently have on
15 site. There is a surplus of capacity during that
16 time.

17 We made a submission where we went and
18 counted, this is an overall site plan by Bohler
19 Engineering, the southeast corner of the site, Loop
20 Road connects with William Street that heads south
21 and connects with Route 106 at a very awkward angle
22 and then James Street comes in from the west in a
23 perpendicular angle and they essentially intersect
24 106 at the same location. It's an awkward
25 intersection. It's not clear what movements are

1 permitted. Sight lines are not great from William
2 Street. So through the means of the Civics, we
3 recognize that this intersection could be improved.

4 But my point is that I don't think the
5 Starbucks is really the reason this needs to be
6 addressed. It needs to be addressed because it's
7 not well designed. It has been there for decades.
8 It has been operating this way and we did find some
9 accidents that can be improved.

10 But the point, when we took counts at
11 this location, we did them morning, we looked at
12 lunchtime on a weekday and the evening. When you
13 look at the volumes existing, the William Street to
14 go south on 106, they are very low during the
15 morning peak hours right now. We found, in the
16 morning, turning right from William Street, south
17 to 106, 30 trips in the morning, trip house. So
18 that's the highest volume we found over the four
19 hours in the morning in a one-hour period.

20 When you look at lunchtime, it's 255
21 trips making that right and in the evening, 201; so
22 morning, 30 and the other peak hours, 200 and
23 above. So there's capacity to add that Starbucks
24 had not even reached the p.m. or the Saturday
25 volumes is the point of my testimony here.

1 The other thing, also, southbound on
2 106, when we counted, the morning had roughly 775
3 trips heading southbound. The evening, by
4 comparison, was about 1,050. So evening has more
5 traffic existing William Street, really the
6 critical time we are seeing is p.m. and the
7 Starbucks is adding to the morning when there's
8 more capacity.

9 As we said, we did meet with DOT
10 recently, yesterday, in fact, just talking about
11 modifications to that intersection and how we could
12 improve that because we did find some accidents.

13 One idea was -- that we presented to
14 DOT was to have some more information in terms of,
15 we would like to see counts for all the driveway
16 intersections along the site. So we are gathering
17 that from them. The proposal before them was to
18 close off William Street, cul-de-sac it so that
19 only --

20 SUPERVISOR VENDITTO: I don't mean to
21 interrupt you.

22 Proposal by whom?

23 MR. HARDER: Our proposal.

24 SUPERVISOR VENDITTO: Your proposal to
25 DOT?

1 MR. HARDER: Correct.

2 So the concept is to keep James Street
3 as it is, to take William Street, cul-de-sac it, so
4 only the vacant residents that's there would have
5 access because there's a driveway on William
6 Street. They would be able to use William Street
7 and then we would disconnect the mall Loop Road
8 from William Street and then provide a driveway
9 from the Loop Road to 106. I can show an exhibit.

10 SUPERVISOR VENDITTO: Why don't you do
11 that? Maybe turn the exhibit towards the audience.

12 MR. HARDER: I've turned the exhibit so
13 that north is up and there's even a larger exhibit
14 I can show you as well.

15 To orientate the Board, this is James
16 Street (indicating). This is William Street
17 (indicating) and this is the Loop Road to the
18 Broadway Mall (indicating). This is the southeast
19 quadrant area of the mall (indicating).

20 I can -- maybe I should go to the other
21 exhibit, it will be easier to see from this
22 distance. But what we have here is William Street.
23 We've cul-de-sac'd it so that only the residents
24 there, vacant residents, can use that short stub of
25 William Street and connect with 106. Then, we are

1 creating a new perpendicular access, is the
2 concept, out to 106 so that we have improved sight
3 distance, better visibility and then you're
4 separating James Street from that access point by
5 about 200-plus feet.

6 What we found from the accidents, there
7 were a number of rear-end accidents, many occurring
8 with that William Street at the odd angle. There
9 were collisions with that traffic trying to get
10 out, 106 traffic heading southbound. This, we
11 think, will really help that situation.

12 DOT -- one concept by the Civics was
13 looking at a signal at that location and I think we
14 concluded with DOT yesterday that they agreed that,
15 as we did, that's really not the right solution.

16 When you see rear-end accidents at a
17 location, usually signals add to rear-end
18 accidents. So they help reduce right-angle
19 accidents. In this location, we really feel it's a
20 geometric issue. DOT is willing to look at this,
21 but has asked to look at some other options.

22 But back to the trip generation,
23 hopefully, I established earlier --

24 SUPERVISOR VENDITTO: DOT agreed that a
25 traffic light is off the table?

1 MR. HARDER: Yes, from our discussions
2 yesterday because of the proximity of other signals
3 in the corridor; when they are turning red, there's
4 backups occurring at the peak time. So I think we
5 all agreed, by the end of the meeting, that that
6 was not a great option.

7 In terms of trip generation, I hope the
8 Board understands just about the Starbucks, yes,
9 it's going to add to the morning period, but that's
10 when there's more capacity on the road network and
11 during the critical evening and Saturday peak hours
12 where there's less capacity, we've projected that
13 there would be not an increase in trip generation.

14 I trust that we find that the existing
15 site configuration will work well with Starbucks.

16 The other point is that Starbucks is
17 really a pass-by generator. You're going to have
18 people who are already taking the 106 corridor in
19 the morning down toward the train station. They
20 would come in and use the Starbucks and continue on
21 their way, so they are not new the network. They
22 are already within that traffic stream.

23 There was one other issue which is in
24 terms of parking. The Starbucks area provides
25 efficient parking at 28 spaces that meets the Town

1 requirements. The drive-thru provides a stack of
2 eight vehicles. There's five-stack requirement as
3 I understand from the Town, so we are meeting the
4 standards and it's typical of a drive-thru type of
5 design. I think it has been well designed by
6 Bohler Engineering.

7 That concludes my direct --

8 COUNCILWOMAN ALESIA: I know it's sort
9 of hard to -- because we're not comparing apples to
10 apples because when the bank -- drive-thru bank was
11 in existence, the mall was not in its current
12 configuration.

13 Can you give me an anecdotal
14 explanation of what the difference in trip
15 generation between the drive-thru bank and a
16 drive-thru coffee shop would be?

17 MR. HARDER: We are actually removing
18 two banks. So the site itself, there is a
19 drive-thru bank teller use that was there and
20 inactive. We are also removing, just at the south
21 of Macy's, a 5,000 square foot bank as well. So
22 together they are comparable to a Starbucks.

23 The trip generation now from ITE --
24 when I say "now," at one point, ITE took a new
25 addition of trip generation -- they decided because

1 electronic banking, banking industry had changed,
2 they threw out the data prior to 2000 and the trip
3 generation did drop down.

4 So, roughly, a bank would generate
5 around 90 trips in a peak hour, so the two banks,
6 you can estimate roughly 180 trips which is
7 comparable to that Starbucks number, the 200 that I
8 mentioned.

9 COUNCILWOMAN ALESIA: Thank you.

10 SUPERVISOR VENDITTO: Mr. Harder,
11 before you go away, maybe John Ellsworth -- John,
12 maybe you can help me? I see -- maybe the Board
13 members will remember.

14 I seem to remember that during the
15 Chic-fil-A hearing, there was controversy about, I
16 guess, I'll call it the mall driveway to the north
17 and there was talk about -- I'm not remembering --
18 maybe I shouldn't have brought it up. I know there
19 was some controversy and there was some talk about
20 going to DOT.

21 MR. ELLSWORTH: You are getting it
22 right.

23 SUPERVISOR VENDITTO: I'm not
24 remembering the graphics vividly enough.

25 Let me do this and -- hold on. Stay

1 still.

2 John, do you remembering anything?

3 Joel, are you going to be speaking?

4 MR. BERSE: Yes.

5 SUPERVISOR VENDITTO: Okay, we will
6 wait. I just want to be clear.

7 Paul, you know the issue I'm referring
8 to?

9 MR. MOLINARI: Yes.

10 SUPERVISOR VENDITTO: Joel, you know
11 the issue I'm referring to?

12 MR. BERSE: Yes.

13 MR. D'AGOSTINO: As I do, Mr. Supervisor.

14 SUPERVISOR VENDITTO: Okay, you can
15 address it now if you would like.

16 MR. D'AGOSTINO: Again, I don't want to
17 presume to be responding to what a later speaker
18 might say.

19 SUPERVISOR VENDITTO: As a lawyer, I
20 understand what you are saying. I think I'm trying
21 to call to mind. I know there was some
22 controversy. If you would just help me call it to
23 mind.

24 MR. D'AGOSTINO: There was and that
25 came into the discussion that -- the discussions

1 that my clients had and I've had with at least one
2 represent of the Civic Association and we sort of
3 got hung up on the exit to the north from
4 Chic-fil-A. I understand the concerns that were
5 raised and -- raised then and were raised to me
6 repeated as late as, possibly, yesterday,
7 conversations that I had with a Civic
8 representative. That's why I try to -- I didn't
9 explain it fully enough, but at the meeting with
10 DOT yesterday, DOT made it crystal clear that they
11 are going to look at all of those accesses and
12 exits. They are going to make not a suggestion,
13 not a recommendation, a determination, and they are
14 going to tell all of us -- there has been input,
15 I'm sure there will more input, with respect to
16 that other the other issue which you referred to
17 which is not part of this application, but is being
18 viewed as part of the all traffic situation.
19 That's what they told us yesterday.

20 SUPERVISOR VENDITTO: I'm not debating
21 you, but I thought the DOT was going to do all that
22 in the aftermath of the Chic-fil-A application, but
23 maybe I'm wrong. I don't want to put you on the
24 spot.

25 I just want to assure you,

1 Mr. D'Agostino, after any comments are made, after
2 your direct case, you will have ample opportunity
3 to the come back and tell us whatever you want.

4 COUNCILMAN MACAGNONE: One question
5 that I have is I'm concerned about people walking
6 from the mall to the Starbucks. That mall parking
7 lot or any mall parking lot is crazy.

8 There's still going to be an open
9 Starbucks inside the mall; isn't there? Target has
10 one, I know that.

11 MR. D'AGOSTINO: Yes. And again, at
12 the risk at being repetitive, the entire situation
13 is being looked by DOT in terms of safety.

14 I would offer at this time copies of
15 the report that Mr. Harder prepared which was
16 revised March 2, 2016 and upon which much of his
17 testimony was based.

18 SUPERVISOR VENDITTO: All right.

19 We will accept that.

20 MR. D'AGOSTINO: If there are no
21 further questions of the experts from heard thus
22 far, I also have Kristen DeLuca here from Bohler
23 Engineering, who is our site engineer, in the event
24 that you have any specific questions or more
25 detailed questions about the site.

1 SUPERVISOR VENDITTO: I would ask that
2 you retain all of your experts until the conclusion
3 of the hearing.

4 MR. D'AGOSTINO: Of course.

5 That's all I have at this point.

6 SUPERVISOR VENDITTO: Thank you.

7 (Time noted: 9:03 p.m.)

8 (Whereupon, this portion of the meeting
9 was reported by Holly Daloia Osteen as follows:)

10 (Time noted: 9:06 p.m.)

11 PAUL MOLINARI: Good evening.

12 Paul Molinari, resident of Hicksville.

13 There was an issue with Chick-fil-A on
14 an exit just north of Chick-fil-A. There's one
15 lane coming out of -- onto 107 right at the
16 junction where it becomes four lanes, and to me
17 it's a dangerous exit in that I seen people coming
18 out of that exit trying to cross all four lanes to
19 go into the lane to go down 107 versus 106. And
20 just south of Chick-fil-A you have four lanes
21 coming out of the mall with the light.

22 My recommendation and I believe the
23 Northwest Civic Association had brought about it,
24 that exit should be really closed. Maybe it was
25 needed back when the mall was built in the 60s, and

1 there was very limited traffic, but now it's --
2 severe accident is going to happen there sooner or
3 later. That's all I wanted to say. I have no
4 objections on them putting in a Starbucks. The
5 concern is traffic flow coming out of that exit and
6 potential for accidents.

7 SUPERVISOR VENDITTO: Thank you, Paul.
8 Joel, Joel Berse.

9 MR. BERSE: As you can see, I'm not in
10 exactly the best shape of my career here.

11 SUPERVISOR VENDITTO: Take your time,
12 Joel.

13 MR. BERSE: There was a narrative
14 handed out by the Clerk's office. If you can
15 follow along with me and I know I will have a few
16 tangents because that's one of my wonderful
17 reputations.

18 Good evening. My name is Joel Berse.
19 I'm President of the Northwest Civic Association in
20 Hicksville, Incorporated, currently serving in my
21 tenth year and fifth term as President.

22 Now, the Civic was incorporated with
23 the State of New York in 1951 and is the oldest
24 organization of this type in Hicksville.

25 Broadway Mall lies entirely within our

1 state registered boundaries. Until recent events,
2 I and the Civic have been advocates for the mall
3 and still continue to wish that it flourishes.

4 During my narrative, I will make
5 references to the transcript. That is from the
6 hearing before this board according to mall
7 application for Chick-fil-A during May 2015.

8 In preparation of two applications they
9 are making before the Board tonight, mall ownership
10 has been a very deceitful organization, myself and
11 Jeff Negrón as we acted in capacities to represent
12 NWCA. We've had quite a few meetings in order to
13 try find agreements to be comfortable with what the
14 mall wishes to add.

15 I've had a good number of conversations
16 with John Rossi, the General Manager of the mall,
17 since last November leading up to meetings that
18 were being planned all the way through last night
19 when he spoke of our meeting.

20 On January 15, 2016, the first of a
21 series of meetings were held between the NWCA and
22 KRE Broadway Mall. That first meeting was to
23 discuss the Ikea subdivision and at the same time
24 notifying us that Starbucks was going to be applied
25 for in the future. I maintained an ongoing phone

1 dialogue with Mr. Rossi throughout.

2 As you all know, I personally made
3 traffic observations of the Crooked Hill Road
4 Starbucks drive-thru on March 3rd, March 22nd and
5 April 10th of this year. I know that you all had
6 gotten letters to that effect. Several probably a
7 couple of months ago.

8 I also secured reported accident
9 statistics for the intersection of William Street
10 and James Street and Route 106 Newbridge Road from
11 Police Commissioner Tom Krumpter via Nassau County
12 Legislator Laura Schaefer. Everyone who knows this
13 intersection agrees of its hazardous nature. I
14 will get back to the intersection later in these
15 remarks.

16 We had additional meetings with mall
17 management on March 22nd, April 26th, May 10th, and
18 June 13th of this year. So we want to show that
19 we, together with them, were trying to make an
20 effort and were in a lot of stalemates through
21 this.

22 The mall only brought Starbucks
23 representatives to the May meeting at our demand.
24 We informed Starbucks at that time of our approval
25 with regards to their operation. However, we

1 cannot agree to them bringing -- being approved for
2 occupancy in the mall with the road improvements
3 not occurring first.

4 I coordinated a meeting Saturday night,
5 May 14th. Let me repeat that Saturday night,
6 May 14th with mall attorney Al D'Agostino,
7 Senator Jack Martins, myself and Jeff Negron. An
8 agreement was made at that meeting that the Senator
9 would personally present and expedite whatever plan
10 we agreed upon for proposed traffic changes to
11 New York State DOT.

12 We all trusted we had a valid agreement
13 including Mr. D'Agostino in his capacity
14 representing KRE.

15 On June 2nd, Donna Blair informed me
16 that there would be a DOT meeting the following
17 week at 10:00 p.m. We and Al D'Agostino were blind
18 sided by this given the agreement that was made
19 between us along with Senator Martins.

20 There is no way that anyone from NWCA
21 could attend the meeting at that time of the day
22 either and especially on such short notice. Plus
23 we had not reached an agreement on the plan in its
24 entirety.

25 The meeting was rescheduled for

1 June 20th, yesterday evening. I was pressured and
2 inconvenienced having to take time out to be on the
3 phone for one hour in order to participate in part
4 of meeting and to be sure that our concerns were
5 recorded. It is difficult to express how KRE has
6 attempted to pressure us by doing this and other
7 actions on very short notice. To this day, we have
8 not reached a complete agreement on the changes.

9 We have agreed to have their plan for
10 William Street vicinity examined rather than the
11 signalization that we originally proposed; however,
12 during this process, we have agreed upon items that
13 have non been honored either. An example was the
14 agreement made with their counsel regarding Senator
15 Martins and ownership disregarded it.

16 We have reviewed the plans drawn up by
17 John Harter done on three occasions with the mall's
18 counsel. Each time what was agreed upon is not
19 what was written into the revisions correctly.
20 What was supposed to be a final revision
21 presentation before the Board was presented to us
22 last night incorrectly.

23 We were concerned that was being
24 submitted during their presentation this evening
25 would finally be correct. During the process,

1 Mr. Harter challenged the validity of statistics
2 furnished by the police commissioner and county
3 legislator.

4 You have heard their presentation
5 proposal for reconfiguration of William Street. At
6 this time, in my dialogue, I leave a brief space if
7 corrections are needed.

8 Now, I couldn't see what they were
9 doing from my vantage point, so the concern we have
10 was the signage to control traffic on William
11 Street at this point because we did make the
12 corrections to DOT with the New York State signage.
13 We were talking about no stopping signs to prevent
14 commuters, huge dead end signs so people would not
15 incorrectly turn into William Street and things of
16 that nature.

17 I'm on the wrong page. Our concerns
18 come down absolutely to traffic safety. We agreed
19 that this location subject to approval may have six
20 cars of cueing to the drive-thru in comparison to
21 the three cars at Crooked Hill --

22 SUPERVISOR VENDITTO: Joel, I have to
23 interrupt you. I made a terrible mistake. I
24 thought you accidentally rang the bell because I
25 forgot there are time constraints.

1 MR. BERSE: Is this something new?

2 SUPERVISOR VENDITTO: No -- well, it's
3 relatively new. It's the first time tonight.

4 MR. BERSE: I've never been here for
5 that before. I think a lot of the stuff we have in
6 here is extremely pertinent.

7 SUPERVISOR VENDITTO: Joel, why don't
8 you let me finish my statement?

9 MR. BERSE: I'm sorry.

10 SUPERVISOR VENDITTO: Let me talk.

11 I made a terrible mistake. I didn't
12 realize that limitation applied during the course
13 of Zoning hearings. I know it doesn't apply to
14 direct --

15 MR. D'AGOSTINO: We have no objection
16 if you want to waive the time.

17 SUPERVISOR VENDITTO: Only because of
18 the mistake I made, apparently I'm being told
19 you're reading from a letter anyway that you
20 submitted.

21 Is that it?

22 MR. BERSE: The narrative is there, but
23 it needs --

24 SUPERVISOR VENDITTO: I'm going to let
25 you -- again, because it was my mistake, I'll allow

1 you to complete it. But everyone else understand
2 that it is five-minutes today on the Zoning
3 applications. So see what you can do about moving
4 it along a little quicker.

5 MR. BERSE: I had the part of agreeing
6 to queueing -- okay. Jeff joined in a 5:30 a.m.
7 test during this process and we agreed that their
8 speaker system was acceptable. Starbucks also
9 agreed -- it's a now concept with them serving beer
10 and wine or any alcoholic products will be
11 prohibited and we were to insist that this
12 prohibition -- prohibition be written into the
13 covenant of restrictions for this location if
14 approved.

15 We all agreed about the hazardous
16 condition with the mall exit via William Street.
17 The applicant could not dispute our opinion that
18 this usage would create new rush hour to the train
19 station between 5:30 and 7:30 a.m. You're going to
20 have people that never before went in the mall and
21 they're going to rush to the train and try to get
22 their parking spots. Starbucks would like to serve
23 as many customers as possible.

24 Commuters will be able to get their
25 coffee without having to walk in anywhere and zoom

1 to the station to steal a parking spot. This Board
2 does not need to be educated about the Hicksville
3 parking situation.

4 Overall traffic is going to increase
5 with both Chick-fil-A and potentially Starbucks
6 being open with both having drive-thrus. This
7 would a boom for both commutes in the morning and
8 patrons at all hours.

9 The major difference between this
10 location and Crooked Hill Starbucks is that despite
11 having competent operation in Commack, when
12 vehicles depart, they do not appear to be hurrying
13 anywhere like a commuter heading for the station.
14 There also is one lane of traffic in each direction
15 passing outside the property. They are wholly
16 contained within a shopping center curbing. The
17 roadway volume is not even close to 106/107 and the
18 only exit to the roadway is from the property
19 signalized.

20 That brings us to the major flaw and
21 what is turning out to be a continuous saga, the
22 mall driveway to the north of Chick-fil-A. There
23 is on uncontrolled forced right turn exit onto
24 Route 106/107. NWCA was looking for this to be
25 reversed to a forced right turn entrance last year

1 during the mall's application. All parties agreed
2 to this at that time subject to DOT approval. The
3 parties agreeing were Jeff Forchelli on behalf of
4 his client, Chick-fil-A, Scott Gibson of
5 Chick-fil-A and Dominick Minerva.

6 Mr. Minerva on Page 47 line one of the
7 hearing transcript stated during his summation, I
8 quote, "No direct access to 106/107. We will
9 consent to."

10 As it was we revealed by DOT,
11 Chick-fil-A's traffic engineer had correspondence
12 during April 2015 with DOT. Paraphrased it stated
13 Chick-fil-A had no jurisdiction over the driveway
14 that NCWA wanted reversed because it was mall
15 property and was part of a New York State road.

16 Now, because the driveway in question
17 ends at an uncontrolled intersection, it will serve
18 as an escape route for motorists that either don't
19 like potential William Street alteration or don't
20 want to wait for the traffic light.

21 KRE has stated that they are not able
22 to make any changes to mall egress without
23 agreement by Chick-fil-A due to provisions within
24 their lease.

25 Is this not a contradiction of the

1 letter to DOT on behalf of Chick-fil-A last year?

2 We understand that the mall is acting applicant in
3 both today's applications as well as last Mays.

4 Quoting Mr. Minerva on transcript, Page
5 37, Lines 22 and 23, "I'm bringing this application
6 as the applicant, the mall on behalf of the
7 landlord." This should, as we understand, be
8 applying for permitted usage regardless of the
9 specific tenant. The intended tenant is always
10 named to specify landlord intentions.

11 On June 13th, KRE also stated that they
12 are bound by lease provisions dating back to
13 Vornado ownership which is over two and a half
14 years ago. This does not make sense.

15 Was Chick-fil-A on anyone's radar back
16 then? Page 14, Line 20 of the transcript,
17 Mr. Minerva said, "The mall was recently sold from
18 Vornado to KRE, LLC, 2014."

19 Currently, Chick-fil-A has reversed
20 their opinion and wants the driveway and
21 intersection to remain an exit.

22 Scott Gibson has not returned calls to
23 his cell phone. Mr. Forchelli spoke to his client
24 and told both myself and Mr. D'Agostino of their
25 reversal since last May.

1 I guess last year they agreed to make
2 it an easier path past us to get approved. With
3 the option of an uncontrolled exit, more internal
4 mall traffic, changes in the William Street exit
5 and stacking during busy times at the signalized
6 exit, this alternative path will be an escape route
7 and dangerous situation. As anyone observing the
8 area can see, when traffic gets congested in and
9 around the mall, it is quite crazy.

10 Motorists invent all sorts of fight
11 their way through jams in many different traffic,
12 both busy and light, drivers disregard the passive
13 traffic controls. Think about when there are no
14 controls.

15 Let's turn our attention to the
16 proposed change of the William Street intersection.
17 Plans that were presented to us three times for the
18 reconfiguration and all of them omitted the
19 Chick-fil-A intersection. We were e-mailed a
20 separate drawing of the intersection alone on the
21 night of June 20th. That was about 12 hours prior
22 to the DOT hearing. Every other plan we were sent
23 had a current drawing and proposed drawing
24 separately. This did not include a current drawing
25 and indicated a reduction of 16 parking spots

1 without explanation.

2 Why would reversing the direction of
3 the driveway change parking? The concept drawing
4 of William Street changes did not correctly reflect
5 signage as agreed upon with Mr. Minerva. I gave
6 the corrections over the phone during the DOT
7 hearing for the portions on the State routes.

8 There still were corrections necessary
9 on the TOB portion when presented to us again last
10 night, so there is a potential problem with an
11 incorrect document having been submitted.

12 The plans being presented tonight -- I
13 don't know if they've been corrected. I will take
14 a look at them before we break.

15 After I was off the phone from
16 yesterday's hearing, I was told that the DOT plans
17 to review the entire picture will expedite their
18 findings as quickly as possible.

19 Backtracking a little, I attempted a
20 last ditch effort for what is really not an
21 acceptable alternative solution. On Friday,
22 June 17th, Mr. D'Agostino met me so I could show
23 him the north driveway exit at the Bethpage Credit
24 Union on the South Oyster Bay Road. It's a forced
25 right-hand exit with no left turn and a speed bump

1 as you begin your exit while still on the private
2 property.

3 We observed a number of vehicles
4 exiting including a Cadillac SUV that disregarded
5 the restrictions, darted out turning left. That
6 demonstrated that this is not a solution, merely a
7 deterrent; however, if DOT approves the
8 William Street portion, but not the driveway
9 reversal, we would require these modifications for
10 the exit.

11 We feel that we have made tremendous
12 efforts to try for solutions in this matter. Along
13 the way, we very disappointedly were treated rather
14 poorly by KRE. We, therefore, move that any
15 decisions regarding this application should be
16 subject to review after the DOT determination about
17 reconfiguring William Street and the driveway
18 immediately north of Chick-fil-A.

19 Furthermore, if William Street is not
20 reconfigured as planned, that the application be
21 denied due to safety issues --

22 SUPERVISOR VENDITTO: Joel, you just
23 read verbatim the letter --

24 MR. BERSE: Right.

25 SUPERVISOR VENDITTO: No, no. I think

1 we got it now.

2 MR. BERSE: Well, there are a couple of
3 questions you asked that I have answers for.

4 SUPERVISOR VENDITTO: Not now.

5 I really -- I made a mistake. I forgot
6 that the -- don't be --

7 MR. BERSE: I understand but...

8 SUPERVISOR VENDITTO: Don't be that
9 way.

10 MR. BERSE: This very important to
11 us --

12 SUPERVISOR VENDITTO: Is that all --

13 MR. BERSE: About traffic safety --

14 SUPERVISOR VENDITTO: Joel, let me
15 talk.

16 Is that also in writing as well?

17 MR. BERSE: No.

18 SUPERVISOR VENDITTO: What do you want
19 tell us?

20 MR. BERSE: There were notes that I
21 made while they were speaking.

22 No Starbucks --

23 SUPERVISOR VENDITTO: No, no, no. Hold
24 on. There is a five-minute rule. You well
25 exceeded it, only because I made a mistake. I

1 didn't realize that the five-minute rule applied to
2 Zoning hearings. It obviously does, and I do
3 recall that that's the case. You are going to have
4 to stop at this point.

5 If you want to come back during the
6 public comment period and tell us other things,
7 that's okay, but not now. It's really not fair to
8 the rest of the audience.

9 (Audience claps.)

10 (Time noted: 9:26 p.m.)

11 SUPERVISOR VENDITTO: Jeff Negron, do
12 you pronounce it Negron or however you like it?

13 MR. ALTADONNA: Just so you know, he
14 spoke for 21 minutes.

15 SUPERVISOR VENDITTO: It's my fault. I
16 can't take it back.

17 MR. NEGRON: To clear up a couple of
18 concerns that Joel -- that he had jotted down.

19 SUPERVISOR VENDITTO: Sure.

20 MR. NEGRON: The timeframe of
21 operations that were referred to by KRE was -- for
22 us was 5:30 to 10:30. I'm looking for that in
23 here. We discussed that back there. That was what
24 was not presented here. I believe it was 5:00 to
25 10:00 was what was discussed. Sorry. I can't find

1 it.

2 SUPERVISOR VENDITTO: So it's a half
3 hour difference on both ends; is that what you're
4 saying?

5 MR. NEGRON: A half hour difference on
6 both ends, yes.

7 And the cueing of the cars, what was
8 discussed with us was going to be -- the number of
9 cars was supposed to be six. And in your notes --
10 Joel.

11 (Audience comments.)

12 MR. NEGRON: So those were the only two
13 discrepancies with what was discussed with us and
14 what was presented here today.

15 What I wanted to say -- I wanted to
16 begin with in early Spring, by chance, I met with
17 Joel and his wife -- myself and my wife met at
18 Noodles and Company at Broadway Mall. One of the
19 topics of conversation came to the changes the mall
20 was experiencing.

21 My sister-in-law who is in between
22 houses in between Huntington and Hicksville made a
23 comment to our family earlier that week.

24 She said something to the effect of, "I
25 hear there's going to be a new Starbucks at

1 Broadway Mall. You'll be sure that I'm going to
2 zip in there and zip out on my way to catch my 6:00
3 train or 6:11 train," whatever it was.

4 That caught our attention -- that
5 alarmed Joel and I because we knew that that would
6 start a trend. We knew that would be the start of
7 a new era, so to speak, in traffic safety in this
8 particular area.

9 We appeared -- we, as Northwest Civic
10 Association, appeared to be working towards a nice
11 working relationship with the mall in all the
12 meetings that Joel eluded to and so much so that
13 Joel went out of his way to schedule a Saturday
14 night meeting with Jack Martins. You know, it
15 pulled all of us from our normal Saturday. So I
16 don't think that would have been done unless we
17 felt it would be good about what was, you know,
18 anticipated.

19 The recent actions by the mall that you
20 know showed that that has not been the case, we've
21 been very disappointed and that, combined with the
22 traffic situation, which by the way me, I'm coming
23 up 18 years living in Hicksville, I avoid this
24 intersection in question.

25 SUPERVISOR VENDITTO: The intersection

1 of William Street?

2 MR. NEGRON: Yes. I'm a ghost. I
3 don't go anywhere near that because I don't want
4 anything to do with that intersection. So the
5 traffic concerns and the way negotiations have
6 stalled, you know, it's a cause of concern for us
7 and our organization.

8 SUPERVISOR VENDITTO: Jeff, it has
9 nothing to do with the hearing.

10 How do you pronounce your last name,
11 Negrone or Negrone?

12 MR. NEGRON: I'll accept either one.

13 SUPERVISOR VENDITTO: Okay.

14 Thank you very much.

15 Nicole Bruner, Nicole. Did I say that
16 right?

17 MS. GRODNER: Nicole Grodner.

18 SUPERVISOR VENDITTO: Oh, that's a G,
19 Grodner. Welcome.

20 MS. GRODNER: Thank you. Good evening,
21 Supervisor, Councilman and Councilwoman.

22 My name is Nicole Grodner. I am a
23 Counsel Representative for the Northeast Regional
24 Counsel of Carpenters.

25 I'd just like to say that the Broadway

1 Mall has always been a great asset for our
2 community. And I believe that Starbucks would make
3 it an even more valuable location. We have a great
4 rapport with the mall management there. They
5 always comply with area standards and benefits.

6 We support this project and all the
7 future work at the Broadway Mall.

8 Thank you very much for your time.

9 SUPERVISOR VENDITTO: Thank you very
10 much.

11 Paul Leo.

12 MR. LEO: How are you, sir?

13 SUPERVISOR VENDITTO: Good.

14 MR. LEO: A pleasure to see you again.

15 SUPERVISOR VENDITTO: Good to see you.

16 MR. LEO: Ladies and gentlemen, Council
17 Members, Supervisor, Paul Leo. I'm a 28-year
18 resident of Hicksville. My family is still
19 currently living in Hicksville as well as 45
20 members that live in the Hicksville community. I'm
21 a representative of the Northeast Regional Council
22 of Carpenters.

23 I'm here to support the project that is
24 before the Board here. I've heard a lot of
25 conjecture both for and against.

1 Certainly, both sides can come to a
2 Resolution to do it, but being a 28-year member,
3 living in Hicksville and growing up in that mall
4 and knowing what it was like -- there has always
5 been traffic.

6 There have always been accidents.
7 There is always going to be accidents. The DOT is
8 going to come in and direct and tell what the
9 egresses can and can't be. It's their road.
10 That's what they need to do.

11 But we certainly can use the jobs. We
12 certainly can use the revenue, the tax base and the
13 jobs that it's going to create, not only in
14 construction but for the community as well. We are
15 in full support of them.

16 I know there has been some talk that
17 Broadway Mall representatives and John Rossi have
18 been less than honorable possibly with their
19 communication, but over the past two and a half
20 years, I developed a great relationship with the
21 mall management there. John Rossi, I've known him
22 to be a man of his word, and I stand by him 100
23 percent.

24 Thank you.

25 SUPERVISOR VENDITTO: Thank you, Paul.

1 Art Gibson. I'm going to save you for
2 Hearing Number 4 as well.

3 MR. GIBSON: Sounds. Good. Thank you.

4 Good evening, Supervisor, Board
5 Members.

6 Art Gibson, resident -- excuse me, I'm
7 a representative of Plumbers Local Union 200.

8 I just want to speak about our
9 relationship with Broadway Mall. As Paul Leo has
10 spoken, I won't reiterate what he said. I won't
11 repeat the same thing but they do supply high
12 paying jobs, union jobs. Everything that's been
13 done at this mall has been done with the Nassau and
14 Suffolk County Building Trades and that supports
15 our families and our community. The money we make,
16 the more taxes we pay. It's a circle and everybody
17 on this Board realizes that.

18 I have been a representative for the
19 last 17 years. Broadway Mall has had its ups and
20 downs. But in the last the two and a half years or
21 so, every single job that has been done there has
22 been done with Nassau Suffolk Building Trades.

23 One thing I'd like to say about the
24 contractors they hire there, they pay their bills
25 and in today's day and age, I can't tell you how

1 many contractors are in dire need of being paid.
2 You're looking at 140 days or more to get paid on a
3 job. We are not in any financial difficulty due to
4 a job occurring at the Broadway Mall. They are a
5 good paying member of our society.

6 As far as everybody speaking about the
7 drive-thrus, I would like to speak on a personal
8 note where I had a motor vehicle accident and you
9 know quality of life issues sometimes you don't
10 want to get out of your car. Even though I have
11 the handicap capability with the placard, think
12 about that for all the people that it is a struggle
13 to get out of their cars. It could mean the
14 difference between stopping at Starbucks and not
15 stopping at a place. That's all I'd like to say.

16 Thank you for your time.

17 SUPERVISOR VENDITTO: Thank you.

18 I have no forms from anyone else who
19 cares to address the Board relative to this matter.
20 That wouldn't preclude you if there is something,
21 you know, relative to this application.

22 Seeing no takers, Mr. D'Agostino back
23 to you.

24 Anything you want to say in rebuttal?
25 You're not limited.

1 MR. D'AGOSTINO: I'll try to be as
2 brief as possible. For the record, we had no
3 objection to Joel continuing.

4 I believe that my communications with
5 Joel and those on behalf of my client with Joel and
6 with Jeff Negron have been truthful, forthright.
7 What we have is perhaps a single difference of
8 opinion.

9 Joel and I communicated with each
10 other, 7:30 in evening. We met last Friday for
11 about three hours and, yes, there was a meeting --
12 I think day he gave I accept the date of May 14th
13 which was the Saturday night meeting. I left
14 dinner guests at a restaurant in Suffolk County and
15 kiddingly told Jack Martins and Joel that I needed
16 a note to prove where I was on Saturday night.

17 What I recall -- again, I'm not saying
18 anyone misrepresenting anything. What I recall in
19 the discussion with Senator Martins was if an
20 agreement could be reached, and I recognize that
21 Joel's versed the issue and the Civic Association
22 issue was the Chick-fil-A exit which does not have
23 anything directly to do with this application, but,
24 obviously, it has something to do with the mall.

25 What I recall Senator Martins saying to

1 us was he's not a traffic engineer and I'm not
2 either. He said, "But if you come to an agreement,
3 I will go to DOT in an effort to get you an early
4 hearing." My experience with DOT is a very
5 business agency and very often it takes months to
6 meet with them.

7 I misunderstood the reference to a
8 meeting on June 14th, which was held yesterday. I
9 thought that was the meeting we were having at the
10 mall and that was because I didn't think that we
11 would get a meeting that soon especially without
12 assistance from the Senator.

13 We knew we did not have an agreement on
14 that one point. Everything else, I felt we had an
15 agreement with. I'm not going to say which is more
16 major than the other. There were, I think, three
17 points and we came to an agreement on them.

18 Again, DOT has taken the position that
19 they are going to look at all of the accesses and
20 exits from the mall, including the one that
21 Mr. Berse is concerned about.

22 They also took the position -- I made
23 sure the meeting did not start without having
24 Mr. Berse on the phone so he could hear everything
25 that was going on. They made it plain that they

1 were going to -- as I said earlier, the determining
2 body with respect to the concern that Mr. Berse has
3 and I think Mr. Molinari also raised a concern.

4 His opinion was the exit should be closed. DOT is
5 the one that is going to make this determination.

6 I'm not saying something now I haven't
7 said to Joel personally. I sort of object to the
8 term "deceitful" for either misunderstanding or a
9 difference of opinion. The transcript that Joel is
10 referring to, and it has -- I made a copy of it to
11 give to him to assist to see if there was something
12 wrong with it -- the transcript of last year's
13 hearing, he would be able to raise it.

14 Just so I had no objection to his
15 continuing discussion, I don't think that we are
16 that far apart on an issue, and I recognize that it
17 is an issue which is very important to the Civic
18 Association, but when I say not that far apart,
19 there is an external body which is going to make
20 that determination based upon health and safety.
21 Everybody will have to abide by it.

22 With respect to the signage, we tried
23 to address all of Joel's concerns, and we had --
24 Joel and I had a conversation yesterday and I said,
25 "Joel, what difference does it really make? We can

1 put all the signs that we want on that.

2 Ultimately, we are not going to be determining the
3 sign. Signs are determined by the Town on the Town
4 property and by DOT."

5 I have no objection to anything that
6 you're raising. So if it's inaccurate and it's got
7 to be corrected, correct the signage. But
8 definitely it was not, as far as I was concerned,
9 either an attempt to mislead anybody, anything
10 deceitful. I think we all tried to work together
11 in good faith.

12 In terms of the application, our
13 application is what it is. Again, I probably said
14 it ten times before, DOT is going to tell us what
15 to do with regard to all of the ingress and egress
16 points from the mall, and DOT is going to have the
17 right to do that, I believe the legal right to do
18 it, and everybody's going to have to follow it.

19 I'm sure that Joel and the Civic
20 Association will weigh in heavily with DOT and I
21 expect that. But it's not something that he we
22 were able to agree to.

23 The last item is, the difference
24 between the sixth and eighth car stack up. We've
25 got eight cars which is better than six cars. I

1 think possibly the misunderstanding is that the
2 location of the speaker was going to be at the
3 sixth car and there will be two cars ahead of that
4 getting their coffee or cake, whatever it was, but
5 it's eight cars which is two better than six. I
6 have nothing else to add. I would ask that the
7 Board favorably consider this application and move
8 it at the earliest possible date.

9 Thank you.

10 COUNCILMAN MUSCARELLA: I have a
11 general question.

12 In the past, Starbucks was always been
13 the corporate owner. Councilman Macagnone said
14 they opened up in Target stores. In Farmingdale,
15 the train station, it's a franchise.

16 Is this a corporate-owned store or is
17 it a franchise?

18 MS. TRIMARCHI: It's a licensed store,
19 so it's not corporate owned.

20 COUNCILMAN MUSCARELLA: That's the
21 trend of Starbucks.

22 MS. TRIMARCHI: I wouldn't say it's a
23 trend. We've been doing it a long time, and it's
24 typically within schools, airports, Targets.
25 Starbucks likes to open our own location. This

1 would be a company-owned location.

2 SUPERVISOR VENDITTO: Mr. D'Agostino,
3 can you identify the speaker?

4 MS. TRIMARCHI: Lindsey Trimarchi,
5 resident of Oyster Bay. I work for Starbucks.

6 MR. D'AGOSTINO: In what capacity?

7 MS. TRIMARCHI: Real Estate Development
8 Manager for Starbucks.

9 COUNCILMAN MACAGNONE: I want to say
10 one thing about your client. I've noticed a
11 difference in the mall. The last couple of years I
12 go to shop there with my wife, go to the movies.
13 We see families come back. You're doing an
14 excellent job.

15 MR. D'AGOSTINO: Thank you.

16 If my history is correct, I think this
17 was the Miracle Mile referred to by Billy Joel when
18 he was getting a new set of white walled tires. At
19 least, I remember this Miracle Mile when I was a
20 teenage.

21 SUPERVISOR VENDITTO: Mr. D'Agostino,
22 before you go away, I think you know what I'm about
23 to say, but I'll say it anyway.

24 All of the Members of the Board, myself
25 included, we understand how these things go. We

1 also understand how they get. And sometimes
2 they're emotionally charged. Don't lose any sleep
3 over the fact that you felt maybe in some way offend
4 or slighted. Let me finish my statement. If you
5 didn't, so be it. If you did, you need not. I
6 think you did an excellent job.

7 As I said, it is what it is. The Board
8 will make a determination, but your client is
9 certainly pleased with the presentation you made
10 tonight.

11 MR. D'AGOSTINO: Thank you very much.

12 SUPERINTENDENT VENDITTO: Joel, that's
13 it. Joel, please.

14 Joel, I don't know what more it's going
15 to take. Al, please.

16 MR. D'AGOSTINO: We work together well.
17 It is what it is.

18 SUPERVISOR VENDITTO: Mr. Altadonna, do
19 we have any correspondence?

20 MR. ALTADONNA: Yes.

21 Applicant has filed his affidavit of
22 service and disclosures.

23 Communications are as follows: We have
24 memos from the Department of Planning and
25 Development.

1 As per present review procedures that
2 require on-street parking for Broadway Mall is
3 4,749 spaces. Total required parking for this
4 application is 5,077 spaces. The site plan
5 submitted depicts a total of 4,894 parking spaces.

6 The Nassau County Land and Town Map
7 indicates the property is Section 11, Block D, Lots
8 1237, 1260, 1261, 1265, 1268, 1273, 1286, 1287,
9 1289, 1290, 1292, 1293, 1299, 1352, 1364, 1366,
10 1374, 1375, and 1381.

11 According to the Town of Oyster Bay
12 Zoning Maps, Lots 1286, 1287, 1289, 1290, 1292,
13 1293, 1299, 1352, 1364, 1366, and 1381 are located
14 within the general business GB Zone and Lots 1237,
15 1260, 1261, 1265, 1268, 1273, 1374, and 1375 are
16 located within the AR17 zone. There are no code
17 compliance cases on the subject premise; however,
18 there are variances and Town Board Resolutions on
19 file. There is no further correspondence.

20 Under five minutes, sir.

21 (Audience laughs.)

22 SUPERVISOR VENDITTO: Mr. Muscarella,
23 will you make a motion?

24 COUNCILMAN MUSCARELLA: Supervisor, I
25 make a motion that the public hearing be closed and

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decision be reserved.

COUNCILMAN MACAGNONE: Seconded.

SUPERVISOR VENDITTO: All in favor.

ALL: Aye.

SUPERVISOR VENDITTO: Opposed.

(No response.)

SUPERVISOR VENDITTO: So moved.

(Time noted: 9:47 p.m.)

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
June 21, 2016
9:48 p.m.

HEARING P-6-16

To consider the application of KRE Broadway Owner, LLC (Round 1), for a special use permit to permit an active recreation use with game room, Hicksville, NY. (M.D. 5/24/16 #31).

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

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



HOLLY DALOIA OSTEN
Official Reporter/Notary



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, SPECIAL COUNSEL/
DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
DIANE SMITH, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
JUNE MASCIA, DEPUTY COMMISSIONER, DEPARTMENT OF
GENERAL SERVICES
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
KEVIN HANIFAN, COMMISSIONER, DEPARTMENT OF HIGHWAY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
ROBERT DARIENZO, DIRECTOR OF FINANCE
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES

1 (Time noted: 9:48 p.m.)

2 (Whereupon, this portion of the meeting
3 was reported by Holly Daloia Osteen as follows:)

4 SUPERVISOR VENDITTO: Mr. Altadonna,
5 call Hearing Number 2 formally known as Hearing
6 Number 4.

7 MR. ALTADONNA: Hearing P-6-16; to
8 consider the application of KRE Broadway Owner, LLC
9 (Round 1), for a special use permit to permit an
10 active recreation use with game room, Hicksville,
11 New York.

12 MR. D'AGOSTINO: Again, good evening.

13 For the record, my name is Albert
14 D'Agostino; Minerva & D'Agostino PC, 107 South
15 Central Avenue, Valley Stream, New York, for
16 attorney for the applicant.

17 The application before you this evening
18 is for a special use permit to permit the
19 conversion of approximately 49,223 square feet of
20 existing vacant space within the enclosed mall to
21 an active recreation use with game room. This is
22 also application for a concurrent site plan
23 approval; although, no site changes are proposed as
24 part of this application.

25 Again, the subject premises are

1 commonly referred to as Broadway Mall Shopping
2 Center and are located at Broadway in Hicksville,
3 100 feet south of Nevada Street. It is located in
4 the general business zone of the town.

5 As you will hear shortly from the
6 applicant expert witnesses, the applicant meets the
7 criteria in Section 246-9.4 of the Town Code for
8 the granting of the requested special use permit.
9 The application will not result in any parking or
10 traffic issues at the site.

11 I would note that a minor parking
12 variance per code is required and the applicant
13 will make a separate application to the Zoning
14 Board for that variance. The proposed recreation
15 use, if approved by this Board, will be a Round 1
16 facility which will contain bowling alleys, arcade,
17 billiards, karaoke, and Ping-Pong. In addition, it
18 will also contain a restaurant.

19 The overall operation is substantially
20 similar to the one you might be aware of, known as
21 a Dave & Buster's. I believe Dave & Buster's in
22 Westbury. This will be a good complimentary use of
23 the mall and will further improve the mixed
24 offerings of Broadway Mall, shopping, dining and
25 entertainment.

1 Round 1 is a newer, but growing chain,
2 in the United States. It is currently in six
3 states and growing. It has ten locations open and
4 operating all within closed malls which have proven
5 to be a great complimentary use to shopping malls,
6 dining, recreation and family entertainment to
7 their offerings. An additional ten locations are
8 also in the process and they operate in over 100
9 facilities international.

10 In addition to construction jobs, Round
11 1 estimates it will produce 65 new permanent jobs
12 at this location. This Town will also have
13 extensive security measures in place. In addition
14 to the mall security, there will be two private
15 security personnel on the premises on the weekends
16 and one during the week.

17 Also, staff members and managers will
18 be trained in security measures as well. There
19 will be the security at the front door that observe
20 the outside of the premises as well. There be a
21 security system including a video monitoring
22 system.

23 Minors will not be permitted to remain
24 in the premises after 10:00 p.m. without an adult.
25 Those are some of the security measures.

1 We also have a representative of Round
2 1 to answer any additional questions as the Board
3 might have, but I would point out again that the
4 uses, I guess I'm going back to the days of the
5 Miracle Mile and the original regional shopping
6 centers we had; large bowling alleys. This is a
7 combination I believe 16 bowling alleys, billiards,
8 games, different types of Ping-Pong.

9 As I said, this is directed toward
10 family-type entertainment. If the Board has --
11 none of the Councilpeople or Supervisor have any
12 questions to me right now, I will call Barry Nelson
13 as our expert real estate witness.

14 SUPERVISOR VENDITTO: Let's do a couple
15 of quick things.

16 What are the hours of operation?

17 MR. D'AGOSTINO: 10:00 to 2:00 daily.

18 Again, there will not be any minors
19 permitted to remain on the premises after
20 10 o'clock without an adult.

21 SUPERVISOR VENDITTO: Seven days a
22 week?

23 MR. D'AGOSTINO: Seven days a week.

24 SUPERVISOR VENDITTO: Will someone
25 after Mr. Nelson hear from an expert as far as the

1 operation is concerned?

2 MR. D'AGOSTINO: I have representatives
3 here to explain.

4 SUPERVISOR VENDITTO: We probably want
5 to hear more about the operation.

6 MR. D'AGOSTINO: Fine.

7 Do you want to hear anything about the
8 operation before you hear --

9 SUPERVISOR VENDITTO: No. Your call.
10 Your case. Do it the way you'd like.

11 MR. D'AGOSTINO: Do you want to explain
12 the specifics of the operation?

13 (Time noted: 9:54 p.m.)

14 (Whereupon, this portion of the meeting
15 was reported by Yvonne Angeles as follows:)

16 MR. D'AGOSTINO: Please state your name
17 and address for the record.

18 MR. KAJI: My name is Shane Kaji. Good
19 evening, Supervisor, Board members.

20 Shane Kaji, I'm the Director of
21 Development for Round 1.

22 I have been with the company since we
23 opened our first U.S. store in California back in
24 2010 where I served as the General Manager and I am
25 here to supplement any information that you may

1 want to hear in terms of our operation. And the
2 address of the company is 1600 South Azusa Avenue,
3 Suite 285, City of Industry, California, ZIP code,
4 91748.

5 SUPERVISOR VENDITTO: I guess the
6 simplest way to start is take us on a tour, take us
7 like we've never seen one before. Take us on a
8 tour of the facility, how it's laid out, the kind
9 of activities. For example, there were references
10 to a bowling alley, the number of bowling alleys
11 and what typically happens in a facility like this.

12 MR. KAJI: Sure. So, we like to call
13 ourselves a family entertainment complex which has
14 a variety of activities starting with bowling,
15 arcade games, karaoke rooms, dart machines, pool
16 tables and a food and a bar. We do have private
17 rooms that we can use to conduct kids birthday
18 parties and corporate events. We vary from 45,000
19 square feet to 80,000 square feet. So we typically
20 fill into an anchor spot inside of a mall.

21 SUPERVISOR VENDITTO: Do you happen to
22 you have a sample menu with you here tonight? You
23 said there's food at the bar?

24 MR. KAJI: I have some brochure. I
25 don't know if there's a menu included. I don't

1 believe so.

2 SUPERVISOR VENDITTO: We will take the
3 brochures. You can go ahead and describe the food
4 and bar.

5 MR. KAJI: Food is, you know, bowling
6 food, so it's not a full sitdown restaurant
7 environment, just simple food, pizzas, burgers, hot
8 dogs, French fries.

9 SUPERVISOR VENDITTO: Bowling food,
10 like greasy hamburgers?

11 MR. KAJI: Yes.

12 SUPERVISOR VENDITTO: It's bowling
13 food, I think I got it. What about the bar?

14 MR. KAJI: The bar we limit to beer and
15 wine.

16 Once again, bowling alley and people
17 like to drink a little bit. We do not serve hard
18 liquor or anything that's over 25 percent alcohol.
19 We like to say we are very limited with alcohol.

20 SUPERVISOR VENDITTO: Beer and wine?

21 MR. KAJI: Yes.

22 SUPERVISOR VENDITTO: What else
23 happens? You mentioned the bowling alleys; you
24 said arcade.

25 MR. KAJI: The bowling alley, for this

1 particular case, I believe we have 16 lanes and we
2 will have close to 300 arcade games. We are
3 originally a company that was formed in Japan and
4 we have a lot of business connections with
5 companies all over the world. So we take pride in
6 the selection of games.

7 On top of that, we have karaoke rooms
8 and most people with karaoke tend to think you go
9 to, like, a lounge where everybody can hear you
10 sing.

11 But with us, we have private rooms
12 where you are just with your friends and families
13 and you get to eat in there as well and conduct
14 kids birthday parties in there as well. We also
15 have Ping-Pong tables and dart machines.

16 SUPERVISOR VENDITTO: What machine?

17 MR. KAJI: Darts.

18 SUPERVISOR VENDITTO: Oh, darts.

19 Where is the nearest operation to us
20 here now?

21 MR. KAJI: Physically, here?

22 SUPERVISOR VENDITTO: Yes.

23 MR. KAJI: There is one in
24 Massachusetts.

25 SUPERVISOR VENDITTO: That far away;

1 nothing in New York?

2 MR. KAJI: This would be the first one
3 in the State of New York.

4 SUPERVISOR VENDITTO: There is a --
5 boy, I'll tell you -- I think it's on Route 110 in
6 Farmingdale.

7 MR. ALTADONNA: Dave & Buster's.

8 SUPERVISOR VENDITTO: That's Dave &
9 Buster's.

10 MR. ALTADONNA: They're not there
11 anymore.

12 SUPERVISOR VENDITTO: Is it comparable
13 to a Dave & Buster's?

14 MR. KAJI: Dave & Buster's would
15 directly be our -- we would consider them to be
16 competitors. The only difference is that -- we
17 studied them a lot since they are our competitors
18 and they are basically 50 percent games and 50
19 percent alcohol.

20 With us, it's only 10 to 15 percent
21 alcohol. It's supplemental --

22 SUPERVISOR VENDITTO: They are
23 compatible?

24 MR. KAJI: Yes.

25 SUPERVISOR VENDITTO: Any questions

1 from the Board?

2 (No verbal response.)

3 SUPERVISOR VENDITTO: Very good. Nice
4 job.

5 MR. D'AGOSTINO: Mr. Supervisor, I'm
6 going to ask this witness to explain the internal
7 security and how they determine underaged people
8 who have to leave if they are unaccompanied at
9 10:00.

10 SUPERVISOR VENDITTO: Sure.

11 MR. KAJI: We want to make sure that
12 after certain times, we control the crowd inside
13 for security measures and what happens at 9:00 is
14 we have, on weekdays, one security guard come in
15 and on weekends we have two.

16 Along with the managers of the store,
17 they will start what we call a sweep. Basically,
18 we start ID'ing people who look on the borderline
19 of 18. If they are unable to provide
20 identification, we kindly ask them to leave and
21 once we do that within that hour, at 10:00, we have
22 a person stationed at the front door and they
23 would, just like in nightclubs, make sure everyone
24 coming in will be above the valid age. Once they
25 confirm, we will put a wristband on. Once they

1 have the wristband on, we will know they are old
2 enough.

3 SUPERVISOR VENDITTO: I think it's
4 wonderful, but if someone is there with a family
5 party and they happen to be underage --

6 MR. KAJI: They can stay. If they are
7 with a legal guardian, we will let them in.

8 COUNCILMAN PINTO: Is that 2:00 a.m.
9 closed during the week as well?

10 MR. KAJI: Yes.

11 COUNCILWOMAN ALESIA: Mr. D'Agostino,
12 what time is the mall traditionally been opened
13 until?

14 MR. D'AGOSTINO: 9:30.

15 UNIDENTIFIED SPEAKER: The theater, the
16 last show gets out after 1:00 a.m., so 1:00 to
17 1:45.

18 SUPERVISOR VENDITTO: What are your
19 hours of operation at other locations; are they
20 standard?

21 MR. KAJI: Yes.

22 SUPERVISOR VENDITTO: In Massachusetts,
23 it would be 10:00 to 2:00.

24 MR. KAJI: In Massachusetts, just that
25 particular location, we operate until 1:00 in the

1 morning.

2 SUPERVISOR VENDITTO: Anything further?

3 COUNCILMAN PINTO: I'm just concerned
4 about hours during the week. I think that's kind
5 of extensive during the week. I can see weekends,
6 but I'm concerned about the hours during the week.

7 COUNCILWOMAN ALESIA: I agree.

8 SUPERVISOR VENDITTO: You hear the
9 concerns about the hours of operations. I don't
10 know if you want to address that. I don't know --
11 do you feel better --

12 COUNCILWOMAN ALESIA: Personally, I
13 do -- we go to the movies and I do see it's very
14 populated there on the weekends. If you go to a
15 9:00 or 10:00 movie, I do see a lot of people
16 coming out. My goodness, when we saw Star Wars, I
17 don't think it got out until after 1:00 and there
18 were tons of people there. During the week, I
19 don't know. It's something about it. I'm not sure
20 what.

21 SUPERVISOR VENDITTO: That's something
22 you can address.

23 MR. D'AGOSTINO: We will address it
24 before the hearing is over.

25 Thank you.

1 SUPERVISOR VENDITTO: Thank you.

2 MR. D'AGOSTINO: At this juncture, I
3 would call Barry Nelson as our real estate expert
4 again. I assume you will attest to him as an
5 expert.

6 SUPERVISOR VENDITTO: For the record,
7 we will acknowledge his expertise in his field and
8 we recognize his competency.

9 MR. NELSON: Thank you.

10 For the record, it's Barry Nelson,
11 407 East Meadow Avenue, East Meadow, New York.

12 I have a similar packet of photographs
13 that I handed in earlier. The second part of the
14 packet after the light blue page would be the
15 primary photographs related to this application,
16 Round 1. The location of the proposed bowling and
17 amusement center is on the westerly side of the
18 mall. It is in the rear adjacent to the movie
19 theater, below the food court. The former
20 location, I believe, was the department store, was
21 Steve & Barry's.

22 It will have approximately, as counsel
23 mention, 30,000 square feet on the first floor and
24 the lower level approximately 19,000 for a total
25 area inside the mall of 49,233 square feet. The

1 location does not incorporate an enlargement of the
2 mall. It's within the concrete walls, the
3 perimeter and it is the former location, as I
4 mentioned, of Steve & Barry's. I provided interior
5 photographs of the mall at that location where this
6 unit is going to be placed.

7 It's a special exception in that it's
8 not similar to the Starbucks where you find many
9 similar uses on Broadway. This is a slightly
10 limited use, but you do have special use permits
11 within the mall that includes a health club
12 fitness.

13 This unit I looked at -- as you
14 mentioned, that would be Dave & Buster's and that
15 would be the Source Mall in Westbury, southwest
16 corner of Corporate Drive and Old Country Road
17 inside the mall.

18 The nearest residents would be to the
19 west on York Street, Rose Street, Windsor. That's
20 over 450 feet away from the building, their
21 property line. There's numerous parking at that
22 location.

23 As I mentioned, it's a use that you
24 will find in malls, you find health clubs, bowling
25 alleys along Hempstead Turnpike. I believe it's a

1 reasonable development for the mall itself. It's a
2 compatible use, as I mentioned. It's adjacent to
3 the movie theater. It does have late nights with
4 the movies. It's at the food court.

5 If you notice in my photographs, Nassau
6 County Police does have a booth or unit within the
7 mall just to the south of that entrance and I
8 provided a photograph. So you have your Town
9 Police at that location as well. I looked at the
10 criteria for the special use, 246-9, the special
11 use permit, as well as 246-10, the specific
12 performances.

13 I'm familiar with this type of use and
14 I patronized Dave & Buster's over the years in the
15 Town of Hempstead as well as the one on 110, the
16 movie theater as well in the mall. I believe it
17 fits well within the special use permits. The
18 Board may have concerns with the late hours on the
19 weeknight while the movie theater does operate.
20 You have the health club in the center as well. I
21 believe it's a reasonable use. It complies with
22 the standards and the special use.

23 SUPERVISOR VENDITTO: Any questions for
24 Mr. Nelson?

25 (No verbal response.)

1 MR. NELSON: Thank you.

2 SUPERVISOR VENDITTO: Thank you.

3 Looking at the photographs, I mean, the
4 colors, the logos, those are all standard --

5 MR. D'AGOSTINO: I believe so, yes.

6 SUPERVISOR VENDITTO: Including the
7 bowling pin?

8 MR. D'AGOSTINO: As I said, I
9 remember -- I don't remember whatever one of the
10 malls had 48 lanes or 90 lanes, I can still hear
11 the sounds.

12 SUPERVISOR VENDITTO: Oh, yeah, sure.

13 MR. D'AGOSTINO: At this juncture, I
14 would call John Harder, our traffic and parking
15 expert to deal with those issues. Again, I would
16 ask you to accept him as an expert.

17 SUPERVISOR VENDITTO: So stipulated
18 with respect to Mr. Harder.

19 MR. D'AGOSTINO: Thank you.

20 COUNCILMAN PINTO: Do you have a report
21 that you can hand to us like you did the last time?
22 You can hand that to us now?

23 MR. HARDER: So what we are handing
24 in -- the trip generation handed in at the prior
25 application applies as well. This report here,

1 same date March 2, 2016, is a parking analysis as
2 there is a parking variance associated with the
3 application. To cover the trip generation that
4 could be done pretty quickly.

5 The report, as I said handed in
6 earlier, covers trip generation for the site. As
7 we've already described this evening, Round 1 is
8 not open in the morning peak hour which is a
9 concern with the Starbucks.

10 We looked at the trip generation and
11 it's being reduced by a few thousand square feet.
12 The evening weekday and Saturday peak hours of
13 generation, we found a slight reduction compared to
14 the prior mall square footage.

15 In terms of parking, the parking
16 requirement with the Round 1 in place is 5,079
17 spaces and we are proposing 4,893 spaces which is
18 186 stall variance which is 3.7 percent efficiency.

19 We have gone out and studied the
20 overall entire mall parking demand during the
21 evening and Saturday peak hours. We actually had
22 done that twice. We did that in April of 2015.

23 At that point in our report, as you can
24 see, we projected in December, worst case scenario,
25 for parking and we found plenty of available

1 parking, but since time went on, we had the
2 opportunity to go out in December which we did on a
3 weekday evening and also on Saturday. We actually
4 went out on December 19, 2015. It was a Saturday
5 and it was the weekend of the Star Wars premier, so
6 we were capturing quite a peak demand, I think even
7 higher than typical December period.

8 SUPERVISOR VENDITTO: Did you happen to
9 see Councilwoman Alesia there?

10 MR. HARDER: I did hear that comment
11 earlier, so that was helpful.

12 At that time, the maximum demand for
13 the overall center was 3,146 vehicles. That was
14 the highest of any of the projected December dates
15 and higher than the weekday December study as well.

16 With that, we would still have over
17 1,700 open spaces throughout the mall and we would
18 find that even in that worst case demand, close to
19 worst case, it would be 64 percent occupied
20 overall. So it's a very comfortable parking
21 supply. I think the variance is well supported.

22 We also looked in a little more detail
23 for Round 1 where the parking areas, we broke the
24 space in the areas of 15 different regions and we
25 looked closely at the prime regions we felt would

1 serve Round 1 and we found sufficient parking in
2 those areas, even within this December situation
3 that I described.

4 Again, I feel that the parking variance
5 is well supported. I remember at the prior
6 hearing, it was pretty well accepted that there's
7 plenty of available parking at the Broadway Mall
8 even during peak times.

9 That concludes my direct.

10 SUPERVISOR VENDITTO: Any questions?

11 (No verbal response.)

12 SUPERVISOR VENDITTO: Thank you very
13 much.

14 MR. HARDER: Thank you.

15 SUPERVISOR VENDITTO: Mr. D'Agostino,
16 how many locations -- if you can find out for me,
17 how many locations are there? I know they said
18 international, but in the Continental United States
19 how many locations are there?

20 MR. D'AGOSTINO: Ten open operating and
21 ten in the process, six in California --

22 MR. NELSON: One in Illinois, one in
23 Massachusetts, two in Texas and one in Washington
24 State.

25 SUPERVISOR VENDITTO: What are the

1 hours of operation at the other locations; are they
2 standard?

3 MR. NELSON: When I looked at the
4 website, they are all standard.

5 SUPERVISOR VENDITTO: All the others
6 are 10:00 to 2:00, but Massachusetts is 10:00 to
7 1:00?

8 MR. NELSON: Yes.

9 MR. D'AGOSTINO: I spoke to my client
10 with respect to the hours of operation and there
11 was a conversation out in the hall with the
12 representatives from Round 1 and I've been told --
13 first of all, let me point out that this location
14 is adjacent to the movie theater. The Round 1
15 could agree to 1:00 a.m. weekdays which would be
16 consistent with the hours of the theater and there
17 are movies on the weekends or during the week that
18 begin at 10:00 or 10:30, getting out between
19 midnight and 1:00 a.m., so that would be
20 consistent.

21 The mall does provide security until
22 all theater shows are over and would extend that
23 security into the outdoor security in the parking
24 areas.

25 In addition, again, I'm anticipating

1 one of the comments that we had received from the
2 Civic Association, there was a concern with respect
3 to some lighting along the -- towards the exit to
4 West John Street in connection with this
5 application.

6 My client has already ordered new LED
7 lighting for that area. They are going to be
8 rewired and all of that lighting is going to be
9 upgraded to LED lighting; obviously, consistent
10 with keeping the lights on premises and not
11 adversely impacting any nearby residents.

12 COUNCILMAN COSCHIGNANO: Mr. D'Agostino,
13 in your other location in Massachusetts, that's
14 opened until 1:00 a.m., is that the weekend hour
15 too?

16 MR. D'AGOSTINO: Yes.

17 COUNCILMAN COSCHIGNANO: How would you
18 feel about 1:00 a.m. on the weekends and midnights
19 on the weekdays and perhaps you can have everyone
20 out of the facility by 12:30; meaning, close at
21 12:00 and have it empty by 12:30? Can you --

22 MR. KAJI: That's something we could
23 consider. I just don't have the authority to say
24 yes or no.

25 SUPERVISOR VENDITTO: It's being meant

1 as something for you to take under advisement.

2 Again, I'm alerting you to the fact --
3 you see how the Board is thinking on this subject,
4 so you might want to take that under advisement.

5 MR. KAJI: Absolutely.

6 SUPERVISOR VENDITTO: You will respond
7 to the Town Attorney.

8 MR. D'AGOSTINO: Again, we have Kristen
9 DeLuca here from Bohler Engineering, our site
10 engineers, in the event that you have any specific
11 questions with regard to the site. If not, that
12 will conclude my direct presentation.

13 SUPERVISOR VENDITTO: All right.

14 With the understanding you will have an
15 opportunity to come back on a rebuttal, if need be.

16 Let's begin with Joel Berse.

17 Joel, I just want to remind you of the
18 five-minute rule.

19 MR. BERSE: Thank you. I will not be
20 reading. I will synopsise and also this narrative
21 is much shorter than the prior one.

22 Once again, good evening. I'm
23 President of the Northwest Civic Association of
24 Hicksville. The Civic Association was incorporated
25 in New York State in 1951. It was the oldest

1 organization of this type in Hicksville. The
2 Broadway Mall lies entirely within our registered
3 New York City boundaries.

4 First, I would like to say that the
5 comments made before were in no way reflective of
6 Mr. D'Agostino. It was his client and the
7 conversations we had directly with them.
8 Mr. D'Agostino was more than a gentleman the entire
9 time and really kept good lines of communication
10 open. I would like that clear. That's what I had
11 meant, not him.

12 SUPERVISOR VENDITTO: Well said.

13 MR. BERSE: Bullet points that I have
14 here; we were aware of Round 1 for quite a while
15 and invited John Rossi to make a presentation at
16 our Civic Association in either February or March
17 or April or May meetings. He procrastinated in
18 doing so and, unfortunately, he had a family
19 situation in May and he could not come and it was
20 understandable. We did not get the presentation
21 until last night's meeting. So our people did not
22 have the chance to properly digest this and the way
23 business planned and the way they operate was a
24 major concern to the entire body in the room and
25 they were all yelling at him and asking questions

1 and furious by the time I told him to make his
2 escape.

3 The presentation was not well received
4 partly because -- and I'm sure people would love to
5 hear that the Board's concerns are about the
6 2:00 a.m. hour. That was a major concern. The
7 mixture of youthful customers and alcohol was a
8 concern. Additional pedestrians because they're
9 drawing youthful traffic at different times of the
10 day, even if it's not at the late hour and the
11 lighting that we had been bringing is an issue for
12 a great deal of time.

13 Terri Carson first made the mall aware
14 of it herself in February of 2015. Now, because
15 they knew we were going to make a demand for this
16 lighting be fixed to this application, all of a
17 sudden they are doing it.

18 Hazel Ptacek, you know her very well,
19 John. She lives in the first house on the other
20 side of the fence from the mall closest to this
21 location. Frequently, she has people that jump her
22 fence, go through the fence, have all kinds of
23 incidents. She is now, as you know, living alone,
24 very agedly, a lovely woman, but she's had an
25 incident where somebody came through her fence and

1 threw a bottle through a window in her house.

2 There also has been an incident where the police
3 were involved because a gun was found on the ground
4 between her house and the next-door neighbor. So
5 she is concerned about the activities that go on in
6 the parking lot and security. She is nervous.

7 The police satellite location they
8 spoke about, as you guys know, I'm very involved
9 with the police department, being a member of the
10 Police Reserves. I'm an alumni member of the Civic
11 Police Academy and very involved with our Second
12 Precinct. That is a satellite location used mostly
13 to process shoplifting arrests when they do it at
14 the mall and it's not manned continuously. They go
15 in and out on special projects. They go there very
16 infrequently. It's not used enough to be counted
17 on as a security point.

18 We, in the past, when the Steve &
19 Barry's store was there, had tremendous gang
20 traffic behind the mall there because it was
21 inexpensive to buy the different collared shirts in
22 the different colors. So it concerns us that now,
23 maybe not drawing the gangs there because of this
24 business, but if youngster are there, it's now a
25 place that they can come back to try to recruit.

1 Like I said, I'm trying to synopsize
2 and not read. The mixture of the youthful patrons,
3 the pedestrian traffic, the alcohol, the late
4 hours, the concern of the unspecifically proposed
5 additional security once they open. All major
6 concerns.

7 So there needs to be a lot more
8 planning and organizing and they did not leave us
9 enough time to do it with them because we only
10 heard last night.

11 SUPERVISOR VENDITTO: Thank you, Joel.

12 Jeff Negron. Jeff, where are you?

13 Hello, again.

14 MR. NEGRON: The words were mostly
15 emotionally charged that were used in the previous
16 case that was being heard. I think this will be
17 even more so because folks such as Joel eluded to
18 personal properties involved. We have members of
19 our Civic who are of advanced age with safety
20 concerns and I'm sure everybody here can understand
21 that. When we allude to the mall as a good
22 neighbor or as a neighbor, we don't say that just
23 to sound nice and just to sound cutesy. The mall
24 is literally a neighbor just as Mary is a neighbor
25 of mine across the street from me on Dakota Street.

1 If Mary needs something from me, I'm there for her
2 just as she has been there for me when I needed
3 things. We would expect the same courtesy from the
4 mall to act as a good neighbor.

5 I'm going to come back to that in a
6 little bit, in less than five minutes. I promise.
7 I, myself, with the little time that has been given
8 to us because we just heard the presentation
9 yesterday, I looked up two locations for Round 1,
10 one in -- I'm probably going to screw up this
11 pronunciation, Tukwila, Washington and the other
12 one in Bloomfield, Illinois.

13 As far as I can tell with the little
14 time that I had, as far as I can tell, those
15 Round 1s are located in super commercial areas
16 surrounded by major roads, not surrounded anywhere
17 near or not having anywhere near -- not being
18 anywhere near residential areas.

19 Our situation is very unique in that
20 the mall, as I said, is a neighbor. The closest
21 point of the mall to our house is 325 feet and has
22 affected members of our Civic.

23 I also have concerns about the
24 increased teenage activity with the mixture of
25 alcohol. On normal nights, folks would try to

1 cross over that grass that separates the mall and
2 Burns Avenue which is the back of the Burns Avenue
3 School. We feel that with this increased activity,
4 that's more people, more kids are going to be
5 inclined to either cut through that fence and hop
6 through that fence. That's a particular attention
7 of interest to me because my son attends that
8 school, of course, and I live on Dakota Street
9 which is one of the streets that face the school
10 and would be affected by that increased activity.

11 So what I -- going back to the good
12 neighbor thing, I think that a good neighbor would
13 understand the concerns that we are having as a
14 civic association. The mixture of the booze and
15 the alcohol, the beer and the wine, and the
16 concerns of our residents, the safety of our
17 residents, I think, is emotional charged. It's
18 definitely -- that needs to be looked at.

19 Thank you.

20 SUPERVISOR VENDITTO: We understand
21 that loud and clear.

22 Thank you.

23 Paul Leo.

24 MR. LEO: Good evening.

25 My statement from the earlier

1 application stands. I won't need to repeat them.
2 Some concerns I have are here and one I would like
3 to share and bring a little light to is, not
4 everybody works 9:00 to 5:00. We have a great
5 sector of our community that works all different
6 hours including our medical staff, police
7 department, nursing homes and everybody else
8 deserves to have a life.

9 So when we sit here trying to put
10 curfews on things, you're putting curfews that
11 affect other members of the community as well. I
12 just wanted that to be noted in the record.

13 SUPERVISOR VENDITTO: It's duly noted.
14 It's a good point. Obviously, we don't want to
15 restrict people from having a good time, what have
16 you, but we also need to find a delicate balance.

17 MR. LEO: Absolutely and I agree. I
18 also found it a little irresponsible for comments
19 to be made by a potential victim of a crime and
20 identifying that person and the vulnerabilities of
21 that person here in a public forum, outlining it
22 where anybody can hear it or read it or could
23 possibly use that against that particular person.
24 I don't think that was the right forum. We are
25 talking about where a gun was found or a bottle was

1 thrown and the vulnerability of the person living
2 there. There's no reason to identify the victim,
3 not in a public forum.

4 Also, we talk about how we keep our
5 kids out of the streets, keep them away from drugs.
6 When you close everything down, you don't give them
7 an avenue to go to. Worry about gangs. The gangs
8 are the police's responsibility, the community's
9 responsibility and all of us here in the United
10 States. But we also have to have safe places for
11 our young adults to go to because if they don't
12 have outlets to go to, they are going to be in the
13 cars; they're going to be crossing streets and
14 they're going to be causing havoc and they're
15 going to be getting into mischief. Is there any
16 proof? I would like that to be taken into
17 consideration as well.

18 I know the gang population on Long
19 Island is fairly strong and there are a great deal
20 of problems with drugs as well here on Long Island.
21 But some of these issues need to be addressed from
22 my point of view. Leave it to the Police
23 Department and the counties to combat those, not
24 the Civic Association.

25 Thank you.

1 SUPERVISOR VENDITTO: Thank you, Paul.

2 Before I bring -- Virginia Shatzle,
3 we'll get Virginia up here.

4 Virginia Shatzle, am I saying it right?

5 Art Gibson. Art, it's your turn.

6 While Art is making his way up, let me suggest
7 something and again it's something we take under
8 consideration.

9 Obviously, there's concerns about after
10 dark, about later hours. I don't know what
11 security the mall provides. I suspect they
12 probably have some of those around. Maybe you want
13 to think about or consider, you know, under the
14 heading good neighbors, if the Round 1 group or
15 people would consider posting security posting a
16 security guard, just in the general vicinity of the
17 parking lot, their parking, not the mall in
18 general. Something to think about. I know it's an
19 expense. I get it, but it might be something that
20 might make a difference.

21 MR. D'AGOSTINO: The Round 1
22 security -- the weekend, of course, there are two
23 security guards and during the week.

24 SUPERVISOR VENDITTO: I'm talking about
25 parking lot.

1 MR. D'AGOSTINO: I understand.

2 My understanding is they will go out in
3 front of their building as part of their rounds and
4 coordinate with the mall security and the mall
5 security are in vehicles driving throughout the
6 mall.

7 Obviously, in order for a mall to be
8 successful and continue to be successful, one of
9 the primary issues that have to be addressed is the
10 safety and security of customers and the mall will
11 act and has acted proactively in dealing with the
12 police department and its own security and the type
13 of lighting. All of those things are part of it.

14 The last thing that the mall wants to
15 see are any danger spots or dark spots that's going
16 to affect patronage to the mall business.

17 So all of those things, yes, are being
18 looked at, will continued to be looked at and are
19 really part of one of the essential
20 responsibilities of mall management. Any mall
21 that's not a deteriorating mall -- we don't want to
22 see that, so, obviously, that safety and security
23 issue has to be maintained and we will do that.

24 SUPERVISOR VENDITTO: Again, I would
25 reiterate to take it under consideration.

1 We will carry it on in further dialogue
2 after the hearing. You will carry it on with the
3 Town Attorney's office.

4 Art, I'm sorry. Art Gibson.

5 MR. GIBSON: Thank you, Mr. Supervisor.

6 I would just like to say in my
7 perspective on a 50,000 square foot project, I can
8 tell you that this will create a lot of
9 construction jobs. Once that brings food and the
10 bar and this type of establishment, there's an
11 excess of work for all trades especially the
12 plumbers. The assortment of different variety
13 that's going to happen at this establishment is
14 going to create continued jobs for the county.

15 Having this as the first facility like
16 it in the State of New York, I can't think of a
17 better place for it to be done than the Town of
18 Oyster Bay. I have been dealing with this Town for
19 many, many years. You guys do it right. Having
20 this at the Broadway Mall, we can all be assured
21 there will be local jobs for local people. As a
22 father and a parent and a former kid, this sounds
23 like a fun place to go.

24 Thank you for your time.

25 SUPERVISOR VENDITTO: Thank you, Art.

1 I have no further forms from anyone who
2 indicated they care to address the Board relative
3 to this matter.

4 Mr. Chitty, Lionel Chitty, come on
5 down.

6 Art, I got to ask you, how often do you
7 get Joe Montana?

8 MR. LEO: Once in a while. It has been
9 Steve McQueen lately.

10 MR. CHITTY: Thank you for the
11 opportunity, Supervisor, Council Members.

12 My name is Lionel Chitty. I'm the
13 President of the Hicksville Chambers of Commerce
14 for the past eight years. I have a written
15 statement and I'll be brief.

16 As we all know, there has been a lot of
17 activity regarding development in Hicksville. We
18 also know that moving forward with development will
19 have its challenges. We are happy to see that the
20 Broadway Mall is making a significant investment
21 into the property and working diligently to attract
22 quality tenants, to enhance the shopping
23 experience, create jobs and turn the property into
24 a quality destination.

25 That being said, it has come to our

1 attention, to the Hicksville Chamber of Commerce,
2 that the local community has a valid concern
3 regarding this project.

4 We ask that all parties involved in
5 this project and this decision work out a mutual
6 agreement in order to achieve the proper goals.
7 Suggestions we have include the mall and its
8 tenants put together a comprehensive security plan
9 in order to deter some of the unwanted behavior as
10 brought up as concerns by the residents.

11 We also ask that significant lighting
12 be maintained and also as a deterrent and of true
13 safety concerns. We also recommend that any
14 security plans put in place be ongoing in order for
15 the community to feel comfortable with the proposed
16 project and development.

17 Again, we welcome the development. We
18 want to assure that the community's concerns are
19 addressed in a mutual fashion. The Hicksville
20 Chamber of Commerce is not only in place for local
21 businesses, but also to support the community as a
22 whole.

23 SUPERVISOR VENDITTO: Thank you,
24 Lionel.

25 Once again, I have no forms from

1 persons who indicated they care to address the
2 Board to this matter, but that would not preclude
3 you. If there's anything you care to relate to the
4 Board, that might be helpful in our deliberations.

5 I see no takers.

6 Mr. D'Agostino, we're back to you.

7 MR. D'AGOSTINO: Mr. Supervisor, I
8 really having nothing further to add.

9 The mall, we believe, has been a good
10 neighbor and will continue to be a good neighbor.
11 The comments that were just made by the President
12 of the Chamber of Commerce are well taken. We will
13 continue our dialogue, not only in this issue, but
14 other issues that may be perceived as issues in the
15 future and concerns. I expect that there will be
16 further communications possibly with the Town
17 Attorney's office on the issues you referred to
18 during this hearing.

19 I would respectfully request your
20 favorable consideration of this application, and if
21 you have no further questions of me, that's
22 basically our presentation.

23 SUPERVISOR VENDITTO: Mr. Altadonna, do
24 we have any correspondence?

25 MR. ALTADONNA: The attorney for the

1 applicant has filed his affidavit of service and
2 disclosures.

3 The communication are as follows: We
4 have memos from the Department of Planning and
5 Development as for present review of procedures.
6 The required off-street parking for the existing
7 Broadway Mall is 4,749 spaces, total required for
8 parking in this application is 5,077 spaces. The
9 site plan submitted depicts a total number of 4,894
10 parking spaces.

11 The Nassau County Land and Tax Map
12 indicates the property is Section 11, Block D, Lots
13 1237, 1260, 1261, 1265, 1268, 1273, 1286, 1287,
14 1289, 1290, 1292, 1293, 1299, 1352, 1364, 1366,
15 1374, 1375 and 1381.

16 According to the Town of Oyster Bay
17 Zoning Maps, Lots 1286, 1287, 1289, 1290, 1292,
18 1293, 1299, 1352, 1364, 1366 and 1381 are located
19 within the general business (GB) zone and Lots
20 1237, 1260, 1261, 1265, 1268, 1273, 1374 and 1375
21 are located within the AR1-7 zone. There are no
22 code compliance cases on the subject premise.
23 However, there are variances and Town Board
24 Resolutions on file.

25 There is no further correspondence.

1 SUPERVISOR VENDITTO: Mr. Muscarella,
2 before I take a motion, I don't think we did this
3 in the prior hearing and I'll look over at the
4 front table over there, I would -- in light of
5 what, I believe Jeff said and Mr. Negron said and I
6 think Joel referred to it, too, about having short
7 notice with all the information that was presented
8 tonight, I would like to leave the record open for
9 a period of 30 days within which time you can send
10 to us additional information that you would like us
11 to have. You can fax it, you can e-mail it,
12 coordinate getting to us and you can tell that you
13 to your neighbors and your friends or what have
14 you, if anybody wants us to -- and I will relay
15 that information to who may be forthcoming.

16 I will ask that -- I guess we can't --
17 MS. MASCIA: We will leave the record
18 open.

19 SUPERVISOR VENDITTO: You will leave
20 the record opened for both hearings.

21 Mr. Muscarella?

22 COUNCILMAN MUSCARELLA: Supervisor,
23 I'll make a motion that this public hearing closed.
24 The record will stay open for 30 days and the
25 decision be reserved.

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COUNCILMAN MACAGNONE: Seconded.
SUPERVISOR VENDITTO: All in favor?
ALL: "Aye."
SUPERVISOR VENDITTO: Opposed?
(No response.)
SUPERVISOR VENDITTO: So moved.
Thank you all. Well done.
We will take a short recess.
(Time noted: 10:40 p.m.)

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
June 21, 2016
10:53 p.m.

HEARING - Local Law

To consider a Local Law entitled: "A Local Law to Amend Local Law No. 1-2015, authorizing a Local Retirement Incentive Program for Eligible Employees of the Town of Oyster Bay." (M.D. 5/10/16 #12).

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, SPECIAL COUNSEL/
DEPUTY TOWN ATTORNEY

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



HOLLY DALOIA
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
DIANE SMITH, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
JUNE MASCIA, DEPUTY COMMISSIONER, DEPARTMENT OF
GENERAL SERVICES
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
KEVIN HANIFAN, COMMISSIONER, DEPARTMENT OF HIGHWAY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
ROBERT DARIENZO, DIRECTOR OF FINANCE
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES

1 (Time noted: 10:53 p.m.)

2 (Whereupon, this meeting was reported
3 by Holly Daloia Osteen as follows:)

4 SUPERVISOR VENDITTO: We will continue
5 with Hearing Number 3 formally known as Hearing
6 Number 1.

7 MR. ALTADONNA: Hearing Local Law; to
8 consider a Local Law entitled: "A Local Law to
9 Amend Local Law No. 1-2015, authorizing a Local
10 Retirement Incentive Program for Eligible Employees
11 of the Town of Oyster Bay."

12 SUPERVISOR VENDITTO: Mr. Sabellico,
13 what say you?

14 MR. SABELLICO: Good evening,
15 Supervisor, Town Board.

16 Tom Sabellico, Special Counsel, also
17 the Deputy Town Attorney.

18 In 2015, the Town Board adopted Local
19 Law No. 1-2015 which authorized the Local
20 Retirement Incentive Program which expires
21 June 30th of 2016.

22 At that time, everyone was eligible to
23 retire -- who could retire during the period as
24 long as they are off the payroll by July 30th this
25 year.

1 SUPERVISOR VENDITTO: July 31st?

2 MR. SABELLICO: First day of retirement
3 is July 31st. Your last day of work is July 30th.

4 SUPERVISOR VENDITTO: Got you.

5 MR. SABELLICO: To date, 65 people
6 participated in that retirement that already
7 retired or have given notice that they are about to
8 retire by July 30th. Additional 12 people have
9 indicated that they are coming in for exit
10 interviews within the next week.

11 SUPERVISOR VENDITTO: That gives you a
12 total of 77.

13 MR. SABELLICO: So if no one else were
14 to retire within the next week during the first
15 period of retirement incentive, 77 employees would
16 have retired which would have taken the total of
17 \$7,322,508 off payroll for 2016.

18 The proposal before the Board tonight
19 is to extend the retirement incentive.

20 SUPERVISOR VENDITTO: Can you give us
21 the 7 million again?

22 MR. SABELLICO: \$7,322,508.

23 COUNCILWOMAN ALESIA: 2016?

24 MR. SABELLICO: 2016.

25 COUNCILMAN COSCHIGNANO: Is that a full

1 year amount?

2 MR. SABELLICO: That's a full year.

3 COUNCILMAN COSCHIGNANO: So the savings
4 would be half of that?

5 MR. SABELLICO: Correct.

6 COUNCILWOMAN ALESIA: For this year?

7 MR. SABELLICO: That's the amount of
8 annual payroll if you take off the payroll.

9 SUPERVISOR VENDITTO: Got it.

10 MR. SABELLICO: The savings would
11 depend upon when they left. Some left in February,
12 some left in June and some left in July. We can
13 get you that number.

14 The proposal this evening is to extend
15 or amend that law by granting a second period for
16 those who have first become eligible to retire on
17 August 1st, July 1st and would end -- that period
18 would end on December 31st.

19 The difference being that this Period 2
20 of the law, it would only be applicable to those
21 people who first become eligible to retire by
22 either reason of their age or reason of their
23 service.

24 During Period 2, they would be off the
25 payroll within 30 days in that eligibility. During

1 the first period, they stay on until July 30th.

2 COUNCILMAN PINTO: Before the 31st
3 (inaudible) --

4 MR. SABELLICO: No, 30 days after they
5 become eligible to retire. The latest they can be
6 off payroll is January 30th. If they first become
7 eligible to retire on December 31st, they retire
8 and have to be off payroll by January 30th.

9 According to numbers given to by IT and
10 Human Resources, the second period only applied to
11 20 employees. Of those 20, one has already retired
12 under the first period of the incentive. 5 others
13 have already filed their intent to go, of the 20.

14 SUPERVISOR VENDITTO: So 14 remain?

15 MR. SABELLICO: Correct.

16 Of those 14 that remain, 9 have family
17 health insurance; 5 have single. That would be
18 important because given as far as the incentive is
19 continued benefits.

20 Thank you.

21 Any questions?

22 SUPERVISOR VENDITTO: But you become
23 eligible the first time during the extension?

24 MR. SABELLICO: If you become eligible
25 the first time.

1 If you're already eligible to retire
2 and haven't done so by July 30th, you retire after
3 that, but you won't get the incentive.

4 SUPERVISOR VENDITTO: Maybe it's the
5 hour. If you become eligible for the first time,
6 how can you retire if prior -- if you said.

7 COUNCILMAN PINTO: (Inaudible.)

8 MR. SABELLICO: She has indicated her
9 intent to retire.

10 SUPERVISOR VENDITTO: To take advantage
11 of the extension.

12 MR. SABELLICO: Yes.

13 SUPERVISOR VENDITTO: It's not
14 currently part of --

15 MR. SABELLICO: Correct.

16 SUPERVISOR VENDITTO: Does that help
17 you?

18 COUNCILMAN PINTO: Yes.

19 SUPERVISOR VENDITTO: Any other
20 questions for Mr. Sabellico?

21 Stand by to see what happens.

22 Robert, where are you?

23 MR. RIPP: Hello, I'm Robert Ripp from
24 Massapequa, New York.

25 A couple of questions.

1 I would like to know, do you anticipate
2 a further increase in the retirement in response to
3 the current contract negotiations; specifically,
4 the proposed concessions to the Employee Health
5 Plans? From what I think I just understood is, if
6 you retire prior to the renegotiation, it seems
7 you'd be able to keep the Health Plan without
8 having to pay into it. I believe the proposed
9 contract is an offer of something like paying 20
10 percent into the Health Plan for the employees.

11 I'd also like to know if any of these
12 alleged retirees would then be rehired back by the
13 Town, for instance, like Richard Betz retired and
14 then he was hired back. He's been working part
15 time for quite a while now, and I'm curious if you
16 retire and come back like somebody like that.

17 COUNCILMAN MACAGNONE: On the first
18 one, we're in negotiations so everything is out
19 there. Nothing is set yet. Negotiations are give
20 and take. That's negotiations. The second part, I
21 don't know the answer.

22 SUPERVISOR VENDITTO: The first part, I
23 don't think anyone can really answer. I'm not sure
24 where you're getting your information from, but
25 none of that has happened yet, but on the second

1 question, lawfully someone can come back the way
2 Richard Betz came back. I think it's pretty safe
3 to say and I think I'm speaking on behalf of the
4 entire Town Board when I say in light of our
5 current financial situation, that's just not going
6 to happen.

7 MR. RIPP: Thank you.

8 SUPERVISOR VENDITTO: Thank you,
9 Robert.

10 I have no further -- sorry.

11 Paul, yours is the Ethics hearing? I'm
12 getting confused with the hearings.

13 I have no forms for anyone else who
14 indicated they cared to address the Board relative
15 this matter.

16 Then Mr. Altadonna, do we have any
17 correspondence?

18 MR. ALTADONNA: We have affidavits of
19 postings and publications. There are no other
20 correspondence.

21 SUPERVISOR VENDITTO: Mr. Muscarella?

22 COUNCILMAN MUSCARELLA: Supervisor, I
23 make a motion that this public hearing be closed
24 with the decision to be voted on tonight.

25 COUNCILMAN MACAGNONE: Seconded.

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SUPERVISOR VENDITTO: All in favor.

ALL: Aye.

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

(Time noted: 10:59 p.m.)

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
June 21, 2016
11:00 p.m.

HEARING - Local Law

To consider a Local Law entitled: "A Local Law to Amend Chapter 30, Ethics and replacing with a New Chapter 30, Ethics." (M.D. 5/10/16 #6).

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, SPECIAL COUNSEL/
DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



HOLLY DALOIA OSTEEN
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
DIANE SMITH, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
JUNE MASCIA, DEPUTY COMMISSIONER, DEPARTMENT OF
GENERAL SERVICES
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
KEVIN HANIFAN, COMMISSIONER, DEPARTMENT OF HIGHWAY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
ROBERT DARIENZO, DIRECTOR OF FINANCE
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES

1 (Time noted: 11:00 p.m.)

2 (Whereupon, this meeting was reported
3 by Holly Daloia Osteen as follows:)

4 SUPERVISOR VENDITTO: We will proceed
5 with Hearing Number 4 formally known as Hearing
6 Number 2. I believe counsel Mr. Leventhal is going
7 to quarterback.

8 MR. ALTADONNA: Hearing Local Law; to
9 consider a Local Law entitled: "A Local Law to
10 Amend Chapter 30, Ethics and replacing with a New.
11 Chapter 30, Ethics."

12 SUPERVISOR VENDITTO: Mr. Leventhal?

13 MR. LEVENTHAL: Good evening,
14 Supervisor, Members of the Board, Ladies and
15 Gentlemen.

16 I am the Former Chair of the Nassau
17 County Board of Ethics. I currently serve as
18 counsel to that Board and to the Board of Ethics to
19 the County of Westchester, the Town of Huntington,
20 Town of Southhampton, Village of Sag Harbor. I'm
21 Hearing Officer for Jay Cope, the Joint
22 Commissioner of Ethics at the agency that replaced
23 the State Ethics Commission. I am Co-Chair of the
24 Ethics Committee, State Bar Associations, Local and
25 State Government Law section and a frequent

1 lecturer and author on the subject of Government
2 Ethics, lecturing to the New York State
3 Association, Counties, Association, Town, State,
4 New York and municipalities throughout the State.

5 What I would like to say that it is a
6 special privilege for me to be here tonight, for
7 the first time, addressing the Board of my
8 hometown. It is really a pleasure to be here.

9 Thank you for this opportunity.

10 SUPERVISOR VENDITTO: I have tell you
11 Mr. Leventhal, I was aware -- I think I said to you
12 how eminent you were in the field. I wasn't aware
13 of how extensive that was. That was a pretty
14 impressive resume.

15 MR. LEVENTHAL: Thank you.

16 Mr. Supervisor, logic and experience
17 tells us that the vast majority of government
18 officers and employees like the vast majority of
19 people are honest and truly wish to do the right
20 thing and will do the right thing if they are
21 helped to understand what their obligations are.

22 So the primary purpose of a local
23 government ethics program is not to seek out
24 evil-doers and bring them to justice. There are
25 other government agencies that have that job

1 primarily the district attorney's office and other
2 prosecutorial agencies.

3 The primary purpose of Local Government
4 Ethics Program is to be prevent Ethics Violations
5 before they occur. This is done through a variety
6 of means. There are two principal goals of the
7 Local Government Ethics Program.

8 The first is to guide and protect
9 honest government officials and to help them stay
10 out of trouble by understanding where the lines are
11 drawn. The second is to inspire public confidence
12 in government by ensuring not only the reality of
13 integrity, but also the appearance of integrity in
14 government.

15 The way we implement those goals is
16 through the Ethics Program that should have three
17 major components:

18 The first component is a clear
19 comprehensive code of conduct.

20 The second is reasonable disclosure
21 requirements.

22 The third is effective enforcement or
23 administration of the ethics program.

24 I believe that the Code of Ethics that
25 is proposed and before the Board tonight

1 accomplishes those purposes. I would just like to
2 briefly tell the Board how it came to be, what the
3 methodology was in drafting it.

4 I was engaged about a year ago to
5 assist the Town of Huntington in drafting a new
6 Code of Ethics. The proposal before the Board
7 tonight is almost identical to the Code of Ethics
8 adopted by Town of Huntington less than a year ago.

9 I had three primary sources that I drew
10 from in drafting the code.

11 The first is Article 18 of New York
12 General Municipal Law Article 18 of General
13 Municipal Law is a Code of Conduct that applies to
14 every municipality in the State with the exception
15 of the City of New York which gets a special pass
16 because it has its own very comprehensive Ethics
17 Program, but it applies to every county, every
18 city, every town, every village and every special
19 District in the State of New York.

20 So the starting point for any
21 discussion of Government Ethics in New York is
22 Article 18 of the General Municipal Law.

23 One law, in my opinion, that is common
24 in Local Government Ethics Codes is that they do
25 not incorporate all of the requirements of Article

1 18 of General Municipal Law.

2 The problem that that leads to is
3 unsuspecting officers and employees of the Town who
4 look to the local Code of Ethics for rules of
5 conduct may be misled, because they will not see a
6 provision that is applicable to them through
7 Article 18.

8 So the first thing I did in drafting
9 this code was to incorporate all requirements of
10 the State Law, all of which apply to the Town of
11 Oyster Bay.

12 The second source was New York State
13 Comptrollers model Code of Ethics which is a useful
14 tool and terms from that model code were
15 incorporated in the code that is before you
16 tonight.

17 Finally, there is the literature in the
18 field of government ethics that has been developed
19 over the past ten or twenty years. One of primary
20 authors in this field is a colleague of mine by the
21 name of Mark Davies who recently retired as the
22 executive director of New York City Conflict
23 Interest Board.

24 Before that, the Executive Director of
25 the Temporary State Commission on Local Government

1 Ethics. The only State agency that was ever
2 charged with overseeing Local Government Ethics.
3 So Professor Davies, a prolific writer in this
4 area, has written some very useful articles with
5 model code provisions. I consulted those articles
6 and incorporated many of those terms. Those were
7 the primary sources that I drew from.

8 The code before you has, I think, two
9 virtues. One is its organization. It's divided
10 into three distinction articles.

11 First is the Code of Conduct that sets
12 forth the rules of the road. The second article
13 deals with disclosure and as you will hear, there
14 are three types of disclosure that are required by
15 the ethics code. The first is transactional
16 disclosure. That is a disclosure that one makes
17 when one is confronted with a conflict of interest
18 and one recuses himself or herself. A disclosure
19 accompanies that recusal that's transactional
20 disclosure.

21 The second is applicant disclosure in
22 land use applications. Applicants in land use
23 applications must disclose the identity of any
24 municipal office or employee who has an interest in
25 the applicant. The third type is annual financial

1 disclosure.

2 Before I proceed, let me just say that
3 this Board has already adopted a cutting edge
4 financial disclosure requirement. This Town is a
5 leader in the State of New York when it comes to
6 the requirements of financial disclosure because
7 Oyster Bay has incorporated in its disclosure form
8 the reforms adopted by the State of New York in
9 response to some of the highly publicized scandals
10 that occurred in Albany.

11 In particular, it require the
12 disclosure of clients and customers of officers and
13 employees of the Town who are doing business with
14 the Town. That disclosure requirement appears in
15 the code of the Town of Oyster Bay on its
16 disclosure form and that makes this Town a leader
17 in the field.

18 The third article of proposed Code of
19 Ethics deals with the administration of the
20 program, primarily the Board of ethics. It is a
21 dramatic advance in terms of the structure and
22 function of the Board of ethics.

23 For one thing, for the first time ever
24 in the history of the Town, the Members of the
25 Board of Ethics will have fixed staggered terms

1 rather than serving at the pleasure of appointing
2 authority. That gives the Board of Ethics a
3 measure of independence, independence which the
4 Board needs for credibility. Also, for the
5 credibility of the Board for the first time ever in
6 the history of this Town, the Board will -- there
7 will be a requirement that Board have a bipartisan
8 composition.

9 Finally, for first time, the Code of
10 Ethics will authorize the Board of ethics to
11 actually impose penalties for violation of the Code
12 of Ethics other than the one violation that the
13 Board already has the authority to penalize that is
14 the violation of financial disclosure law, but now
15 there is whole range of penalties that can be
16 imposed including fines of up to \$10,000 for other
17 violations of the Code of Ethics.

18 Finally, the code has the virtue of
19 being written in language that I believe is clear
20 and understandable, rather than the type of
21 language that was used in previous eras including
22 the era in which the previous Code of Ethics was
23 adopted.

24 Article 18 was adopted in the mid
25 1960s. In the mid 1970s, the Town of Oyster Bay

1 adopted its Code of Ethics. It was amended to a
2 limited degree in 1980s and again in 1990 to in
3 corporate a financial disclosure requirement, but
4 it has been many years since there was any
5 meaningful amendment or revision to the Code of
6 Ethics and that's what we have attempted to
7 accomplish here.

8 Now, if the Board wishes, I'd be happy
9 to walk through the proposed code. Let me add one
10 thing. I think adopting a new code of Code of
11 Ethics is really step number one in developing a
12 whole new modern efficient energetic ethics
13 program.

14 Step number two, I believe is to
15 prepare a plain language guide because if our goal
16 is. As I believe it to be, to help prevent Ethics
17 Violations before they occur, the best way to do
18 that and the only way to do that is to help
19 officers and employees to understand what their
20 obligations are.

21 A Code of Ethics that's written by
22 lawyers and to be understood by lawyers isn't
23 helpful to most people. I would not recommend
24 curling up with Article 18 General Municipal Law on
25 a cold winter night for an evening of entertainment.

1 It's like reading the Internal Revenue Code.

2 I think a great service to the officers
3 and employees of this Town is to develop what we've
4 done in the County of Nassau and also in the Town
5 of Huntington, that's develop a conflict of
6 interest booklet that can be distributed to the
7 officers and employees.

8 This booklet begins with a plain
9 language guide. It is just two pages long. It's
10 written in very simple terms and it's followed by
11 most, not all, but most of the Code of Ethics
12 itself because the code, of course, is the law the
13 plain language guide is just that a guide to the
14 law.

15 So this is a booklet that can be
16 distributed to the work force. It can be placed in
17 the orientation folder of new hires. It's a useful
18 tool. It also is an aid to the Board of Ethics
19 when it answers questions about the code. It can
20 be used for that purpose as well.

21 SUPERVISOR VENDITTO: In the likelihood
22 that the Board adopts the code or some form of it
23 after tonight, are you able to prepare that plain
24 language guide?

25 MR. LEVENTHAL: Yes, yes. I hate to

1 tell you how few billable hours that will take. It
2 can be done very quickly.

3 COUNCILMAN PINTO: I'm happy to hear
4 that by the way.

5 MR. LEVENTHAL: Yes. I'll just run
6 through a few highlights of the code, if you wish.

7 One interesting feature is that it
8 introduces some obligations on the part of
9 contractors of the Town. Town contractors are
10 prohibited from using their position to gain undue
11 influence and undue advantages with the Town.

12 Town contractors are also prohibited
13 from inducing. It's a violation of this code for a
14 Town contractor to induce a Town Officer or
15 employee to violate the Code.

16 The Code of Conduct begins with a
17 prohibition against using one's Town Office for
18 personal gain and that -- or to benefit himself or
19 herself or other people closely related, either
20 through familial relationship or through business
21 relationship. So there is a prohibition against
22 using your Town position to secure benefit for a
23 customer who has done more than \$5,000 worth of
24 business with you in the past 24 months. It's
25 another major reform and major modernization of the

1 Code of Ethics.

2 The Code goes on to incorporate the
3 centerpiece of Article 18 which is a prohibition
4 against prohibited interests in contracts with
5 municipalities and simply stated what that means is
6 if you're an officer or employee of the Town, you
7 cannot have an interest; generally meaning, a
8 financial interest in a contract over which you
9 have control either individually or as member of
10 the Board.

11 There is a recusal requirement and the
12 code makes clear what recusal means. A recusal is
13 not the same thing as abstention. An abstention,
14 as you all know, means I have just participated in
15 discussion. I have deliberated. I changed ideas
16 with my fellow Board members and now it comes time
17 to vote, and I just don't feel that I'm prepared to
18 vote. Maybe it is because I don't feel we have
19 enough information. Maybe I'm not happy with one
20 issue or another. I'm not prepared to vote.

21 Recusal is different. When you recuse
22 yourself in the face of conflict of interest, what
23 you do is you remove yourself entirely from the
24 deliberations, the discussion or the vote and the
25 vote, I should say. This code makes clear that

1 that is what we mean by recusal.

2 There are certain exceptions. For
3 example, every member of the Board -- when this
4 Board votes to approve the Town budget, has some
5 interest in what that budget contains. That is not
6 a conflict that is prohibited by the code because
7 there is no other body that would have the legal
8 authority to adopt a budget. A budget could not be
9 adopted if it were not for that fact. So that's an
10 example of an exception.

11 Uncompensated participation in advocacy
12 by elected officials is not prohibited by the Code
13 even if it involves matters that might come before
14 the Board that is where elected officials do --
15 that's what they're expected to do and that's not
16 prohibited. So there are exceptions.

17 There is a prohibition against
18 investments that conflict with official duties and
19 private employment. This code incorporates common
20 law principles. Those are principles that are in
21 cases decided by judges that have determined what
22 the standard is for holding two public offices or a
23 public office and position with outside employment
24 and clearly sets forth those standards generally
25 makes a comparability with two offices. You can't

1 be your own boss.

2 The classic example of incompatible
3 positions is Chief Financial Officer and Auditor.
4 You can see how those two positions are inherently
5 incompatible.

6 There is a rule against fettering with
7 one's nest. Using your official position to obtain
8 future employment with someone doing business with
9 the Town. There are rules -- the current Code only
10 has one post employment restriction. That is that
11 if you have handled some matter in a material way,
12 you cannot handle that same matter on behalf of a
13 private sector and employer. It has your
14 fingerprint on it as an elected official in some
15 meaningful way. You can't go on the other side and
16 come back the next day representing the private
17 sector, applicant or employer.

18 There is also -- that's a permanent
19 ban. There is also a temporary band now in the
20 Code -- in the proposed Code, I should say, that
21 delineates a revolving door. There is a period of
22 time -- there is one-year period of time after you
23 leave Town employment in which if this code is
24 adopted, officers and employees will not be able to
25 represent private sector parties -- private parties

1 rather before their own Board or agency.

2 SUPERVISOR VENDITTO: You say
3 represent.

4 Do you mean otherwise be involved with
5 as well? Represent talks to me in terms of you
6 know an attorney, for example.

7 MR. LEVENTHAL: Yes.

8 The term I should have used -- I should
9 have spoke in appearances. The revolving door
10 involves appearances before the Board, before the
11 Town rather. The word "appearance" is broadly
12 defined. It means basically communicate with the
13 Town.

14 SUPERVISOR VENDITTO: Okay.

15 MR. LEVENTHAL: Use of Town resources,
16 there are some very reasonable rules about making
17 personally use of Town resources. It should not be
18 a violation of the Ethics Code for a Town employee
19 to use the Town phone to call and arrange for
20 babysitting or daycare for a child when they are
21 going to be working late. If stopping on your way
22 home for a quart of milk should not be a Ethics
23 Violation if you're returning home in a Town
24 vehicle.

25 But other personal -- other personal

1 uses of Town resources should be prohibited and are
2 prohibited by this code. Nepotism, we live in a
3 post feminist world. It is understandable that two
4 members of a household might be have employment by
5 both known same circle of contacts, might even find
6 themselves employed by the same municipality in
7 this case the Town of Oyster Bay. There is nothing
8 wrong with that.

9 The problem arises when one member of
10 the family has the ability to hire or fire or
11 supervise another; by supervise, I mean directly
12 supervise.

13 Provided that the superior spouse;
14 meaning, that only in the employment sense of the
15 word, doesn't exercise any authority over the
16 subordinate spouse that should not be and is not a
17 violation of the Code, but the opposite set of
18 facts would be.

19 Political solicitations of subordinates
20 is prohibited. To use your government position to
21 either reward or punish a subordinate for either
22 engaging in a political act or refraining from
23 engaging in a political act would be a violation of
24 this code as would personal use or disclosure or
25 confidential information.

1 Here is another area in which this code
2 not only is a dramatic improvement over the prior
3 code, but also is a dramatic improvement over State
4 law, the rule against gifts, soliciting or
5 accepting gifts that appears in Article 18 in the
6 General Municipal Law is a terrible rule. It's
7 very vague. It's very unclear.

8 This code is far more clear. You may
9 not solicit a gift of any amount from a person who
10 has done business with the Town in the past two
11 years. The reason for that absolute prohibition is
12 if you're going to ask for the gift, then you
13 should make sure that that is not someone who has
14 done business with the Town.

15 The rule against accepting gifts is a
16 little bit different. You may not accept a gift,
17 that is a gift where you not asked for it, you may
18 not accept a give gift from someone you know or
19 have reason to know has done with business with
20 Town during that period of time. That's the much
21 clearer standard than the one that is currently
22 State Law.

23 Inducement of others, as I said
24 earlier, in context of independent contractors, but
25 also in the context of officers or employees of the

1 Town, it's prohibited. I spoke already briefly
2 about disclosure and about some of the dramatic
3 changes made in the role of Board of Ethics. I
4 would like just finish I think before I answer any
5 questions the Board may have.

6 I'd like to just finish by saying,
7 really we should think of the Ethics Program as a
8 program of education. The Board of Ethics should
9 be involved in assisting this Board in getting the
10 message out and developing training materials and
11 training programs in making itself available to
12 answer questions, render advisory opinions.

13 Now, another important concept when it
14 comes to advisory opinion in the area of ethics is
15 that they are confidential. They should be
16 confidential. Why? The reason is that if people's
17 ethics inquiries, if their request for advice is
18 not confidential, they won't seek advice and we
19 want them to seek advice. We want them to know
20 what their obligations are. So that because we
21 believe them to be honest. And we want to educate
22 them and help them know what their obligations are.

23 I'm sorry I violated the rule on time
24 limitation, but I'd be glad to answer any questions
25 that any member of the Board may have.

1 COUNCILMAN PINTO: Can you give example
2 or clarify when talking a Town contractor -- I just
3 need some sort of examples to understand it better.
4 I don't understand what you're saying.

5 MR. LEVENTHAL: If I am an engineering
6 firm -- and I don't mean to pick on engineering
7 firms. I'm only using that as a hypothetical
8 example.

9 If I'm an engineering firm providing
10 services to the Town and I also have a private
11 clients who have an application before the Town, I
12 shouldn't use the access that I have to Town
13 officers and employees to advance the interest of
14 my other private clients.

15 COUNCILMAN PINTO: Got you.

16 MR. LEVENTHAL: Thank you very much.
17 I appreciate this opportunity.

18 SUPERVISOR VENDITTO: Before you go
19 away Steve, not sure how to say this without
20 sounding I don't know, corny. I've been sitting on
21 this Board for close to 30 years now and I don't
22 think I've seen a finer, clearer presentation than
23 I just heard.

24 We were all very silent through it as
25 you can tell. I would just like to know from you,

1 are you going to be available to us as an ongoing
2 resource because it certainly seems to me that the
3 implementation of this is a lot more than the Board
4 of Ethics convening and okay everybody send their
5 complaints, here we are. I think the communication
6 or what has to go out into the workplace, what the
7 men and women who are Town officials, Town
8 employees as the case maybe.

9 The degree to which they must be
10 informed -- all of us starting from this town Board
11 down the line seems to be pretty extensive. We
12 might not always know how to go about doing that.
13 You just can't give everybody a copy of the Code
14 and say, read this.

15 I'm thinking that, yes, you have a
16 pamphlet which is very helpful. I'm thinking maybe
17 you need to do seminars which have to be conducted
18 perhaps by someone like yourself and then whatever
19 other methods there are of creating awareness. I
20 would like to know you're going to continue to be
21 available to us.

22 MR. LEVENTHAL: I would be honored.

23 SUPERVISOR VENDITTO: Even though you
24 are the draftsman. I'm not asking from a business
25 standpoint, but even though you're the draftsman of

1 the Code, that wouldn't preclude you from doing
2 anything or continue together work with us?

3 MR. LEVENTHAL: It would not.

4 Thank you.

5 SUPERVISOR VENDITTO: That's a good
6 thing to know.

7 Any questions for Mr. Leventhal?

8 COUNCILMAN MACAGNONE: I just want to
9 comment I do agree with you on the education. It's
10 totally lacking and I think it would be a great
11 help.

12 MR. LEVENTHAL: Thank you.

13 SUPERVISOR VENDITTO: Thank you, Steve.

14 (Time noted: 11:30 p.m.)

15 SUPERVISOR VENDITTO: Robert Ripp?

16 MR. RIPP: Hello again.

17 Robert Ripp from Massapequa.

18 I wanted to say that I agree with
19 Mr. Leventhal that the primary function of the
20 Ethics Board is not to answer complaints but to be
21 used for Advisory Board. However, the Nassau
22 County District Attorney does not enforce Ethics
23 Violations. They only enforce crimes. If a person
24 has a complaint of Ethics Violation, it has to go
25 to the Board.

1 Financial disclosures Mr. Leventhal
2 touched on, I agree wholeheartedly with everything
3 he says. The problem here with Oyster Bay is you
4 refuse to provide the financial disclosures to the
5 public. I foiled them. The press Newsday foiled
6 them. You don't want to give anybody financial
7 disclosures.

8 Incompatible positions. Step number
9 one, in my opinion, would be disassembling the
10 current Ethics Board and hiring a new Ethics Board
11 that can perform the job correctly. I think
12 Mr. Leventhal will agree that the current members
13 of the Board, John Nagy, who is involved with the
14 Civil Service Disciplinary Hearings; Frank
15 Destefano, who is a Former Commissioner of Planning
16 Development; Jeff Elrich is a Town Attorney;
17 Leonard Genova who is not only the Town Attorney,
18 but the Deputy Town Supervisor; James Preston, I'm
19 really not sure. I know Mr. Preston is an attorney
20 here in Syosset. My personal opinion for him to
21 remain on the Board with the conflict of interest
22 with everybody else on the Board, I think he
23 deserves to be removed also.

24 I'm at a loss because this Board is at
25 your design. I have the Resolutions with me.

1 For instance, Mr. Supervisor, you put
2 Mr. Genova up for his position on the Ethics Board.
3 I don't know what you people are thinking when you
4 do something like that.

5 Other the last period of like a year,
6 I've been coming up here repeatedly because, in my
7 personal opinion, you have rules, make rules, but
8 you don't follow your own rules. Whether it's the
9 same Code Enforcement, people violating the rules
10 that they're enforcing, whether it's selective
11 enforcing on your five-minute rule who gets to
12 speak as long as you want, you do whatever you want
13 because you don't have any accountability.

14 Over the last year, it has been the
15 most turmoiled time in the Town of Oyster Bay
16 history. You can benefit greatly from an Ethics
17 Board. You've got outside counsel. To where you
18 indemnify people that -- in my opinion, you're
19 violating your own Town Code. There are all sorts
20 of stuff going on and there is nobody to tell you
21 to give you guidance because you don't want anybody
22 to give you guidance.

23 I think the first thing Mr. Leventhal
24 should do, step number one, would be to work on
25 getting some public input on who should be on our

1 Ethics Board and have some accountability.

2 Just in closing, I'd just like to say,
3 Mr. Leventhal, I actually have two Ethics
4 complaints in. One is over a year. I'd like to
5 read a letter from Mr. Leventhal to me dated
6 December 18, 2015.

7 It says, "Dear Mr. Ripp, This is
8 written in my capacity as counsel for the Town of
9 Oyster Bay Ethics Board to acknowledge receipt of
10 your letter dated November 23, 2015 addressed to
11 Chairman John Hayne.

12 "The Board of ethics will consider the
13 contents of your letter and determine what action,
14 if any, is warranted. You will advised of the
15 board's determination.

16 "Very truly yours, Steven Leventhal."

17 Mr. Leventhal, I don't believe you have
18 any intention of answering this letter.

19 Thank you for your time.

20 SUPERVISOR VENDITTO: Rob, thank you
21 very much.

22 As always, we'll take whatever you tell
23 us under advisement.

24 Paul Molinari?

25 MR. MOLINARI: Good morning.

1 Once again, I don't know if my voice is
2 going to hold up.

3 SUPERVISOR VENDITTO: Give it your best
4 shot.

5 MR. MOLINARI: I've had the opportunity
6 to review the proposed access code. I support it.
7 It has many positive aspects in it. One thing that
8 is really needed is that even though he says it's
9 not written by an attorney, I think it is written
10 by an attorney. You do need to educate your -- the
11 Town employees on -- in that clear develop plain
12 language guide is definitely needed.

13 I worked in the Federal Government. I
14 can't tell you how many Ethics courses I had to go
15 to as a Manager. It's the same thing. It's was
16 always not very clear.

17 If you have a clear guide saying this
18 is what your employees can do, and what they can't
19 do, it will be a benefit of everybody.

20 As I said, there are many good things
21 in there. Limitations aren't gifts. The Board is
22 to develop the guide, educate the employees within
23 six months of adoption. That's critical.
24 Otherwise, people won't understand what is required
25 of them.

1 I just had a couple of recommendations
2 in reviewing it. One of them is on the definition
3 of relatives. I think it should include
4 significant other. Also, it should be
5 definition -- unless it's somewhere else, consider
6 members of the household. It's not defined. I
7 couldn't find it.

8 Section 30-10C has a prohibition in
9 there which seems goes on forever. I think there
10 should be a time limit; maximum, five years. There
11 are other prohibitions in there, that say
12 Commissioner of Public Works and I retire, I can't
13 come before the Board for at least a year if I was
14 personally involved in a certain decision.

15 There are other things there were --
16 there is one section that seems to go on forever
17 unless a person comes before the Board and gets
18 clearance or maybe I would recommend a time limit
19 of five years.

20 I would also recommend that the Board
21 develop a Town of Code Ethics not like it is right
22 now. You know, but more or less, like a policy
23 statement emphasizing good qualities that's needed
24 in Ethics.

25 Such as, I came before the Board once

1 talking about the Engineer's Code of Ethics. If
2 you have a statement in there that's a good
3 quality, such as integrity, honesty,
4 responsibility, loyalty, self-discipline, I think
5 the Board should develop something like that which
6 would be out in front in plain English, a guide.

7 Thank you for the opportunity to
8 address the Board.

9 SUPERVISOR VENDITTO: Paul, before you
10 go away, I could have misunderstood Mr. Leventhal,
11 but I thought he acknowledged he was the draftsman
12 and he's an attorney and, therefore, it was written
13 by an attorney, but I think what he was telling us
14 was he did his best to not make it sound like
15 legalese.

16 MR. MOLINARI: I understand that.

17 SUPERVISOR VENDITTO: Also, I thought I
18 saw somebody can help me. I thought I saw in
19 nepotism provision a reference to household.

20 Did I not read this correctly?

21 MR. MOLINARI: There it says member of
22 a household, but it's not defined.

23 MR. LEVENTHAL: Right. The term
24 "relative" is a defined term.

25 SUPERVISOR VENDITTO: I saw.

1 MR. LEVENTHAL: Yes.

2 SUPERVISOR VENDITTO: So you still take
3 the comments under advisement?

4 MR. LEVENTHAL: Yes.

5 SUPERVISOR VENDITTO: I assume you made
6 notes.

7 MR. LEVENTHAL: I did.

8 SUPERVISOR VENDITTO: Paul, thank you,
9 sir.

10 COUNCILMAN COSCHIGNANO: I think
11 Mr. Leventhal stated it, but I'm under the
12 impression, and I don't know what the other Board
13 members think, that a new Board will be
14 constituted. It seemed like a question that came
15 up.

16 SUPERVISOR VENDITTO: I don't know how
17 it is --

18 COUNCILMAN COSCHIGNANO: Under the new
19 Board, will be constituted with new staggered
20 terms.

21 SUPERVISOR VENDITTO: Yes. I think
22 it's abundantly clear when you read the new
23 proposal that's before us, it not only talks about
24 constituting a new Board, but it specifically -- I
25 think Mr. Leventhal said this in his remarks, he

1 referred to the bipartisan nature and it's the
2 expression of the Board you cannot have more than
3 two persons of similar political thought, I guess
4 by registration.

5 For example, you can't have more than
6 two Democrats, two Republicans, two -- it's a
7 five-member Board and an entirely new Board.

8 COUNCILMAN COSCHIGNANO: Piecing
9 together the now comments, it will be a new Board.

10 SUPERVISOR VENDITTO: Yes, absolutely.

11 COUNCILMAN COSCHIGNANO: That was my
12 understanding also.

13 SUPERVISOR VENDITTO: You have to
14 remember, while the gentleman is making his way,
15 maybe Steve can help me out with this.

16 Over the past few years, I think quite
17 a number of municipalities on Long Island went
18 through that, can process that we are going through
19 now -- I think the District Attorney of Nassau
20 County, if I'm remembering correctly admonished all
21 municipalities from the Water Districts, the School
22 Districts to the Towns and Villages and the County
23 what have you, because whatever the reason was, I'm
24 not going to -- I don't even know actually. The
25 Boards in many municipalities were dormant for

1 quite a long period of time and then suddenly
2 complaints arose and everybody got caught kind of
3 short.

4 I think you said Huntington just within
5 the past year of as well, and it's happening in
6 other towns. That's what brought us here tonight.

7 Sir, please identify yourself.

8 MR. BRUMMEL: My name is Richard
9 Brummel. I am not a resident of the Town of Oyster
10 Bay.

11 SUPERVISOR VENDITTO: I know who are.

12 MR. BRUMMEL: I'm intruding on your
13 personnel.

14 SUPERVISOR VENDITTO: You're always
15 welcome.

16 MR. BRUMMEL: Because I'm here on a
17 matter that is a matter that relates to the Town of
18 Oyster Bay and its residents.

19 I waited four hours to present a
20 petition regarding concerns of Country Pointe. I
21 think Country Pointe is point -- an issue about the
22 Ethics and something that occurs to me that the
23 Ethics part -- are couched in a negative sense in
24 what not to do. And what I think what needs to be
25 done -- what's really missing; I mean, a Member of

1 your Board or public official can avoid all the
2 Ethics problems and still not do the job that
3 citizens require and that the job requires and the
4 Ethics to me, the purpose -- the purpose of your
5 role is not to avoid ethical violations, but rather
6 it's to exalt public interest.

7 If anything, the Ethics Code should say
8 that the main purpose, and if you're looking at
9 that specific subject exalting the public interest
10 in all respects, then you're really going to have
11 an easy time avoiding Ethical Violations. It just
12 all falls into place if your purpose in being a
13 public official is exalting public interest.

14 Just a lot of examples have occurred
15 tonight where when it comes to food establishment
16 or gaming whatever -- you're hearing from plumbers
17 that like it because it creates jobs and carpenters
18 like it because it creates jobs, but your real job
19 here is not to do something that benefits specific
20 clicks or specific interests, but rather it
21 benefits the public interest as a whole. Is it
22 good for the community? Is it good for the
23 environment? Is it good for the future of the
24 community? Is it good for how people can live, the
25 quality of life?

1 Those are the issues that in your
2 discussions of specific -- it's sort -- where the
3 Ethics thing fails, fails the test that I'm
4 presenting that in the discussion of your -- of
5 these applications and it took up two, three hours
6 there was never really a sense -- how many cars --
7 there is no sense how does it affect the quality of
8 life as a whole of the community.

9 It's good for jobs. It's good for
10 taxpayers, this and that. The quality of life --
11 if anything, our community curating on Long Island
12 because this is good for the taxpayers and that's
13 good for senior citizens and this is good -- in the
14 meantime, we are destroying the quality of life,
15 the ability to live here, the fresh air, the space,
16 et cetera.

17 So, I mean I'm throwing something out
18 to you because my main concern about what the
19 government needs to do is protect the environment.
20 It always seems to be losing because rather than
21 saying we have to protect the air that we breathe,
22 we have more responsibility to the animals. I
23 mean, the Pope was talking about these things. We
24 are destroying the planet because we have global
25 warming. Okay. When you have eight car idling at

1 a drive-thru window is creating a lot of pollution.

2 There are is -- in the public domain --
3 I know in Europe a lot -- there's a lot of talk of
4 not having drive-thru windows. There are
5 communities that ban drive-thru windows because
6 it's destroying the environment. Okay. I didn't
7 want to stand up and comment on that during that
8 application. I didn't know you would have the
9 Ethics discussion, but as I said, it's none of my
10 business -- not none of my business, but, as I say,
11 it's all about climate and these idling cars are
12 destroying the planet and cutting down the woods is
13 destroying the planet, et cetera. It is my
14 business, but it all comes together. All these
15 things are interrelated.

16 The problem is when we're looking at
17 the issues -- this Starbucks and this gaming
18 thing -- we're not looking at the overall picture.
19 I'm looking at the overall picture because
20 everything we do affects the environment.

21 Now, all the chickens are coming home
22 to roost and you only have to drive around Long
23 Island to see that that chicken can't move here
24 anymore because we've done so much. We overbuilt
25 so much, et cetera.

1 (Alarm rings.)

2 Good system. I feel I've been going on
3 too long. In other words, the bottom line is your
4 job is to exalt the public interest and to look out
5 for the future and the planet and the wellbeing of
6 your community.

7 The Ethics thing, you know, it should
8 also reflect that and that really helps thing to
9 clarify your conduct.

10 SUPERVISOR VENDITTO: Thank, Richard.

11 As I told Mr. Ripp, we'll certainly
12 take what you said under advisement.

13 Thank you.

14 Did you want to present that petition?
15 Do you want to just hand it in?

16 MR. BRUMMEL: I will stick around.

17 SUPERVISOR VENDITTO: Mr. Altadonna?

18 MR. ALTADONNA: We have affidavits of
19 postings and publication. There is no other
20 correspondence.

21 SUPERVISOR VENDITTO: Mr. Muscarella.

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

25 COUNCILMAN MACAGNONE: Seconded.

1 SUPERVISOR VENDITTO: All in favor.

2 ALL: Aye.

3 SUPERVISOR VENDITTO: Opposed?

4 (No response.)

5 SUPERVISOR VENDITTO: So moved.

6 COUNCILMAN MUSCARELLA: Supervisor, I
7 make a motion that this Town Board go to Executive
8 Session regarding the matter leading to the
9 appointment or promotion of particular persons.

10 COUNCILMAN MACAGNONE: Seconded.

11 SUPERVISOR VENDITTO: All in favor.

12 ALL: Aye.

13 SUPERVISOR VENDITTO: Opposed?

14 (No response.)

15 SUPERVISOR VENDITTO: So moved.

16 We will be back.

17 (Time noted: 11:48 p.m.)

18 (Whereupon, the Executive Session began
19 at this time and ended at 12:30 a.m.)

20 SUPERVISOR VENDITTO: Ladies and
21 gentlemen, if everyone will find seats.

22 Mr. Muscarella?

23 COUNCILMAN MUSCARELLA: Supervisor,
24 I'll close the Executive Session. No action was
25 taken by the Board.

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COUNCILMAN MACAGNONE: Seconded.
SUPERVISOR VENDITTO: All in favor?
ALL: "Aye."
SUPERVISOR VENDITTO: Opposed?
(No response.)
SUPERVISOR VENDITTO: So moved.
(Time noted: 12:30 a.m.)

TOWN OF OYSTER BAY
TOWN BOARD
ACTION CALENDAR
June 21, 2016
12:31 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
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, SPECIAL COUNSEL/
DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
DIANE SMITH, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

JUNE MASCIA, DEPUTY COMMISSIONER, DEPARTMENT OF
GENERAL SERVICES
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
KEVIN HANIFAN, COMMISSIONER, DEPARTMENT OF HIGHWAY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
TIMOTHY ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
ROBERT DARIENZO, DIRECTOR OF FINANCE
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES

1 (Time noted: 12:31 a.m.)

2 (Whereupon, this meeting was reported
3 by Yvonne Angeles as follows:)

4 SUPERVISOR VENDITTO: We will proceed
5 with the call of the Regular Action Calendar.

6 MR. ALTADONNA: May I have a motion to
7 adopt Resolution No. TF-11-16?

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

12 COUNCILMAN MUSCARELLA: So moved.

13 COUNCILMAN MACAGNONE: Seconded.

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

17 We have a speaker.

18 SUPERVISOR VENDITTO: We have a speaker
19 on TF-11-16 and it is Robert Ripp.

20 MR. RIPP: Robert Ripp. I'm from
21 Massapequa.

22 I just have the memorandum docket for
23 this Proposal Resolution and I noticed one is
24 transferring \$25,000 from over expenses into
25 support of services, contractual.

1 It says this transfer is respectfully
2 requested for the salary reimbursement for the
3 community and development program, and the second
4 memorandum docket shows \$70,000 being transferred
5 from salaries seasonal to salaries regular, and
6 \$80,000 is being transferred from classroom
7 training to salary regular.

8 I'd just like to know if these are
9 normal type of adjustments that you always make or
10 are you actually transferring this money from
11 department to department to make payroll?

12 SUPERVISOR VENDITTO: I don't know. We
13 are going to need -- by the way, these are not
14 abnormal. The reason these particular ones were
15 done -- I don't know if I can say -- can anybody
16 help?

17 MR. GENOVA: He left.

18 SUPERVISOR VENDITTO: Who left? We
19 need Rob or Bob.

20 MR. GENOVA: Rob is not here, nor is
21 Bob.

22 SUPERVISOR VENDITTO: Can you call him?
23 Robert, can you hang on?

24 MR. RIPP: Thank you very much.

25 SUPERVISOR VENDITTO: Give him a call

1 and find out what specifically -- I don't even
2 have -- I do have it. I'm sorry. You don't know
3 what the underlying impetus is for it.

4 MR. GENOVA: Bob is away, I think.

5 SUPERVISOR VENDITTO: See if you can
6 get Rob.

7 MR. GENOVA: Okay.

8 MR. SABELLICO: Supervisor, I was able
9 to speak to Bob Darienzo. These are all federal
10 monies, a grant program and these are normal
11 allocations that are made throughout the year
12 because when the budget is first made, they make an
13 allowance for allocations over the course of the
14 year. It's not a problem of not being able to make
15 payroll.

16 SUPERVISOR VENDITTO: Robert, did you
17 hear that?

18 MR. RIPP: Yes, thank you very much.

19 SUPERVISOR VENDITTO: Continue.

20 MR. ALTADONNA: On the vote, Supervisor
21 Venditto?

22 SUPERVISOR VENDITTO: I vote "Aye."

23 MR. ALTADONNA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: "Aye."

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: "Aye."

2 MR. ALTADONNA: Councilman Coschignano?

3 COUNCILMAN COSCHIGNANO: "Aye."

4 MR. ALTADONNA: Councilman Pinto?

5 COUNCILMAN PINTO: "Aye."

6 MR. ALTADONNA: Councilwoman Alesia?

7 COUNCILWOMAN ALESIA: "Aye."

8 MR. ALTADONNA: Councilwoman Johnson?

9 COUNCILWOMAN JOHNSON: "Aye."

10 MR. ALTADONNA: Motion to adopt

11 Resolution No. TF-11-16 passes with seven "Ayes."

12 May I have a motion to adopt Resolution

13 Nos. 305-2016 through 335-2016?

14 Resolution No. 305-2016; Resolution

15 authorizing the Department of Community & Youth

16 Services to obtain an explosives permit from Nassau

17 County for the fireworks display which is part of

18 the Salute to America program scheduled to be held

19 on July 12, 2016 at John J. Burns Town Park and to

20 authorize the Town Clerk to waive fees for the

21 explosives permit required by the Town. Account

22 No. CYS A 7020 41800 000 0000. (M.D. 5/31/16 #4).

23 Resolution No. 306-2016; Resolution

24 granting request from Ethel Meade to donate a tree

25 and accompanying plaque to be placed in Marjorie R.

1 Post Community Park in memory of Lillian Lanzafame.
2 (M.D. 5/31/16 #5).

3 Resolution No. 307-2016; Resolution
4 authorizing the property cleanup of 27 Hart Street,
5 Farmingdale, NY be referred to the County of Nassau
6 for placement on the Nassau County Tax Assessment
7 Rolls. (M.D. 5/31/16 #17).

8 Resolution No. 308-2016; Resolution
9 authorizing the property cleanup of 226 North Oak
10 Street, North Massapequa, NY, which was performed
11 on August 19, 2015, be referred to the County of
12 Nassau for placement on the Nassau County Tax
13 Assessment Rolls. (M.D. 5/31/16 #18).

14 Resolution No. 309-2016; Resolution
15 authorizing the property cleanup of 13 Jefferson
16 Place, Massapequa, NY be referred to Nassau County
17 for placement on the Nassau County Tax Assessment
18 Rolls. (M.D. 5/31/16 #19).

19 Resolution No. 310-2016; Resolution
20 authorizing the property cleanup of 22 Eagle Lane,
21 Farmingdale, NY be referred to Nassau County for
22 placement on the Nassau County Tax Assessment
23 Rolls. (M.D. 5/31/16 #20).

24 Resolution No. 311-2016; Resolution
25 authorizing the issuance of a refund of a boat slip

1 fee at the Harry Tappen Marina to T. DeStio.
2 Account No. PKS A 0001 02025 526 0000. (M.D.
3 5/31/16 #8).

4 Resolution No. 312-2016; Resolution
5 authorizing the implementation of hours of
6 operation for Town Beaches and Parks, and to
7 authorize the Commissioner of the Parks Department
8 to close or extend operating hours of a park, beach
9 or other parks facilities for emergencies or other
10 matters that may pose a risk to residents. (M.D.
11 5/31/16 #6).

12 Resolution No. 313-2016; Resolution
13 authorizing the Town of Oyster Bay Pool Fee
14 schedule for 2016. (M.D. 5/31/16 #7).

15 Resolution No. 314-2016; Resolution
16 authorizing the issuance of a refund of the fee for
17 Yoga Class registration at the Hicksville Athletic
18 Center, to J. Arnold. Account No. PKS A 0001 02001
19 510 0000. (M.D. 5/31/16 #9).

20 Resolution No. 315-2016; Resolution
21 authorizing the issuance of a refund of a building
22 permit fee to M. & D. Wiseltier. Account No. PAD B
23 0010 2555 000 0000. (M.D. 5/31/16 #13).

24 Resolution No. 316-2016; Resolution
25 directing the Town Clerk to publish a Notice of

1 Application in connection with the application of
2 William E. Allison, to erect, maintain, improve
3 and/or repair a dock float, bulkhead or other
4 mooring at 310 Bay Drive, Massapequa, NY. (M.D.
5 5/31/16 #14).

6 Resolution No. 317-2016; Resolution
7 directing the Town Clerk to publish a Notice of
8 Application in connection with the application of
9 Glenn J. Adkins, to erect, maintain, improve and/or
10 repair a dock float, bulkhead or other mooring at
11 139 Forest Avenue, Massapequa, NY. (M.D. 5/31/16
12 #15).

13 Resolution No. 318-2016; Resolution
14 authorizing the property cleanup of 167 North
15 Queens Avenue, North Massapequa, NY be referred to
16 Nassau County for placement on the Nassau County
17 Tax Assessment Rolls. (M.D. 5/31/16 #21).

18 Resolution No. 319-2016; Resolution
19 authorizing the property cleanup of 165 Willfred
20 Boulevard, Hicksville, NY be referred to Nassau
21 County for placement on the Nassau County Tax
22 Assessment Rolls. (M.D. 5/31/16 #22).

23 Resolution No. 320-2016; Resolution
24 authorizing the property cleanup of 226 North Oak
25 Street, North Massapequa, NY, which was performed

1 on October 14, 2015, be referred to Nassau County
2 for placement on the Nassau County Tax Assessment
3 Rolls. (M.D. 5/31/16 #23).

4 Resolution No. 321-2016; Resolution
5 authorizing the issuance of a refund of a duplicate
6 parking permit issued to H. Sharma. Account No.
7 HWY ST 0001 01721 000 0000. (M.D. 5/31/16 #24).

8 Resolution No. 322-2016; Resolution
9 authorizing the issuance of a refund of a parking
10 permit fee to A. Tyrie. Account No. HWY ST 0001
11 01721 000 0000. (M.D. 5/31/16 #25).

12 Resolution No. 323-2016; Resolution
13 authorizing payment of Court Mandated Court
14 Reporters. Account No. OTA A 1420 44110 604 0000.
15 (M.D.6/7/16 #21).

16 Resolution No. 324-2016; Resolution
17 authorizing acceptance of the design and entrance
18 into the bid and construction phases of Contract
19 No. H16-138, Roadway and Drainage Improvements at
20 The Knolls and The Maples, Locust Valley, NY.
21 (M.D. 6/7/16 #27).

22 Resolution No. 325-2016; Resolution
23 authorizing the property cleanup of 132 Gardner
24 Avenue, Hicksville, NY, be referred to Nassau
25 County for placement on the Nassau County Tax

1 Assessment Rolls. (M.D. 6/7/16 #22).

2 Resolution No. 326-2016; Resolution
3 authorizing the cost of boarding-up 167 North
4 Queens Avenue, North Massapequa, NY, be referred to
5 Nassau County for placement on the Nassau County
6 Tax Assessment Rolls. (M.D. 6/7/16 #23).

7 Resolution No. 327-2016; Resolution
8 granting request from Debra LoGiudice to donate a
9 bench and accompanying plaque to be placed in
10 Marjorie R. Post Community Park in memory of
11 Timothy Mulligan. (M.D. 6/7/16 #12).

12 Resolution No. 328-2016; Resolution
13 authorizing the renewal of membership in the
14 New York Association of Training and Employment
15 Professionals Division of Employment and Training
16 Membership. Account No. IGA CD 6293 47900 000
17 CW15. (M.D. 6/7/16 #19).

18 Resolution No. 329-2016; Resolution
19 authorizing the property cleanup of 79 Lambert
20 Avenue, Farmingdale, NY, be referred to Nassau
21 County for placement on the Nassau County Tax
22 Assessment Rolls. (M.D. 6/7/16 #25).

23 Resolution No. 330-2016; Resolution
24 authorizing a one-year extension of the
25 Contractors' Equipment Coverage/Rolling Stock

1 Insurance for the period February 1, 2016 through
2 January 31, 2017. Account No. TWN AMS 1910 43020
3 601 0000 000. (M.D. 6/7/16 #26).

4 Resolution No. 331-2016; Resolution
5 pertaining to Contract No. PWC06-16, On-Call
6 Engineering Services relative to Contract
7 Administration. Account No. HWY H 5197 20000 000
8 1503 008. (M.D. 6/7/16 #28).

9 Resolution No. 332-2016; Resolution
10 pertaining to Contract No. PWC16-16, On-Call
11 Engineering Services relative to Multi-Discipline
12 Project, Animal Shelter Relocation Design Services.
13 Account No. DPW H 1997 20000 000 1501 001. (M.D.
14 6/7/16 #29).

15 Resolution No. 333-2016; Resolution
16 authorizing bid and construction phases of Contract
17 No. HRR16-140, Requirements Contract for Road
18 Restoration throughout the Town of Oyster Bay.
19 (M.D. 6/7/16 #30).

20 Resolution No. 334-2016; Resolution
21 pertaining to Contract No. PWC28-16, On-Call
22 Engineering Services relative to Emission Sampling
23 at Old Bethpage Landfill. Account No. DER SR05
24 8160 44800 000 0000. (M.D. 6/7/16 #31).

25 Resolution No. 335-2016; Resolution

1 Pertaining to Contract No. PWC27-16, On-Call
2 Engineering Services and the use of sub-consultants
3 relative to Old Bethpage Landfill Groundwater
4 Monitoring and Hydraulic modeling. Account No. DER
5 SR05 8160 44800 000 0000. (M.D. 6/7/16 #32 &
6 6/14/16 #22).

7 On the motion?

8 COUNCILMAN MUSCARELLA: So moved.

9 COUNCILMAN MACAGNONE: Seconded.

10 MR. ALTADONNA: Motion made by
11 Councilman Muscarella, seconded by Councilman
12 Macagnone.

13 Supervisor, you have speakers on 326,
14 331, 332, 333, 334.

15 SUPERVISOR VENDITTO: Give me the
16 starting and end numbers again.

17 MR. ALTADONNA: 305 through 335.

18 SUPERVISOR VENDITTO: All right.

19 I have Bob Freier. Bob Freier is gone?
20 Robert, it's you.

21 MR. ALTADONNA: 336, we are going to
22 table.

23 SUPERVISOR VENDITTO: Just so you know,
24 Rob, 336 is being tabled.

25 MR. RIPP: Okay. I'm not sure about

1 the exact Resolution No., but I'm here again about
2 the zombie house cleanups.

3 A couple of days ago there was a really
4 good article by Joy Brown in Newsday. It's Long
5 Island Zombie Homes to Kept at bay. What the --
6 that article is explaining that -- I discussed this
7 earlier with you, but the State has recently --
8 actually, just over the weekend passed a new
9 measure.

10 For the first time, the State will have
11 a comprehensive directory of what the zombie houses
12 are and where they are. The legislation also
13 created a toll-free number for residents to report
14 when zombies begin showing up in their
15 neighborhoods.

16 In addition, the bill has the effect
17 that chaining zombies to assure lease by expediting
18 foreclosure procedures in state courts. The bill
19 also requires banks and other entities to maintain
20 the properties in the foreclosure process.

21 Just a little bit of information on
22 this. Last month Hempstead passed a measure which
23 require banks and lenders to post prior \$25,000
24 security deposit each time a home in the Town falls
25 into foreclosure. One of such requirements of

1 banks in Long Island. Town of Hempstead following
2 (unintelligible) provision covering abandoned
3 commercial homes.

4 You know, I really feel strongly -- we
5 discussed it a number of times. I really feel
6 strongly that there's a better way that the Town
7 can be handling the cleanups. I'm not arguing that
8 they need to be cleaned up or anything. I just
9 want bring to your attention -- you know, I spent
10 some time speaking with the Assessor's Office and
11 the actual Treasurer of Nassau County. I sent them
12 an e-mail and I received some replies.

13 From the Comptroller, I got -- I
14 questioned them on how we are being reimbursed on
15 these properties because it's been explained to me
16 by Mr. McEvoy a number of times that the Town gets
17 the money every February. Right. The Town does
18 not get the money for these cleanups. I got an
19 e-mail from the Comptroller that says in order to
20 obtain the explanation of the process by which
21 Nassau County reimburses the Town of Oyster Bay for
22 the cost of derelict properties, I forwarded your
23 inquiry to the Office of the County Treasurer.
24 This is something, we do not handle in the
25 Comptroller's Office. The response which I

1 received from Andrew Casillio of the Treasurer's
2 Office, Mr. Casillio says, I understand how these
3 things go. This needs to be brought to the
4 Assessment Department for the Resolution levied
5 against the parcel as part of the next tax bill.
6 The Town will be reimbursed once the tax bill is
7 paid either by the taxpayer or by our
8 (unintelligible) the collection will be delinquent.
9 I thought I got a second follow-up e-mail from
10 Beaumont Jefferson who is the Nassau County
11 Treasurer.

12 It said, "Dear Mr. Ripp, In response to
13 your question, does the County reimburse the Town
14 of Oyster Bay for any cost placed against the taxes
15 of an individual's property before that property is
16 tax bill is paid, and the answer is no."

17 So, I mean, it does not matter what --
18 if you want to listen to my information or how it's
19 received, but the fact of the matter is that
20 cleanups were being done, the money is being placed
21 against the outstanding property tax and until
22 those properties are sold, the Town does not see a
23 dime of that money. I don't want to argue with it.
24 I just read you the e-mails from the treasurer.

25 Whether or not -- even so, whether or

1 not, there's an actual accountability of what money
2 is being received and everything, there's still a
3 better way to do it. There's no reason that the
4 municipality should be laying out the money.

5 MR. STEFANICH: Mr. Supervisor, I can
6 answer that question. The Town does get the money
7 when the tax bill is paid.

8 MR. RIPP: I agree with you, but this
9 is the problem, Mr. Stefanich, the majority of the
10 properties are in arrears for years. They're
11 vacant properties.

12 MR. STEFANICH: No.

13 MR. RIPP: Yes, yes.

14 MR. STEFANICH: It's not the majority.

15 MR. RIPP: I personally looked up over
16 50 properties. Okay, the recent ones over the last
17 year and the vast majority were in tax arrears. I
18 went to the -- to your office, Receiver of Taxes, I
19 asked questions a couple of months ago. I asked,
20 for instance, can you tell me if this specific
21 house, this cleanup was done, have we been
22 reimbursed for this specific cleanup and I was told
23 no, we don't have the facilities to do that.

24 Even if you do, even if -- even if --
25 even if we agree that every February, the County

1 pays the Town or reimburses the Town as much as the
2 cleanups cost for that fiscal year, it's
3 irrelevant.

4 MR. STEFANICH: May I explain how the
5 process works to you?

6 MR. RIPP: Sure.

7 MR. STEFANICH: What happens is, if the
8 cleanup is performed, the Town does the cleanup.
9 It then goes to the Town Attorney's Office and they
10 process a lien against the property for payment.
11 It goes on the next tax bill. When that tax bill
12 is paid, the money is collected for that cleanup.
13 The only time that we don't get the money at that
14 point is, if it's not paid, then it goes to the
15 County and the County gives us the money.

16 MR. RIPP: I understand what you're
17 saying, but according to the County -- I'm telling
18 you what they told me. The County told me that
19 they don't give anything until the property is
20 paid.

21 Again, we can disagree on that. That
22 point is no longer relevant. There's a better way
23 to do this where we won't have to put any money out
24 at all. The banks will be responsible from the
25 very beginning.

1 When the property goes into
2 foreclosure, the bank is required to put a \$25,000
3 bond up and that's what's being used to pay for
4 these cleanups.

5 SUPERVISOR VENDITTO: I think now -- I
6 think Mr. Stefanich made it clear that we are
7 getting the money as we are rightfully entitled to.
8 You're saying to us now that maybe there's a better
9 way to do it and will take a look at it.

10 MR. RIPP: Thank you.

11 You want me to go into the next
12 Resolution?

13 SUPERVISOR VENDITTO: You are up for
14 326.

15 MR. RIPP: I have 332.

16 SUPERVISOR VENDITTO: Go ahead.

17 MR. RIPP: I've been coming up here for
18 a year, but I didn't know that the Town is going to
19 build a new animal shelter.

20 SUPERVISOR VENDITTO: I think what the
21 Town is looking to do is relocate the current
22 animal shelter.

23 MR. RIPP: I just -- you know, I'm
24 curious with -- with the current financial state
25 and with the Town recently impleting the financial

1 review Board where you are reviewing things, I
2 mean, I understand there's a number of items --
3 there's a number of different issues with the
4 150 Miller Place, we're looking to move, we have
5 spent -- we authorized, I think, \$375,000 to
6 Nassau/Suffolk to do reviews and give consultation
7 on moving DPW. This Resolution, we just spent
8 \$273,000. The money has already been signed over.
9 You're voting on it today, but the money has been
10 paid already.

11 I understand from what I'm reading
12 here, did you survey work and prepare the project
13 to do this -- to build this shelter. I don't know
14 if it might be beneficial -- I don't know if it
15 would be beneficial to the Town to maybe look for a
16 location where they wouldn't have to build
17 something from scratch.

18 But, in any case, I kind of believe
19 that something like this, \$275,000, I don't believe
20 that -- you don't have -- you have this Board that
21 you're reviewing the finances and everything, this
22 task force, but you didn't even have a chance to
23 deal -- you're voting on this, but the money is
24 already done, it's already done, it's already been
25 spent. It's been authorized by one of the

1 Commissioners. I think something like this -- it's
2 a quarter of \$1 million. I think it is something,
3 at this point, in the Town's -- I don't want to say
4 predicament, but in the current situation -- I
5 mean, I think this is something that should be
6 thought about before it's just -- the Board just
7 allocated it.

8 At some time, we may need a new animal
9 shelter, but from what I understand, the title has
10 not changed hands at 150 Miller Place. There's a
11 possibility the deal could fall apart and the
12 animal shelter might stay where it is.

13 I just wanted to bring to your
14 attention that -- with financial task force, I
15 think stuff like this is -- you should maybe have a
16 moratorium on spending until we straighten out --
17 until we get the conclusion of the task force and
18 its -- I don't want to say investigation.

19 SUPERVISOR VENDITTO: Thank you.

20 I don't have any other speaker forms,
21 unless you do.

22 MR. ALTADONNA: We don't.

23 SUPERVISOR VENDITTO: Okay.

24 MR. ALTADONNA: On the vote, Supervisor
25 Venditto?

1 SUPERVISOR VENDITTO: I vote "Aye."
2 MR. ALTADONNA: Councilman Muscarella?
3 COUNCILMAN MUSCARELLA: "Aye."
4 MR. ALTADONNA: Councilman Macagnone?
5 COUNCILMAN MACAGNONE: "Aye."
6 MR. ALTADONNA: Councilman Coschignano?
7 COUNCILMAN COSCHIGNANO: "Aye."
8 MR. ALTADONNA: Councilman Pinto?
9 COUNCILMAN PINTO: "Aye."
10 MR. ALTADONNA: Councilwoman Alesia?
11 COUNCILWOMAN ALESIA: "Aye."
12 MR. ALTADONNA: Councilwoman Johnson?
13 COUNCILWOMAN JOHNSON: "Aye."
14 MR. ALTADONNA: Motion to adopt
15 Resolution Nos. 305-2016 through 335-2016 passes
16 with seven "Ayes."
17 May I have a motion to table
18 Resolution No. 336-16?
19 Resolution No. 336-2016; Resolution
20 authorizing a license agreement for use of a
21 portion of property at Town of Oyster Bay DPW
22 Complex, Syosset, NY for the storage of impounded
23 vehicles, commencing June 22, 2016 through June 21,
24 2018. (M.D. 6/7/16 #36).
25 On the motion?

1 COUNCILMAN MUSCARELLA: So moved.

2 COUNCILMAN MACAGNONE: Seconded.

3 MR. ALTADONNA: Motion made by
4 Councilman Muscarella, seconded by Councilman
5 Macagnone.

6 On the vote, Supervisor Venditto?

7 SUPERVISOR VENDITTO: I vote "Aye."

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: "Aye."

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: "Aye."

12 MR. ALTADONNA: Councilman Coschignano?

13 COUNCILMAN COSCHIGNANO: "Aye."

14 MR. ALTADONNA: Councilman Pinto?

15 COUNCILMAN PINTO: "Aye."

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: "Aye."

18 MR. ALTADONNA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: "Aye."

20 MR. ALTADONNA: Motion to table

21 Resolution No. 336-2016 passes with seven "Ayes."

22 May I have a motion to adopt

23 Resolution Nos. 337-2016 through 344-2016?

24 Resolution No. 337-2016; Resolution

25 pertaining to Contract No. PWC06-16, Syosset

1 Traffic Signal. (M.D. 6/7/16 #33 & 6/13/16 #23).

2 Resolution No. 338-2016; Resolution
3 pertaining to on-call planning services. (M.D.
4 6/7/16 #24 & 6/14/16 #12).

5 Resolution No. 339-2016; Resolution
6 pertaining to Stenographic Services to the Zoning
7 Board of Appeals. (M.D. 6/7/16 #9 & 6/14/16 #11).

8 Resolution No. 340-2016; Resolution
9 pertaining to award of Contract for Summer Camp
10 Program Zoda, LLC d/b/a Mad Science of Long
11 Island. (M.D. 6/7/16 #13 & 6/14/16 #5).

12 Resolution No. 341-2016; Resolution
13 pertaining to award of Contract for Summer Camp
14 Program R.L. Entertainment, LLC. (M.D. 6/7/16 #14
15 & 6/14/16 #6).

16 Resolution No. 342-2016; Resolution
17 pertaining to award of Contract for Summer Camp
18 Program US Sports Institute, Inc. (M.D. 6/7/16 #15
19 & 6/14/16 #7).

20 Resolution No. 343-2016; Resolution
21 directing the Town Clerk to publish a Notice of
22 Hearing regarding a proposed Local Law to amend the
23 Code of the Town of Oyster Bay, New York, Chapter
24 205, Streets and Sidewalks. Hearing date:
25 July 12, 2016. (M.D. 6/7/16 #35).

1 Resolution No. 344-2016; Resolution
2 directing the Town Clerk to publish a Notice of
3 Hearing to consider the application of FORE
4 IMPROVEMENT CORP., fee owner and K&K VENTURES,
5 INC., d/b/a C&B ARCHERY, tenant, for a Special Use
6 Permit to allow premises located at 11 Commercial
7 Street, Hicksville, Town of Oyster Bay, County of
8 Nassau, State of New York and described as Section
9 46, Block Q, Lot 235 on the Land and Tax Map of
10 Nassau County, to be used as an archery center with
11 an accessory retail store. Hearing date:
12 July 26, 2016. (M.D. 6/7/16 #37).

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 We no speakers, Supervisor.

20 On the vote, Supervisor Venditto?

21 SUPERVISOR VENDITTO: I vote "Aye."

22 MR. ALTADONNA: Councilman Muscarella?

23 COUNCILMAN MUSCARELLA: "Aye."

24 MR. ALTADONNA: Councilman Macagnone?

25 COUNCILMAN MACAGNONE: "Aye."

1 MR. ALTADONNA: Councilman Coschignano?

2 COUNCILMAN COSCHIGNANO: "Aye."

3 MR. ALTADONNA: Councilman Pinto?

4 COUNCILMAN PINTO: "Aye."

5 MR. ALTADONNA: Councilwoman Alesia?

6 COUNCILWOMAN ALESIA: "Aye."

7 MR. ALTADONNA: Councilwoman Johnson?

8 COUNCILWOMAN JOHNSON: "Aye."

9 MR. ALTADONNA: Motion to adopt
10 Resolution Nos. 337-2016 through 344-2016 passes
11 with seven "Ayes."

12 We have a suspend.

13 May I have a motion to suspend the
14 rules and add Resolution No. 345 and that's the
15 Resolution pertaining to the decision on the Local
16 Law entitled: "A Local Law to amend Local Law No.
17 1-2015 authorizing a local retirement incentive
18 program for the eligible employees of the Town of
19 Oyster Bay." Hearing held June 21, 2016.

20 On the motion?

21 COUNCILMAN MUSCARELLA: So moved.

22 COUNCILMAN MACAGNONE: Seconded.

23 MR. ALTADONNA: Motion made by
24 Councilman Muscarella, seconded by Councilman
25 Macagnone.

1 On the vote, Supervisor Venditto?
2 SUPERVISOR VENDITTO: I vote "Aye."
3 MR. ALTADONNA: Councilman Muscarella?
4 COUNCILMAN MUSCARELLA: "Aye."
5 MR. ALTADONNA: Councilman Macagnone?
6 COUNCILMAN MACAGNONE: "Aye."
7 MR. ALTADONNA: Councilman Coschignano?
8 COUNCILMAN COSCHIGNANO: "Aye."
9 MR. ALTADONNA: Councilman Pinto?
10 COUNCILMAN PINTO: "Aye."
11 MR. ALTADONNA: Councilwoman Alesia?
12 COUNCILWOMAN ALESIA: "Aye."
13 MR. ALTADONNA: Councilwoman Johnson?
14 COUNCILWOMAN JOHNSON: "Aye."
15 MR. ALTADONNA: Motion to suspend the
16 rules and add Resolution No. 345-2016 passes with
17 seven "Ayes."
18 May I have a motion to adopt Resolution
19 No. 345-2016?
20 Resolution No. 345-2016; Resolution
21 pertaining to the decision on the Local Law
22 entitled: "A Local Law to amend Local Law No.
23 1-2015 authorizing a local retirement incentive
24 program for the eligible employees of the Town of
25 Oyster Bay." Hearing held June 21, 2016.

1 On the motion?

2 COUNCILMAN MUSCARELLA: So moved.

3 COUNCILMAN MACAGNONE: Seconded.

4 MR. ALTADONNA: Motion made by
5 Councilman Muscarella, seconded by Councilman
6 Macagnone.

7 On the vote, Supervisor Venditto?

8 SUPERVISOR VENDITTO: I vote "Aye."

9 MR. ALTADONNA: Councilman Muscarella?

10 COUNCILMAN MUSCARELLA: "Aye."

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: "Aye."

13 MR. ALTADONNA: Councilman Coschignano?

14 COUNCILMAN COSCHIGNANO: "Aye."

15 MR. ALTADONNA: Councilman Pinto?

16 COUNCILMAN PINTO: "Aye."

17 MR. ALTADONNA: Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: "Aye."

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: "Aye."

21 MR. ALTADONNA: Motion to adopt

22 Resolution No. 345-2016 passes with seven "Ayes."

23 Calendar is complete.

24 SUPERVISOR VENDITTO: Mr. Muscarella.

25 COUNCILMAN MUSCARELLA: Supervisor,

1 I'll make a motion to adjourn the meeting.

2 COUNCILMAN MACAGNONE: Seconded.

3 SUPERVISOR VENDITTO: All in favor?

4 ALL: "Aye."

5 SUPERVISOR VENDITTO: Opposed?

6 (No response.)

7 SUPERVISOR VENDITTO: So moved.

8 We stand ready to proceed with our
9 public comment period.

10 (Time noted: 12:55 p.m.)

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