

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
MARCH 27, 2018
7:00 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Thank you very
2 much.

3 Good evening, ladies and gentlemen.
4 We'd like to get started right on time and I thank
5 you for your cooperation.

6 Let's begin by welcoming Reverend
7 Monsignor Robert Hayden of St. William the Abbot
8 Roman Catholic Church.

9 Under the pastor's leadership, the
10 parish is a welcoming community of faith, guided by
11 the Holy Spirit and centered in God's word and the
12 Eucharist. Tonight we ask Reverend Monsignor
13 Hayden to lead us in prayer.

14 Reverend, if you don't mind stepping up
15 toward the podium, which actually should be moved
16 into the center, please, and if everyone would
17 please rise.

18 REVEREND MONSIGNOR HAYDEN: Good
19 evening and thank you for this invitation.

20 Let us pray.

21 (Whereupon, a prayer was recited by
22 Reverend Monsignor Hayden.)

23 SUPERVISOR SALADINO: Thank you,
24 Monsignor.

25 If everyone would still please remain

1 standing as I ask for a moment of silence in memory
2 of fallen firefighter, Lieutenant Michael Davison,
3 who was laid to rest earlier today.

4 (Moment of silence observed.)

5 SUPERVISOR SALADINO: Thank you.

6 God bless him and all of his family and
7 loved ones.

8 And in remembering that every
9 firefighter and emergency responder puts their
10 lives on the line in so many ways to protect us,
11 I'm going to ask that the Pledge of Allegiance be
12 led by all of the firefighters who are with us
13 today.

14 If you'd all take a step forward and
15 lead us all in the Pledge of Allegiance.

16 (Whereupon, the Pledge of Allegiance
17 was recited and led by the firefighters present.)

18 SUPERVISOR SALADINO: Thank you.

19 Let's have a hand for our firefighters.

20 (Applause.)

21 SUPERVISOR SALADINO: Thank you, and
22 welcome to the Oyster Bay Town Board meeting of
23 Tuesday, March 27, 2018.

24 Today we are welcoming so many very
25 special people and women and young women, including

1 the Bethpage High School Varsity Golden Girls and
2 Company Kickline. Team Captain, Francesca Conte,
3 you can applaud them, please.

4 (Applause.)

5 SUPERVISOR SALADINO: Team Captain,
6 Francesca Conte, Team Captain Julianna Griffin are
7 exceptional people with this very special group.

8 Thank you, Francesca.

9 Thank you, Julianna.

10 We're proud to recognize the tremendous
11 success of all of the members of the Bethpage High
12 School Golden Girls and Company Kickline.

13 They are winners of the National
14 Championship in small varsity kick at the National
15 Dance Alliance Championship, a national kickline
16 competition held in Orlando, Florida.

17 For the first time -- yes.

18 (Applause.)

19 SUPERVISOR SALADINO: For the first
20 time in team history, the squad made the finals in
21 all four of their routines at the competition.
22 This incredible overall success is the result of
23 the hard work and dedication of each and every team
24 member under the inspired leadership of their
25 coaches and unparalleled support from their school

1 district, from the community at large and
2 especially their parents.

3 (Applause.)

4 SUPERVISOR SALADINO: The team coached
5 by Jeanna Martino and Ashley Belmonte earned the
6 National Championship competing against some of the
7 finest high school teams across the nation. It was
8 a very competitive event.

9 Tonight this Town Board is proud to
10 commend the Bethpage High School Varsity Golden
11 Girls and Company Kickline on winning the National
12 Championship in small varsity kick, as well as
13 other high honors at the 2018 National Dance
14 Alliance Championship.

15 You have brought tremendous pride to
16 Bethpage and to the Town of Oyster Bay.

17 Congratulations to all of you and we
18 ask you to come up here while the Town Board, led
19 by Councilman Louis Imbroto, will present you with
20 these wonderful certificates of achievement from
21 the Town of Oyster Bay.

22 And, you know, a moment earlier, I
23 asked for a round of applause for their school
24 district, for their coaches and for their parents.

25 Girls, you are amazingly talented,

1 hardworking, motivated. You are what it's all
2 about.

3 Tonight, we're honoring all -- many
4 special women and you are our future. We're very
5 proud of you, but never forget all your parents do
6 to get you to the dance, all of the driving, all of
7 the sacrifice to make sure that you live in one of
8 the finest school districts in our nation, making
9 sure your uniforms are clean, scheduling meals
10 around practice and competition.

11 All of us who have ever been involved
12 in sports or extracurricular activities from our
13 school, all the way up to working in our fire --
14 volunteering in our fire departments, we can never
15 forget the sacrifice and the assistance of our
16 parents and our loved ones that make it possible.

17 So come on up girls while the Town of
18 Oyster Bay honors you for this tremendous
19 achievement.

20 (Appause.)

21 SUPERVISOR SALADINO: And would the
22 Town Board like the join us up front?

23 (Appause.)

24 (Whereupon, Certificates of Achievement
25 were presented to the Bethpage High School Varsity

1 Golden Girls and Company Kickline by Councilman
2 Louis Imbroto.)

3 SUPERVISOR SALADINO: Well, it is very
4 special to honor these young women who are showing
5 us what it means to excel.

6 As many know, March is Women's History
7 Month, but I think every month should be Women's
8 History Month, and a month and time, the
9 appropriate time to recognize women in our lives
10 and our community goes all year round.

11 This designation provides a special
12 opportunity to recognize and celebrate moms and
13 daughters and all of the special women in our
14 community and in our nation who have shaped our
15 lives, who have been trailblazers, and continue to
16 show us what it means to make a difference.

17 Tonight, with our audience, there are
18 several women who are leaders in their fields and
19 have excelled to become true role models in our
20 community. We've invited them here this evening so
21 that we may recognize them and send a strong
22 message to women of all ages.

23 Send a strong message to men, too, to
24 recognize everyone in our community, should
25 continue to recognize these very accomplished

1 people.

2 First, this evening, we recognize
3 Angela Ferrara.

4 Angela, would you please rise?

5 (Applause.)

6 SUPERVISOR SALADINO: Don't sit down,
7 we are only getting started. Thank you.

8 Angela Ferrara is a decorated Suffolk
9 County Police Officer and a captain, a sitting
10 captain with the North Massapequa Fire Department.
11 An original member of the Suffolk County Police
12 Department's Elite Medical Crisis Action Team, or
13 MedCAT, Angela has put her exceptional medical
14 skills to the test on many occasions throughout her
15 remarkable and distinguished career that's far from
16 over.

17 Among other recognitions, Angela was a
18 recipient of her department's prestigious life
19 saving award for the immediate medical care she
20 administered to a female motorist who was hit by a
21 drunk driver when she found this person in critical
22 condition.

23 Angela is a resident of North
24 Massapequa. She teaches EMS to other police
25 officers, as well as her fellow volunteer

1 firefighters with the North Massapequa Fire
2 Department, many of them are here this evening to
3 honor you along with us.

4 In the North Massapequa Fire
5 Department, she serves as the current Captain of
6 Friendship Engine Company 3. She has tackled many
7 difficult assignments as a first responder and has
8 clearly earned the respect of her colleagues and,
9 quite frankly, you've earned the respect of all of
10 us in the community, from community activists to
11 all residents, not just the elected officials and
12 the people in this room, but everyone.

13 Why? Because of your professionalism,
14 your attention to detail, your calm demeanor even
15 in the most challenging emergencies and life-
16 threatening situations. Always putting the needs
17 ahead of her own, Angela has a tremendous legacy of
18 selflessness and for inspiring fellow first
19 responders to perform at the highest levels of
20 their capabilities and beyond because of your
21 motivation and because you set the tone through
22 example.

23 She is a tireless person in pursuit of
24 excellence and doesn't know the word quit. Angela
25 is a 911-related cancer survivor who is a true

1 inspiration to all of us.

2 (Applause.)

3 SUPERVISOR SALADINO: Angela, we
4 commend you on your service and selfless dedication
5 to our residents, to our way of life. You set a
6 fine example for all women and all people of every
7 walk of life.

8 Ladies and gentlemen, Angela Ferrara.

9 (Applause.)

10 SUPERVISOR SALADINO: We are going to
11 ask you to step over to this corner here where we
12 will make a presentation to you with all of the
13 Board members and elected officials.

14 (Whereupon, a Town Citation was
15 presented to Angela Ferrara.)

16 (Applause.)

17 MS. FERRARA: Ladies and gentlemen,
18 thank you very much.

19 At this time, I'd like to recognize,
20 obviously, some colleagues and members of my fire
21 department. Commissioner Ralph Raymond. My Chief,
22 and nephew, believe it or not, Fred Ferrara.

23 (Inaudible) my company and other members, Randy
24 Cane, Michael (inaudible), Danny Voss and Charlie
25 Frank.

1 Ladies and gentlemen, thank you very
2 much.

3 (Applause.)

4 MS. FERRARA: I feel like I'm at the
5 Oscars. My entire family is here. My wife, my
6 sister, ex-chief of Bayport back there. Bayport
7 Fire Department, also Bobby Fleming, his wife, my
8 high school (inaudible).

9 It's an honor to be up here to be
10 recognized. That's the bottom line. I'm a
11 community police officer with the Suffolk County
12 Police Department and I live and strive to make the
13 community better in every way, shape or form.

14 Thank you very much.

15 (Applause.)

16 SUPERVISOR SALADINO: We're going to
17 ask all the recipients to, if you're able to, to
18 please stay so after the whole ceremony is over, if
19 we can get one photo with all of our recipients, it
20 would be greatly appreciated, if you have the time
21 to stay.

22 The next recipient is someone who has
23 been a dear friend of mine for many, many years
24 and, quite frankly, a friend to all of us and a
25 friend to the Town of Oyster Bay, the Vice

1 President of the Breezy Point Civic Association,
2 Carol Gordon.

3 (Applause.)

4 SUPERVISOR SALADINO: Oh, I'm not done,
5 Carol, I'm only getting started, but you can stand
6 if you'd like.

7 Carol is a highly regarded civic
8 activist from Massapequa who has dedicated much of
9 her life to strengthening our community. She's
10 preserved the quality of life for our citizens and
11 protected the safety, health, welfare and wellbeing
12 of families on Long Island, especially in her
13 community in Massapequa.

14 Carol is steadfast in her endeavors and
15 works cooperatively with her fellow residents, with
16 the police, with fire departments, with the school
17 district, community groups, and all of us, the
18 elected officialsM and the others associated with
19 the Town, the County, the Village. She really
20 makes a difference for the residents in the
21 community.

22 The results of Carol's hard work has
23 been visible. Long-term solutions to often complex
24 issues. She is a truly a community role model and
25 has made a true difference in the lives of others.

1 Carol Gordon, we thank you for all you
2 do.

3 (Applause.)

4 SUPERVISOR SALADINO: I'm going to ask
5 all of the elected officials, again, to join us.

6 (Whereupon, a Town Citation was
7 presented to Carol Gordon.)

8 SUPERVISOR SALADINO: You brought quite
9 the cheering crowd.

10 (Applause.)

11 SUPERVISOR SALADINO: Carol, would you
12 like to say a few words?

13 MS. GORDON: I just want to thank my
14 community, and without them, I wouldn't be here.
15 They keep cheering me on and, like I said, since we
16 have our new Town Supervisor, there is a New Day in
17 Oyster Bay.

18 (Applause.)

19 MS. GORDON: Thank you. Thank you.

20 Thank you from the bottom of my heart
21 to all my friends, my family, my neighbors and
22 people who keep me going.

23 (Applause.)

24 SUPERVISOR SALADINO: Ladies and
25 gentlemen, as we continue this very special

1 ceremony recognizing incredible women in our lives,
2 in our community, our next recipient is a dear
3 friend in the Town of Oyster Bay. A dear friend to
4 business owners and to, quite frankly, all of our
5 residents, Francesca Carlow.

6 (Applause.)

7 SUPERVISOR SALADINO: Francesca Carlow
8 is President of the Nassau Council Chambers of
9 Commerce. Francesca has dedicated much of her life
10 to supporting local employers as they contribute to
11 our economic base and connect our local
12 communities. Francesca's family has owned and
13 operated Trio Hardware, a staple in the Plainview
14 community for more than 50 years. They also sell
15 staples there, I'm sure.

16 MS. CARLOW: 55, but who's counting.

17 SUPERVISOR SALADINO: 55 years.

18 Her business success is only surpassed
19 by her support of all of the local communities in
20 Nassau County, especially in the Town of Oyster
21 Bay. Francesca's actions and deeds are the
22 foundation of a healthy town, a healthy community,
23 and economic prosperity for all.

24 Francesca, we thank you for your
25 tireless efforts to keep our downtowns thriving,

1 full of life, full of activity. You've continued
2 to be a part of every program, every action and all
3 that we do and you are greatly appreciated.

4 And I am going to ask Councilwoman
5 Rebecca Alesia to make this presentation to you,
6 and if all the elected officials would join us.

7 Ladies and gentlemen, Francesca Carlow.

8 (Applause.)

9 (Whereupon, a Town Citation was
10 presented to Francesca Carlow.)

11 MS. CARLOW: Thank you. Thank you.

12 SUPERVISOR SALADINO: Ladies and
13 gentlemen, Francesca Carlow.

14 (Applause.)

15 MS. CARLOW: Actually, before all the
16 council people and Joe, I thank all very much and
17 I'm really honored to be honored with such esteemed
18 women.

19 You know, what can I say? I have such
20 deep respect for all the firefighters and our
21 public servants, really.

22 And, Carol, I've known for years. I
23 haven't heard all of the other wonderful honorees,
24 but I am really truly honored.

25 While I have everybody's attention,

1 it's not a big -- I don't have a big cheering fan
2 here, but I do have --

3 (Applause.)

4 MS. CARLOW: I do have my husband of
5 37 years, Bruce Carlow.

6 (Applause.)

7 MS. CARLOW: It is extremely important
8 for people to understand how brick and mortar, mom
9 and pops survive on people shopping at their local
10 stores and spending and supporting click and buy.
11 Give shop local a try. Try to go to your downtowns
12 and your locals. We do have it. It might be a
13 buck more, but the money is staying here.

14 We are going out to Tabby's for
15 burgers. Our money is staying here, not going to
16 Minnesota and Nebraska and all over the place. So
17 for all you lovely people, shop local.

18 Actually, I have even more. Here you
19 go (handing) and -- hi, Jim, long time, no see. I
20 have a few more, so I'm going to pass them out.
21 Oh, you want one? Very, very good, and I thank you
22 all extremely a lot.

23 (Applause.)

24 SUPERVISOR SALADINO: Also with us this
25 evening, ladies and gentlemen, is Angela Duncan, a

1 Plainview resident and United States Army veteran
2 who served with the 101st Airborne. As a
3 Quartermaster Repair Specialist, Angela has
4 served -- where are you, Angela? Please stand.
5 Oh, there you are.

6 (Applause.)

7 SUPERVISOR SALADINO: As a
8 Quartermaster Repair Specialist, Angela served in
9 both Kuwait and Iraq. Angela repaired small pumps
10 in Iraq and helped guard perimeters in 2003 when
11 the war first began. She joined the Army at age 24
12 for travel and adventure and that's exactly what
13 she got.

14 Shortly after arriving in Iraq and
15 setting up camp, her unit was resituated to the
16 airport in Mosul, where they were fired on nightly.
17 It was a long hot summer for Angela and we thank
18 God that you're with us safe and sound here today.
19 Angela is married to an Army soldier and has two
20 beautiful children.

21 Angela currently serves as a veteran's
22 employment representative with the New York State
23 Department of Labor where she is eager to do
24 everything possible to assist her fellow veterans
25 with returning to the workforce.

1 Angela, on behalf of the residents of
2 the Town of Oyster Bay, all of us here on the Town
3 Board, all of our elected officials, most
4 importantly, all of the public, we thank you for
5 your service to our nation and for protecting the
6 freedoms we hold so dear.

7 I'm going to ask Michelle Johnson to
8 please present this Town citation to you, and if
9 all the elected officials would join us down in
10 front.

11 (Applause.)

12 (Whereupon, a Town Citation was
13 presented to Angela Duncan.)

14 SUPERVISOR SALADINO: Angela, would you
15 like to say a few words?

16 MS. DUNCAN: Thank you.

17 I love what I do. I'm glad to help.

18 (Applause.)

19 SUPERVISOR SALADINO: As we continue
20 with our presentations, another very special
21 resident of the Town of Oyster Bay and someone who
22 is very deserving of being honored this evening,
23 Indu Jasiwal.

24 (Applause.)

25 SUPERVISOR SALADINO: Indu works in the

1 healthcare field, but volunteers much of her time
2 to celebrating and recognizing diversity in our
3 Town, while serving as Founder and Chairwoman of
4 the Indian American Forum, a very fine
5 organization.

6 Indu also volunteers much of her time
7 to several organizations, including the Stony Brook
8 Center For India Studies, the Long Island Arts
9 Council, the American Heart Association, the
10 American Cancer Association, the American Diabetic
11 Association, and the Long Island -- I'm sorry,
12 Dietetic Association, and the Long Island Dietetic
13 Association as well.

14 We've all been very lucky to get to
15 know Indu. Your leadership, but also your kindness
16 and warmth makes a big difference. You have left
17 your mark on this Town and we continue to prosper
18 spiritually, socially, and in every way because of
19 your efforts, and you certainly are deserving of
20 the highest of every award, so thank you very much.

21 Ladies and gentlemen, Indu Jasiwal.

22 (Applause.)

23 SUPERVISOR SALADINO: And to present
24 tonight's recognition, I'm going to ask Councilman
25 Tom Hand to make the presentation and I ask all of

1 our elected officials to join us up front.

2 (Whereupon, a Town Citation was
3 presented to Indu Jasiwal.)

4 (Applause.)

5 SUPERVISOR SALADINO: Indu, would you
6 like to say a few words?

7 MS. JASIWAL: Thank you so much,
8 Supervisor Saladino.

9 Thank you for this wonderful
10 recognition and recognizing Women's History Month,
11 and very important (inaudible). I'm from India
12 and, of course, we are taking the first step in
13 bringing our culture and traditions to Long Island.

14 And we want to thank our Supervisor,
15 who has been very positive to our community in Long
16 Island, especially in Hicksville, which is going to
17 be our hub and we look forward to more support from
18 the Town of Oyster Bay, and we look forward to more
19 communication.

20 Thank you. Thanks to the whole Town of
21 Oyster Bay.

22 Again, thank you so much.

23 (Applause.)

24 MS. JASIWAL: (Inaudible.)

25 Thank you. Thank you so much.

1 (Applause.)

2 SUPERVISOR SALADINO: We're going to
3 ask all of those who have received a special
4 recognition, if you could bring your Town Citations
5 with you, we can have one photograph of all of you.

6 And if I may also ask members of the
7 media, if you'd like to come around to this side
8 and take a photograph in recognition of these
9 incredible women.

10 Where's Ted Phillips? I think Newsday
11 likes women, too, right? Where is he? Ask him to
12 come back in here. Where is Ted Phillips? Ted,
13 come on up. We're waiting for you.

14 (Applause.)

15 SUPERVISOR SALADINO: Frank? No photo,
16 Frank?

17 Ladies and gentlemen, we are just going
18 take a very quick five-minute break because the
19 folks want to congratulate each other. It will be
20 very brief.

21 Thank you.

22 (Whereupon, a break was taken from
23 7:40 p.m. to 7:49 p.m.)

24 SUPERVISOR SALADINO: How about one
25 more congratulations for our amazing women? True

1 leaders in the community, all.

2 Thank you so much and congratulations.

3 (Applause.)

4 SUPERVISOR SALADINO: So on behalf of
5 the Oyster Bay Town Board, I thank you Angela,
6 Carol, Angela, Francesca, Indu, for your service to
7 our residents and I -- we congratulate you all, and
8 thank you once again for giving our ladies a
9 wonderful warm round of applause.

10 Now, before we get started with the
11 business of the day, I'd like to take this
12 opportunity to update our residents very briefly on
13 a very significant -- very, very significant event
14 that recently took place.

15 Ladies and gentlemen, it's that good.
16 If I could have your attention, including Frank
17 Gatto. Thank you, Frank.

18 Something very special just happened in
19 the Town of Oyster Bay, something we're
20 exceptionally proud of, something that speaks to
21 our hard work for many months and our commitment to
22 our residents.

23 On March 16th, Standard and Poor's
24 global ratings upgraded the Town's long-term credit
25 rating from junk bond status to investment grade,

1 while affirming its stable outlook on the Town.

2 This independent agency credited the
3 Town for its strong budgetary performance in 2017
4 and 2018, and I quote from them, "The general fund
5 surplus is the first positive result the Town has
6 produced in the last twelve fiscal years."

7 This upgrade is the best financial news
8 that Oyster Bay has had in years, and clearly
9 proves by this independent agency that bold steps
10 have been taken, that we have taken to fix the
11 Town's finances. We put a stop to the past
12 practice of endless borrowing against the future.
13 We paid off \$84.5 million of the Town's debt in
14 2017.

15 (Applause.)

16 SUPERVISOR SALADINO: We ended the
17 practice of endless borrowing. Only where
18 absolutely necessary. We improved our financial
19 outlook and we continue to do so. We will pay down
20 net -- net another \$50 million of debt this year
21 while reducing the workforce numbers, while
22 reducing payroll, and while we are greatly
23 improving the year-to-year finances, not only for
24 last year and this year, but ongoing.

25 We're very proud to be recognized for

1 our responsible budgeting and our financial
2 stewardship of this great Town, and we are
3 committed, all of us, are committed to bringing
4 Oyster Bay Town's finances back to where they
5 belong and Wall Street agrees that we are headed in
6 the right direction in a very significant way.

7 So I'd like to congratulate the Town
8 Board and all of our residents and taxpayers as the
9 Town of Oyster Bay is elevated to investment grade
10 status by S & P.

11 Congratulations to all.

12 (Applause.)

13 SUPERVISOR SALADINO: Very, very big
14 news.

15 Weather over the past two weeks has
16 taken its toll on our resources, but we planned and
17 budgeted for that. Our workforce is among the very
18 best in the state and we commend the hardworking
19 men and women of our snow fighting crews for their
20 tireless efforts to keep our roads safe and
21 passable, to keep communications with our residents
22 strong and responsive.

23 And what so many people don't get a
24 chance to see is all the back line activities that
25 take place, from the crews managing on the radios

1 and the repair crews who turn around vehicles all
2 day and all night long. And we got a chance to
3 work side by side with them, to watch them and to
4 support them. Our residents can be very, very
5 proud. Four Nor'easters, four serious snowstorms
6 in three weeks, less.

7 That was quite a challenge, but our
8 crews and our department heads and everyone here in
9 the Town of Oyster Bay came through and we are sure
10 our residents and employees are glad that Spring
11 and Summer are finally here.

12 With Summer comes, an end to school and
13 the start of our affordable Summer recreation
14 program for children ages 4 to 12. Registration is
15 currently open and the Parks Department recently
16 announced employment opportunities for residents to
17 serve as camp counselors.

18 Individuals interested in these
19 employment opportunities, which includes
20 lifeguards, we always need certified lifeguards, to
21 please seek additional information, and they can
22 call 797-4125.

23 And lastly, I want to remind residents
24 that the Town and YES Community Counseling Center
25 are offering a free overdose prevention and Narcan

1 training seminar on April 2nd from 6:30 p.m. to
2 8:00 p.m. at the William Bennett Community Center
3 in Hicksville, and that's located at 28 West Carl
4 Street.

5 To help save lives and further combat
6 the ongoing opioid epidemic on Long Island, this
7 seminar offers residents an opportunity to learn
8 the warning signs of drug addiction, obtain
9 information on available treatment options, and
10 learn how to reverse the fatal effects of an opioid
11 overdose by administering the life saving anecdote,
12 Narcan.

13 So we are very thankful for that and we
14 encourage the public to get out to these seminars.
15 We encourage the public to tell those interested in
16 working this Summer for the Town to contact us, we
17 gave you the information. And before we get
18 started on a lengthy evening and an important
19 hearing as well, we'd like to take this opportunity
20 to wish everyone a very blessed Passover, a Happy
21 Easter, and a very special season to you and your
22 loved ones.

23 Would the Town Clerk, James Altadonna,
24 please poll the Board?

25 MR. ALTADONNA: Supervisor, I just ask

1 that you indulge us one more time. We also lost 7
2 airmen last week that were returned home. Four
3 were from Long Island.

4 Can we please have a moment of silence?

5 SUPERVISOR SALADINO: Absolutely.

6 Thank you.

7 We ask for you to all rise for a moment
8 of silence.

9 (Moment of silence.)

10 SUPERVISOR SALADINO: Thank you for
11 recognizing these airmen and all who sacrifice for
12 our freedoms, all of our servicemen and women in
13 the United States of American and abroad.

14 (TIME NOTED: 7:56 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
MARCH 27, 2018
7:57 P.M.

HEARING P-1-18

To consider the application to revoke a Declaration of Restrictive Covenants for Hindu Welfare Association of New York, Inc., Bethpage, New York. (M.D. 2/27/18 #41).

**JOSEPH SALADINO
SUPERVISOR**

**JAMES ALTADONNA JR.
TOWN CLERK**

P R E S E N T:

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Town Clerk,
2 please poll the Board.

3 MR. ALTADONNA: Supervisor Saladino?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: Here, Jim.

9 And thank you very much for that.

10 MR. ALTADONNA: Councilwoman Alesia?

11 COUNCILWOMAN ALESIA: Here.

12 MR. ALTADONNA: Councilwoman Johnson?

13 COUNCILWOMAN JOHNSON: Here.

14 MR. ALTADONNA: Councilman Imbroto?

15 COUNCILMAN IMBROTO: Present.

16 MR. ALTADONNA: Councilman Hand?

17 COUNCILMAN HAND: Here.

18 MR. ALTADONNA: Would you like me to
19 read the first hearing?

20 SUPERVISOR SALADINO: Yes.

21 Would you please announce the first
22 hearing?

23 MR. ALTADONNA: Hearing P-1-18 to
24 consider the application to revoke a declaration of
25 restrictive covenants for Hindu Welfare Association

1 of New York, Inc. Bethpage, New York.

2 You do have one speaker on there so far
3 that I'm aware of

4 SUPERVISOR SALADINO: Counselor, would
5 you please state your presence?

6 MR. AVRUTINE: Certainly.

7 Good evening, Mr. Supervisor.

8 SUPERVISOR SALADINO: Good evening.

9 MR. AVRUTINE: Appearing for the
10 applicant, Howard Avrutine, 575 Underhill
11 Boulevard, Syosset.

12 This is the application of Hindu
13 Welfare Association of New York, Inc. to revoke a
14 declaration of restrictive covenants with respect
15 to its property located in Bethpage.

16 The property under application is
17 located at the southeasterly corner of South Oyster
18 Bay Road and Rice Street in Bethpage. It has a
19 street address of 729 South Oyster Bay Road. It is
20 also known as Section 46, Block 370, Lots 1-A, 1-B,
21 18 and 19 on the Nassau County Land and Tax Map.
22 The property has a lot area of 14,261 square feet
23 and is developed with a one-story frame and masonry
24 building with an accessory parking area.

25 It was previously utilized as a

1 restaurant. By this application, the applicant
2 seeks to revoke a previously imposed declaration of
3 restrictive covenants that the Town Board imposed
4 on the property back in 1990.

5 By Resolution No. 351 of 1990, this
6 Board granted a special use permit to enclose a
7 patio and increase seating capacity regarding the
8 subject premises in connection with its operation
9 as a restaurant at the time.

10 In connection therewith, the
11 declaration of restrictive covenants that's at
12 issue this evening was recorded and -- excuse me,
13 executed and recorded. That is -- that declaration
14 is part of the file that is before the Board.

15 Essentially, that declaration set forth
16 various conditions in connection with the use of
17 the premises as a restaurant, so the restaurant
18 says has, obviously, since closed.

19 The applicant, the Hindu Welfare
20 Association, acquired the property in 2014 and has
21 been going through since that time the Town
22 approval process to legalize conditions there for
23 its use as a house of worship and also a center to
24 advance the Hindu religion.

25 Part of that was an application to the

1 Board -- to the Zoning Board of Appeals for
2 variances that were required and on August 10,
3 2018, under Decision No. 17-310, the ZBA did grant
4 all variance relief that was requested, authorizing
5 the use as a place of worship.

6 That copy of that decision is also part
7 of the Board's file. In addition, specific plans
8 were approved by the ZBA when they granted those
9 variances.

10 Lastly, the Town Department of Planning
11 and Development approved the site plans, and after
12 a rigorous review, including landscaping plan,
13 lighting plan, and all of the usual items that the
14 Department of Planning and Development considers as
15 part of the site plan process.

16 The reason we are here before you with
17 this application is because in order to rescind or
18 revoke the declaration of restrictive covenants,
19 the document itself states that a public hearing
20 before the Board is required. This is a document
21 that dates back to 1990. The Board Resolutions and
22 restrictive covenants that are currently issued
23 over the past several years have a provision which
24 allows for self-extinguishment in the event the
25 approved use no longer takes place, this way a

1 hearing wouldn't be required.

2 Unfortunately, in this particular
3 instance, there's no self-extinguishing factor in
4 the document, so here we are before the Board
5 asking that the document be extinguished. There is
6 no purpose that it serves in connection with the
7 religious use since it was tailored specifically
8 for the restaurant, which has, obviously, closed.

9 So that is essentially what we are here
10 for this evening and I'd be happy to answer any
11 questions the Board may have.

12 SUPERVISOR SALADINO: Yes.

13 Mr. Avrutine, can you just describe to
14 us why these covenants and restrictions were
15 necessary back in 1990 so we have a little historic
16 information?

17 MR. AVRUTINE: Surely.

18 The -- let me just pull them out, if I
19 may.

20 For instance, there was a restriction
21 on the hours of operation with connection with the
22 restaurant use, that it would -- during certain
23 days, it would only be open -- it would be open
24 until 2:00 a.m. on the weekends and maybe 4:00 a.m.
25 on Friday and Saturday. That clearly would not

1 apply to the religious use.

2 It stated that there shall be no
3 cabaret or catering uses on the property, no live
4 entertainment. Again, tailored specifically to
5 governing the operation of a restaurant use would
6 not apply to a religious use.

7 A third restriction was that there
8 would be no external audio systems allowed on the
9 premises. Again, to minimize the potentially
10 negative impact on the surrounding community
11 resulting from the expanded restaurant use at that
12 time.

13 All of these restrictions that I'm
14 going through, the goal at that time was to put
15 reasonable restrictions on the operation of the
16 restaurant, such that it would minimize impact on
17 the surrounding area. That would -- that was the
18 purpose of it. The parcel shall be policed to be
19 free of litter, rubbish and discarded items.

20 As you might imagine, in connection
21 with a restaurant, you want to make sure that the
22 premises is kept clean, that there's no issues
23 of --

24 COUNCILMAN MACAGNONE: Should be any
25 premises.

1 MR. AVRUTINE: Well, of course, but in
2 a restaurant particularly where there's a lot of
3 refuse from food stuff, and if they have Dumpsters
4 that are overflowing and that type of thing. I
5 believe that was what the condition was intended to
6 deal with.

7 COUNCILWOMAN ALESIA: Excuse me,
8 Mr. Avrutine?

9 MR. AVRUTINE: Yes.

10 COUNCILWOMAN ALESIA: Nice to see you,
11 by the way. It's been a while.

12 MR. AVRUTINE: Nice to see you as well.

13 COUNCILWOMAN ALESIA: Will the Hindu
14 Welfare Association of New York be having any
15 catering facility or any food service there at all?

16 MR. AVRUTINE: No.

17 I mean, they may have food in
18 connection with their meetings that they have.
19 There's a small kitchen. It's not a commercial
20 kitchen. And like in any religious use, after a
21 meeting or after an observance, the congregants
22 might eat, but it's not in the -- they would not
23 have catered parties with -- for outside groups or
24 anything of that nature.

25 COUNCILWOMAN ALESIA: And have you had

1 or has the congregation or the Welfare Association
2 had any communication with the neighbors that are
3 adjacent? I realize it's sort of a combination
4 commercial area, but have they?

5 MR. AVRUTINE: Yes, of course.

6 Through the variance process, there
7 have been. And don't forget, they've owned it
8 since 2014, and so they have been there and become
9 part of the community. It's been almost four years
10 that they've owned the property.

11 AUDIENCE MEMBER 1: That's a lie.

12 AUDIENCE MEMBER 2: That's a lie.

13 No, no good.

14 COUNCILWOMAN ALESIA: Okay. It sounds
15 like we're going to have some speakers after
16 Mr. Avrutine is done.

17 MR. AVRUTINE: I suppose you will.

18 COUNCILWOMAN ALESIA: All right.

19 Thank you for answering my question.

20 MR. AVRUTINE: All I can say is as far
21 as the issues that are before this Board this
22 evening, it's covenants associated with the
23 restaurant. I don't know what the issues are that
24 the folks have this evening, but I can tell you
25 that we've been before the ZBA. Everything has

1 been granted there.

2 SUPERVISOR SALADINO: Sir, excuse me,
3 sir, everyone will have a chance to speak,
4 including you, this evening or at any other time
5 after this meeting. Okay? We will give everyone a
6 chance to be heard and we really appreciate it.

7 Go ahead.

8 MR. AVRUTINE: So what I was saying
9 was, yes, they have. They have owned the premises
10 since 2014 and they have been occupying the
11 premises. They've been going through the process
12 since that time, and they've obtained, as I
13 indicated, site plan approval and ZBA approval for
14 the variances that they needed.

15 The use itself is a permitted use in
16 the Zoning district, so that's not an issue. They
17 needed some parking relief, which they obtained.
18 They needed site plan approval, which they
19 obtained. They needed some setback relief. They
20 did not alter the size of the building. The
21 building is the same size as it was.

22 So, all of these approvals that they
23 obtained authorize what's going on now. This is
24 simply a matter of housekeeping in a sense because
25 these restrictions, they cannot get their CO from

1 the Building Department without having these
2 restrictions removed because they are on the
3 property, yet they're not tailored to the property,
4 they're tailored to a restaurant.

5 COUNCILWOMAN ALESIA: Well, I don't
6 know that we can call them necessarily
7 housekeeping, and this might be a question that I
8 need the Town Attorney to answer, but can we
9 have -- seeing ours were restrictions under RLUIPA
10 on a religious -- Matt Rozea, you know an awful lot
11 about this particular subject.

12 MR. ROZEA: We've down this path. You
13 know, look, it is often fact -- factually something
14 that needs to be looked at on a case-by-case basis,
15 and I'm not aware of there being any proposal or
16 application that would require C&R's at this point,
17 but it's something we could certainly explore.

18 COUNCILWOMAN ALESIA: For those in the
19 audience that don't know what RLUIPA is.

20 MR. ROZEA: Yes.

21 It's the Religious Land Use and
22 Institutionalized Persons Act.

23 It kind of takes away from
24 municipalities, such as the Town of Oyster Bay, the
25 ability to regulate land use through its typical

1 zoning powers, but, again, these are things that we
2 need to look at on a case-by-case basis.

3 MR. AVRUTINE: Well, I would say this
4 in response to your question Councilwoman Alesia.

5 There's no application for an approval
6 of the use before the Board. The use is permitted,
7 and it's in the neighborhood business district.
8 It's a permitted use.

9 The reason why we went to the ZBA is
10 because the -- needed a parking variance for number
11 one, and number two, as I indicated, there was some
12 setback variances. There's -- in the parking lot,
13 there was aisle width issues and angled spots. The
14 items that typically come up, those were all
15 granted, as was the site plan.

16 And when we went through
17 administratively, the site plan approval process,
18 we attempted to have the covenants extinguished
19 administratively, but as I explained earlier,
20 there's some language directly in the covenant that
21 stated that there needed to be a public hearing in
22 order to extinguish it, so the issues regarding the
23 restaurant use, as I've indicated, do not apply
24 here.

25 I would respectfully submit that since

1 there is no application before this Board for an
2 approval of the use, that imposition of new
3 restrictions would not be appropriate.

4 I think -- and, of course, you'll
5 consult with counsel, but the Board is well aware
6 of the RLUIPA statute that was just referred to,
7 but not only that -- that's a federal statute.
8 There is New York -- there is a New York, a body of
9 case law that deals with religious uses that
10 governs throughout the state and what -- and
11 essentially states that a religious or an
12 educational use must be allowed in any zoning
13 district, subject to reasonable accommodation.

14 And so that's generally the way the
15 case law has evolved. Unless a religious use
16 creates a danger of some sort or a hazard, it must
17 be accommodated, and so --

18 COUNCILWOMAN ALESIA: I don't mean to
19 presuppose the question. I want to hear what the
20 residents have to say also, and you have to
21 understand that we've been down this path a couple
22 of times with other religious institutions.

23 So, I don't know what the residents are
24 going to say, but I'm wondering if maybe the
25 congregation wouldn't be willing if there -- if --

1 let's say, for example, that there's an issue with
2 noise and one of the restrictions, one of the
3 covenants is, no speakers outside, maybe they would
4 willingly be okay with keeping that restriction or
5 maybe we can work that out here rather than in
6 another year or two, having upset residents coming
7 to us and then we have disharmony, unharmony,
8 nonharmony.

9 COUNCILMAN IMBROTO: Disharmony.

10 COUNCILWOMAN ALESIA: Disharmony.

11 Thank you, Lou.

12 We want to have a harmonious resolution
13 and --

14 MR. AVRUTINE: Of course.

15 COUNCILWOMAN ALESIA: And if we can,
16 you know, take that approach now, it's better than
17 waiting until tempers flare up. That's, I guess,
18 all I was saying. I'm sorry, Councilman. I know
19 you had something to say.

20 COUNCILMAN IMBROTO: No, that's okay.

21 So, just so I could get the history of
22 this clear, these restrictions were imposed when
23 the previous use came to the Board for a special
24 use permit?

25 MR. AVRUTINE: Yes. It was a special

1 use permit back in 1990, the purpose of which was
2 to enclose a patio and increase seating capacity.
3 It was known as Kenny's Cafe back then.

4 COUNCILMAN IMBROTO: Okay. But Kenny's
5 Cafe was not a permitted use in this district?

6 MR. AVRUTINE: Excuse me?

7 COUNCILMAN IMBROTO: Was not a
8 permitted use at the time?

9 MR. AVRUTINE: No. No. It was a
10 permitted use --

11 COUNCILMAN IMBROTO: Special use
12 permit?

13 MR. AVRUTINE: Yeah.

14 Apparently, they were in the NB zone.
15 You can have seating up to 75 as a right for a
16 restaurant use. Above 75 requires a special use
17 permit from the Town Board.

18 So, at that time, they were seeking to
19 exceed that limit so they came to the Town Board
20 for the special exception. Special -- excuse me,
21 special use permit and in connection with that,
22 obtaining the approval and had these covenants
23 imposed as --

24 COUNCILMAN IMBROTO: So in granting the
25 special use permit, we imposed these covenants and

1 restrictions, but the use that you're coming for
2 today does not require a special use permit?

3 MR. AVRUTINE: It does not require a
4 special use permit, nor are these conditions --
5 these conditions, as I indicated, were tailored for
6 a restaurant.

7 Let me come in with another example.
8 Let's suppose, for argument's sake, I wanted to
9 open a retail store in the neighborhood business
10 district, which is a permitted use. Let's further
11 assume, for argument's sake, that I have all the
12 parking spaces that I needed and didn't need any
13 relief from the ZBA and wouldn't need any site plan
14 approval because everything is existing.

15 I would still have had to come to this
16 Board to take away those restrictions before I can
17 get a CO for my retail store because of the fact
18 that there are in the file and they serve as a
19 cloud to me -- as an impediment, I should say, to
20 me obtaining my Certificate of Occupancy from the
21 Department of Planning and Development.

22 Therefore, so no matter what we would
23 be using it for, other than a restaurant with the
24 number of seats that this particular establishment
25 had, we would be coming here to eliminate these

1 restrictions.

2 COUNCILWOMAN ALESIA: Thank you.

3 MR. AVRUTINE: Any other questions?

4 COUNCILMAN IMBROTO: And being that
5 it's a permitted use, there's no mechanism to
6 impose other restrictive covenants?

7 MR. AVRUTINE: That's certainly my
8 understanding and my -- the position that I'm
9 taking here today, but like I said, depending upon
10 what the folks who are here have to say and
11 depending upon what the Board's response is, I'd be
12 happy to speak to my clients to see if there are
13 things that the Board would find useful and my
14 clients would not find objectionable and have an
15 agreement of sorts.

16 COUNCILWOMAN ALESIA: Thank you,
17 Counsel.

18 MR. AVRUTINE: Thank you.

19 SUPERVISOR SALADINO: Any other
20 questions?

21 (No verbal response given.)

22 SUPERVISOR SALADINO: Thank you. Thank
23 you.

24 We have one speaker thus far, but I'm
25 assuming others would like to speak. If you would

1 kindly fill out this form in front, those forms
2 will be passed up to me and then I'll be happy to
3 call you in the same order.

4 So our first speaker on this is Delia
5 Donohue.

6 COUNCILMAN IMBROTO: Supervisor, after
7 the speakers are done, I'd also like to hear from
8 someone from our Town Attorney's Office just to
9 clarify.

10 SUPERVISOR SALADINO: Okay. No
11 problem. Of course.

12 Hi. How are you this evening?

13 MS. DONOHUE: Good evening.

14 How are you?

15 SUPERVISOR SALADINO: Could you start
16 off by giving us your full name and your address
17 for the record?

18 MS. DONOHUE: Sure.

19 Delia Donohue, 7 Surrey Lane, Bethpage.
20 Okay.

21 SUPERVISOR SALADINO: Thank you.

22 MS. DONOHUE: Well, I have to disagree
23 with the gentleman before when he says that the
24 congregation has been in contact with the
25 community.

1 I live right down the block and there's
2 been no mention of this. In fact, there have been
3 times -- there have been plenty of residents that
4 have called the Town themselves to ask whether this
5 is a place of worship and they said, no, it's
6 considered the Hindu Welfare Association.

7 So it's a little misleading, which is a
8 concern for many of the homeowners that live on
9 that block, even within the radius of where this
10 is. I guess I'm concerned as well as a number of
11 people are because I already rebuilt my home, so I
12 have a lot of -- I have a lot invested in my home,
13 my school district and everything. I'm considered
14 Bethpage, but it's really on the borderline of
15 Plainview.

16 So I'm here with seven other residents
17 that are behind me that you've heard already and
18 this is affecting not only us, a lot of people
19 wanted to come tonight, but as you know, with the
20 snow days, things were rescheduled so they weren't
21 able to make it.

22 Rice Street is where the Hindu Welfare
23 Association is along South Oyster Bay Road.

24 If you're not familiar with these
25 areas, Rice Street also goes into Surrey Lane,

1 which is where I live, and these are popular
2 streets.

3 So, for instance, if there is an
4 accident on South Oyster Bay Road or on Old Country
5 Road, we are considered the cross-through, so it
6 gets very congested alone, so the days of worship,
7 whether they're -- I believe there was Friday,
8 Sunday, Tuesday, there's even more congestion.

9 So right now, as I -- this is -- this
10 is what I know that we've asked questions that the
11 Hindu Welfare Association now accommodates 25
12 members.

13 My concern is, once they receive the
14 permits, what have you, whatever lingo it is that
15 they have -- to either -- I thought they were
16 expanding, if they're not, am I mistaken by saying
17 that the building is staying the way that it is? I
18 don't know. That's a question I have.

19 Who's to say that years from now they
20 decide that their congregation has grown and
21 they'll end up building up. What will that -- that
22 will affect our neighborhood tremendously.

23 So that's my concern. That's all.

24 Thank you.

25 SUPERVISOR SALADINO: Well, thank you

1 very much.

2 Please know that after everyone who
3 would like to speak is done speaking, we'll have
4 some more information from our Town Attorney to
5 shed more light on this situation. While I don't
6 have any other slips, I want to make sure that
7 people can speak.

8 MR. QUINN: We filled one out.

9 SUPERVISOR SALADINO: Okay. Maybe it
10 went onto a different pile, but either way, come
11 forward, please.

12 Would you please give us your name and
13 address for the record?

14 MR. QUINN: Lawrence Quinn, 4 Rice
15 Street.

16 I'm directly across from the Hindu
17 center. Originally, they came out and they did
18 mention that it was only 21 to 24 families to their
19 whole center, and I said, okay, we have to take
20 away a few parking spots because we want to put in
21 a ramp, a handicapped ramp. So all right, so no
22 big problem, do that.

23 The problem is before that's even been
24 done, every time they have a meeting now, my
25 street, the street in front of them, and the side

1 streets are filled with cars, so in other words,
2 the 24 or whatever spots they have, they fill up
3 and immediately taking up all the neighborhood
4 spots.

5 Now, they're quiet, they're nice
6 people, but I'm just afraid what they're trying --
7 that's already been passed I understand, that they
8 can take away the spots, but now they want to take
9 away the covenants that they do have on the
10 property.

11 Well, some of these covenants say you
12 can't build -- you can't add on to the building,
13 you can't have big signs up, you can't have more
14 than 90 people, I guess because of the bar issue,
15 the restaurant issue, so I'm just afraid if they
16 just blank it and say, all right, we'll take way
17 all of the covenants you have, they can do whatever
18 they want, or at least they can try and put in for
19 permits for it, which will then cause everybody to
20 come back down again and say, hey, no, we don't
21 want that.

22 So my objection is I'm not really sure
23 that you should give the -- you should grant taking
24 this away. I mean, I don't know what the laws are,
25 you'll know that, but maybe they could do something

1 to address the feeling, all right, they won't be
2 building again, they won't expand. That's the
3 biggest complaint I have and I sense from of the
4 other people.

5 I mean, if this goes up as a larger
6 temple or something, I don't know, as I said, right
7 now, I don't think they have a permit to run. I
8 went to Town at one time down here and they told me
9 they didn't have a CO, so they can't be a Hindu
10 house of worship, but a couple days a week, there's
11 people there and they fill up the street so
12 something is going on there.

13 I'm just not sure and I, figure, well,
14 it's not going to get any better at the moment.

15 That's all I have to say.

16 Thank you.

17 SUPERVISOR SALADINO: Just a quick
18 question for you, sir, how close are you to -- in
19 proximity to this location?

20 MR. QUINN: I'm directly across the
21 street.

22 SUPERVISOR SALADINO: You're directly
23 across the street?

24 MR. QUINN: Rice Street is on the side
25 of their building.

1 SUPERVISOR SALADINO: And in front of
2 your home, how much space is this, in terms of
3 cars, how many cars can park on the street in front
4 of your home?

5 MR. QUINN: It's a very short block,
6 Rice Street, so there's probably room for -- I
7 don't know, I would 10 or 11 cars.

8 SUPERVISOR SALADINO: And just in front
9 of your property?

10 MR. QUINN: Oh, no, in front of mine
11 would be two houses, so two cars --

12 SUPERVISOR SALADINO: About two.

13 MR. QUINN: -- next to me, two, and
14 there's only three houses on that side so two more,
15 so you're talking six right there.

16 So, they do try and get everybody to go
17 into their parking lot, but there are just too many
18 people. I don't know where the 21 families came
19 into being, but I've gone over to ask them about it
20 and they told me that's all they have is 21 to 24
21 families.

22 SUPERVISOR SALADINO: Can you give us
23 an idea of how often those two spots in front of
24 your home are taken up with cars other than --

25 MR. QUINN: No, because I usually park

1 cars out there and so do most of the other people,
2 but then it just moves it around the block to
3 either on Surrey or Berkshire or one of the other
4 streets, they are parking there. I'm not sure if
5 any of you people live on the other side of them on
6 South Oyster Bay Road side, but they have to take
7 up those parking spots also.

8 COUNCILMAN IMBROTO: Sir, so I'm
9 understanding, right now, your biggest concern has
10 been the parking and the congestion?

11 MR. QUINN: Yes, and that's fine. You
12 know, I mean, I can -- usually it's just Tuesday
13 night and maybe a Saturday or Sunday, but if they
14 take away everything else, it sounds like they can
15 build whatever they want.

16 COUNCILMAN IMBROTO: Other than the
17 parking, have they been good neighbors? Have there
18 been any other problems in the neighborhood?

19 MR. QUINN: Yes, they have come out,
20 they do try and control where they ask the people
21 to park.

22 Unfortunately, it's -- every time, it
23 seems like once a week, they are getting bigger. I
24 don't know. I don't know if their congregation is
25 already growing or maybe people find out, oh, we

1 can go over here so all of a sudden, they think
2 it's legal and more people are coming. I'm not
3 sure.

4 SUPERVISOR SALADINO: In terms of noise
5 issues, has there been any issue?

6 MR. QUINN: No. No. No, they are --

7 SUPERVISOR SALADINO: Day, night,
8 there's never an issue with noise at all?

9 MR. QUINN: No.

10 SUPERVISOR SALADINO: Have you seen any
11 issues with -- one of the issues that was described
12 earlier was this issue of refuse, have you ever
13 seen water bottles?

14 MR. QUINN: No. They are very nice.
15 They are good neighbors, actually. I don't have a
16 problem with them.

17 I'm just saying, I believe that if you
18 take away all the covenants, they can do what they
19 want. In other words, build a larger building and
20 it is just not enough room if they have more than
21 what they have now, what they're claiming, 21 or 24
22 families that belong to this Hindu Association.

23 SUPERVISOR SALADINO: Okay.

24 Is there any other information you'd
25 like us to know about.

1 MR. QUINN: No.

2 That's -- appreciate the time.

3 COUNCILMAN IMBROTO: And your biggest
4 concern with the C&R's is that they're going to
5 expand and it's going to just grow and grow?

6 MR. QUINN: Yes.

7 COUNCILWOMAN ALESIA: I'm not sure that
8 the C&Rs can stop that from happening.

9 MR. QUINN: I understand that.

10 COUNCILWOMAN ALESIA: This is an issue
11 that's happening throughout the Town with all
12 different houses of worship from all different
13 dominations.

14 MR. QUINN: Right.

15 COUNCILWOMAN ALESIA: It is just
16 difficult when it abuts a residential area and it
17 is something that we're --

18 MR. QUINN: Some of these --

19 MR. ALTADONNA: I understand.

20 MR. QUINN: Some of their restrictions
21 they did have on here were, you know, limited to 90
22 people. I mean, I'm sure I've seen more than 80 or
23 90 people going in there now because the families,
24 when they have whatever kind of meetings or
25 whatever they're having. So if there's no

1 restrictions at all, I mean, I'm not sure what they
2 have for any kind of church or religious
3 organizations. Is there a size limit to the
4 property, can only have so many people, I don't
5 know.

6 COUNCILWOMAN ALESIA: Supervisor?

7 SUPERVISOR SALADINO: Yes.

8 COUNCILWOMAN ALESIA: Would it be
9 acceptable if I ask for an adjournment on this?
10 I'd like to just check with Mr. Avrutine and see if
11 that would cause any massive prejudice to your case
12 if we waited just until the next Board meeting so
13 that -- personally, just because I have had this
14 with two other places in Plainview, I'd like to be
15 able to speak to the Building Commissioner, I'd
16 like to be able to speak to some of the residents.

17 SUPERVISOR SALADINO: There's no doubt
18 we are --

19 COUNCILMAN IMBROTO: I'd like to hear
20 from all the residents that are here first.

21 SUPERVISOR SALADINO: Yeah, absolutely.
22 And we'd also like to take our time. We have no
23 plan to decide this evening so that we make it very
24 clear to the residents. We want to make sure we
25 keep the rolls open so that people can call, people

1 can write us, people can e-mail us, but we would
2 like to hear whether they've put a slip in or not,
3 we would like to hear from other residents and feel
4 it's very, very important that you be heard this
5 evening.

6 MR. ALTADONNA: Or if the church has
7 representation here as well.

8 SUPERVISOR SALADINO: Absolutely.
9 Absolutely.

10 MR. QUINN: I thank you very much for
11 your time.

12 SUPERVISOR SALADINO: Anything else
13 Mr. Quinn?

14 MR. QUINN: No. That's it.
15 Thank you.

16 SUPERVISOR SALADINO: Thank you.

17 COUNCILMAN IMBROTO: Thank you for
18 coming.

19 SUPERVISOR SALADINO: Would any of the
20 other residents like to come forward and speak to
21 us? There's absolutely nothing to be nervous
22 about.

23 COUNCILMAN IMBROTO: Don't be nervous.

24 SUPERVISOR SALADINO: Yeah, you're
25 among friends.

1 If you could just start off by giving
2 us your name and address, please.

3 MS. KANOPA: My name is Elizabeth
4 Kanopa and I live at 9 Surrey Lane in Bethpage.

5 SUPERVISOR SALADINO: Can you give us a
6 little information about your experience with this
7 location?

8 MS. KANOPA: We live there thirty years
9 and we have the same concerns about it getting
10 bigger and parking on the side of the streets. It
11 is just -- don't want it to get out of hand with
12 everything. They -- you know, it's presumed to be
13 X amount of people in there, not to overextend to,
14 like, 90 to 100 people, and like -- like was said,
15 blocking the streets, driving -- parking on our
16 sidewalks and everything. It is a good
17 neighborhood. It is quiet neighborhood.

18 SUPERVISOR SALADINO: Can you talk to
19 us -- that's okay. You can go ahead.

20 COUNCILMAN MACAGNONE: Do you know
21 approximately what year Kenny's closed?

22 MS. KANOPA: Oh, God. I don't remember
23 what year. It's been a while.

24 COUNCILMAN MACAGNONE: I don't remember
25 either.

1 You had nice quiet for a long time?

2 MS. KANOPA: Yeah, even with Kenny's
3 Cafe, wasn't even traffic there. It was -- you
4 know, the same people in the neighborhood used to
5 walk there to go the restaurants. You know, nobody
6 really parked. You know, you'd walk down the
7 block.

8 SUPERVISOR SALADINO: Has it been years
9 since Kenny's was open?

10 MS. KANOPA: Oh, yes.

11 SUPERVISOR SALADINO: So it's been
12 closed for a number of years?

13 MS. KANOPA: Oh, yes.

14 AUDIENCE MEMBER: There have been other
15 restaurants.

16 SUPERVISOR SALADINO: There have been
17 other restaurants?

18 When was the last time the location was
19 occupied?

20 MS. KANOPA: 2010, maybe '10 or '11.

21 SUPERVISOR SALADINO: Okay. About
22 seven years ago.

23 MS. KANOPA: Yeah.

24 SUPERVISOR SALADINO: It's been empty
25 this entire time?

1 AUDIENCE MEMBER: They bought it in
2 '14. I believe.

3 SUPERVISOR SALADINO: Okay.

4 Any other questions? Is there any
5 other information you'd like us to know?

6 MS. KANOPA: No.

7 SUPERVISOR SALADINO: One question
8 about the parking because that seems to be the
9 common thread here.

10 In terms of the parking, is it most
11 egregious one night or one day of the week, is it
12 every day, is it a particular time period during
13 the week?

14 MS. KANOPA: I haven't noticed it right
15 now that -- the parking, but we've been more
16 concerned about -- we thought they were building
17 more to it, like, building up on it. That's what
18 we came here for -- to say, you know, if that
19 happens, then they are going to start parking all
20 over the place.

21 COUNCILMAN IMBROTO: That's not before
22 us right now, so...

23 MS. KANOPA: Right.

24 No, that's what -- we thought that this
25 was for them to build up on top or extend it out.

1 AUDIENCE MEMBER: Tuesday evening and
2 Sunday all day.

3 SUPERVISOR SALADINO: Tuesday evening
4 and Sunday all day, okay.

5 Anything else you'd like to share with
6 us?

7 MS. KANOPA: No.

8 SUPERVISOR SALADINO: Well, thank you,
9 very, very much.

10 Greatly appreciated.

11 COUNCILMAN IMBROTO: Thank you.

12 SUPERVISOR SALADINO: Who else would to
13 speak to us, would like to describe the experience?
14 Any of the other residents before I call on.

15 MR. McKENNA.

16 COUNCILMAN IMBROTO: And if any of you
17 do not want to speak but you still have something
18 that you want us to know, you can send us an
19 e-mail, you can send us a letter. We encourage you
20 to do that.

21 SUPERVISOR SALADINO: Would anyone from
22 the Association like to speak on this application?

23 Yes, sir. Why don't you come up now,
24 please?

25 Could you give us your name and your

1 address for the record, sir?

2 MR. SHARMA: Sure.

3 My name is Mahesh Sharma and my address
4 is 21 Lorraine Street, Syosset.

5 Councilmen, Mr. Supervisor, I
6 appreciate to be here today and thank you for all
7 the neighbors that brought up some of the concerns.
8 I would like to just highlight some of the issues
9 that they brought up.

10 Number one, the operating hours of
11 the -- of our Association is only from 9:00 a.m. to
12 5:00 p.m., but you hardly see anybody coming during
13 that time. The only -- once a week we meet for
14 about two hours, that is on Tuesday. So right now,
15 if you go there, you'll see exactly what happens
16 every Tuesday. Other than Tuesday, we do not see
17 people out there. There is no cars on the street,
18 but, yes, on Tuesday, we do get some time, close to
19 about 15 to 20 cars come in.

20 The reason why some of the residents
21 complain about overflowing of the cars in that
22 area, it is also because right next to our
23 property, there's a gas station and you do have the
24 people, traffic coming for the gas station. And
25 some of the time, the people who go to the gas

1 station, they park right across our parking lot
2 because they are under construction right now.

3 So the residents assume that these are
4 our patrons in our area, but they are not. They
5 are coming from outside. And, yes, it is a
6 religious organization.

7 We, just for the record, for our
8 neighbors, we are Hindu Welfare Association of
9 New York. We provide the education services in
10 India in remote villages to educate poor people,
11 and we do meet once a week to gather the talks of
12 our Board members and we can get the donation and
13 we plan as how to educate people better in India.

14 That's the whole motto of our
15 organization. The neighbor responded regarding
16 the -- too much traffic and causing the accident, I
17 do agree, because Rice Street is one-way street and
18 the turn that you make, it is kind -- could be very
19 risky turn, but if you have a traffic light right
20 on Rice Street, that will solve the problem.

21 And the third issue that was regarding,
22 you know, expanding the organization in the near
23 future, we can assure you, for now, that we are not
24 planning to do that and if this has for us to put
25 it in writing that we're not going to expand our

1 organization, we're not going to put a second
2 floor, or third floor on top of the building, we
3 would agree to do so.

4 If that's a concern, it is not a big
5 concern for our organization because we are close
6 to about 25 to 35 all together. Right now we are
7 40, 45 people, families all across our Town of
8 Oyster Bay, and we don't plan to expand any
9 further.

10 Thank you.

11 COUNCILMAN IMBROTO: I just have a
12 question just so I'm clear.

13 MR. SHARMA: Sure.

14 COUNCILMAN IMBROTO: Is this a charity
15 or is this a house of worship? Do you have
16 religious services?

17 MR. SHARMA: It is a charity
18 organization that provide the services to poor
19 people in India, in villages.

20 We do meet once a week and before we
21 start doing any good work, as a tradition, we get
22 together, we pray together, we talk with each
23 other, so the family comes to -- along, the
24 neighbors comes, the community people comes along,
25 and we try to be respective in all our doings

1 because we understand there are neighbors around.

2 And as the other gentleman said, we are
3 very quiet. We are -- you know, we try to make
4 sure our property is really clean. We don't bother
5 anybody, and there are certain days, like the new
6 year, Hindu New Year, we do expect a little extra
7 crowd that day because not all the members --
8 sometime, you know, we have few nonmembers that
9 might come in just to see what's going on, and we
10 know and we acknowledge there is a little crowd
11 over and we do have people stand outside making
12 sure that we don't bother neighbors, making sure we
13 park in the right area, making sure that we don't
14 go around and park in random places.

15 And we are very cognizant about that
16 and we try to be good neighbor. We try to -- we
17 want to mingle with the community. It is not a
18 community that disturbs the neighbors. We are very
19 cultured people, and you had just earlier given the
20 award to Indu, is part of the same neighborhood.
21 Indian community that try to thrive at what we can
22 do best in our neighborhood.

23 COUNCILMAN IMBROTO: I'm still just a
24 little confused, though.

25 Do you actually have religious services

1 or it is an organization that --

2 MR. SHARMA: As I said, yes, we do.

3 As I said, when we begin any service,
4 when we get together, the first thing we do is we
5 do prayer.

6 SUPERVISOR SALADINO: So is it similar
7 to -- much like here in the Town of Oyster Bay
8 where we're not a house of worship, but we begin
9 every Board meeting with prayer?

10 MR. SHARMA: That is correct, sir.
11 Yes.

12 COUNCILMAN IMBROTO: So it's not a
13 temple? Would you say it's like a temple?

14 MR. SHARMA: It's not a temple. It's
15 a -- what we call a House of Worship.

16 SUPERVISOR SALADINO: Not a temple not
17 a House Of worship.

18 MR. SHARMA: Because we do worship
19 there so we want to make sure we qualify ourself as
20 a place of worship. Why we get together. We just
21 don't go there and sit there and chit chat and
22 plan.

23 We do start everything with a prayer
24 and sometimes the prayer lasts half an hour,
25 sometimes hour, sometimes two hours, depending how

1 many people there are, depending on the kind of
2 prayer we do.

3 COUNCILMAN MUSCARELLA: You stated once
4 a week you meet or is it twice a week?

5 MR. SHARMA: Once a week. Only
6 Tuesday, once a week from 7:00 to 8:30.

7 By 9:30, there are no cars in the
8 parking lot.

9 SUPERVISOR SALADINO: Just for some
10 clarity, some of the residents had come forward and
11 said that one of the days that they are seeing a
12 high volume of cars parking and going into this
13 location is on Sundays.

14 Is that the case on Sundays? You also
15 have your members at this location?

16 MR. SHARMA: They are -- are 52 weeks,
17 maybe three weeks or two weeks where we'll have a
18 gathering on Sunday because during that time, we
19 bring all the kids over and we educate the kids on
20 the Indian tradition and Hindu and Sanskrit
21 languages. That's the only time where we have the
22 crowd. Otherwise, never ever on Sunday you will
23 see more than two cars in the parking lot, which
24 has a parking spot of 25 cars right now.

25 COUNCILMAN MUSCARELLA: All right.

1 You said about 50 cars come.

2 MR. SHARMA: Not 50 car. I'm sorry,
3 not 50 cars, 50 families.

4 COUNCILMAN MUSCARELLA: How many people
5 are there at one time? It's like 2,500 square
6 feet, is the building.

7 How many people do you have on that
8 Tuesday?

9 MR. SHARMA: Close to about 60, 70.
10 Maximum 60.

11 COUNCILMAN MUSCARELLA: So less than a
12 100?

13 MR. SHARMA: That's the maximum --
14 maximum use -- I would say maximum is 60, but
15 mostly -- if you go right now, as I said, Tuesday
16 is our main event, if you go right now into the
17 organization, you will see not more than 35 people.
18 Not more than 35 people right now, and there would
19 be close at least about six to eight empty car
20 parking right now, and that's very typical.

21 I understand the trouble that our
22 neighbor sometimes. As I said, you see a couple of
23 cars coming out into the parking lot right away,
24 you see a couple of cars going out at the same
25 time, you think there's a lot of events going on,

1 but ask the neighbor, you will not see this other
2 than 7:00 p.m. and 8:30 p.m.

3 You will never see this traffic on the
4 property before 7:00 p.m. Never happens before
5 7:00 p.m. you'll see a lot of cars on the property.

6 SUPERVISOR SALADINO: Is there any
7 other information you'd like to present to us at
8 this juncture?

9 MAN WITH MR. SHARMA: We just need for
10 50, 60 people occupancy. We don't need bigger and
11 we do only to -- sometimes we do a small part so
12 probably in future, we will do small gathering on
13 Sunday daytime.

14 COUNCILMAN IMBROTO: Could you just
15 talk into the microphone because I can't hear you?

16 MR. SHARMA: Right now, we don't do any
17 service on Sunday, but maybe in the future, the
18 plan is that we may do a two-hour service on
19 Sundays because kids are off from school and that's
20 an opportunity for kids to join the worship from
21 12:00 to 2:00 p.m., but we don't do this right now,
22 but in the future, we might encourage kids to come
23 along, of course, if we get a permit from the Town.

24 SUPERVISOR SALADINO: And you've stated
25 that you would agree to some covenants and

1 restrictions in terms of no additional building on
2 the site, no expansion of square footage?

3 MR. SHARMA: That is correct. Yes.
4 Yes.

5 SUPERVISOR SALADINO: Are there any
6 other restrictions that you might consider agreeing
7 to, that you would offer up voluntarily?

8 MR. SHARMA: There's nothing we are
9 doing outside of what we are not allowed to do and
10 in order for us to make sure our neighbors are
11 happy and that we get along as a bigger community,
12 we are willing to consider any other covenant that
13 the neighbors might consider.

14 But for now, if we say we're going to
15 limit our occupancy to the occupancy that we have
16 right now and we are not going to grow further in
17 terms of members or we're not going to build the
18 temple on the top, that's all I can promise you as
19 I see the issue right now. It's a members only
20 organization so you can't have anybody walk into
21 the member so we know who's coming into the
22 organization.

23 SUPERVISOR SALADINO: Is there anything
24 else you'd like us to know?

25 MR. SHARMA: Thank you for the

1 opportunity. Thank you.

2 SUPERVISOR SALADINO: Thank you.

3 COUNCILMAN MACAGNONE: Thank you,
4 gentlemen.

5 SUPERVISOR SALADINO: Thank you.

6 Is there anyone else from the
7 organization or from the community, neighbors who
8 would like to be heard? Anyone at all who would
9 like to be heard on this?

10 We have one more speaker. If you don't
11 mind, Mr. Avrutine, and then I'd know you'd like to
12 close.

13 MR. ALTADONNA: Mr. McKenna, before you
14 get up, the light is on, on your phone. It's like
15 blinding, the flashlight.

16 Can you just turn it off?

17 Thank you.

18 MR. McKENNA: Kevin McKenna, 3 Edna
19 Drive, Syosset, New York.

20 Yeah, I happen to notice this and I'm
21 glad that a lot of people saw -- from Bethpage, saw
22 the -- this Resolution and they came tonight.

23 My question would be if there's nothing
24 to worry about, then why do you even have to lift
25 the restrictions?

1 You know, that's -- why lift the
2 restrictions if nothing like the restrictions is
3 going to happen? Leave it the way that it is. I
4 don't think that I get the feeling that most of
5 you -- I'm very familiar with this restaurant and
6 it actually looks like -- normally, when there's a
7 hearing, doesn't the applicant normally come with a
8 picture for the Board?

9 COUNCILMAN MUSCARELLA: It's not that
10 kind of hearing.

11 COUNCILMAN MACAGNONE: It's not that --

12 COUNCILWOMAN ALESIA: It's not a Zoning
13 hearing. They are only seeking to lift the
14 covenants and restrictions, so they're not really
15 applying to us for any Zoning relief.

16 MR. McKENNA: Oh, I see.

17 Just to shed some light to be helpful,
18 this on South Oyster Bay Road and we don't need to
19 have another traffic parking problem on South
20 Oyster Bay Road, especially nearby another one.

21 Isn't there -- isn't there a -- what's
22 the Town Code? What's the amount of parking spaces
23 that needs to be provided for this? It's actually
24 a house. It doesn't look like a commercial --
25 it's -- it looks like a residential house. So, if

1 you think about it, this is similar to -- you know,
2 I live near the Syosset Train Station and I have
3 people parking in front of my house all the time
4 because of the Syosset Train Station.

5 You know, it's a similar situation and
6 what happens at my house is, without me even
7 asking, the Town just recently put up no parking
8 signs in front of my house, so if -- even if it's
9 one day a week, even if it's one day a week on a
10 Sunday, is it fair to local residents, even if it's
11 that one day, to have cars parked in front of their
12 houses?

13 You know, if they want to have family
14 members come visit them, so what's the Town going
15 to do after this, put up no parking signs? I just
16 think that it comes down to there should be a
17 certain amount of parking spaces that this group
18 has to have available on their property and -- you
19 know, I know the gas station next door because I
20 used to go to it, but maybe they can -- maybe they
21 could rent space from the gas station next door
22 to -- especially on Sunday when the gas station's
23 closed, but why lift the restrictions in the first
24 place? That's the bottom line.

25 SUPERVISOR SALADINO: Before

1 Mr. Avrutine comes up to close, is there anyone
2 else who would like to be heard on this?

3 Please step forward, sir. Okay.

4 MR. KANOPA: Let me give it a shot
5 here.

6 My name is Mike Kanopa, 9 Surrey Lane,
7 Bethpage.

8 Been there a long time. You know, like
9 the lady here said, that she had other problems.

10 On Old Country Road, you have a place
11 there that started small, little congregation.
12 Now, it's huge. Is this what's going to happen?
13 Start small, you get them in.

14 I don't know -- understand where the
15 residents' rights are. I mean, they just come in
16 and it's a house. Like this gentleman says, it's a
17 house.

18 Now, you ain't gonna have a church or
19 worship place look like a house. You're going to
20 start decorating, going to start making it look
21 more like a worship place, and things could get --
22 you know, this small, big, because that thing on
23 Old Country Road, that's a horror. That's huge.

24 And you can't put a light on Rice
25 Street. You know how much traffic there is coming

1 up off Stewart Avenue and the people coming down
2 off 107 down there? It's crazy there, and bad
3 enough if -- well, I don't know. I don't see it
4 right.

5 I just want to know where my rights
6 are. I don't know. I'm not a lawyer. I don't
7 know nothing, but I want to say don't approve it.
8 And I don't want to feel like I'm a racist or
9 anything, but I don't feel that. I'm sorry. All
10 right.

11 That's all I have to say. I'm sorry.
12 I don't know.

13 SUPERVISOR SALADINO: Thank you for
14 your providing your opinions.

15 Thank you.

16 Before Mr. Avrutine begins, I'd like to
17 ask Mr. Matt Rozea, our representative of the
18 Oyster Bay Town Attorney's Office to come forward
19 and to shed some more light on this from a legal
20 perspective.

21 MR. ROZEA: Sure.

22 Thank you, Supervisor, Members of the
23 Board.

24 As the Supervisor said, from the office
25 of the Town Attorney, Matt Rozea, Deputy Town

1 Attorney.

2 There are several terms to the existing
3 C&Rs, which are more expansive than what the
4 gentleman from the Association has represented they
5 are willing or intending to do with the property,
6 and so in that regard, it may be prudent, it may be
7 most prudent, quite frankly, that the Board defer
8 action on the application tonight so that we can
9 speak with Mr. Avrutine to consider voluntary
10 restrictions in line with the representations that
11 were made by representations of the Association.

12 Just by way of example, from what I
13 heard, was that the hours of operation are 9:00 to
14 5:00 p.m. -- 9:00 a.m. to 5:00 p.m. The existing
15 C&Rs discuss a closing on -- at 4:00 a.m., that's
16 far beyond what the representative has said they
17 intend to do with this property, and so it would
18 seem appropriate that we adjust to the extent
19 possible and to the extent that the Association is
20 willing to work with the Town and work with the
21 residents, most importantly. That we sit down and
22 review all of those situations and scenarios.

23 COUNCILMAN IMBROTO: Mr. Rozea, there
24 was, I believe, Mr. Avrutine mentioned that these
25 C&Rs are preventing him from getting a CO.

1 How would this prevent the CO from
2 being issued?

3 MR. ROZEA: Yeah. Respectfully, I
4 disagree.

5 I mean, if you look at the terms of the
6 C&Rs, it says that no building permit or
7 Certificate of Occupancy shall be issued unless and
8 until a site plan has been approved by Town Board
9 Resolution within one year of the adoption of the
10 Resolution that imposed the C&Rs back in 1990.

11 So I don't believe that that term
12 actually applies to the use that's at issue here.
13 I believe that was something that, again, was
14 limited to the use, the restaurant use that some of
15 the neighbors and residents have discussed.

16 SUPERVISOR SALADINO: Does anyone on
17 the Board have any questions for Mr. Rozea?

18 MR. ROZEA: Just so the record is
19 clear, though, because I want to make sure that I
20 heard everything correctly, the representative from
21 the Association indicated hours of use of 9:00 a.m.
22 to 5:00 p.m. on Tuesdays, perhaps an expanded use
23 for their meetings.

24 They represented that they're not
25 planning to expand or expand the footprint or build

1 out or increase the square footage of the building,
2 that they want to park in, quote, "the right area,"
3 and that there may be a maximum of 60 people
4 utilizing the building at any one time.

5 So, again, I'd like to speak with
6 Mr. Avrutine, you know, to see what we could do to
7 work this out, some type of voluntary agreement so
8 that everyone has a little bit of satisfaction
9 here.

10 SUPERVISOR SALADINO: Any other
11 questions?

12 COUNCILWOMAN ALESIA: I don't have any
13 questions, Supervisor. I just would reiterate my
14 previous application for an adjournment, if we
15 could.

16 SUPERVISOR SALADINO: Thank you.

17 Mr. Avrutine?

18 MR. AVRUTINE: Thank you,
19 Mr. Supervisor.

20 Just to address a couple of the points,
21 I think Mr. Rozea pointed out one of the points
22 that I was going make, that the existing covenants
23 allow the hours to be until 4:00 a.m. on the
24 weekends. That's clearly not the intention here.

25 The reason why we're here is because

1 the approval of the site plan by the Department of
2 Planning and Development had a condition attached
3 to it, which was the removal of these covenants
4 because, in their view anyway, I presume, since
5 they made that a condition to their approval, those
6 covenants were not geared to this use and should be
7 removed.

8 They didn't opine on whether other
9 covenants ought to be substituted, but clearly, I
10 think the point was that as a matter of their own
11 regulations, we are not going to want to have
12 restrictions tailored to a restaurant to govern a
13 use other than a restaurant.

14 COUNCILMAN IMBROTO: So, Mr. Avrutine,
15 other than this legal formality, these are not
16 actually interfering with the intended use of the
17 property?

18 MR. AVRUTINE: I don't really think
19 they are, but I can't get my CO, and that's why I'm
20 here.

21 I don't think we would have gone
22 through all of this if the Building Department
23 would have issued us a CO subject to these
24 covenants, but that was not what we were
25 instructed.

1 COUNCILMAN IMBROTO: Your client is
2 amenable to, perhaps, other voluntary restrictions?

3 MR. AVRUTINE: They've indicated that
4 they are. Clients being what they are, I might
5 have advised them differently had they consulted
6 with me first, but that being the case, I would
7 also submit that -- for instance, the -- any
8 limitation on the future application to apply for
9 an expansion, I would respectfully submit that they
10 shouldn't be precluded from making such an
11 application.

12 COUNCILMAN IMBROTO: A future
13 application would have to be approved.

14 MR. AVRUTINE: Well, of course, they'd
15 have to go through the site plan process again,
16 they'd have to, in all likelihood, go back to the
17 ZBA again and -- so that whole thing would engender
18 another process.

19 I would respectfully submit that to
20 preclude it, it would be inappropriate, to say the
21 least, especially in the context of a religious
22 entity, to not even allow them to ask. I believe
23 that's inappropriate.

24 So that having been said, what -- I
25 know Councilwoman Alesia requested that we adjourn;

1 my request would be that the public hearing be
2 closed. I'll still be willing to work with
3 Councilwoman Alesia, with the Town Attorney,
4 whoever you folks want me to work with.

5 COUNCILMAN IMBROTO: I'm inclined to
6 agree.

7 Why can't we close the hearing and just
8 reserve decision?

9 MR. AVRUTINE: And then we can work all
10 of this out rather than have to come back.

11 COUNCILWOMAN ALESIA: I'm comfortable
12 with that as well.

13 I think my point is, I'm not ready to
14 vote until I've had a chance. I'd like to speak to
15 Councilman Macagnone as well.

16 SUPERVISOR SALADINO: I don't think any
17 of us are ready to vote this evening.

18 MR. ROZEA: Putting the issue of the
19 vote aside, it may be advisable to keep the hearing
20 open for a certain period of time in case there are
21 any written comments that may come in from any of
22 the interested parties.

23 SUPERVISOR SALADINO: Certainly.
24 Absolutely.

25 MR. AVRUTINE: Keep the record open?

1 MR. ROZEA: Keep the record open.

2 MR. AVRUTINE: I have no objection to
3 that. I would just not -- prefer not to have an
4 adjourned hearing with a further public hearing.

5 COUNCILWOMAN ALESIA: I think that I
6 misspoke. Everybody calm down. I misspoke. I
7 misspoke. I did not mean we should adjourn the
8 hearing and continue the hearing. I meant that we
9 should close the hearing and I would prefer not to
10 vote on it until --

11 MR. AVRUTINE: Keeping the record open
12 for however the Board wishes is fine. It's fine
13 with the applicant, and after that period is over,
14 when the Board has all the comments that people
15 wish to make, I'd be happy to work with whomever
16 wants to work with me on this and we'll get it
17 resolved. I don't think that there's an issue
18 there.

19 SUPERVISOR SALADINO: My strong
20 suggestion is that you and members of the
21 Association meet this evening, you have everyone,
22 they've put aside other responsibilities and other
23 things they had to do tonight to make a point to be
24 here and it would behoove the residents to take
25 this opportunity to meet with them, to listen to

1 all their concerns so that it's very clear and you
2 have a dialogue. You've got them here now, we
3 suggest you do that.

4 MR. AVRUTINE: Absolutely, Supervisor.

5 And we do recognize that -- what the
6 community's concerns are. The parking lot is --
7 we've maximized, just so the Board is aware and you
8 can confirm this with the folks at Planning and
9 Development, we've maximized the parking as best as
10 we could on the site with as many spaces as we
11 could and then sought relief dimensionally in the
12 parking lot area so that we could accommodate more
13 spaces.

14 SUPERVISOR SALADINO: How many spots do
15 you have currently?

16 MR. AVRUTINE: We have 21 and the Code
17 requires 28.

18 SUPERVISOR SALADINO: 21 spots. The
19 Code requires 28, and we've been told this evening
20 that there are as many as 60 or even 100 people who
21 visit occasionally?

22 MR. AVRUTINE: Well, I don't think they
23 said 100.

24 By the way, as far as the occupancy
25 issue --

1 SUPERVISOR SALADINO: 60.

2 MR. AVRUTINE -- Mr. Supervisor, I would
3 say that at the end of this process, they don't
4 have it yet because they can't get their CO, the
5 Department of Planning and Development, the Public
6 Assembly Division will issue a maximum occupancy
7 for the building and they're bound by whether it's
8 in a covenant or anything else, that's their
9 maximum occupancy. If they were to exceed that
10 posted occupancy, then they are subject to fines
11 and other considerations as a health and safety
12 issue.

13 So they are not going to do that and
14 the establishment will have whatever occupancy is
15 determined. Again, a covenant that would be
16 inappropriate is 90 seats. Again, that was
17 tailored for a restaurant use, how many seats the
18 restaurant could have. This is a different type of
19 use, so I don't -- I don't know whether that
20 particular establishment had just 90 seats.

21 Maybe it had a bar area with additional
22 occupants. I don't know. But I -- all I would say
23 is that in working these things out, it would
24 certainly require a different document with
25 different restrictions that we would agree to

1 amongst both the Town and the applicant.

2 SUPERVISOR SALADINO: Thank you.

3 Does anyone have any other questions
4 for Mr. Avrutine.

5 (No verbal response given.)

6 COUNCILWOMAN ALESIA: I would suggest
7 that any additional comments from the public be
8 directed to Legislative Affairs as well as the
9 Board members.

10 COUNCILMAN IMBROTO: Yeah.

11 If you haven't spoken tonight or even
12 if you haven't -- even if you have spoken tonight,
13 please send in correspondence, send us a letter,
14 send us an e-mail. We want to hear from you.

15 MR. AVRUTINE: Shall I work with
16 Mr. Rozea on this?

17 SUPERVISOR SALADINO: Yes, but I, once
18 again, stress the importance of meeting with the
19 residents this evening while they're here and I'm
20 going to ask -- thank you, sir, very much.

21 MR. AVRUTINE: You're welcome.

22 SUPERVISOR SALADINO: Anything else you
23 have for us?

24 MR. AVRUTINE: No. I think that's
25 enough.

1 SUPERVISOR SALADINO: Thank you.

2 Mr. Rozea?

3 MR. ROZEA: Yes.

4 SUPERVISOR SALADINO: I just want you
5 to reiterate so everyone understands just a very
6 brief but general overview of the federal statute
7 that limits us.

8 MR. ROZEA: Sure. Sure.

9 SUPERVISOR SALADINO: It's very
10 important that the public understands how -- the
11 constraints in which we must operate within the
12 federal statute.

13 MR. ROZEA: So without conceding that
14 the Association is, in fact, a religious
15 organization, and there may be some questions about
16 that given some of the statements that were made on
17 the record tonight, the federal statute effectively
18 restricts towns or other municipalities from
19 exercising the types of zoning controls that
20 ordinarily would apply to businesses or residences
21 or any other institutional use.

22 Maybe that be a hospital, a restaurant,
23 et cetera. Congress, in its infinite wisdom, has
24 decided that they know best as to how land should
25 be used in the case of religious uses and so where

1 we could ordinarily impose certain stringent
2 restrictions on property and property uses,
3 Congress has taken that ability away from Town
4 Boards, this Town Board, in the case of religious
5 organizations and uses.

6 COUNCILMAN IMBROTO: So, in other
7 words, for certain types of uses, we can't control
8 things the way that we normally would be able to;
9 we can't impose as many restrictions as we'd
10 normally would be allowed to?

11 MR. ROZEA: That's exactly correct,
12 yes.

13 But, again, I mean, this is -- an
14 overview discussion, and, like I said, that's
15 without conceding that this Association is, in
16 fact, a religious organization.

17 COUNCILMAN IMBROTO: And that's a
18 federal law, right?

19 MR. ROZEA: That's a federal law, yes.
20 Enacted by Congress and signed by -- I
21 think it was President Clinton.

22 SUPERVISOR SALADINO: Okay.

23 Thank you for your thoroughness.

24 MR. ROZEA: You're welcome.

25 MR. AVRUTINE: I'd just like to

1 address, if I may, I'm sorry, just one more thing
2 Mr. Rozea said.

3 The issue of whether this is a
4 religious use was not even determined by the
5 applicant in this case. It was determined by the
6 Town.

7 When we submitted to the Building
8 Department, based upon the submissions and the
9 nature of the establishment, the nature of the
10 operation, and the plans that were filed, it was
11 denied for the variances as a religious use because
12 one of the variances we had to get was the fact
13 that the Code requires one acre for a religious use
14 so we needed a variance from that requirement. So
15 it was a Building Department determination that we
16 fell into the category of a religious use.

17 COUNCILMAN IMBROTO: Respectfully,
18 Mr. Avrutine, maybe they didn't have as much
19 information as we have now.

20 MR. AVRUTINE: But all I would say is
21 that's the determination that was made and I would
22 respectfully submit that that -- there would be an
23 appellate -- internal appellate process with
24 respect to that, and with all due respect, I would
25 venture to say that calling this something other

1 than that probably would not withstand scrutiny
2 legally. So that would be certainly my feeling on
3 it based upon not only what we've heard, but all of
4 the submissions and everything that takes place at
5 this premises.

6 SUPERVISOR SALADINO: Thank you, sir.

7 MR. AVRUTINE: Thank you.

8 SUPERVISOR SALADINO: Commissioner
9 Leslie MacCarone, would you step forward, please?

10 Call it ESP, but I just know you have
11 something to add to this.

12 COMMISSIONER MACCARONE: In terms of
13 what Mr. Avrutine had just mentioned, the
14 application came in a few years ago, but if
15 somebody came to the Department and said that they
16 were a place of worship, I don't believe that we
17 have questioned that at the time.

18 So, there was some discussion this
19 evening and I think we do need to look into whether
20 or not they're a place of worship or not, and, you
21 know, I'll work with the Town Attorney's Office and
22 Mr. Avrutine, but, again, if somebody applies to
23 the Department indicating that they're a place of
24 worship, we would take that -- I guess, at that
25 time, at its face value.

1 I guess going forward, depending on,
2 you know, how we review applications, we will
3 probably have to ask for additional information
4 from applicants when they indicate that they're a
5 place of worship.

6 SUPERVISOR SALADINO: And can you, for
7 the record, would you please state your presence?

8 COMMISSIONER MACCARONE: Elizabeth
9 Maccarone, Commissioner of Planning and
10 Development.

11 SUPERVISOR SALADINO: Thank you.

12 COMMISSIONER MACCARONE: One other
13 thing, I did want to add to it, based upon the
14 covenants that are on the property and so forth,
15 you know, they run with the land. They are here.

16 We did ask the applicant -- or, it was
17 their final letter from the Department, after a
18 series of letters working out different site plan
19 rules and regulations, that they come to the Board
20 to address these covenants and to rescind them.

21 However, they do run with the land and
22 it will be up to this Board whether to rescind them
23 all or possibly, like the Town Attorney had
24 indicated, keep some of those that do apply to the
25 to the property, whether it's lighting issues,

1 hours of operation, expanding the building.

2 And then also, as the attorney had
3 indicated, this did have a variance before the
4 Zoning Board of Appeals back in August of last year
5 for the parking and a few other -- you know, minor
6 items, but it is subject to a specific plan.

7 So even if the covenants were uplifted,
8 if that was how this Board were to go, any
9 expansion of the building, whether it be on the
10 first floor or on the second floor, would
11 definitely have to go back to the Zoning Board of
12 Appeals, even if they acquired -- say they acquired
13 either an additional parcel or worked out some type
14 of lease agreement with the neighboring property,
15 if any expansion to this property were to take
16 place and they submitted an application, it would
17 be rejected based upon the specific plan clause in
18 the Zoning Board of Appeals variance and it would
19 be before the ZBA at a public hearing with notice.
20 Notice to -- in the newspapers and so forth.

21 COUNCILMAN IMBROTO: So, in other
22 words, Commissioner, they would not be able to
23 expand whether these restrictions are lifted or not
24 without going back and applying to the Town to the
25 Zoning Board of Appeals?

1 COMMISSIONER MACCARONE: To the Zoning
2 Board of Appeals, that's correct.

3 COUNCILMAN IMBROTO: Which, I don't
4 know if everybody is aware, is a separate body from
5 the Town Board. We don't influence the Zoning
6 Board of Appeals. They are completely autonomous
7 from us, but the residents do have an opportunity
8 to be heard before that Board as well.

9 SUPERVISOR SALADINO: Thank you,
10 Commissioner.

11 Does anyone have any questions for the
12 Commissioner?

13 (No verbal response given.)

14 COUNCILMAN MACAGNONE: Good job as
15 usual.

16 COMMISSIONER MACCARONE: Thank you.

17 SUPERVISOR SALADINO: Thank you so
18 much.

19 I'd like to thank everyone for their
20 professionalism and the way they've conducted
21 themselves this evening. We will be keeping the
22 rolls open. Please feel, everyone from all sides
23 of this issue, to contact us by phone, contact us
24 by mail, for e-mail, and if you step to this table
25 here, you can get all the information on how and

1 where to contact us and we thank you very much.

2 May I have a motion, please?

3 COUNCILMAN MUSCARELLA: Correspondence?

4 SUPERVISOR SALADINO: Oh, yes.

5 Is there any correspondence on this

6 MR. ALTADONNA: The attorney for the
7 application has filed his Affidavit of Service and
8 Disclosure.

9 Communications from the Department of
10 Planning and Development indicate the following:
11 The Nassau County Land and Tax Map indicates the
12 property is Section 46, Lot 370, Lots 1-A, 1-B, 18,
13 and 19.

14 According to the Town of Oyster Bay
15 Zoning Maps, the property is located within an NB,
16 Neighborhood Business District. There are no open
17 Code Enforcement Bureau cases; however, there are
18 prior Town Board Resolutions and Zoning Board of
19 Appeals decisions on file for the subject premise.
20 There are no further correspondence.

21 SUPERVISOR SALADINO: Thank you.

22 May I please have a motion?

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

1 COUNCILMAN MACAGNONE: Second.

2 SUPERVISOR SALADINO: All in favor,
3 signify by saying "Aye."

4 ALL: "Aye."

5 SUPERVISOR SALADINO: All opposed,
6 "Nay."

7 (No verbal response given.)

8 SUPERVISOR SALADINO: The "Ayes" have
9 it.

10 Thank you.

11 COUNCILMAN IMBROTO: Could we just
12 clarify that the record is going to be kept open
13 for a certain period of time?

14 What period of time.

15 SUPERVISOR SALADINO: 30 days I think
16 is appropriate in this case.

17 COUNCILMAN MACAGNONE: Minimum 30 days.

18 MR. ALTADONNA: Let the record reflect
19 that this public hearing P-1-18 will be open for an
20 additional 30 days.

21 MR. AVRUTINE: The record will be?

22 MR. ALTADONNA: Yeah.

23 SUPERVISOR SALADINO: Yes. Thank you.
24 Thank you very much.

25 MR. AVRUTINE: Thank you.

1 COUNCILMAN MACAGNONE: Howard, good
2 seeing you.

3 COUNCILMAN IMBROTO: Thank you all for
4 being here.

5 SUPERVISOR SALADINO: Yes.
6 Thank you very much for your
7 participation and your professionalism. We really
8 appreciate it.

9 MR. AVRUTINE: Thank you.

10 SUPERVISOR SALADINO: You're welcome.

11 (TIME NOTED: 9:02 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
MARCH 27, 2018
9:03 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will Town Clerk
2 please call the Action Calendar?

3 MR. ALTADONNA: Okay.

4 First, as always, may I have motion to
5 suspend the rules and add Resolutions No. 215 and
6 216-2018?

7 This is just to suspend the rules and
8 add them to regular Action Calendar.

9 Resolution No. 215-2018; Resolution
10 authorizing the 2018 Town of Oyster Bay and Greater
11 Long Island Running Club sponsored races. (M.D.
12 3/20/18 #27).

13 Resolution No. 216-2018; Resolution
14 directing the Town Clerk to advertise a Notice of
15 Hearing to consider Tax Exempt Financing for East
16 Norwich Fire Company No. 1, for the purpose of
17 purchasing a replacement tower ladder truck.
18 Hearing date: April 10, 2018. (M.D. 3/20/18 #28).

19 On the motion?

20 COUNCILMAN MUSCARELLA: So moved.

21 COUNCILMAN MACAGNONE: Second.

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

25 On the vote:

1 Supervisor Saladino?
2 SUPERVISOR SALADINO: "Aye."
3 MR. ALTADONNA: Councilman Muscarella?
4 COUNCILMAN MUSCARELLA: "Aye."
5 MR. ALTADONNA: Councilman Macagnone?
6 COUNCILMAN MACAGNONE: "Aye."
7 MR. ALTADONNA: Councilwoman Alesia?
8 COUNCILWOMAN ALESIA: "Aye."
9 MR. ALTADONNA: Councilwoman Johnson?
10 COUNCILWOMAN JOHNSON: "Aye."
11 MR. ALTADONNA: Councilman Imbroto?
12 COUNCILMAN IMBROTO: "Aye."
13 MR. ALTADONNA: Councilman Hand?
14 COUNCILMAN HAND: "Aye."
15 MR. ALTADONNA: Motion to suspend the
16 rules and add Resolutions No. 215 and 216-2018
17 passes with seven "Ayes."
18 Now, may I have motion to adopt
19 Resolutions P-7-18 through Resolution 216-2018?
20 Personnel Resolution No. P7-18;
21 Resolution pertaining to personnel of various
22 departments within the Town of Oyster Bay.
23 Transfer of Funds Resolution No.
24 TF-5-18; Resolution pertaining to Transfer of Funds
25 within various departments accounts for the Year

1 2018.

2 Resolution No. 178-2018; Resolution
3 pertaining to the filing of the Town of Oyster Bay
4 External Audit Report, Office of the Receiver of
5 Taxes for the period ended September 30, 2017 and
6 ratifying the actions of the Town Clerk in
7 publishing said report as required by law. (M.D.
8 3/6/18 #9).

9 Resolution No. 179-2018; Resolution
10 pertaining to Contract No. PWC22-18, On-Call
11 Engineering Services relative to Architecture.
12 Account No. PKS H 7197 20000 000 1502 001. (M.D.
13 3/6/18 #13).

14 Resolution No. 180-2018; Resolution
15 authorizing acceptance of donations to the Town of
16 Oyster Bay Animal Shelter. (M.D. 3/6/18 #14).

17 Resolution No. 181-2018; Resolution
18 authorizing an Adult Co-ed Volleyball League with
19 an entry fee per team and to authorize the Parks
20 Commissioner to establish the length of season,
21 dates and location of games. (M.D. 3/13/18 #6).

22 Resolution No. 182-2018; Resolution
23 authorizing the issuance of a resident refund of a
24 building permit fee to Mr. & Mrs. T. Sullivan.
25 Account No. PAD B 0001 02555 000 0000. (M.D.

1 3/13/18 #7).

2 Resolution No. 183-2018; Resolution
3 appropriating funds for the 2018 Capital Program
4 Ten Year Equipment Purchase. (M.D. 3/13/18 #15).

5 Resolution No. 184-2018; Resolution
6 appropriating funds for the 2018 Capital Program
7 Park Improvements. (M.D. 3/13/18 #16).

8 Resolution No. 185-2018; Resolution
9 appropriating funds for the 2018 Capital Program
10 Highway Improvements. (M.D. 3/13/18 #17).

11 Resolution No. 186-2018; Resolution
12 calling for a public hearing to consider the
13 issuance of bonds in the amount of \$6,800,000 for
14 Public Parking District Improvements in the 2018
15 Capital Program. Hearing date: April 10, 2018.
16 (M.D. 3/13/18 #18).

17 Resolution No. 187-2018; Resolution
18 directing the Town Clerk to publish a notice of
19 application for Dawn Schlich to erect, maintain,
20 improve and/or repair a dock, float, bulkhead or
21 other mooring at 344 Riviera Drive S., Massapequa,
22 New York. (M.D. 3/13/18 #19).

23 Resolution No. 188-2018; Resolution
24 authorizing the property cleanup assessment of
25 1 Woodland Avenue, Glenwood Landing, New York, be

1 referred to the County of Nassau for placement on
2 the Nassau County Tax Assessment Rolls. (M.D.
3 3/13/18 #20).

4 Resolution No. 189-2018; Resolution
5 authorizing the property cleanup assessment of
6 11 Glenn Drive, Woodbury, New York, be referred to
7 the County of Nassau for placement on the Nassau
8 County Tax Assessment Rolls. (M.D. 3/13/18 #21).

9 Resolution No. 190-2018; Resolution
10 authorizing the property cleanup of 123 Brittle
11 Lane, Hicksville, New York, be referred to the
12 County of Nassau for placement on the Nassau County
13 Tax Assessment Rolls. (M.D. 3/13/18 #22).

14 Resolution No. 191-2018; Resolution
15 authorizing the property cleanup assessment of
16 23 Soloff Road, Massapequa, New York, be referred
17 to the County of Nassau for placement on the Nassau
18 County Tax Assessment Rolls. (M.D. 3/13/18 #23).

19 Resolution No. 192-2018; Resolution
20 authorizing the property cleanup assessment of
21 13 Jefferson Place, Massapequa, New York, performed
22 on August 1, 2017, be referred to the County of
23 Nassau for placement on the Nassau County Tax
24 Assessment Rolls. (M.D. 3/13/18 #24).

25 Resolution No. 193-2018; Resolution

1 authorizing the property cleanup assessment of
2 13 Jefferson Place, Massapequa, New York, performed
3 on October 5, 2017, be referred to the County of
4 Nassau for placement on the Nassau County Tax
5 Assessment Rolls. (M.D. 3/13/18 #25).

6 Resolution No. 194-2018; Resolution
7 authorizing the property cleanup assessment of
8 496 North Atlanta Avenue, Massapequa, New York, be
9 referred to the County of Nassau for placement on
10 the Nassau County Tax Assessment Rolls. (M.D.
11 3/13/18 #26).

12 Resolution No. 195-2018; Resolution
13 authorizing the property cleanup assessment of
14 377 Forest Avenue, Massapequa, New York, be
15 referred to the County of Nassau for placement on
16 the Nassau County Tax Assessment Rolls. (M.D.
17 3/13/18 #27).

18 Resolution No. 196-2018; Resolution
19 authorizing the property cleanup assessment of
20 166 East Zoranne Drive, Farmingdale, New York, be
21 referred to the County of Nassau for placement on
22 the Nassau County Tax Assessment Rolls. (M.D.
23 3/13/18 #28).

24 Resolution No. 197-2018; Resolution
25 authorizing the property cleanup assessment of

1 3 Walnut Avenue, Farmingdale, New York, be referred
2 to the County of Nassau for placement on the Nassau
3 County Tax Assessment Rolls. (M.D. 3/13/18 #29).

4 Resolution No. 198-2018; Resolution
5 authorizing the property cleanup assessment of
6 2 Robin Court, Farmingdale, New York, be referred
7 to the County of Nassau for placement on the Nassau
8 County Tax Assessment Rolls. (M.D. 3/13/18 #30).

9 Resolution No. 199-2018; Resolution
10 authorizing the property cleanup assessment of
11 49 Graham Street, Farmingdale, New York, be
12 referred to the County of Nassau for placement on
13 the Nassau County Tax Assessment Rolls. (M.D.
14 3/13/18 #31).

15 Resolution No. 200-2018; Resolution
16 authorizing the property cleanup assessment of
17 18 Sherman Avenue, Plainview, New York, be referred
18 to the County of Nassau for placement on the Nassau
19 County Tax Assessment Rolls. (M.D. 3/13/18 #32).

20 Resolution No. 201-2018; Resolution
21 authorizing the property cleanup assessment of
22 29 Oak Drive, Plainview, New York, be referred to
23 the County of Nassau for placement on the Nassau
24 County Tax Assessment Rolls. (M.D. 3/13/18 #33).

25 Resolution No. 202-2018; Resolution

1 authorizing the property cleanup assessment of
2 9 Peter Lane, Plainview, New York, performed on
3 June 15, 2017, be referred to the County of Nassau
4 for placement on the Nassau County Tax Assessment
5 Rolls. (M.D. 3/13/18 #34).

6 Resolution No. 203-2018; Resolution
7 authorizing the property cleanup assessment of
8 9 Peter Lane, Plainview, New York, performed on
9 September 5, 2017, be referred to the County of
10 Nassau for placement on the Nassau County Tax
11 Assessment Rolls. (M.D. 3/13/18 #35).

12 Resolution No. 204-2018; Resolution
13 authorizing the property cleanup assessment of
14 144 Gerhard Road, Plainview, New York, be referred
15 to the County of Nassau for placement on the Nassau
16 County Tax Assessment Rolls. (M.D. 3/13/18 #36).

17 Resolution No. 205-2018; Resolution
18 authorizing a Site Access Agreement for Northrop
19 Grumman Systems Corporation Construction and
20 Operation of a Groundwater Treatment Facility in
21 Bethpage and to authorize the Supervisor or his
22 designee to execute said agreement. (M.D. 3/13/18
23 #39).

24 Resolution No. 206-2018; Resolution
25 pertaining to Contract No. PWC07-18 for On-Call

1 Engineering Services relative to Civil Engineering;
2 bid and construction inspection services regarding
3 Syosset-Woodbury Community Park turf field
4 replacement. Account No. PKS H 7197 20000 000 1502
5 001. (M.D. 3/13/18 #41).

6 Resolution No. 207-2018; Resolution
7 pertaining to Contract No. PWC20-18, On-Call
8 Engineering Services relative to Tank Management.
9 Account No. PKS H 7197 20000 000 1502 001.
10 (M.D. 3/13/18 #42).

11 Resolution No. 208-2018; Resolution
12 pertaining to Contract No. PWC22-18, construction
13 inspection services regarding the Syosset Fire
14 District Memorial Park. Account No. PKS H 7197
15 20000 000 1209 001. (M.D. 3/13/18 #43).

16 Resolution No. 209-2018; Resolution
17 related to Procurement Policy and Procedure. (M.D.
18 3/13/18 #37).

19 Resolution No. 210-2018; Resolution
20 directing the Town Clerk to publish a Notice of
21 Hearing on a proposed Local Law entitled: "A Local
22 Law to Amend the Code of the Town of Oyster Bay,
23 New York, Chapter 93 - Building Construction to Add
24 Provisions Relative to the Execution of Building
25 Permit Applications." Hearing date: April 24, 2018.

1 (M.D. 3/13/18 #38 & 3/20/18 #26).

2 Resolution No. 211-2018; Resolution
3 authorizing the Town's Contractor's Equipment/
4 Rolling Stock with Fine Arts coverage for the
5 period from February 1, 2018 through February 1,
6 2019. Account No. Town AMS 1910 43020 601 0000 000.

7 (M.D. 3/13/18 #44).

8 Resolution No. 212-2018; Resolution
9 authorizing the Town's Public Officials & Employees
10 Liability Insurance coverage for the period from
11 January 28, 2018 through January 28, 2019. Account
12 No. Town AMS 1910 43010 603 0000 000.

13 (M.D. 3/13/18 #45).

14 Resolution No. 213-2018; Resolution
15 authorizing the Town's Hull and Machinery Insurance
16 Coverage for the period from February 1, 2018
17 through February 1, 2019. Account No. Town AMS 1910
18 43020 601 0000 000. (M.D. 3/13/18 #46).

19 Resolution No. 214-2018; Resolution
20 pertaining to acceptance of the Town's
21 Environmental Quality Review Division's
22 recommendation that the Draft Environmental Impact
23 Statement for the application of Syosset Park
24 Development, LLC and Oyster Bay Realty LLC (Syosset
25 Park), Syosset, New York, as satisfactory with

1 respect to scope, content and adequacy for the
2 purpose of the Town Environmental Quality
3 Conservation Law and that a date be set for public
4 comment. Hearing Date: May 1, 2018. (M.D. 3/13/18
5 #47).

6 Resolution No. 215-2018; Resolution
7 authorizing the 2018 Town of Oyster Bay and Greater
8 Long Island Running Club sponsored races. (M.D.
9 3/20/18 #27).

10 Resolution No. 216-2018; Resolution
11 directing the Town Clerk to advertise a Notice of
12 Hearing to consider Tax Exempt Financing for East
13 Norwich Fire Company No. 1, for the purpose of
14 purchasing a replacement tower ladder truck.
15 Hearing date: April 10, 2018. (M.D. 3/20/18 #28).

16 On the motion?

17 COUNCILMAN MUSCARELLA: So moved.

18 COUNCILMAN MACAGNONE: Second.

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

22 You have a multitude of speakers on
23 many issues.

24 SUPERVISOR SALADINO: Thank you.

25 Our first speaker is Paul Molinari of

1 Hicksville.

2 MR. MOLINARI: Good evening,
3 Mr. Supervisor.

4 SUPERVISOR SALADINO: Just one moment,
5 please.

6 MR. MOLINARI: Oh, I'm sorry.

7 SUPERVISOR SALADINO: I'm going to ask
8 you to hold off for just one moment, Paul, if you
9 don't mind. I apologize.

10 MR. MOLINARI: No problem.

11 SUPERVISOR SALADINO: Just give us a
12 moment.

13 We have an item on our calendar -- I
14 need a number.

15 COUNCILWOMAN ALESIA: It's 214.

16 SUPERVISOR SALADINO: Okay.

17 Resolution No. 214-2018, this
18 Resolution accepts a Draft Environmental Impact
19 Statement for an application on the Syosset Park
20 development.

21 I'm going to ask our representative of
22 the Town Attorney's Office to please step forward
23 to clarify exactly what this Resolution represents
24 so the public can better understand what we are
25 voting on this evening in terms of this Resolution.

1 Could you state your presence, sir?

2 MR. SCALERA: Frank M. Scalera, Chief
3 Deputy Town Attorney, office of the Town Attorney
4 of Oyster Bay.

5 Resolution 214-2018 is a Resolution
6 whereas it's requesting the Town Board to accept
7 the DEIS, the Draft Environmental Impact Statement
8 in connection with the Syosset Park Development,
9 LLC and Oyster Bay Realty, LLC project known as --
10 I guess, generically, known as the Syosset Park
11 Project, which is encompassing the former Cerro
12 Wire property and the Town of Oyster Bay 150 Miller
13 Place DPW property.

14 Just to clarify what this Resolution is
15 doing, the best way to analogize it is basically,
16 every October when we have our budget process, you
17 have a preliminary or a tentative budget presented
18 to the Board.

19 Early in -- either late September or
20 early October, you accept that preliminary or
21 tentative budget. You're not adopting it. You're
22 accepting it. And then, of course, thereafter,
23 you're going to have a public hearing on that
24 budget, and then, of course, the dialogue back and
25 forth, public input, and then finally at the end of

1 October or November, you adopt what you call the
2 final budget.

3 So using that analogy, in this
4 particular case, I understand there's been some
5 confusion that was directed to my office and to
6 others.

7 This Draft Environmental Impact
8 Statement for this project is basically saying that
9 within the parameters of the Environmental
10 Conservation Law and the SEQR, the State
11 Environmental Quality Review Act, laws and rules
12 and regulations, an applicant who is proposing a
13 project has to set forth their environmental impact
14 statement.

15 And, typically, early on, there is a
16 public input called a scoping session, which was
17 already had in this particular application, where
18 you lay out the -- I guess, the itinerary or you
19 lay out the objectives with the regulations as to
20 what the applicant is going to do to prepare that
21 initial Draft Environmental Impact Statement.

22 In sum, this acceptance of this
23 statement allows the beginning of the process.
24 It's not the middle or the end; it's the beginning
25 of the process, in which such time as once this

1 Board accepts such a DEIS, then it starts the
2 period of time for public input. Not just limited
3 to public input, input from other agencies, other
4 governmental agencies, as well as this Town Board
5 and anyone else that wants to give input.

6 In addition, there will be another
7 public meeting that is going to be coordinated by
8 the Department of Environmental Resources of the
9 Town of Oyster Bay and it will be what we call, I
10 guess, a SEQR meeting or SEQR hearing, which would
11 be an open meeting. It would be publicized. And
12 at that meeting, as well, it would be additional
13 opportunity for public input into or on -- or about
14 the Draft Environmental Impact Statement.

15 So, basically, once again, this
16 acceptance of the document begins the process.
17 You're not making a determination on the merits.
18 You're not determining any zoning. It's not a
19 zoning resolution. It's not a zoning matter.
20 You're not accepting and environmental impact.
21 You're just starting the process to go forward.

22 COUNCILMAN MACAGNONE: Mr. Scalera, my
23 problem is, on Friday evening, I got a disc with
24 800 pages on it. There's no way I could read 800
25 pages in four days, especially that technical

1 stuff. I understand it was sent to Syosset School
2 Board March 3rd. You know, I've complained about
3 this a couple times. We're not getting the
4 information in a timely fashion to review it
5 properly to make an informed decision on anything.

6 MR. SCALERA: Yeah, but what you're
7 doing --

8 COUNCILMAN MACAGNONE: I understand
9 we're accepting the DEIS, but still, I want to be
10 able to make an informed decision accepting it and
11 I'm not able to because it's such a short period of
12 time.

13 MR. SCALERA: That's where I want to
14 clarify. I mean, we've been through this before
15 and, you know, the SEQR process is typical in any
16 zoning action or any development action in the
17 Town. That, I think, is what you have this
18 misconception. You're not -- you need to have a
19 draft EIS finalize to begin to process so you can
20 review it.

21 Anything done beforehand --

22 COUNCILMAN MACAGNONE: I know what
23 you're saying, but I don't think you hear what I'm
24 saying. I got 800 pages on Friday evening.

25 COUNCILMAN IMBROTO: I believe I got it

1 earlier than Friday evening.

2 COUNCILMAN MACAGNONE: I got it Friday
3 evening.

4 COUNCILMAN IMBROTO: I think I got it a
5 couple of weeks ago in the draft -- in the draft
6 packet.

7 COUNCILWOMAN ALESIA: What I'm confused
8 about is if we -- I'm sorry.

9 COUNCILMAN MACAGNONE: You got 800
10 pages in the draft?

11 COUNCILMAN IMBROTO: The disc.

12 COUNCILMAN MACAGNONE: I didn't get a
13 disc. I don't have anything with it. I had to get
14 the zip drive.

15 COUNCILWOMAN ALESIA: If we accept it,
16 Mr. Scalera, Frank, I can't call you Mr. Scalera,
17 if we accept it, Frank, is it -- it's like
18 acknowledging receipt, we're just saying that we
19 have it, we are accepting it. That means, like,
20 yes, I have; it doesn't mean that I've --

21 COUNCILMAN IMBROTO: I think the word
22 accept is what's throwing everybody off.

23 COUNCILWOMAN ALESIA: -- reviewed it
24 and I agree with it. An "Aye" vote doesn't mean
25 I'm accepting its findings, it just means that I'm

1 accepting receipt.

2 MR. DAVIS: Right. The words in the
3 SEQR regulations and in the law use the word
4 "accept," but let's not confuse accept with adopt.
5 You're not adopting it. You're not making findings
6 on it. That is your determination when you get to
7 the final --

8 COUNCILMAN IMBROTO: We're not
9 approving it; we're not agreeing with it?

10 MR. SCALERA: You're not approving it,
11 the DEIS.

12 COUNCILMAN IMBROTO: It's just a draft?

13 MR. SCALERA: We -- the applicant as
14 well as the Town, we're both under the jurisdiction
15 of the same laws. The law has a starting process.
16 The starting process is a general syllabus or scope
17 called the scoping session where you determine,
18 look, there's certain items which you have to meet
19 a checklist in the SEQR regulations and rules, as
20 well as whatever is brought up at the scoping
21 session because every development in every
22 community may have different nuances that in the
23 scoping session, you may want to say, look, let's
24 address the fact that we're near a railroad. Let's
25 address the fact that we're near a highway. Those

1 are the things that differentiate some projects.
2 That will all be in the scoping session as kind of
3 like a schedule. Those are the things that the
4 applicant addresses.

5 We have professionals, in which you
6 folks hire, in the Department of Environmental
7 Resources, as well as outside consultants that we
8 also utilize.

9 Those are the folks that the Town Board
10 and the Supervisor you rely on, as well as some of
11 us in the Town Attorney's Office, to get the
12 document to you, similar to when we -- my analogy
13 earlier on with the budget process. You have all
14 the departments submit in a budget, it's tentative
15 and then it goes to you, that's the starting point.

16 If we don't get to the starting point,
17 we don't begin the process. So both the applicant
18 and the Town are both subject to the same laws and
19 rules. So I believe there's become -- there's a
20 misconception that you need to read and constantly
21 read and review a document that has not been
22 formally accepted by you folks to get it started so
23 the public can take that document, because if you
24 don't start that way, you'll have 27 different
25 versions of one document.

1 You have to accept the documents.

2 Okay, this is the starting point. This is the
3 document. I don't expect you to read 2,000 pages
4 before acceptance, but once it's accepted, that's
5 the document you will make comments on.

6 Instead of making this a circular
7 process, we'll never get to any place, we'll just
8 be spinning our wheels, so I think that was the
9 mischaracterization or misconception there.

10 So this is what this Resolution does
11 and then once this Resolution is passed, then that
12 document, which is actually 2,000 pages, it's a big
13 book, we have our folks from the Department
14 Environmental Resources back there, that document
15 will be made public, both in print form and
16 hopefully in -- you know PDF, where you can get it
17 on the Internet.

18 Then we have about 60 days from that
19 point in time until we even get to that public
20 meeting so people can put their comments in, and
21 not just people, entities, institutions, and then
22 you have the public meeting I mentioned before and
23 you could put more documents and input into it.

24 So there's -- this is just the
25 beginning and nobody gets prejudice from anything

1 that's going to happen here, but we need to start
2 the process, and this is the start of it.

3 COUNCILMAN IMBROTO: So, Mr. Scalera,
4 just to sum this up, by accepting this document,
5 that does not mean we agree with it; it does not
6 mean we're approving the document, but what it does
7 do is it triggers the period of public comment so
8 that everybody in this room, everybody in the
9 community can give us their input, and then there's
10 even more input going forward after that?

11 MR. SCALERA: Correct.

12 And that's exactly what you do want.
13 You want -- you need to formalize the process.

14 Again, we're not making this up. This
15 is under the SEQR laws and the environmental
16 conservation laws of New York State. You start the
17 process and then thereafter comes the input, and
18 the input can come from other municipalities. It
19 can come from -- mostly from the public. It can
20 come from other experts in the field, whoever wants
21 to put in, that's when it starts, and then those
22 are incorporated.

23 We -- our professionals on this side,
24 meaning the Town of Oyster Bay's Environmental
25 Resource Department, as well as our outside

1 consultants that review it with us, take in that
2 input and it's the back and forth with the
3 applicant while all that period of time, you can
4 constantly accept more input. That's the way the
5 SEQR processes worked for quite a while.

6 And then, of course, if later on when
7 you have your public hearing where you can bring
8 more stuff in and -- of course, that's the back and
9 forth between the Town, when they receive input
10 from all over, the applicant, the professionals
11 hired by both sides, and, again, it's all --
12 everyone is following the same SEQR laws and the 60
13 day is a hallmark of the SEQR process. And then --
14 this is the way this is -- this project requires
15 its start; otherwise, we'll never have a formal
16 document.

17 SUPERVISOR SALADINO: So, Mr. Scalera,
18 in fact, when the New York State Legislature
19 approved this process, it was designed to provide a
20 means by which to start the calendar on the -- on
21 the specific number of days and by voting to -- and
22 I'm not suggesting how folks are going to vote --
23 but in terms of the procedure as mandated by
24 New York State that we must follow, by accepting
25 this, by voting "Aye" to accept this, in essence,

1 that provides more of a voice for the public so
2 that they have a structure by which to understand
3 what this is and to comment on it?

4 By voting for this, we are, in fact,
5 supporting the public?

6 MR. SCALERA: Yes.

7 What you're doing is you're doing like
8 you indicated earlier just moments ago, you're
9 following the State law that both sides have to
10 follow and starting the process in which the public
11 provides and gives their input, whether be in
12 written form, testimonial form, because we'll have
13 a meeting, a public meeting on or about May 1st or
14 June -- or is it June, I mean, I'll check with.
15 Whatever, 60 days from -- starting within the next
16 couple of days, so we'll have that and that's --
17 both sides are constrained to the same laws passed
18 by New York State.

19 This is the -- this is the SEQR -- what
20 you call the SEQR or SEQR process.

21 SUPERVISOR SALADINO: And by voting
22 against accepting it, in essence, we're cutting off
23 the public's ability to be heard as it relates to
24 this application?

25 MR. SCALERA: What you're creating is

1 you're creating no formality for the process and
2 you're not following what the law has prescribed to
3 do this.

4 SUPERVISOR SALADINO: Mandated?

5 MR. SCALERA: Mandated, yes, of course,
6 it's State law. It's mandated. This is required
7 of every action.

8 So I think there's been some
9 mischaracterizations or misconceptions of what this
10 is.

11 Again, the simplest way, if you don't
12 want to think about this, think about when we do
13 our budgets every year, you accept the tentative
14 budget, you don't adopt it, then you have hearings
15 and you have input, and you folks read it and you
16 put your input and then you vote and you have a
17 public hearing and then you vote on your budget
18 thereafter and it makes -- it becomes permanent.
19 Same -- similar to that.

20 SUPERVISOR SALADINO: So in terms of
21 procedure, voting to accept this begins the process
22 by which we begin to read, to absorb it, to study
23 it, to listen to the experts, to listen to the
24 public, to listen to the views of everyone impacted
25 and involved so as to follow a procedure set forth

1 by law to ensure that there's transparency, public
2 input, and so that the public can feel quite secure
3 that this has been reviewed by experts and mandates
4 through State law and through the vote of the State
5 legislature that created this process to give the
6 public a voice?

7 MR. SCALERA: Correct, and also to give
8 each council person the formal DEIS for acceptance
9 for you folks to get started as well in your
10 review.

11 SUPERVISOR SALADINO: It also is a way
12 by which the public, the applicant, the Town,
13 everyone can be assured that we are announcing
14 through our votes that we have received it to begin
15 the process to read and absorb what's in it.

16 MR. SCALERA: Well, put it this way,
17 it's similar to any hearing we have. If we don't
18 call a hearing, we don't call the beginning of a
19 process, we can't take in the input formally and
20 legally for both the applicant's side and the
21 Town's side and the experts to do this according to
22 law.

23 So, getting -- again, I want to -- I
24 hate to go back to my original analogy, but if we
25 submitted a tentative budget and you keep saying, I

1 didn't read it, I didn't read it, and we keep
2 delaying it, we're going to blow the New York State
3 law on when you're supposed to pass a budget, which
4 is November -- you know, the second week in
5 November.

6 SUPERVISOR SALADINO: We did it prior
7 to November.

8 MR. SCALERA: Yes.

9 I'm just giving you a generic. Yes,
10 I'm not -- I'm not implying that you -- but, of
11 course, you can't just keep pushing it out. You
12 have to, unfortunately or fortunately, there's the
13 rules and this is exactly what it is.

14 COUNCILMAN IMBROTO: Mr. Scalera, I
15 think that you had a good analogy when you said
16 it's like calling the beginning of a hearing.

17 MR. SCALERA: That's all. Exactly.

18 You need to start the process to
19 formally take in the input that the public's going
20 to give.

21 Now, for the -- some of the folks on
22 this Board who have been here over the last
23 fifteen, twenty years and we've been through SEQR
24 processes, there's -- I've never seen a time where
25 this Board did not take every single ounce of

1 minutia, of input, from the public.

2 I see, Joe Muscarella, Councilman,
3 smiling. We've always taken -- we've always kept a
4 record of, we've taken everything before the final
5 environmental impact statement has been presented
6 to this Board. So I don't think we should change
7 that and I think it's in keeping with Supervisor
8 Saladino's mandate that we keep everything open and
9 transparent and -- you know.

10 SUPERVISOR SALADINO: It also gives
11 an -- in your opinion, by accepting this, voting to
12 accept this, it gives an assurance to the public
13 that everyone on the Board has seen a copy of, has
14 been given a copy of it, by voting, no one would
15 vote to accept it if they haven't accepted a
16 copy -- if they haven't received a copy? It
17 provides an assurance to the public; does it not?

18 MR. SCALERA: Of course, because the
19 public --

20 COUNCILMAN MACAGNONE: By receiving it,
21 doesn't it give the illusion that it's been read
22 and digested?

23 SUPERVISOR SALADINO: When you receive
24 a letter and it's return receipt, you sign for the
25 letter, but you don't open it and read it before

1 you sign it. The postman comes to the door, knocks
2 on the door, hands you the letter, and you sign
3 that you've received it without yet opening up that
4 envelope.

5 MR. SCALERA: Correct.

6 That's -- that's another good analogy,
7 right. You're accepting the letter, but you're not
8 necessarily what's written inside, you haven't read
9 it yet and you may not accept what's in it, but
10 that's another good analogy.

11 But, understand, the -- what's being
12 missed here is you've had many months, many months
13 of the folks in this Town, your Town workforce
14 through Department of Environmental Resources and
15 through our outside consultants who work with
16 Environmental Resources, going through this
17 preliminary process to get to this point to give
18 you the starting document that meets all the
19 criteria.

20 A checklist, if you will, that set
21 forth, again, in New York State law.

22 SUPERVISOR SALADINO: Mandated by the
23 State.

24 MR. SCALERA: So, again, you do have
25 your folks behind me here who have -- who have been

1 doing the initial stages to get it to you because
2 you need a document to get started. We can't have
3 multiple documents out. You have to start and
4 that's with the input, and I can assure being
5 through these processes before and I know that,
6 Councilman Macagnone, you've -- we've been through
7 it, even on this very same site where we kept the
8 record open to ensure that every single person of
9 the public and whoever else decided to bring -- you
10 know, submit whatever they were to submit on the
11 project.

12 COUNCILMAN IMBROTO: Mr. Scalera, after
13 these lengthy months and months of input with our
14 Town experts, our Town experts are recommending
15 that we accept --

16 MR. SCALERA: Right.

17 COUNCILMAN IMBROTO: -- this Draft
18 Environmental Impact Statement?

19 SUPERVISOR SALADINO: Not adopt it;
20 accept it.

21 MR. SCALERA: Accept it at this
22 juncture.

23 SUPERVISOR SALADINO: For clarity.

24 MR. SCALERA: I mean, again, and this
25 is something that, you know, sometimes I think it's

1 missed because you have some folks, like I said,
2 behind me who have worked very hard and many months
3 to get to a point that you have a starting -- I
4 don't want to use the word starting document, that
5 be a -- it's a document where --

6 COUNCILMAN IMBROTO: A working
7 document.

8 MR. SCALERA: Yeah, a document now has
9 become the official working document to now start
10 the process and the time -- the time to go forward.

11 SUPERVISOR SALADINO: So the Board, so
12 the public --

13 MR. SCALERA: The Board and anybody
14 else, yes.

15 SUPERVISOR SALADINO: -- so the experts
16 are all looking at the same facts.

17 MR. SCALERA: The same document.

18 You have to work from one document and
19 that's what you're doing. You're accepting the one
20 document.

21 SUPERVISOR SALADINO: Does anyone have
22 any other questions for Mr. Scalera?

23 Any Board members?

24 (No verbal response given.)

25 COUNCILWOMAN ALESIA: Thank you,

1 Supervisor.

2 SUPERVISOR SALADINO: Thank you.

3 COUNCILMAN MUSCARELLA: Well done.

4 SUPERVISOR SALADINO: We appreciate
5 clarity.

6 If you'll just be patient, we'll have
7 plenty of opportunity for the public to speak on
8 this. I'd like a representative from Environmental
9 Resources to please step forward.

10 Would both please state your presence?

11 MR. BAPTISTA: George Baptista, Deputy
12 Commissioner, Department of Environmental
13 Resources.

14 COUNCILMAN IMBROTO: Could you just be
15 mindful to speak into the microphone?

16 MS. SCHNEIDER: Julia Schneider,
17 Department of Environmental Resources.

18 SUPERVISOR SALADINO: So that everyone
19 in the public is clear, so that all of the Board
20 members feel assured of what we're doing here, we
21 want to make this crystal clear. Mr. Scalera spoke
22 to a checklist that needed to be completed before
23 we can accept, vote to accept a report of this
24 nature.

25 Can you tell us if that checklist has

1 been completed up to the point by which we need to
2 have completed to comply with the law?

3 MR. BAPTISTA: Supervisor, it has been
4 completed. The checklist that Mr. Scalera alludes
5 to is actually a compilation of a scoping session
6 attended by the public where the public had a great
7 deal of input on this process. They helped scope
8 this document, this road map, if you will, of the
9 DEIS.

10 There's been a tremendous amount of
11 public input to this point and as Mr. Scalera
12 states, this process that we hope will begin
13 tonight is really intended and designed for the
14 maximum amount of public input, but we do have to
15 start somewhere. So --

16 COUNCILMAN MACAGNONE: Excuse me --

17 MR. BAPTISTA: Yes, sir.

18 COUNCILMAN MACAGNONE: Where was that
19 advertised, the public hearing?

20 MR. BAPTISTA: The public hearing is --

21 COUNCILMAN MACAGNONE: No, the scoping
22 session.

23 MR. BAPTISTA: The scoping session
24 was -- we had June 19th -- oh, I'm sorry, 2016,
25 June 16, 2016.

1 COUNCILMAN MACAGNONE: Where was it
2 advertised?

3 MR. BAPTISTA: I don't know,
4 Councilman. That was certainly two -- short of
5 two years ago, but it was -- I assure you, followed
6 the SEQR requirements for notification, whether it
7 was --

8 COUNCILMAN MACAGNONE: I pass that site
9 every day. I've never seen a sign up.

10 MR. BAPTISTA: I understand, but the
11 public notification may not require a sign. It may
12 simply be a legal notice in Newsday, it may simply
13 be posted on the Town website. Again, predates my
14 presence in the Department of Environmental
15 Resources.

16 MS. SCHNEIDER: And also, the scoping
17 session is optional. It was an additional measure
18 that the Town created.

19 SUPERVISOR SALADINO: Do you concur
20 with Mr. Scalera's representation that voting to
21 accept this does not -- is not a vote to adopt it
22 and is part of our legal mandate, our legal
23 requirement to engage the public and to continue to
24 follow the legal SEQR process?

25 MR. BAPTISTA: Yes, Supervisor, he was

1 accurate.

2 SUPERVISOR SALADINO: Does anyone else
3 have any questions?

4 Any Board members?

5 (No verbal response given.)

6 SUPERVISOR SALADINO: Thank you very
7 much.

8 MR. BAPTISTA: Thank you, Supervisor,
9 Town Board.

10 MR. SCALERA: Excuse me, I want to make
11 one more point, Supervisor, Town Board.

12 I'm not sure whether anybody put in a
13 document -- put in a speaker form? Okay.

14 MR. ALTADONNA: Oh, there's a few.

15 MR. SCALERA: Again, this is for legal
16 purposes, of course, this begins -- you're going
17 to -- you know, I'm sure this begins, you know, the
18 dialogue that going to start with respect to this
19 project and the DEIS, but understand, until the
20 Board votes to accept it and start the process,
21 anything that's said here tonight, although, of
22 course, we listen to it, we take notes, and it
23 doesn't become part of the record, so if it's
24 indeed accepted and we put it and then we publish
25 it on our website and we make it public, from

1 thereafter, anything that's submitted becomes part
2 of the formal process.

3 So, I guess what I'm saying, I'm asking
4 that anybody who's going to speak tonight, I,
5 unfortunately, have to -- they, unfortunately,
6 would have to put those comments down back in
7 writing and submit them because until such time --
8 as we said before, until such time as you accept
9 it, the formal process doesn't start.

10 So I don't want anybody to have any
11 misconception that we -- that you can rely on this
12 record by this court reporter tonight; however, of
13 course, we'll be taking notes, but we ask those
14 folks who have any comments, please submit them.

15 Should this Resolution be passed,
16 submit them here after to put as part of the formal
17 record.

18 COUNCILMAN IMBROTO: In other words,
19 the comments tonight will become a part of this
20 Town meeting's record, but not a part --

21 MR. SCALERA: One part of the formal
22 DEIS record. So I know it's a technicality, but's
23 let do it the right way.

24 COUNCILMAN MACAGNONE: A very good
25 point, though.

1 MR. SCALERA: And it's so easy. Let's
2 do it the right way.

3 COUNCILMAN MACAGNONE: That's what we
4 want to do.

5 SUPERVISOR SALADINO: But indeed,
6 Mr. Scalera -- but indeed, by accepting this, we
7 begin that formal process that does allow the
8 public to be heard.

9 MR. SCALERA: Correct. Correct.

10 SUPERVISOR SALADINO: And without
11 accepting this, we cut off the public's opportunity
12 to be heard on the record in terms of this
13 application?

14 MR. SCALERA: Correct.

15 And on the record in terms of the
16 application, right, not in terms of this meeting
17 here. Of course, there's public comment. All I'm
18 saying is that the public comments or any speaker
19 forms will be before you vote.

20 So what I'm saying, technically, and I
21 hate to be that lawyer in the room, but
22 technically, until such time -- no, I don't -- but
23 technically, until such time, so I ask those people
24 who are speaking tonight, if indeed this Resolution
25 is passed, just make those comments. Put them in

1 writing and submit them tomorrow or the day after
2 when we publish the DEIS, if and when we publish
3 it. Okay?

4 SUPERVISOR SALADINO: Mr. Scalera,
5 would you also assure them that going forward, at
6 some point, there will be a public hearing
7 specifically designed to listen to the public's
8 comments?

9 MR. SCALERA: Correct.

10 They'll be -- pursuant to the Open
11 Meetings Law, there will be a public notice of a
12 meeting in which our folks from Department of
13 Environmental Resources, the applicant, and whoever
14 else wants to be there, it will be an open meeting
15 relating to the SEQR process. It will be a SEQR
16 hearing/meeting pursuant to the Open Meetings Law.

17 So it would be posted, published, and
18 probably -- we'll all determine -- we'll see what
19 kind of -- what comes about of this project.

20 I'm going to presume this room may not
21 be enough because of the interest involved so we're
22 also planning to, perhaps, get a different location
23 so any member of the public will have a comfortable
24 venue to be in.

25 SUPERVISOR SALADINO: And all this

1 information will be posted on the Town's website?

2 MR. SCALERA: Absolutely. Yes, of
3 course.

4 SUPERVISOR SALADINO: And we can assure
5 the public that will all be --

6 MR. SCALERA: The website, published
7 newspaper, just like we do this meeting, it will be
8 pursuant to the Open Meetings Law.

9 SUPERVISOR SALADINO: Any other
10 questions for Mr. Scalera?

11 (No verbal response given.)

12 MR. SCALERA: Thank you.

13 SUPERVISOR SALADINO: Thank you. Okay.
14 I had called Mr. Molinari so I'm going
15 to call him first, but please put in a slip, anyone
16 who would like to comment on this, please.

17 Mr. Molinari, if you come back up and I
18 thank you for your patience, and I'm sure as an
19 engineer, you understand why we wanted to make this
20 very clear to everyone involved.

21 MR. MOLINARI: Good evening,
22 Mr. Supervisor and Town Board.

23 SUPERVISOR SALADINO: Good evening.

24 MR. MOLINARI: Paul Molinari,
25 332 West Nicholai Street, Hicksville.

1 Just one slight comment on that, on the
2 SEQR process. That's why rules and regulations
3 should not be written by lawyers because they tend
4 to confuse everybody. I know. I worked for the
5 EPA for 32 years and I had to interpret regulations
6 written by lawyers.

7 Tonight I want to address a couple of
8 Resolutions. I want to start with Resolution 186.
9 I know this is only a Resolution for the
10 publication for the hearing to be held on
11 April 10th; however, I will not be able to attend
12 that meeting so I want to raise several questions
13 that I think should be addressed at that hearing or
14 whenever.

15 First of all, it says that \$6.8 million
16 for the parking district, which, I believe, the
17 backup says it's for the Hicksville parking garage,
18 and is the 6.8 million for all the improvements and
19 what improvements are going to be made to the
20 parking garage, or does it also include
21 improvements to parking lots?

22 More critical to that is, if it's
23 including if this bond is going to passed for the
24 parking garage improvements, I was concerned, what
25 is this?

1 You know, we as the taxpayers, are now
2 footing the bill for the improvements. I know the
3 Town has proceeded with a lawsuit against the
4 design engineer and the consultant. I would want
5 that to be known, what the status of that lawsuit,
6 has any progress been made on that lawsuit.

7 COUNCILMAN IMBROTO: Paul, you know
8 litigation isn't going to be resolved that quickly.
9 We need to get the thing fixed.

10 MR. MOLINARI: I understand the
11 process, but I think the public should also know
12 where we stand in that process.

13 Is it going to go on for another
14 ten years? Are the meetings occurring? You know,
15 so I would just think that should be addressed.

16 SUPERVISOR SALADINO: We are happy to
17 get that question answered for you.

18 MR. MOLINARI: Now, the other
19 Resolutions I want --

20 SUPERVISOR SALADINO: As best as can be
21 answered at this juncture, as you realize.

22 MR. MOLINARI: No. I understand the
23 legal process.

24 SUPERVISOR SALADINO: I know you do.

25 MR. MOLINARI: The other Resolutions

1 are 183 and 185, which is the approval of
2 approximately \$14 million in bonds for improvements
3 to roads, parks and equipment.

4 The backup did not identify any of the
5 projects, so I would ask, what projects are going
6 to be funded by those bonds resolutions?

7 Thank you.

8 SUPERVISOR SALADINO: Thank you.

9 So just to answer the question that was
10 just posed. There are three items this evening
11 that allow the Town to go forward in terms of the
12 process of bonding. They include various Town park
13 improvements at the Liberty site, at various
14 playgrounds; the replacement of a turf field, just
15 the replacement; electrical repairs to lighting
16 that have aged out and that are very much in need
17 of repairs; some building construction, some
18 general improvements, and the bonding and financing
19 charges that every municipality has to incur,
20 including New York State has to incur for that
21 process.

22 Equipment, we have the need to continue
23 to keep up with our fleet for garbage trucks and
24 other pieces of equipment. Most of these pieces of
25 equipment have lasted longer than the industry

1 recommends and longer than is common practice in
2 all municipalities, and truly, it's important to
3 thank our Central Vehicle Maintenance crews who
4 keep this equipment going as strong as possible.

5 But we also recognize now that we're
6 involved in single stream recycling, the amount of
7 time -- now, it's all done with garbage trucks,
8 packers, and we'll be selling off the recycling
9 vehicles. So as we get more involved, and it's my
10 intention and I would trust all the Board members,
11 that we become the number one municipality in terms
12 of overall recycling. We'd really like to be
13 number one.

14 To do that, you need cooperation and
15 motivation of the public. You need good public
16 information, but you need an infrastructure to do
17 that, so that's why we are recommending borrowing
18 to purchase ten packers to ten-wheel dump trucks,
19 those are the ones that you have seen during the
20 snowstorms that plow in the front, and the sand and
21 salt spreader that fits inside the truck, and two
22 six-wheelers that do the same thing. Sometimes
23 they're known as power wagons and -- as well as,
24 again, the bonding and finance cost and that
25 would -- that section of this borrowing is --

1 equals \$3,400, and, finally and perhaps most
2 importantly of all, the reconstruction of our
3 roads.

4 Speaker after speaker who come to our
5 Town Board meetings when we are all out listening
6 to the public at every forum, civic occasion
7 meetings, listening to the homeowners, listening to
8 our residents, one item is crystal clear, and that
9 is the public has asked for the roads to be
10 repaved.

11 We hear that call and we are responding
12 now in an effort, we will be asking in this to bond
13 up to \$5 million. We expect to receive CHIPS money
14 in return, that's New York State funding. That
15 could be anywhere between \$1 and \$4 million. We'll
16 be watching the budget of New York State very
17 carefully, and, of course, there's a bonding and
18 finance costs involved with that that every
19 municipality pays.

20 We also have monies that have been set
21 aside as we've been bonding -- as we have been
22 setting up our budgets responsibility. Remember,
23 last year, we did no capital borrowing. We paid
24 off \$84.5 million of our debt and that was
25 confirmed in the report provided by Standard and

1 Poor's, who increased our bond rating up to
2 investment grade, as we discussed earlier, and you
3 may have seen in some media entities who reported
4 on this. Standard and Poor's has given us quite
5 positive reviews, independent reviews.

6 So this year, even with this bonding,
7 if it's voted to pass and begin the process, we
8 will still pay off \$50 million net, inclusive of
9 this, in an effort to continue to move toward
10 reducing the debt of this Town. The two years
11 combined is over 22 percent of the Town's overall
12 debt. So we are approaching this in a very
13 responsible way.

14 Obviously, we heard the cries of the
15 crowd, we heard the asks of our residents, and I'm
16 certainly in agreement that it's a very high
17 priority to repave our roads throughout the Town of
18 Oyster Bay and that costs money.

19 COUNCILMAN IMBROTO: Supervisor, I just
20 want to clarify that even with this borrowing for
21 the roads, we're going to reduce the Town debt by
22 50 million. There's going to be a net reduction.
23 We're going to pay off significantly more than
24 50 million, but at the end of this year, it will be
25 50 million less than it is now.

1 SUPERVISOR SALADINO: That's correct.

2 In addition to the 84.5 million that we
3 paid off in 2017 and we will continue with this
4 trajectory of decreasing the debt to our residents.
5 We did this last year while cutting taxes, \$1.3
6 million, and delivering a balanced budget that
7 reduced the deficit in our budget.

8 So this gives you an overview of what
9 the impetus is for this and as so many of you who
10 come to these meetings on a regular basis, have
11 heard the residents asking to get our roads
12 repaved. I ride on them every day. All of our
13 Board members do. It's very obvious to us that our
14 roads need repaving and we have instilled a new
15 system to prioritize that so we have a very easy to
16 follow process that the public can follow to see
17 why and when and how we will be repaving our roads,
18 answering the call to our residents.

19 So I hope this gives the public an
20 understanding of the importance of this bonding.
21 It's rather small in comparison to what the Town
22 has done in the past. On average, the Town of
23 Oyster Bay, before I got here, on average, the Town
24 has borrowed \$75 million each and every year and we
25 put a stop to that type of borrowing.

1 So we feel -- Thank you, Mr. -- thank
2 you, Arthur -- so we feel that this is very
3 responsible, I feel that this is answering the
4 request of the public, and this is being done --
5 and by the way, with our attention to fixing the
6 finances and our upgrade in our bond rating, if
7 indeed we will be borrowing this money through our
8 Town Board action -- and tonight's vote is not the
9 vote to borrow, but to start the process to go out
10 to the bond agencies to seek out what rates we
11 would get -- the rate at which we will borrow will
12 be considerably lower than what the Town had in the
13 past while under junk bond status.

14 So, we're proud of where we've brought
15 the Town. We will have a net reduction in our debt
16 of \$50 million following last year's reduction of
17 \$84.5 million. We are responding to the needs of
18 the public and we have, as you've probably seen in
19 past Board meetings, that we've reissued debt at a
20 lower rate, which is not -- which means no net
21 additional borrowing, just reissuing it to reduce
22 our interest costs and saving the taxpayers a few
23 million dollars over the course of the life of the
24 bond.

25 So this all adds to our overall

1 financial plan that we've been rewarded with by the
2 increase in our bond rating from S & P as well as
3 through our audit, our experts have assured the
4 public through this process, as well as New York
5 State, because the State Controller gets a copy of
6 that as well, that we're heading in a much better
7 direction.

8 So I hope that long answer answers some
9 of your questions, Mr. Molinari.

10 Our next speaker is Art Gibson of
11 Ronkonkoma.

12 COUNCILWOMAN ALESIA: Is he going to
13 get his Visa stamped on his way in?

14 SUPERVISOR SALADINO: If we don't get
15 those roads done, he's going to have to change the
16 tires on his car.

17 COUNCILMAN IMBROTO: He's representing
18 many Oyster Bay residents.

19 MR. GIBSON: Good evening,
20 Mr. Supervisor, Council Members.

21 Art Gibson.

22 You want my address and all that as
23 well or is that good?

24 Business agent for Local Plumbers Union
25 200.

1 So, very simply, I would like to
2 encourage this Town Board to accept the developers
3 Draft Environmental Impact Statement as complete
4 and enter it into the 60-day review period.

5 That's all I'll say about it. It's
6 enough said.

7 SUPERVISOR SALADINO: Thank you very
8 much.

9 MR. GIBSON: Thank you.

10 SUPERVISOR SALADINO: Our next speaker
11 is Laura Schultz of Syosset.

12 Hi. How are you? Good evening.

13 MS. SCHULTZ: Hi. Good evening.

14 Laura Schultz, President of Residents
15 For a More Beautiful Syosset along with Leslie
16 Levy, the Vice President of Residents For a More
17 Beautiful Syosset.

18 SUPERVISOR SALADINO: We thank you
19 again for joining us this evening.

20 MS. SCHULTZ: Leslie is going to start
21 off.

22 SUPERVISOR SALADINO: Okay.

23 MS. LEVY: We're specifically talking
24 about the topic of the DEIS, the scope of the DEIS.
25 We have an advantage on you guys because as

1 residents, we have been to the public meetings,
2 we've attended -- Residents have sent somebody to
3 every meeting.

4 MS. SCHULTZ: In the newspaper,
5 March 2016, two years ago for those who have not
6 been on the Board since 2016, talking about the
7 project, talking about the scope of the project,
8 and things that should be included.

9 MS. LEVY: So we have seen what they
10 did address in the DEIS and the applicant's
11 consultants and professionals have spoken with us
12 and we understand that they took as their model,
13 the DEIS proposal for the previous use, which was a
14 shopping mall.

15 At the first meeting, we realized there
16 was an omission and we told them there was an
17 omission. The shopping mall didn't have to
18 consider it, but for residential purposes,
19 absolutely, there was no study of the impact on the
20 train station. Shoppers don't come by train.

21 So we mentioned that to them. It -- at
22 the second meeting, it still had not been included
23 and this is what we learned. The applicant
24 informed us that he is not obligated to add
25 anything to the scope unless the Town requests it.

1 So we are here to ask the Town to request to expand
2 the transportation portion of the study beyond
3 traffic to include not just car traffic, but
4 parking at the commuter parking, traffic to and
5 from the station and the rider load on the LIRR.
6 Just ask them to include this in the DEIS before it
7 becomes an FEIS.

8 COUNCILMAN IMBROTO: Thank you.

9 MS. SCHULTZ: With the Town of Oyster
10 Bay railroad parking lots at Syosset filled by
11 7:15 a.m. each weekday morning, Long Island
12 Railroad commuters must scramble to find parking in
13 the nearby residential area, most of which is --
14 which has been posted with no parking signs.

15 Where are they to park? Where are the
16 occupants of the new 625 Syosset Park residences
17 going to find parking for their commute into
18 New York City?

19 Unless this issue is addressed and
20 included in the DEIS, the quality of life for new
21 Syosset arrivals, as well as those -- as well as
22 for a long-time Syosset residents will be a
23 nightmare.

24 We remind this Town Board that this
25 process on this controversial mega project is now

1 proceeding on your watch. You are all sitting up
2 there now in 2018. Your reputations are on -- are
3 at stake. I don't have to remind you what is going
4 on right now in the courts.

5 Before you make your decision on this
6 project, you are entitled to the applicant's best
7 research, complete and thorough with the Syosset
8 Railroad Station, its parking, its traffic, and its
9 rider load, given the same excellent attention that
10 the applicant has applied to car traffic on the
11 roads near the Cerro Wire site.

12 Therefore, Residents For a More
13 Beautiful Syosset officially request that this Town
14 Board include this mega project's impact on the
15 Syosset Train Station in the environmental impact
16 statement.

17 Thank you very much.

18 SUPERVISOR SALADINO: Thank you.

19 COUNCILMAN IMBROTO: Thank you.

20 Could our Town Attorney just opine in
21 on this?

22 COUNCILWOMAN ALESIA: I was going to
23 ask the same question.

24 Mr. Scalera, is this something that if
25 we accept the DEIS today, we can't request in the

1 future? Are we locked in?

2 MR. SCALERA: Of what, the comments
3 that were just made?

4 COUNCILWOMAN ALESIA: Well, I think
5 it's persuasive what we just heard.

6 MR. SCALERA: Absolutely.

7 COUNCILWOMAN ALESIA: So if we want to
8 have that added and we accept it, are we precluded
9 from asking for additional information?

10 MR. SCALERA: No. Exactly not. That's
11 exactly -- that's exactly what we're trying to --
12 you know, to express to everybody here today and to
13 this Board.

14 COUNCILMAN IMBROTO: We just want to
15 make sure.

16 MR. SCALERA: When you have a DEIS
17 accepted -- when you have the DEIS accepted, what
18 they had just mentioned is comments coming from
19 folks, particularly in the community, who may have
20 different needs, desires or notice something that
21 is kind of tailored to their community as compared
22 to as if this was a project in Hicksville or
23 Massapequa. That's exactly --

24 MS. SCHULTZ: But your best leverage is
25 right now.

1 SUPERVISOR SALADINO: Just one moment.
2 We are clarifying it for you.

3 COUNCILWOMAN ALESIA: We have to vote
4 and I just want to really understand it, Frank.

5 If I come away from tonight saying I
6 want a study on this particular issue that Laura
7 and Leslie brought up, that would then become part
8 of the FEIS; is that right?

9 MR. SCALERA: It would -- first, it
10 would become a continued part of the DEIS. We're
11 not even getting to the FEIS until we resolve all
12 these matters.

13 So if it's accepted, then I ask, like I
14 mentioned before, submit what you just said to the
15 Department of Environmental Resources and then it
16 becomes part of that process which George and Julia
17 could speak more so because they go to day to day,
18 back and forth with the applicant and experts.
19 That's exactly what I was trying to indicate
20 before.

21 This is not adversarial. I -- excuse
22 me for saying, when you say the word "leverage," it
23 doesn't mean anything to me legally at this point
24 because it's not an issue of leverage. It's an
25 issue of input and information from the public.

1 Then you submit that and then at the public meeting
2 we're going to have where the applicant presents
3 again their Draft Environmental Impact Statement
4 seeking to go further in the process, that's when
5 you can address them because understand -- you can
6 you can address them, and you could put the input
7 in and there's the back and forth with the
8 applicant and the Town to address all the factors
9 that become part of this process.

10 COUNCILMAN MACAGNONE: Now, is there
11 any validity to the fact that they did not take
12 into account that mass transportation can be used
13 by these people?

14 MR. SCALERA: Well, this, I think, is
15 better answered by the technical folks, yeah.

16 COUNCILMAN MACAGNONE: Thank you,
17 Frank.

18 MR. BAPTISTA: Good evening, again.

19 We're not quite sure where some
20 speakers may say they've obtained their information
21 because the latest version that you guys have seen
22 was drafted in December of 2017.

23 MS. LEVY: Thursday, last Thursday
24 night.

25 SUPERVISOR SALADINO: Okay.

1 What we really want to get, one
2 specific question answered.

3 MR. BAPTISTA: I'm sorry, Supervisor,
4 yes.

5 SUPERVISOR SALADINO: If we accept this
6 tonight, does that preclude the Board from asking
7 for and receiving a study on other impacts
8 including mass transit, railroad and so forth?

9 MR. BAPTISTA: Of course that does not
10 preclude anybody, whether it's the Board, the
11 public, any involved agency.

12 SUPERVISOR SALADINO: And, in fact --

13 MR. BAPTISTA: Yes, sir.

14 SUPERVISOR SALADINO: Does this --
15 doesn't this now start a process to listen to the
16 public, to get more ideas of the needs and wants of
17 everyone affected by it, everyone, quite frankly,
18 and allows us to then respond so we can ask for and
19 we can mandate that we've received this kind of
20 data to enter it into the process? Isn't this now
21 as designed by the State, approved by the State
22 Legislature, in creating the SEQR process, that
23 we're mandated by law to follow? By accepting
24 this, we give a platform for the public to ask for
25 something that we can then mandate takes place?

1 MR. BAPTISTA: That is correct.

2 COUNCILMAN MACAGNONE: Okay.

3 Can you answer my question, please.

4 MR. BAPTISTA: Sure, Councilman.

5 COUNCILMAN MACAGNONE: Please.

6 Is there any validity to the ladies?

7 MR. BAPTISTA: My review seems to
8 indicate --

9 COUNCILMAN MACAGNONE: That they went
10 off the old usage for the mall?

11 MR. BAPTISTA: I'm unfamiliar with that
12 particular aspect, Councilman. It's a very big
13 document. Although, I've reviewed it, I can't
14 comment on that specific --

15 COUNCILMAN MACAGNONE: I know, I've got
16 the same problem.

17 COUNCILWOMAN ALESIA: Does it contain
18 anything on the public transport?

19 MR. BAPTISTA: It does, yes, ma'am.

20 COUNCILWOMAN ALESIA: Okay.

21 Can you elaborate on that or this is
22 not the right forum for that?

23 MR. BAPTISTA: This isn't the forum;
24 however, to say that if anybody, whether it's
25 Ms. Schultz or anybody in an involved agency thinks

1 that something in that DEIS is inadequately
2 explained, the comment process provides that
3 vehicle for them to express clearly and as
4 articulately as they want, what's remiss.

5 COUNCILMAN IMBROTO: I see some
6 vigorous nodding in the back with respect to this
7 issue.

8 Do you have something you'd like to
9 add?

10 MR. DAVIS: I apologize. I don't want
11 to speak out of turn, but based on the comments --

12 COUNCILMAN IMBROTO: Could you step up
13 to the podium for us and tell everyone who you are?

14 MR. DAVIS: I apologize. I'm just
15 trying not to waste everybody's time here.

16 After --

17 SUPERVISOR SALADINO: Could you please
18 start off by giving us your presence?

19 MR. DAVIS: Sure.

20 Chuck Davis with Simon and we are part
21 of Syosset Park Development and the applicant.

22 We held five community meetings in 2015
23 before we made an application and these comments
24 came up then and the full package, including the
25 scoping document, asked us to look at that and we

1 also looked at about going the other way to
2 Hicksville and the document goes into exhaustive
3 detail in the options and looks at these things
4 because we were directed to by the Town.

5 COUNCILMAN IMBROTO: Thank you.

6 COUNCILWOMAN ALESIA: Thank you so
7 much.

8 SUPERVISOR SALADINO: Ms. Schultz, does
9 that answer your question?

10 MS. SCHULTZ: That's all we wanted to
11 know.

12 Thank you.

13 SUPERVISOR SALADINO: You're very
14 welcome. We're glad that you're satisfied.

15 Our next speaker is Mr. Joseph
16 Montalbano.

17 MR. MONTALBANO: Hello, Supervisor and
18 Council people. I'll make it quick.

19 Joe Montalbano. I represent General
20 Building Laborers, Local 66.

21 We ask that you accept the developer's
22 DEIS as complete and start the process.

23 Thank you.

24 SUPERVISOR SALADINO: Thank you very
25 much.

1 Our next speaker is Todd Fabricant.

2 MR. FABRICANT: Thank you, Supervisor.

3 Todd Fabricant, Cerro Wire Coalition,
4 Jericho, New York.

5 Thank you, Mr. Supervisor, Town Board,
6 Town Clerk.

7 For the last 22 years, I've been
8 chairman of the Cerro Wire Coalition. The Cerro
9 Wire Coalition has consisted of 26 civic business
10 groups throughout the Town of Oyster Bay, excluding
11 your previous speaker, Ms. Schultz.

12 We have been very excited about this
13 opportunity. With all due respect to the
14 Councilman who lives in Syosset and is also a union
15 worker, I'm not sure why he's putting his hand up.

16 COUNCILMAN MACAGNONE: I have to take
17 my union hat off when I'm up here.

18 MR. FABRICANT: Just saying, sir.

19 COUNCILMAN MACAGNONE: Got to tell you,
20 it's my responsibility and my duty to take my union
21 hat off and be a Town Board member.

22 MR. FABRICANT: I am representing 26
23 civics throughout the Town of Oyster Bay. We are
24 asking that this Town unanimously approve the DEIS
25 as presented.

1 Thank you.

2 MR. MCKENNA: What civics do you
3 represent?

4 SUPERVISOR SALADINO: Would you please
5 have some order? Please have some order. Everyone
6 will have a chance to speak.

7 Our next speaker will be Howard
8 Avrutine.

9 MR. AVRUTINE: Good evening, again,
10 Mr. Supervisor, Members of the Board.

11 Some of you will remember back in the
12 old days, I know Councilman Muscarella stepped out,
13 I was going to say the three of us would have been
14 eligible for the old-timers game based upon our
15 longevity with this particular piece of property
16 and everything that's gone one with it. There he
17 comes. He's coming back.

18 The -- as you know, I was involved
19 representing the community opposing the mall
20 project and became very involved with the alternate
21 development concept which ultimately morphed into
22 this application, and being a land use attorney and
23 also an advocate for the community for many years
24 and also a former resident of the community, I care
25 very, very much.

1 And this project, working with this
2 group has been vastly different than what the other
3 application was all about. This application is one
4 that has been one of the most community inclusive
5 processes I've ever been a part of and it's gotten
6 to the point now, the scope was done and you asked
7 the question before, Councilman Macagnone, what
8 notice was given about the scope.

9 You may not recall, but back at that
10 time, you asked the same question when the scoping
11 session was being set up and so a vast mailing was
12 sent out way beyond what the -- what the law
13 requires in order to satisfy your concerns, which
14 were, obviously, very legitimate.

15 COUNCILMAN MACAGNONE: And they
16 recently did. The applicant received it also.

17 MR. AVRUTINE: Yes, and that's the way
18 they've acted from day one.

19 So, the scope had a huge amount of
20 input by the community and it's a very, very
21 exhaustive scope. They went above and beyond.
22 They added virtually everything that was asked for
23 because they wanted to do the right thing. This
24 document is -- is complete as far as accepting it
25 for review.

1 Just to further amplify what
2 Mr. Scalera said earlier, this is been an ongoing
3 process now for close to three years, where the
4 information was submitted to the Department of
5 Environmental Resources, reviewed by internal
6 staff, reviewed by external consultants, comments
7 sent back, more information submitted, and until we
8 got to this point where the Town's consultants are
9 saying, we're satisfied, we've gotten, on a
10 technical level, everything we need, now let's
11 start the process.

12 The approval of this Resolution tonight
13 will make this document public. It'll send it out
14 for the public to review. It will make it
15 available in a lot of different venues. It will
16 send it out to other government agencies and
17 entities for their input and that way there will be
18 as complete a process as you might have.

19 I would enthusiastically request that
20 the Board pass this Resolution and allow the
21 process to continue.

22 Thank you.

23 SUPERVISOR SALADINO: Thank you, sir.

24 Our next speaker will be Roy -- I
25 believe -- it's Chipkin of Jericho, Roy C. I

1 apologize if --

2 MR. CHIPKIN: I am Roy Chipkin,
3 271 Gramercy Drive, Jericho. I'm the current
4 President of the Birchwood Civic Association.

5 1,200 families that are the closet
6 proximity to this project and the community has
7 asked us to tell you to accept the Resolution,
8 plain and simple.

9 Thank you.

10 SUPERVISOR SALADINO: Thank you so
11 much.

12 Our next speaker is Mr. Crudo. I
13 apologize if I'm getting this name wrong. I'm
14 trying to read as best I can.

15 Patrick Crudo.

16 MR. CRUDO: Crudo.

17 SUPERVISOR SALADINO: Close.

18 Thank you, sir.

19 MR. CRUDO: Patrick Crudo, 227 Miller
20 Place, Syosset. I'm the President of the Birchwood
21 Park Civic Association at Locust Grove. We're
22 located just south of the Northern State Parkway
23 between Miller Place and South Oyster Bay Road. We
24 have approximately 500 homes.

25 I personally have been involved with

1 this property going back probably over thirty
2 years.

3 Prior to helping purchasing it when
4 there was a proposal Asai Associates to build two
5 office buildings there, which went nowhere because
6 part of it was to put underground parking, so I
7 don't think they did their due diligence then.

8 My community, like most communities, is
9 divided between pro and con. There was some that
10 want the development; some that don't.

11 Some have a lot more questions about
12 the environmental impact of it. I've walked that
13 property, Cerro Wire, several times 20, 25 years
14 ago. I know how it was. I looked at what I had
15 access to. I understood what this was tonight.

16 This gives us, as residents, an
17 opportunity to actually see what is totally
18 proposed. I've been to all the meetings that the
19 developers have done. I've been to the scoping, so
20 I'm more aware than some others possibly, but I
21 still don't know anything. It's not going to take
22 me 800 pages, because I'm not going to read 800
23 pages, but I'll skim through the parts I think are
24 relative to me and to my community and give them
25 the information.

1 So I would suggest that you accept it
2 so we have a place to start.

3 Thank you.

4 SUPERVISOR SALADINO: Thank you.

5 Our next speaker is Robin Grossman.

6 Good evening, and thank you for joining
7 us.

8 MS. GROSSMAN: Thank you.

9 COUNCILWOMAN ALESIA: Hi, Robin.

10 MS. GROSSMAN: Good evening, Supervisor
11 Saladino and all members of the Town Board. Thank
12 you for giving me this opportunity to address you
13 this evening.

14 My name is Robin Grossman and I am a
15 resident within the Town of Oyster Bay for the last
16 25 years.

17 I have been actively involved in the
18 Syosset Central School District as a member of all
19 levels of PTA, including counsel, but one of my
20 most active roles was that of a committee member,
21 then Chair of School and Community.

22 This was a committee that allowed me
23 firsthand information on what was going on in and
24 around school, but more importantly, what was going
25 on in and around my own community that I helped

1 disseminate to my neighbors.

2 With that as a preface, I reside in the
3 area known as East Birchwood in Jericho.

4 I am very familiar with one of the
5 longest fights over a piece of land formerly known
6 as Cerro Wire and presently known as Syosset Park.
7 I have been a voice for many as well as singularly
8 to make our needs and wants known about this
9 property and its stellar future.

10 I thank you for taking the time to
11 diligently review the scope of this project.

12 It is time to move ahead and accept the
13 Resolution to start the draft of the environmental
14 impact study and help turn that Brownfield of the
15 corridor of Robbins Lane into something that can
16 benefit all.

17 On and off the record, I also want to
18 say that I am also not an activist paid member. I
19 am a volunteer, as well as somebody who wants to
20 protect my own property.

21 I thank you all for your time. No
22 matter what you celebrate, I wish you all, you and
23 your families, a very Happy Passover and a very
24 Happy Easter.

25 Thank you.

1 SUPERVISOR SALADINO: Thank you, and
2 same to you.

3 Mr. Kevin McKenna?

4 MR. MCKENNA: Kevin McKenna, Syosset,
5 New York.

6 Yeah, this topic is what brought me to
7 the Town meetings in the first place a couple, two
8 three years ago, and I have had the opportunity to
9 review the initial DEIS that was submitted to the
10 Town's Environmental Resource Department.

11 I reviewed it about six months ago. It
12 was the initial one and I take issue with what
13 Mr. Scalera said and let me explain why.

14 This is not the same. This is not the
15 same as a budget where, you know, after you get the
16 budget -- this is different because -- because once
17 you accept this, you are not the developer. You
18 know, you handle the budget. You can change the
19 budget. Okay.

20 You can't, after you accept this,
21 change -- you're not in direct control of the -- of
22 the environmental statement itself. The Town's
23 environmental department, I give them credit, that
24 I have been in contact with one individual over the
25 past year who was extremely helpful to me. Her

1 name is Jaime Van Dyke, and she was the only one
2 that I was able to reach out to.

3 Like Laura Schultz and others, we
4 should have the ability as residents to provide the
5 type of input that Laura Schultz and her
6 accompanying person presented, because the purpose
7 of this impact statement, before you get it, it's
8 supposed to be complete. You're supposed to be
9 getting a complete document. That's why you have
10 the environmental department.

11 Up until February 17th, I believe it
12 was, I reached out to Jaime Van Dyke because it was
13 still in the works and I found out that Jaime Van
14 Dyke was taken out of the Environmental Department,
15 which was a shock to me because I've spoken to her
16 and I know her commitment to the project and I know
17 her personal dedication. I could tell from her
18 dedication to doing the right thing. So as much as
19 I appreciate and I've spoken to -- I've spoken
20 to -- I'm sorry.

21 Yeah, we've spoken, from what I
22 understand, the young woman who just came up to the
23 podium is a new addition to the Environmental
24 Department, comes from one of the Town's
25 consultants, Cashin Spinelli, I believe.

1 I have a tried over the past year --
2 I'm not against the development. I -- you know,
3 and I realize and I -- before I came here, I didn't
4 need Mr. Scalera's -- although, I appreciate it --
5 I know others maybe do, but I didn't need his
6 explanation as to what the purpose of tonight is.

7 But I urge you -- let me tell you why
8 you need to table this vote, because this is a
9 rush. This happened about three, four weeks ago,
10 the Syosset Park, Syosset Park, Mr. Davis, who just
11 came up here, and two or three of the others that
12 work behind them to promote the park, their website
13 went dark, their Facebook page went dark for the
14 past year, and only about three weeks ago did
15 Syosset Park put on their website, their Facebook
16 page, a meeting that took place this past week at
17 the Milleridge Inn and they told -- they posted on
18 their page that they -- that they did a mailing to
19 all the residents in the area about that meeting
20 last week and 70 percent of the residents in the
21 area did not get any mailing.

22 I even went as far as to speak to the
23 post person who delivers the mail in the
24 surrounding community around this site.

25 So needless to say, the meeting at the

1 Milleridge Inn this past week was very lowly
2 attended. I felt bad that they paid so much money
3 to rent the Milleridge Inn; although, it might
4 help.

5 COUNCILWOMAN JOHNSON: I'm going to
6 stop you right there. I have no interest in the
7 Milleridge Inn.

8 My father is a partner there so every
9 time you go online, and you insinuate --

10 MR. McKENNA: I'm very surprised
11 that --

12 COUNCILWOMAN JOHNSON: Every time you
13 go online -- and you called three people that
14 walked past you a liar, so you just need to stop.

15 MR. McKENNA: When somebody lies in
16 front of me, I tell them.

17 COUNCILWOMAN JOHNSON: Three people you
18 called a liar.

19 MR. McKENNA: That's right because they
20 are liars.

21 SUPERVISOR SALADINO: Mr. McKenna --

22 COUNCILWOMAN JOHNSON: Uncalled for.

23 MR. McKENNA: Okay. I'm sorry. Let me
24 just finish.

25 The fact of the matter is that I

1 invited certain Councilmen here to come, to come to
2 that meeting, to educate yourselves about what
3 would be in this DEIS and I was told that the Town
4 attorneys told the council people that it would be
5 a conflict of interest to really put yourself in
6 that situation, so I was just surprised.

7 I was surprised that it was held at the
8 Milleridge Inn and not in Syosset. Okay. But
9 anyway, the big problem that I have with this is
10 that the DEC -- let me just step back.

11 First of all, I can't see how you could
12 accept -- I can't see how you could accept this
13 is -- I can't see how you could accept this
14 document --

15 COUNCILWOMAN JOHNSON: Time's up.

16 SUPERVISOR SALADINO: Is his time up?

17 Mr. McKenna, would you please wrap up?
18 Your time is up.

19 MR. McKENNA: -- when the Town -- the
20 Town still owns the property of the landfill and
21 the developer, just a few days ago, said that
22 they're not going to close on the sale until the
23 Town removes yourselves from the property.

24 So how could you be accepting a
25 document for a piece of property that they're going

1 to propose to build on when you guys still own the
2 property?

3 SUPERVISOR SALADINO: Okay.

4 Mr. McKenna, you've made many points.
5 We appreciate it. You're time is up.

6 MR. McKENNA: And lastly. I waited all
7 evening. This is very, very important.

8 SUPERVISOR SALADINO: You're up here on
9 every issue to speak and we're going to call on you
10 and we're going to afford you an opportunity to
11 come up and speak.

12 MR. McKENNA: You let the church people
13 talk here for twenty minutes.

14 SUPERVISOR SALADINO: Sir.

15 MR. McKENNA: I just want to make one
16 more point.

17 COUNCILMAN IMBROTO: That was a public
18 hearing, Mr. McKenna. This is different.

19 SUPERVISOR SALADINO: Mr. McKenna, it
20 was a public hearing.

21 Mr. McKenna, you're --

22 MR. McKENNA: And the other thing is,
23 you called this Resolution here and you made it
24 like you pulled this out from all the other
25 Resolutions and you didn't call, I don't think, all

1 the other Resolutions; did you?

2 SUPERVISOR SALADINO: Mr. McKenna.

3 MR. ALTADONNA: Yes, we did.

4 MR. McKENNA: Did you?

5 SUPERVISOR SALADINO: Mr. McKenna.

6 MR. McKENNA: So you made it sound like
7 it was a hearing only on this topic.

8 SUPERVISOR SALADINO: Appreciate your
9 input, once again. We appreciate what information
10 you're bringing to the table.

11 MR. McKENNA: Lastly, how can you
12 accept a document that's incomplete and how can you
13 accept it when the DEC told me yesterday they still
14 have not made a final decision as to whether the
15 site's going to be tested for radioactive material
16 and Mr. John -- the President of Castagna Realty,
17 two days ago, told me that testing was done outside
18 the perimeter of the landfill in the neighborhoods
19 and it wasn't.

20 And this information should be in the
21 DEIS, which you're -- they are basically asking you
22 to rubber stamp something, you should at least have
23 the opportunity to read it and from a common sense
24 standpoint, see if it addresses all the concerns of
25 the community.

1 SUPERVISOR SALADINO: Thank you.

2 Thank you so much.

3 Our next speaker is Arthur Adelman from
4 Sea Cliff.

5 MR. MCKENNA: And lastly --

6 SUPERVISOR SALADINO: Mr. McKenna, your
7 time is up, sir.

8 MR. MCKENNA: Another lie that you made
9 was that you were not going to raise -- you were
10 not going to take out any more loans, capital
11 improvements --

12 SUPERVISOR SALADINO: Thank you so
13 much, Mr. McKenna.

14 MR. MCKENNA: -- before the budget and
15 you lied because now you're taking out another set
16 of loans tonight when you just told the public that
17 you weren't going to do that this year in the
18 budget. That's a lie.

19 SUPERVISOR SALADINO: Thank you so
20 much, Mr. McKenna.

21 Our next speaker will be Mr. Arthur
22 Adelman from Sea Cliff.

23 MR. ADELMAN: Arthur Adelman, Sea
24 Cliff, New York.

25 Just a quick question regarding the

1 documents that you're going to probably -- you're
2 going to accept tonight.

3 SUPERVISOR SALADINO: Yes, sir.

4 MR. ADELMAN: What is the timeframe
5 that goes along with -- once you accept it and
6 it's -- the clock starts, correct? That's what
7 it's all about, right?

8 MR. SCALERA: Yes.

9 MR. McKENNA: Here's the law. They
10 don't even know the law.

11 MR. ADELMAN: Thanks.

12 What is the timeframe for opposition or
13 comments or -- until it becomes -- that it's got be
14 voted on as acceptable.

15 MS. SCHNEIDER: So the minimum time
16 frame is 30 days, but we are extending it to 60
17 days.

18 SUPERVISOR SALADINO: We should say at
19 least 60 days.

20 MR. ADELMAN: I would say this is -- I
21 mean, I've been hearing about Cerro Wire site for
22 thirty years as well and it's a very passionate
23 subject and I think you're going get a lot
24 of reaction. I think 60 days is a short side, but
25 I'm sure any opposition, I'm sure they're prepared

1 already, but I think the Town should take a lead,
2 be the lead.

3 It is the lead agency on this and make
4 sure all residents are informed that you've
5 accepted the DEIS, to peruse it, to look at it,
6 question it, and any opposition or comments should
7 be forthcoming because the clock starts ticking and
8 the one thing I don't want to see is someone
9 spending money on an Article 78, which always ends
10 up happening in these things.

11 All right. Thank you and have a happy
12 holiday.

13 SUPERVISOR SALADINO: Thank you very
14 much, Mr. Adelman, and same to you and yours.

15 But I would like to just state that you
16 can feel very assured that we're going to give an
17 opportunity for every resident to be heard on this
18 and we will take no shortcuts. We'll ensure that
19 everyone's comments and questions and issues are
20 all addressed and that we hear from the public
21 taking no shortcuts.

22 MR. ADELMAN: Thank you.

23 COUNCILWOMAN ALESIA: In fact,
24 Supervisor, I think -- aren't we doing a longer
25 comment period than is required?

1 SUPERVISOR SALADINO: Yes. Yes, we
2 are.

3 Our next speakers will be Chuck Davis
4 and John Gutleber. I apologize, John, I'm sorry.
5 John and Chuck.

6 MR. DAVIS: Apologies. We're going to
7 do this tag team.

8 Good evening, Supervisor Saladino and
9 Council Members.

10 My name is Chuck Davis, I am with
11 Simon, and John Gutleber here is with Castagna
12 Realty, and together, we're Syosset Park
13 Development, LLC. We're here to speak on
14 Resolution 214 for our proposed Syosset Park
15 project.

16 So, again, the action is not to approve
17 a draft DEIS, it's just to accept staff
18 recommendation that the DEIS is deemed complete per
19 SEQR requirements. That's it. No one's expecting
20 for anybody to have read it or to have any opinions
21 yet. We just want the document out on the street
22 so the public can actually review it, because at
23 this point, it's not even public.

24 So a lot of suppositions, people
25 represent they've seen things. It's not even a

1 complete document that you all have given the grant
2 to release for the public to start reviewing and
3 making comments. I'm going to go over some quick
4 history and there's some layers to this, and I'm
5 going to try to be very brief.

6 So, again, one's the former Cerro Wire
7 plant. Between the '80s and 2004, buildings were
8 demoed, millions of tons of soil and waste removed
9 and the site was given the state's clearance for
10 the right to develop on it, and then the DPW, site
11 35 acres, former Town landfill, it was closed in
12 the '70s. It was capped and sealed from above and
13 a cap was accepted by the US EPA.

14 Testing and groundwater monitoring are
15 done regularly by the Town and evaluated by the EPA
16 for compliance every five years. In the '90s, it
17 was proposed as a million square foot mall, that's
18 where the Cerro Wire Coalition came in. In 2006,
19 they formulated their own plan. 530 residential
20 units, 120,000 square feet of commercial space in a
21 hotel just on the Cerro site.

22 In 2013, 70 percent of Oyster Bay
23 voters who voted, voted to sell us the Department
24 of Public Works site to pursue that Cerro Wire
25 Coalition vision. We spent a year evaluating the

1 property. In Spring of '15, we held five community
2 meetings to present ideas and concepts, and over
3 700 people attended those meetings and another
4 2,000 people interacted with us on the Facebook and
5 our website.

6 That process resulted in the
7 application we made in August 2015, almost 32
8 months ago. Our project used the Cerro Wire
9 Coalition program as the recipe, a mix of shops,
10 office, hotels, and residential on the 93 acres,
11 and we proposed a public park on top of the
12 landfill cap built by us with community input and
13 dedicated back to the Town once complete.

14 To be clear, we had discussions with
15 the US EPA to confirm if a park was feasible before
16 we ever even mentioned it. We were given initial
17 guidance, the subject of full review along the way,
18 it was feasible, and it has been done elsewhere in
19 America and we wouldn't have proposed it otherwise.

20 So environmental conditions, these are
21 the layers. As to Cerro, we voluntarily entered
22 into the esteemed Brownfield cleanup program and
23 we've done additional testing and are working with
24 the State on additional remediation of the Cerro
25 site to allow all the proposed uses. And the

1 current State standards are 10 to 20 times more
2 restricted than when Cerro was originally signed
3 off. The street Brownfield program has its own
4 public process and those facts are in the DEIS.

5 The landfill site, we're under a
6 contract with the EPA to review that proposed park
7 and parking, if you were to go so forward and
8 approve the project, and we committed to the
9 community, we will not disrupt or puncture that
10 solid cap.

11 The DEIS does not just review our
12 project. We committed the community would look at
13 all by right uses and we also analyzed the last
14 mall plus office on the DPW site, so there was a
15 real comparison of how the impacts of a mixed use
16 project would be to single use projects.

17 Should you accept staff recommendation,
18 we will have a link on our website to the 800-plus-
19 page document and provide direction to where to
20 find all the Brownfield cleanup program documents,
21 and we have a new website that's ready to go live
22 once you all make a decision to finally make this
23 document final.

24 So we've gone above and beyond to use
25 social media and community meetings to encourage

1 public input in the plan, and there's always people
2 who don't support a plan. No project ever gets
3 unanimous support, and that is okay if their
4 concerns are acknowledged, and the pending public
5 review period affords everyone that voice in the
6 DEIS review.

7 And, hopefully, it will result in
8 improvement in the project, but you have to allow
9 the public to finally be able to review the
10 documents in the first place and to let the State
11 and the US EPA do their jobs as to environmental
12 development requirements for Cerro and the landfill
13 cap.

14 Should you decide to use -- approve a
15 project, we will happily follow your public process
16 and their rules and we say to despite anything to
17 the contrary, nothing will be built on Cerro on the
18 landfill cap without State and EPA approval,
19 period. You have our word, but we need to start
20 the public process.

21 SUPERVISOR SALADINO: Thank you.

22 MR. DAVIS: So John's going to finish
23 up.

24 SUPERVISOR SALADINO: Hi, John.

25 How are you?

1 MR. GUTLEBER: Hi, Supervisor, how are
2 you. Town Board Members. I'm John Gutleber,
3 President and CEO of Castagna Realty.

4 And first of all, congratulations on
5 your financial upgrade. That's significant.

6 SUPERVISOR SALADINO: Thank you.

7 Thank you.

8 MR. GUTLEBER: We really hope that you
9 accept the DEIS tonight and so you and everybody
10 else can keep on reading what the benefits of this
11 project are, you know, to the Town, to the school
12 board, you know, and with the taxes that it can
13 generate.

14 You know who we are, Castagna Realty.
15 We're a 97-year-old company. That is good, not
16 because we're 97 years old, but because we are 97
17 years old because we are good and we enhanced the
18 communities that we work with and we look forward
19 to working with all of you.

20 Thank you.

21 SUPERVISOR SALADINO: Thank you very
22 much.

23 I don't have any more slips.

24 Is there anyone who would like to speak
25 on -- we have two people.

1 Sir, would you come forward and then --
2 it's okay, you'll be able to speak. There is a
3 slip up front to just fill out but either way,
4 you'll be able to speak. We won't hold you back
5 from speaking. No problem at all.

6 Hi, would you please state your
7 presence?

8 MR. SNYDER: Good evening.

9 Craig Snyder, 41 Hightop Lane, Jericho,
10 New York.

11 I also have the privilege of being the
12 President of the Jericho Athletic Association and
13 the former President of the Birchwood Civic
14 Association.

15 Council members, Supervisor, thank you
16 for allowing me to speak. I've been before this
17 Board a number of times with regard to this parcel
18 over the past few years and I've requested this
19 Board's support for our community in our fight for
20 responsible development of this parcel.

21 And I'm very pleased to say that I
22 think we found partners in that fight and I believe
23 that the developers are incredibly responsible and
24 they've been very solicitous of all our concerns.
25 They've answered our questions, they've met with us

1 on multiple occasions. I know Councilman Macagnone
2 has raised some concerns regarding these meetings,
3 but I attended a meeting at the Jericho Public
4 Library. It was standing room only.

5 I attended a meeting at the Thompson
6 Middle School in Syosset; standing room only. I've
7 also attended meetings at the Milleridge and I've
8 had multiple meetings with the developers with
9 regard to concerns for the groups that I represent,
10 and I'd like to say that they've been very, very
11 considerate of our questions and concerns.

12 They've incorporated many of our
13 recommendations and plans for development, so I
14 would strongly recommend to the Board that we start
15 the process moving forward and that we allow the
16 Resolution to be passed and we look forward to
17 working with the developers to see this completed.

18 And I'd just like to add that the park
19 that they are considering developing for our
20 community will really become an asset for the Town
21 of Oyster Bay, and we look forward to working with
22 them.

23 And thank you, again, for your
24 consideration.

25 SUPERVISOR SALADINO: Thank you so

1 much.

2 Hi. You want to come up?

3 MS. WALCH: It's nice to see everybody.

4 SUPERVISOR SALADINO: Good to see you,
5 too.

6 MS. WALCH: Good evening. It is good
7 to see everybody. I'm really happy to be here and
8 I really appreciate you letting me step up to
9 express myself.

10 SUPERVISOR SALADINO: Of course.

11 Can I ask you, for the record, to
12 please state your name and address?

13 MS. WALCH: Sure.

14 My name is Theresa Walch, formerly of
15 80 West Jericho Turnpike, Syosset. That's formerly
16 the Syosset Mobile Home Park.

17 For those who don't know, I have a
18 Master's degree in accounting and taxation from
19 LIU-Old Brookville. I received the woman's high
20 average award and I am a member of Beta Alpha Psi,
21 the Honor's fraternity for Financial Information
22 Professionals.

23 I continue to audit classes there in
24 accounting information systems and forensic
25 accounting. I am also a member of the Association

1 of Certified Fraud Examiners and received
2 specialized training in New York City this past
3 Summer from the Liseli Pennings. She has trained
4 over 500 FBI agents in general and specializes in
5 fraud and money laundering.

6 The reason I am here tonight is to
7 expand on a topic that I first brought to your
8 attention on July 7, 2015 -- most of you, not
9 everybody -- about the unusual amount of rare
10 cancers in the Syosset Mobile Home Park and other
11 neighborhoods surrounding the Cerro Wire and Town
12 of Oyster Bay Landfill sites.

13 You were all very receptive and I know
14 you care. I know you all care. I did see a couple
15 of tears from some of you at that time. That is
16 why I would like to share what I have learned since
17 then with you so that we can make a difference
18 together as a team of concerned citizens,
19 residents, and especially as parents whom you, the
20 Town Board, represent and whose health and safety
21 you have a fiduciary duty to protect.

22 I know we all feel badly about the
23 history of corruption and misdealing Leonard Genova
24 and John Venditto have perpetrated in the Town of
25 Oyster Bay that is now being brought to light in

1 the Mangano-Venditto federal trial in Central
2 Islip, including related to the mysterious abrupt
3 forced evictions of the Syosset Mobile Home Park
4 for a new seniors development which never had been
5 submitted to the Town.

6 A Superfund environmental cleanup
7 without removal of toxic wastes and a deficient cap
8 far inferior to similar EPA and DEC cleanups
9 performed at the Old Bethpage, Fort Washington, and
10 other municipal landfills.

11 The Town of Oyster Bay DPW quick cash
12 as-is, no contingencies or zoning attached surplus
13 land sale -- and I have the original pamphlet that
14 John Venditto sent out -- leave the TOB on the hook
15 for potentially tens of million in cleanup costs,
16 millions in relocation costs, and millions in
17 annual rent.

18 The Venditto-Genova corruption,
19 bribery, and related bad dealing and deficient
20 environmental cleanup issues potentially tied to
21 this Cerro-Town of Oyster Bay Landfill property
22 that will come out in the testimony of 100 federal
23 witnesses are so enormous, it stinks.

24 Now, it has been revealed that Grumman
25 and the US Navy had two Neutron Generators in

1 Bethpage and hazardous, toxic and radioactive waste
2 was loaded into drums in a drum marshalling area
3 and shipped by rail to the Syosset landfill.

4 Per TOB versus Occidental Chemical
5 Corp. a/k/a Hooker Electrochemical Company of Love
6 Canal fame, they and 11 other industrial defense
7 contractors, many of whom were also registered with
8 the Nuclear Regulatory Commission, dumped over
9 700,000 tons of hazardous, toxic and nuclear waste
10 to the Syosset landfill.

11 But it is a new day with a new
12 Supervisor and new administration and we can stand
13 together and make it right for our family's health
14 and the citizens of the Town of Oyster Bay and stop
15 the coverup that went on concerning this site, stop
16 the DEIS approval process and do the proper toxin
17 and radiation testing of the landfill and
18 surrounding neighborhoods.

19 Most of you were here when I first
20 brought up the fact that there were a lot of cancer
21 deaths in the area surrounding the Cerro Wire and
22 the Syosset Landfill site. I begged John
23 Venditto -- at the time, a lot of you were here
24 July 7, 2015 -- I begged John Venditto to help us
25 regarding the cancer cluster surrounding the

1 Cerro-Syosset Landfill and to reconsider his Len
2 Genova deal with Simon in regard to the 100-acre
3 project on a highly toxic Superfund site.

4 My pleas fell on deaf ears at the time
5 and Venditto took 17,000 from Frank Castagna when
6 he was pushing to get Mike Venditto into the
7 Senate.

8 At the same time, I became very ill
9 with an unexplainable lymph node infection and then
10 got what would be found to be recurring cancer, a
11 form of breast cancer. I noticed for quite a while
12 before I got cancer, that many of my neighbors in
13 the Syosset Oaks Mobile Home Park were getting
14 cancer and other immune disorders.

15 Some people had three cancers. Since I
16 noticed this cancer trend, I started to talk to
17 people of the surrounding four neighborhoods in
18 close proximity to the Syosset Landfill.

19 In over fifteen years, I talked to
20 hundreds of people who have died or had cancer in
21 the area. When I started my research online, it
22 was confirmed that there was, in fact, a cancer
23 cluster in the area surrounding the Superfund site.

24 More than 90 percent -- 95 percent of
25 the people I spoke to believed they got sick or

1 lost loved ones or pets because of the toxins
2 buried and dumped into 100-acre site that Simon
3 wants to develop. I have -- I have way too many
4 reports of children dying of cancer and rare
5 cancers that you would not ordinarily find that is
6 consistent with the cancer cluster.

7 In reading the cancer study done in
8 Bethpage, I have found that there are more rare
9 cancers and younger people having and dying of
10 cancer in Syosset in my study than they've done in
11 Bethpage. After it was realized the Grumman US
12 Navy Bethpage secretly had two Neutron Generators,
13 I realized that these cancers, as well as other
14 psychological neurological illnesses and disease
15 the victim's families had, were consistent with
16 environmental toxins and low-dose radiation
17 poisoning.

18 Ed Mangano approved a cancer
19 surveillance study of Bethpage and there should
20 also be an independent cancer and radiation
21 exposure surveillance study of the Syosset
22 Landfills, Cerro Wire and the surrounding
23 communities.

24 As I laid in bed with cancer and an
25 unexplained lymph node infection for months that I

1 thought I picked up in my garden, I watch my
2 neighbors suffer and die from cancer and other
3 immune disorders. This heartbreaking suffering led
4 me to do my own investigation as to why we're all
5 dying. In almost fifteen years, I have amassed
6 between four to five feet worth of documents and
7 evidence in connection to the corruption,
8 misdealing, unregulated dumping of hazardous,
9 toxic, and radioactive waste and related cancers,
10 symptoms of radiation exposure at the Syosset Park
11 site.

12 After reviewing all the facts, it would
13 be criminal to approve the DEIS as-is and put
14 people on this site. I have found out that
15 hundreds of people had or died of cancer and lots
16 more at noncancerous illnesses and diseases related
17 to toxic -- hazardous toxic and radioactive waste
18 exposure from the Cerro Wire site, the Syosset
19 Landfill, which had waste dumped on it by Grumman
20 US Navy, Hooker Chemical Corp. and the others.

21 These agencies and companies all made
22 nuclear products, generated the hazardous, toxic,
23 and radioactive waste and were registered with the
24 Nuclear Regulatory Commission.

25 As it stands now, we have many, many

1 people who are sick and dying in the area. We have
2 never had radiation testing.

3 The cap that was installed was
4 inadequate, especially for radioactive waste. It
5 has not been maintained during the Venditto years.
6 The asphalt has thousands of cracks and is
7 inadequate for the risk associated with this site.

8 Please read the TOB versus Occidental
9 Chemical Corp. case when you get a chance. It
10 clearly indicates by the responsible parties
11 involved that radioactive material was brought to
12 the landfill. We cannot do what the developers
13 suggest at the Simon meeting last week at the
14 Milleridge and move along with this Genova-Venditto
15 deal. I've been to every single meeting. I've
16 been to every single one of these meetings.

17 The developers want to put astro turf
18 on a toxic landfill. This is what they said at
19 Thompson. They want to -- they want to put astro
20 turf there, right, and you know who does the astro
21 turf, so I'm not even to go into that, and then
22 they want to give it back to the Town and they want
23 to put children on it. And I just told you what
24 was on it. Okay, says 30 acres. They want to do
25 the same thing is the Bethpage Community Park.

1 This is another Venditto-Genova corner cutting
2 kickback scheme, just like the Hicksville garage.
3 Let us please move away from the scandalous past.

4 It's a new day. Move away from the
5 Venditto era and be proactive with our children's
6 future.

7 We are here now and I am begging you
8 once more, please help us. We are sick. We are
9 dying. Our children are sick and dying as well. I
10 have read these reports for over a decade. The
11 contaminants in this land will even affect
12 decedents of our children. Do not approve the
13 Syosset DEIS.

14 So what do we do now? What do we do?
15 For one, I would hold off on voting for the DEIS
16 until the report after -- until after the trial,
17 the Venditto-Mangano trial, excuse me. Don't
18 forget, this is another Venditto deal and there are
19 over 100 witnesses that will be brought forward to
20 testify. We need radiation testing of the site and
21 surrounding neighborhoods. I am adamant about
22 this.

23 We need an independent cancer study,
24 not a cancer study that I've done. The only thing
25 that's been that there all these years has been a

1 Susan Komen Breast Cancer Study. We need a
2 radiation exposure surveillance study and last --
3 last but not least, we need to hire unrelated --
4 unrelated third-party consultants to do all tests,
5 studies, and reports over again, coordinated and
6 supervised by a public private partnership made up
7 of the community, the Town, new mutually agreed
8 upon unconflicted consultants.

9 I have found out that this can be paid
10 for with the help of the DEC and the EPA with
11 research I've done. The state and federal funds
12 just like the Hooker Chemical Company in Hicksville
13 and Grumman US Navy Bethpage site. I believe
14 together, we can right the wrongs of the past and
15 I'll submit this.

16 SUPERVISOR SALADINO: Thank you.

17 You can hand that right to the Town
18 Clerk.

19 Thank you very much, Theresa.

20 We really appreciate it.

21 MS. WALCH: Thank you. I appreciate
22 you taking the time. Thank you.

23 SUPERVISOR SALADINO: Of course.

24 COUNCILWOMAN JOHNSON: Make sure you
25 submit it.

1 MS. WALCH: I'm going to do both.

2 Thank you so much.

3 SUPERVISOR SALADINO: Thank you.

4 COUNCILMAN MACAGNONE: Theresa, good
5 research.

6 SUPERVISOR SALADINO: Is there anyone
7 else who would like to speak on the Resolutions?

8 Yes, would you please step forward?

9 MS. GROPPER: I'm sorry. I did submit a
10 slip.

11 My name is Julie Gropper. I'm the
12 Co-President of Birchwood at Syosset, which is
13 directly across the street from Cerro Wire the
14 other way from Jericho.

15 We have 242 homes in our neighborhood.
16 Everybody in my neighborhood did not come to the
17 meeting because they are for this project. We are
18 tired of looking at an ugly site.

19 I am a former PTA President at Robbins
20 Lane. I am the former Vice President the PTA
21 Council and I have been working on this for 23
22 years. The first meeting was in my living room.

23 I am now here to urge you to accept the
24 Resolution to -- to accept Resolution 214.

25 Thank goodness. We can go home now.

1 SUPERVISOR SALADINO: Thank you so
2 much.

3 Is there anyone else who would like to
4 be heard on these Resolutions?

5 Yes, sir.

6 MR. BAPTISTA: Just for clarity, the
7 Resolution tonight also includes a provision for a
8 May 1st SEQR hearing, meeting, Syosset High School
9 for the public.

10 Thank you.

11 SUPERVISOR SALADINO: Thank you.

12 No one else would like to be heard on
13 this?

14 COUNCILMAN MACAGNONE: Excuse me,
15 Supervisor.

16 SUPERVISOR SALADINO: Sure.

17 COUNCILMAN MACAGNONE: Commissioner,
18 when can we get this online for the public to view?

19 MR. BAPTISTA: If you guys pass the
20 Resolution tonight, will be live tomorrow.

21 COUNCILMAN MACAGNONE: Thank you.

22 MR. BAPTISTA: It will be at Syosset
23 Library, Jericho Library, and the Town Clerk's
24 Office.

25 COUNCILMAN MACAGNONE: And on our

1 website?

2 MR. BAPTISTA: There will be a link on
3 our website to the applicant's website.

4 COUNCILMAN MACAGNONE: Okay.

5 COUNCILWOMAN JOHNSON: In your review
6 of the draft, the draft before us, does it have
7 anything about testing for radioactive materials
8 and DEC testing or anything of that nature?

9 MR. BAPTISTA: To the best of my
10 knowledge, no, ma'am.

11 COUNCILWOMAN JOHNSON: Okay.

12 Thank you.

13 SUPERVISOR SALADINO: Is there any
14 correspondence?

15 MR. ALTADONNA: These are Resolutions.
16 We're going to vote on the regular
17 Action Calendar.

18 SUPERVISOR SALADINO: Okay.

19 Then the Town Clerk will now call for a
20 vote.

21 MR. ALTADONNA: Okay.

22 To refresh, the Motion was made by
23 Councilman Muscarella, seconded by Councilman
24 Macagnone.

25 Now we're going to go to the vote.

1 We're voting on Resolutions P-7 --
2 although, Supervisor, I know we had some other
3 speakers. I don't know if they're still here, on
4 P-7-18.

5 SUPERVISOR SALADINO: This is all the
6 slips we have outside of public comment.

7 MR. ALTADONNA: I think you went
8 through some. Just take a look just so the
9 record's clear. I'm just saying...

10 SUPERVISOR SALADINO: Is there anyone
11 else in the room who would like to speak on any of
12 these Resolutions?

13 (No verbal response given.)

14 SUPERVISOR SALADINO: No one has
15 indicated that they would like to speak. No one
16 else.

17 MR. ALTADONNA: Okay. So we'll call
18 for the vote.

19 SUPERVISOR SALADINO: Please.

20 MR. ALTADONNA: Supervisor Saladino?

21 SUPERVISOR SALADINO: "Aye."

22 MR. ALTADONNA: Councilman Muscarella?

23 COUNCILMAN MUSCARELLA: "Aye."

24 MR. ALTADONNA: Councilman Macagnone?

25 COUNCILMAN MACAGNONE: No, on P-7-18.

1 We have some vacant spots in there.
2 I'm not voting on vacant spots and I'm not voting
3 on any raises until we come up with the kind of
4 employer review that every corporation in America
5 has.

6 SUPERVISOR SALADINO: Excuse me, there
7 are no raises on this calendar.

8 COUNCILMAN MACAGNONE: There are, I
9 believe, Supervisor.

10 MR. ALTADONNA: Councilwoman Alesia?

11 COUNCILMAN MACAGNONE: Don't you want
12 the rest of my vote, James?

13 MR. ALTADONNA: Oh, okay.

14 COUNCILMAN MACAGNONE: "Aye" on all the
15 rest, but I'm going to abstain on 214.

16 MR. ALTADONNA: Okay.

17 Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: I vote "Aye."

19 MR. ALTADONNA: Thank you.

20 COUNCILWOMAN ALESIA: That's just for
21 your benefit.

22 MR. ALTADONNA: I'm sorry?

23 COUNCILWOMAN ALESIA: I was just making
24 a joke. Sorry. It's late. I apologize.

25 MR. ALTADONNA: Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: I vote "Aye."

2 MR. ALTADONNA: Thank you.

3 Councilman Imbroto?

4 COUNCILMAN IMBROTO: I vote "Aye."

5 MR. ALTADONNA: Councilman Hand?

6 COUNCILMAN HAND: "Aye."

7 MR. ALTADONNA: Motion to adopt

8 Resolution P-7-18 passes with six "Ayes," and one
9 "Nay."

10 Resolutions TF-5-18 through 213 passes
11 with seven "Ayes."

12 Resolution 214 passes with six "Ayes,"
13 and one "Abstention."

14 Resolutions 215 and 216 pass with seven
15 "Ayes."

16 The calendar is complete.

17 SUPERVISOR SALADINO: Thank you.

18 We have speakers for public comment,
19 but we are going to have to take a five-minute
20 recess.

21 COUNCILMAN MUSCARELLA: Supervisor, I
22 make a motion to close the meeting.

23 COUNCILMAN MACAGNONE: Second.

24 SUPERVISOR SALADINO: All in favor,
25 signify by saying "Aye."

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ALL: "Aye."

SUPERVISOR SALADINO: Against, "Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you, everyone.

We wish you a very happy holidays and
safe holidays to you and your loved ones.

We will resume for public comment in
five minutes.

(TIME NOTED: 10:36 P.M.)