

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
January 28, 2020
7:50 p.m.

HEARING Z-1-20

To consider the application of 80 Jericho Turnpike, LLC, fee owner, for a Change of Zone and Special Use Permit for premises located at 80 Jericho Turnpike, Jericho, New York. (M.D. 12/24/19 #13)

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Now, on to the
2 business of the evening.

3 Will our Town Clerk Richard LaMarca
4 please poll the Board?

5 MR. LaMARCA: Supervisor Saladino?

6 SUPERVISOR SALADINO: Present.

7 MR. LaMARCA: Councilwoman Johnson?

8 COUNCILWOMAN JOHNSON: Present.

9 MR. LaMARCA: Councilman Hand?

10 COUNCILMAN HAND: Here.

11 MR. LaMARCA: Councilman Labriola?

12 COUNCILMAN LABRIOLA: Here.

13 MR. LaMARCA: Councilwoman Maier?

14 COUNCILWOMAN MAIER: Here.

15 MR. LaMARCA: Councilwoman Walsh?

16 COUNCILWOMAN WALSH: Here.

17 COUNCILMAN IMBROTO: I'm also here,

18 Rich.

19 MR. LaMARCA: Oops. I didn't see you
20 over there. I'm sorry.

21 COUNCILMAN IMBROTO: It's the chair.

22 SUPERVISOR SALADINO: Please bring us
23 the regular Action Calendar -- I'm sorry.

24 Call the first hearing.

25 MR. LaMARCA: This hearing is the

1 application of 80 Jericho, LLC, fee owner for a
2 change of zone and special use permit for premises
3 located at 80 Jericho Turnpike, Jericho, New York.

4 MR. SOLOWAY: Good evening,
5 Mr. Supervisor, Members of the Town Board.

6 My name is Louis Soloway. I'm a member
7 of the law firm Certilman, Balin, Adler & Hyman
8 with offices in East Meadow, New York.

9 SUPERVISOR SALADINO: Mr. Soloway,
10 would you mind just positioning that microphone
11 closer to you?

12 MR. SOLOWAY: Is that better?

13 SUPERVISOR SALADINO: Is that better?
14 Does everyone in the room hear him?

15 MR. SOLOWAY: How is that?

16 SUPERVISOR SALADINO: Okay.

17 Thank you, Mr. Soloway.

18 MR. SOLOWAY: I'm here this evening as
19 the attorney for the applicant 80 Jericho Turnpike,
20 LLC.

21 With me tonight are Mr. Paul LaLucia
22 and Mr. Richard Leeds, who are principals of the
23 applicant; our architect, Al Sutton with AM Sutton
24 Associates; our landscape architect, Richard
25 Gibney; our environmental management consultant,

1 Jason Cooper of CA Rich & Associates; our traffic
2 consultant Pat Lenihan with VHB Engineering; and
3 our Planning & Environmental consultant, David
4 Wortman of VHB Engineering; finally, and our civil
5 engineer, Mike Rant, with North Coast Civil.

6 I have certificates -- each of their
7 curricula vitae which I would like to hand up.
8 These people have testified before this Board on
9 many occasions and we would ask that you qualify
10 them as experts (handing).

11 SUPERVISOR SALADINO: The resumes have
12 been duly noted.

13 MR. SOLOWAY: Thank you very much.

14 This is the application of 80 Jericho
15 Turnpike, LLC.

16 For approval is required for the
17 redevelopment of a 5.7 acre tract of land in
18 Syosset which the applicant purchased in November
19 of '19 -- of 2016.

20 The property is zoned LI and it is
21 located in on the south side of Jericho Turnpike,
22 78 feet west of Oak Drive. It's known as Section
23 15, Block 38, Lots 14 through 70, 17, 20 and 23 and
24 Section 15, Block 157, Lot 74 on the Nassau County
25 tax map. It's also known as 80 Jericho Turnpike,

1 Syosset.

2 On a survey, the property looks like an
3 inverted J. There's a picture of the property as
4 it presently exists over here with the frontage
5 along the south side of Jericho Turnpike of 336
6 feet. A length going south on its west side of 985
7 feet; on its east side, the property runs southerly
8 for about 291 feet to Elm Place where it jogs
9 westerly for 100 feet and continues southerly for
10 an additional 750 feet.

11 The property lies about two blocks west
12 of the Long Island Railroad trestle crossing
13 Jericho Turnpike, and in some respects, it can be
14 considered the gateway to Greater Syosset.

15 The property is located within an area
16 of mixed uses with commercial and industrial uses
17 along Jericho Turnpike to the east, west and south
18 and one-family homes to the northwest across
19 Jericho Turnpike in the Village of Muttontown.

20 On the east, it abuts a three-story
21 Fairfield Inn hotel located at the southwest corner
22 of Jericho Turnpike and Oak Drive and other
23 industrial uses as you proceed southerly down Oak
24 Drive.

25 On the south, it abuts warehouse uses.

1 On the west, it abuts the North Shore
2 Atrium, a four-story office building.

3 On the north, it bordered by Jericho
4 Turnpike and on the opposite side of Jericho
5 Turnpike, the commercial industrial area of the
6 Village of Muttontown.

7 The applicant proposes to subdivide
8 this property into two distinct lots. The northern
9 portion of the property -- take that down -- the
10 northern portion of the property to be known as
11 Tribeca Square comprises 2.68 acres is currently
12 improved with a large asphalt parking lot on which
13 there is located a sandwich shop, an Italian ice
14 shop, an automobile repair facility and a now-
15 vacant auto shop.

16 This area will be redeveloped with a
17 new three-story building with commercial and
18 restaurant uses on the first floor and 31
19 one-bedroom and 14 two-bedroom luxury residences --
20 luxury rental units on the two upper floors and an
21 outdoor roof sitting area with men's and women's
22 washrooms. This roof area is technically
23 considered as a fourth floor.

24 The southerly portion of the property
25 comprising 2.83 acres to be known as Gramercy Park

1 is now vacant, but was formally used as a mobile
2 home park housing approximately 121 trailer homes.

3 In redevelopment, it will be improved
4 with 61 price-controlled Golden Age cooperative
5 apartments to be sold to persons presently on the
6 Town list of eligible purchasers.

7 Currently, the 2020 general tax and the
8 2019/'20 school tax on the entire property equals
9 \$384,000. When the project is completed, it is
10 estimated based upon the current tax rates, that
11 the Tribeca Square development alone will generate
12 \$703,000 in real estate taxes of which 386,386
13 would be paid in school taxes and 316,693 would be
14 paid in general taxes. The Gramercy Park area will
15 generate additional taxes under the RSC25 zoning
16 classification.

17 In order to accomplish this
18 redevelopment, applicant requests approval from
19 this Board this evening for rezoning of the
20 Gramercy Park portion of the premises from LI zone
21 to the RSC25 multifamily senior residence zone with
22 permission to construct buildings they're on
23 containing more than eight units.

24 In the Tribeca Square portion of the
25 premises, we're requesting special permits to

1 permit retail restaurant use in the LI zone and
2 apartments over retail and restaurant uses.

3 We're also requesting site plan
4 approval for the overall project, or on the
5 alternative, separate site plan approvals for the
6 Tribeca Square property and the Gramercy Park
7 property.

8 The applicant will also require several
9 variances from the Board of Appeals and we will
10 require subdivision approval from Nassau County
11 Planning Commission and the Village of Muttontown
12 in order to separate the two parcels into the
13 Gramercy and Tribeca Square development.

14 At this time, I would like to introduce
15 Al Sutton, our architect, to describe the project
16 in detail.

17 MR. SUTTON: Thanks, Lou.

18 Good evening. Thank you.

19 I'm Al Sutton. Lou took all the power
20 out of my presentation basically. Thank you, Lou.
21 But I will continue that understanding the property
22 -- the 5.7 acres here is -- the topography kind of
23 lends how we develop and why we are presenting it
24 in this way.

25 That the property essentially slopes

1 from east to west, this direction and then there is
2 actually -- the back portion, once you pass this
3 access road Elm, it actually drops.

4 In the area here where we're proposing
5 Gramercy Park development, it's flat, but it's
6 almost a bowl, a depression. There is a
7 differential height elevation around the perimeter
8 on this side six feet higher. It runs along the
9 entire property, and on the west side, it's five
10 feet higher. And what that does effectively is it
11 creates a berm. It's like a pocket. It's a
12 wonderful place for senior development for the
13 privacy. Easily planted -- our landscape architect
14 will present in a little bit, he'll explain the
15 buffer planting along the perimeter will make this
16 seem isolated, stand on its own and a very, very
17 comfortable place to live.

18 We are -- the property would be --
19 would be acceptable within the zoning to have a
20 density of 25 units per acre, but we're only
21 proposing 21.6, which we could squeeze 70 in here,
22 but we're only asking for 61. The predominant --
23 if you go down our zoning chart, you'll see that
24 we're compliant or actually going beyond what's
25 allowable; meaning, that we are significantly

1 compliant in almost every aspect.

2 The unit themselves are two-story.
3 This rendering behind here is a representation of
4 kind of midway shot that is shooting at this
5 octagonal which is the recreation center. We have
6 the recreation center designed to be more than
7 double what is required by code because we see this
8 as kind of a clubhouse place where everyone will
9 congregate and it's a vital amenity. We've done
10 other senior facilities and it gets used more than
11 you would think.

12 Also, on the property, there is a
13 perimeter path all paved for exercising, walking
14 the dog and all like that. We have -- the parking
15 burden is 1.3 per unit stalls. We would be 79
16 required. We are providing 88 on the site back
17 here and even with the 88 stalls, we have very
18 significant -- we will call them planting islands
19 that are around the property so it doesn't feel
20 like you're in the middle of a big parking lot.
21 The benefit of screening the Dumpster locations
22 also is part of that, so that's good.

23 We will say we have the indoor
24 recreation. That room was 17 -- 1,753 square feet.
25 The architecture of this -- these buildings here

1 it's similar around, but they are five separate
2 structures one with 15, one 14 units. These two or
3 both 12 and this is 8. The Elm Street which comes
4 off Oak here, we're providing a cross access
5 easement.

6 We actually love this because it limits
7 access. It's not a thru-traffic type of facility.
8 It gives that privacy all the best of the benefits
9 we are looking for. We have kind of integrated
10 into the parking area a 96-foot diameter
11 turnaround, so that's for emergency vehicles and
12 just day-to-day traffic. It's not so much a
13 traffic circle because it fits within the backside
14 of the parking area, so it doesn't interfere with
15 our parking count and it provides a flowered
16 landscape feature in the center.

17 SUPERVISOR SALADINO: You mentioned
18 emergency vehicles.

19 Mr. Sutton, can a full-sized fire truck
20 pumper make a U-turn in that space?

21 MR. SUTTON: Yes. That's the 96 feet,
22 so we're -- they -- that was actually what the
23 determinant was to create that.

24 MR. SOLOWAY: We submitted the plans to
25 the local fire department and they approved them.

1 SUPERVISOR SALADINO: Do you have
2 documentation to that effect?

3 MR. SOLOWAY: Yes, we do.

4 SUPERVISOR SALADINO: Thank you.

5 We would love to see that as well.

6 MR. SUTTON: I'm just going to jump
7 back to the buildings themselves.

8 MR. SOLOWAY: (Handing).

9 MR. SUTTON: Okay. We have -- these
10 are essentially just, you know, gable-style
11 architecture. So, they're certainly conservative
12 and at the same time we have the -- it's hard to
13 see from this distance, but there are what we call
14 transitional details that we have almost
15 contemporary lines. They are straight and clean.
16 It's a poplar style these days. And it will be
17 inside and out, the same. We have standing seam
18 metal roofs on some of the dormers, these curved
19 dormers here, so it kind of gives it a nice
20 character. Feels like home type thing. That is
21 the -- this whole development is 2.83 and the front
22 development is 2.86 of the split property.

23 We -- again, the back requires the
24 rezoning for the senior citizens, so we are hopeful
25 that that will be met. The former trailer park or

1 homes that were here was actually -- we understand
2 the history of it, it was actually from the 1939
3 World's Fair was when it was started and I guess it
4 was work housing or something to that effect. It
5 maintained itself and it's been a residential
6 property for over 70 years.

7 We basically feel like it's consistent
8 with the entire nature of that property and use and
9 it's in the fabric of the whole community because
10 it has been used for that length of time.

11 And we know that the hero shop and --
12 are a loved operation. So, we keep hearing that
13 and that's -- actually, the owners have entertained
14 and made ovations that that shop will be in the new
15 building. So we are -- the intention is to
16 continue those historic aspects.

17 I'm just going to jump over to the
18 Tribeca part. This is a mixed use building as Lou
19 described with the retail and restaurant use on the
20 bottom floor. He's putting it up for us.

21 I will speak to this architecture of
22 this right now. We -- this is actually an Italian
23 8 style that was back in say from 1850 to 1889.
24 It's basically a townhome with the large cornice
25 and then you have these enlarged brackets that are

1 part of that.

2 And, again, what we did was we -- it's
3 actually one height, the roof height is 43 feet 11.
4 But the parapet on this side is five feet above it,
5 which is allowable, and on the side here, it's only
6 two and a half feet, so we get a modulation of the
7 space, and then we essentially offset back and back
8 out again to break up the massing so it's more
9 attractive.

10 The property we have which is unusual
11 in most jurisdictions, but there is a front yard
12 setback maximum of 60. We propose to push it back
13 to 90.6. Usually we're fighting to get it closer
14 to the road, but we had a limit. That was actually
15 caused -- two reasons: One, the front property
16 line which we are obscured at this point, there is
17 a large sawtooth oblique angle to the property line
18 that cuts back so that essentially pushed this back
19 a bit.

20 SUPERVISOR SALADINO: Lou, before you
21 remove that all together, can all interested
22 parties in the room see all of these renderings
23 from their seats?

24 Is there anyone who would like to move
25 or would you like the angle moved so you can see?

1 We want to make sure that all interested parties
2 can fully see everything.

3 MR. SUTTON: This is the rear site and
4 this is the front from Jericho.

5 COUNCILMAN LABRIOLA: Mr. Sutton, did
6 you say how many bedrooms are in the apartments you
7 propose?

8 MR. SUTTON: I didn't say that, but
9 there are 44 apartments and we have a potential --

10 COUNCILMAN IMBROTO: 44 apartments or
11 44 bedrooms?

12 MR. SUTTON: No, 44 apartments.

13 COUNCILWOMAN WALSH: I have you put 31
14 bedroom, 14 two-bedroom proposed.

15 Is that what was just mentioned.

16 MR. SUTTON: That's what Lou mentioned
17 what and what we have is --

18 COUNCILWOMAN WALSH: Okay.

19 MR. SUTTON: Some of the units --
20 that's correct what you just said, but it
21 ultimately is distributed between 22 apartments on
22 each floor. The second and third floor have 22
23 apartments.

24 SUPERVISOR SALADINO: In the one
25 building?

1 MR. SUTTON: It's only one building.

2 SUPERVISOR SALADINO: So the total on
3 the entire site are 44 apartments?

4 MR. SUTTON: That's all there are.
5 That's exactly right.

6 Basically, those apartments --

7 SUPERVISOR SALADINO: Just so we're
8 clear, there are 44 apartments and then 61 senior
9 housing units?

10 MR. SUTTON: Correct.

11 SUPERVISOR SALADINO: All on that site?

12 MR. SUTTON: Exactly.

13 Well, we are hopeful that the
14 properties can -- certainly, we would love them to
15 both be approved simultaneously, but they will --
16 certainly, when the subdivision is perfected, stand
17 on their own. They have their own merit. They
18 meet the standards within the balance of those
19 properties. So, we are interpreting the front and
20 back as separate once the subdivision is in. We're
21 developing now but, obviously, it matters.

22 One of the things about this property
23 with Elm Street, the right-of-way coming in the
24 front one-third of the property. It's a wonderful
25 -- it's a relief valve to the traffic issue.

1 We know that we have a primary entry to
2 the retail center from the front right off Jericho.
3 There will be a traffic signal that we anticipate
4 at this location, turning lanes and like that, but
5 for service delivery and normal pedestrian traffic
6 to their residents, is predominantly off Elm. This
7 will be a cross access easement. There are four in
8 and out cuts here. Lots -- significantly less
9 traffic to negotiate the loading dock and all of
10 that happens back here. The storefront is from
11 front to back. You have dual -- so it's not going
12 to feel like the back of the building.

13 If the other -- I don't know where it
14 went the rendering, but you can see that the coffee
15 shop or -- they could have dual access. One from
16 Jericho and a presence from the rear of the
17 property, we found that to be just kind of a
18 community benefit for the people in the back also,
19 by the way.

20 Each of the floors -- I lost my button
21 here, okay. Second and third floor, we have --
22 it's basically 25,528 feet for 22 apartments.

23 Then you have 4,718 square feet for
24 amenities. Amenities -- a gym, atrium, lounge for
25 the residents to gather, and basically the

1 balconies and like that.

2 Commensurate with that we come through
3 the building, come on top and we have a rooftop
4 garden, which we are intending to incorporate a
5 green roof system which our landscape architect
6 will explain and it's certainly environmentally a
7 benefit to the building and all the good parts of
8 that we are hopeful of.

9 Also, we are intending to have a solar
10 array which we have a significant flat roof to use.
11 So we get a dual benefit in terms of both energy
12 conservation and then creating our own energy that
13 way.

14 The parking burden in the front is
15 including calculating the restaurant according to
16 code and then the apartments themselves and then we
17 come up with -- we are required to have 223 stalls
18 and we're providing 242. We certainly have 19 to
19 the better. The parking is distributed 158 of them
20 are on the site itself surrounding the building.
21 The 158 goes around normal, then 80 are enclosed,
22 protected under the building, and we have four land
23 bank meaning that it's a lawn but if needed, we can
24 recover them along the shoulder of this access
25 drive.

1 This is that sawtooth front setback and
2 the 90-foot that we are requesting allows a deeper
3 throat on the entrance drive which essentially from
4 our traffic engineers, they advised us that it
5 would prevent un -- congestion at the front, allows
6 cars to queue up so there is no interference that
7 way.

8 Next issue so far as variance is
9 concerned, the height of the building. Which I
10 will put that rendering back up now, the front.
11 Almost done. So, the height of the building on the
12 three story which is the predominant building
13 itself. It's a three-story building. It's 43'11"
14 to the top of the roof stem and then the varying
15 parapets that we talked about.

16 There is the access -- elevator access
17 and the restrooms that are on the top of the roof
18 where we have a roof garden. And one is directly
19 under the cupola and the other you can't see from
20 the front because it's kind of central. They both
21 have elevators and stair towers and they're an
22 additional eight and a half feet, so that
23 essentially brings us to 52'5". So, this is
24 50-foot allowable in the L1 zone. We don't need to
25 rezone the property to allow this construction.

1 And we are 2'5" above what is allowable to the max.

2 The cupola is another story, a little
3 bit about what we are asking for. There is an
4 allowable 15-foot, you know, encroachment above the
5 roof area that is allowed. We are requesting
6 31.17. Partly, and I can say definitively, that
7 the proportions and the way the cupola would look
8 if it were 16 feet lower than what is shown here,
9 it wouldn't actually look like a cupola. We
10 learned this the hard way.

11 We've done a number of structures,
12 catering halls and like that. The proportions of a
13 cupola like that because they are viewed in a
14 relative perspective from the ground, not from an
15 even parallel sky plane when looking at a plan,
16 they need to be a little bit taller to be
17 proportionately correct. So, we are asking for
18 that. We think it is vital and necessary. And I
19 guess the next question would be that -- why even
20 do a cupola. That is essentially -- to me another
21 vital aspect to the design because it creates this
22 sense of place that we like to have where it's not
23 just the same old building and essentially it's
24 done. You can go to Europe and any town or village,
25 they have lots of cupolas around and part of it is

1 that it gives an identity to the place that you're
2 in. I didn't write these studies. You can read
3 them.

4 Basically, it makes people feel like
5 from an identifiable point of view, that this is a
6 home and I like where I am and I know where I am
7 and that's the benefit we'd look to get to gain
8 from having this uniqueness that everybody can
9 recognize.

10 Again, I already mentioned the
11 architecture, the large eaves, and we've got
12 streamline detailing in the bottom canopy. The
13 walkway in front of the building is covered and it
14 is streamlined so it will seem contemporary almost
15 in its lines, but it's mixed with the traditional
16 styling. That's about it.

17 Lou?

18 SUPERVISOR SALADINO: Before -- sir,
19 are there any questions?

20 MR. SOLOWAY: Does the Board want to
21 question each witness?

22 SUPERVISOR SALADINO: Yes.

23 COUNCILWOMAN MAIER: I have a couple of
24 questions.

25 Thank you very much for the

1 presentation.

2 On Elm, do we know how many homes, how
3 many residents are currently there?

4 MR. SUTTON: So far as I can tell,
5 none. It looks like it's entirely business and
6 industrial type usage on Elm.

7 COUNCILWOMAN MAIER: The berm that
8 you're proposing and that I'm assuming is going to
9 be around the southern westerly part of the
10 property?

11 MR. SUTTON: It's actually already
12 there. We're proposing to benefit from the
13 existence of it. We're not creating it. It's
14 actually just a natural -- maybe years ago, I don't
15 know why it's there.

16 COUNCILWOMAN MAIER: Do you know how
17 high it is? That part is sunken down a little bit,
18 right?

19 MR. SUTTON: Yes.

20 Basically, along this property line
21 here, it rises up to six feet above the elevation
22 of our first floor here and along this property
23 over here, it's basically five feet. So we have --
24 for whatever reason, this back portion of the
25 property is just lower than the property all around

1 it, essentially.

2 COUNCILWOMAN MAIER: Now, do you -- so,
3 with all of the industrial piece behind that, do
4 you think that would be an adequate sound barrier?

5 MR. SUTTON: Well, it's not --

6 COUNCILWOMAN MAIER: Or would you
7 require something else?

8 MR. SUTTON: The industrial zoning --
9 it's light industrial. There isn't any -- I've
10 been to the site probably 20 times at all different
11 times of the day. These are buildings -- it's not
12 a noisy place. It's not like there was a sand pit
13 or something with heavy equipment in it. This is
14 actually -- I don't know. We didn't do any sound
15 testing or any measurement, but it was pretty --
16 the road front of Jericho was the noisiest part of
17 the -- anywhere around.

18 That's why we pushed it back the way it
19 is and the original development meaning that the
20 trailer homes -- those residents went halfway up
21 all almost to Jericho. So we are essentially
22 taking that into account. I don't think there will
23 be a sound issue for the residents at all.

24 COUNCILWOMAN MAIER: Okay.

25 Thank you.

1 SUPERVISOR SALADINO: Quick question,
2 you spoke of 44 apartments and also 61 senior
3 housing units. That's 105 units in all. You also
4 spoke about the history on the property, it was
5 used for residences.

6 How many residences were on the
7 property previously?

8 MR. SOLOWAY: There were 121 trailer
9 homes on the property.

10 SUPERVISOR SALADINO: 121, okay.

11 How much might this site change in
12 terms of parking needs?

13 MR. SUTTON: Change from -- how do you
14 mean?

15 SUPERVISOR SALADINO: How many spaces
16 are needed? You spoke about variances. That's
17 going to be my next question.

18 I assume you're looking for a parking
19 variance?

20 MR. SUTTON: No, no. We are not here
21 tonight requesting any parking variances.

22 SUPERVISOR SALADINO: Here tonight, but
23 you also spoke about the ZBA.

24 Will that be for parking variances?

25 MR. SUTTON: No, no. We -- our plan

1 essentially even when you evaluate them separately,
2 each property -- the way the development is
3 proposed, we exceed the required parking burden on
4 both parcels.

5 MR. SOLOWAY: Mr. Supervisor, we have
6 not yet gotten a denial letter from the Building
7 Department as to all the variances we will need.
8 We know we need a variance to exceed the 60-foot
9 setback, not the 90-foot setback. We know we need
10 the height variance.

11 Mr. Burn told me that there were
12 several other variances, but he hasn't given me a
13 letter.

14 MR. SUTTON: Special use.

15 SUPERVISOR SALADINO: But in terms of
16 parking, let's speak about that for a moment.

17 So, you have a number of cars per unit?

18 MR. SOLOWAY: Correct.

19 SUPERVISOR SALADINO: Plus, what did
20 you expect for the commercial operation?

21 MR. SUTTON: What we used to establish
22 the 242 stalls that we're providing is we use the
23 code standards for the size and square footage of
24 the retail area, the square footage of the
25 restaurant anticipated usage and car traffic flow,

1 the size of the apartments and the number of them.

2 And, essentially, we -- the number that
3 by direct code is 223 for the front portion of the
4 property that we need to provide to be just
5 compliant, but we are over that. We're providing
6 242 for just the front portion.

7 And the rear portion, again, we are --
8 by code standard, we are required to have 79 stalls
9 and we are providing 88 stalls and those 88 stalls
10 are in the context of still, again, six large
11 planted tree islands in the parking lot. We could
12 actually put more. We could fit another eight
13 stalls or nine easily, if that did that help.

14 SUPERVISOR SALADINO: Any other
15 questions?

16 COUNCILMAN LABRIOLA: Yes.

17 I don't know if you said it or not, how
18 many of the senior co-ops are going to be one or
19 two bedroom; did you differentiate?

20 MR. SUTTON: They are all one bedroom,
21 but we do have what is -- it's an open kind of den
22 area type thing that we could certainly if
23 somebody's staying over, they could stay in that
24 portion of it, so...

25 COUNCILMAN LABRIOLA: How many square

1 feet is each unit?

2 MR. SUTTON: They are 1,050 square
3 feet.

4 COUNCILMAN LABRIOLA: That's a good
5 size. I have -- okay.

6 SUPERVISOR SALADINO: Any other
7 questions?

8 COUNCILMAN LABRIOLA: No.

9 COUNCILWOMAN MAIER: I do. A quick
10 question about the restaurant. You're proposing
11 one restaurant, correct? Now, the other retailer
12 that's going to be in there, that's strictly
13 retail, any other proposed use like a sandwich shop
14 or like a deli that would require seating?

15 MR. SUTTON: Well --

16 MR. SOLOWAY: Al, just one minute.

17 The applicant tells me that the senior
18 housing project will have two bedrooms, not one
19 bedroom.

20 SUPERVISOR SALADINO: Of each unit --
21 in each unit, all units?

22 MR. SOLOWAY: Yes.

23 MR. SUTTON: Thank you.

24 Different project.

25 Did you have a question?

1 COUNCILWOMAN MAIER: Just back to the
2 parking.

3 So, there's one proposed restaurant,
4 but the another retail that you're proposing, will
5 there be any deli-like situation where they would
6 require additional -- you know, there'll be
7 seating, so you'll require additional parking?

8 MR. SUTTON: Well, it's most -- right
9 now, it's structured similar. I mentioned the hero
10 shop. It's kind of a take-out setup. Under 16
11 people coming in, to eat and quick sandwich and
12 leave. It's not so much that they're staying.
13 It's -- the burden of the parking is not structured
14 yet for a specific number of additional tables or
15 something like that.

16 We included the restaurant use because
17 we anticipated that we would have a restaurant, a
18 formal actual restaurant. So but the hero shops or
19 like a pizzeria, they don't have a parking burden
20 that's higher than a pharmacy or something like
21 that based on the square footage, they don't.

22 COUNCILWOMAN MAIER: Will there be any
23 overflow parking so if all the parking spots are
24 filled in front, will they be able to share some of
25 the spaces in the back?

1 I guess my question is, in the back,
2 will they have assigned parking places?

3 MR. SUTTON: No, the assigned spaces
4 for the residents would be in the enclosed space
5 under the building. None in the parking lot. Not
6 assigned. All open. That's the intent.

7 COUNCILMAN IMBROTO: The two projects
8 are presented together?

9 MR. SUTTON: Correct.

10 COUNCILMAN IMBROTO: Does that mean
11 that you'd only be willing consider doing both of
12 them or if they were bifurcated, would you be able
13 to proceed with one or the other?

14 MR. SUTTON: Again, I mentioned that
15 earlier. I'll check with the owners, but my sense
16 was that the projects could stand on their own and
17 could be evaluated on their own. They conform to
18 the zoning within the 2.8 and 2.6 sizes once the
19 subdivision were perfected. I would guess that...

20 COUNCILMAN IMBROTO: So one, the other
21 or both, it doesn't matter to you --

22 MR. SUTTON: Well, it matters.

23 MR. SOLOWAY: We want to put up two
24 projects.

25 We think that --

1 COUNCILMAN IMBROTO: Lou, could you
2 talk into the microphone so everyone could hear
3 you?

4 MR. SOLOWAY: We think that the senior
5 housing in the back is beneficial to the Town.

6 COUNCILMAN IMBROTO: I think so, too.
7 I'm so glad you're proposing senior
8 housing. It's very rare that we get a proposal
9 like that. It's much needed. They need places to
10 live.

11 MR. SOLOWAY: We have spoken to the
12 Commissioner and they love it.

13 COUNCILMAN IMBROTO: I wish more
14 developers would propose housing.

15 MR. SOLOWAY: We anticipate that this
16 will be two separate projects. Because the senior
17 housing has to be a rental thing which becomes a
18 condominium -- a co-op rather and that has to stand
19 on its own since we're creating one lot just for
20 them and the other lot for the commercial and
21 market housing.

22 COUNCILMAN IMBROTO: So, from the
23 builder standpoint, they could be viewed as two
24 separate projects; both of them -- they are
25 interested in building individually and together?

1 MR. SOLOWAY: Probably. I can't
2 guarantee it, but probably they will both proceed a
3 pace, so to speak. We're not going to just blast
4 out one and then forget the other. We're doing
5 both.

6 COUNCILMAN IMBROTO: If we were to look
7 favorably upon one of the projects and not the
8 other, they'd still be interested in doing the one
9 project, either project on its own?

10 MR. SOLOWAY: Well, if can't have both
11 projects, we can't just have the senior housing in
12 the back and then what do we do.

13 COUNCILMAN IMBROTO: That's my
14 question.

15 If only one were to be approved, would
16 you be interested in building the one or it has to
17 be both?

18 MR. SOLOWAY: We would be interested in
19 building the front project, the northerly project
20 if we had to build one and then we'd have to find
21 something else to do in the rear which would
22 probably be some sort of industrial use.

23 COUNCILMAN IMBROTO: But not the other
24 way around?

25 MR. SOLOWAY: No.

1 SUPERVISOR SALADINO: Are there any
2 other questions of our Board members?

3 COUNCILMAN LABRIOLA: Mr. Sutton, I'm
4 not sure if this should be towards you.

5 I'm not sure I'm saying this right, a
6 Bioswale, is that something you design or
7 landscape?

8 MR. SUTTON: That's why we have our
9 landscape architect here.

10 MR. SOLOWAY: He is next up.

11 COUNCILMAN LABRIOLA: What is that,
12 sir?

13 SUPERVISOR SALADINO: He's up next.

14 MR. GIBNEY: Good evening.

15 My name is Rich Gibney. I'm a
16 landscape architect, registered in New York since
17 1986.

18 Although I grew up in Westbury, I do
19 know Oyster Bay very well. I served on the
20 Planting Fields Board of trustees for 16 years.
21 Our office designed the new Planting Fields parking
22 lot and Sensory Garden. I had many projects in
23 Oyster Bay over the years. I know Mike Quashing
24 pretty well. I was happy to be invited to work on
25 this project with a nice team.

1 The architect designs a beautiful
2 building or buildings. The engineers come in and
3 make sure that the parking works. The fire trucks
4 can get in. The drainage works and then we get to
5 make it beautiful. We come in and we have to come
6 in with plantings.

7 I walked the site for the first time
8 about three years ago and one word came to my mind,
9 and that was blight. We walked in the back. There
10 were old trailer homes. There were trees that have
11 not been cared for, if ever, 30, 40 years. A lot
12 of what I would call high risks trees. There was
13 not a lot to be saved, let's put it that way.

14 On the perimeter, there are some trees
15 that are worth saving and they show on the plan.
16 Even some of those are not in great condition. We
17 sort of looked at it as an empty slate that we
18 could beautify.

19 I always like to look ahead to the next
20 30, 40 years. When I see trees that are in poor
21 condition, I want to get them out as soon as
22 possible so we can get the next tree going because
23 a tree in poor condition is not going to last
24 another ten years and that gives me ten years on
25 the new trees. So, on the 30-year plan, you're way

1 ahead of the game. This is how we look at a site
2 like this.

3 There is a lot of construction. There
4 is a lot of parking. There are requirements for
5 the paving. So, what we try to do is muscle or our
6 way to get a few extra parking spaces into parking
7 -- I'm sorry, into planting. Where the trigger
8 mount is on the end here, we did put in a rain
9 garden at the urging of the Oyster Bay planning
10 people, and we complied.

11 COUNCILWOMAN JOHNSON: For those who
12 don't know what a rain garden is.

13 MR. GIBNEY: Rain garden basically
14 takes the water that comes into this parking lot
15 all goes -- instead of going into the edges into
16 catch basins that go into dry wells, it's all
17 directed to this center island which is a depressed
18 island which has plants that like it wet.

19 COUNCILWOMAN JOHNSON: And are native.

20 MR. GIBNEY: Some are native; some
21 aren't. We have a combination of native plants.
22 We try to use many native plants here. We use what
23 are called nativars which are native cultivars and
24 we use many nonnative heart plant that are suited
25 to this site. There is a peripheral screening of

1 the entire site with large evergreens. We try to
2 space those appropriately so they continue to
3 screen for many years.

4 We have -- we're introducing at least
5 50 plant varieties to the site. I did a quick
6 count. There are actually 30 on the front part of
7 the site, new plants, and there are as many as 30,
8 40 on the Gramercy Park area. A combination of
9 native plants, Native American trees. We have some
10 Linden, Tilia, Carpinus, which is American
11 hornbeam, as well as some ginkgo and trees are not
12 necessarily native, but are very tough and pest
13 resistant, drought resistant.

14 What we've also done is incorporate
15 front planting that has a lot of variety, a lot of
16 color, red dogwood, a combination of grasses, birch
17 trees. We have a little bit of difficulty in the
18 front island because of some large overhead wires,
19 so we're conscious of those in the planting of
20 trees away from the wires.

21 But a good combination of evergreen and
22 deciduous plants. What we did do also is the --
23 this is the main building. It looks like a big
24 white roof on this plan. If you look over here is
25 what we call vegetative roof. There is a solar

1 array off one end, which is all solar panels. None
2 of these would be seen from the ground.

3 This garden will not be seen from the
4 ground, but it will be beautiful for the owners --
5 I'm sorry, for the residents. It's a combination
6 of walking paths, seating areas and a vegetative
7 roof which will help cooling and heating. If
8 you're familiar with vegetative roofs, I think the
9 first ones were in Germany. Chicago has probably
10 the most in the U.S. right now, but it's becoming
11 much more popular because it gives much more life to
12 the roof itself because the solar radiation doesn't
13 hit the roof.

14 The plantings actually take up rain
15 water. Most vegetative roofs like this, the first
16 inch of rain gets absorbed. It doesn't run off the
17 building. Okay. By the second or third inch,
18 there is a system in place to allow it to drain
19 normally. The same thing with the rain garden, the
20 rain garden will take that first inch of rain and
21 then what will happen is if we had a five-inch
22 rain, it would go to dry wells at that point, as an
23 overflow system.

24 Outside of that, we have some screening
25 basically of the buildings themselves and the

1 Dumpsters. I'm open to -- let me what else I wrote
2 here. No.

3 Any other questions?

4 SUPERVISOR SALADINO: Are there any
5 questions of this expert?

6 COUNCILMAN LABRIOLA: Yes.

7 SUPERVISOR SALADINO: Go ahead,
8 Councilman.

9 COUNCILMAN LABRIOLA: Are you satisfied
10 with the buffer that you developed here between the
11 industrial property -- the light industrial
12 property -- and the senior residences?

13 In other words, I see approximately --
14 I'm not sure how many feet that is, maybe it's
15 about 10 feet between the proposed walkway and the
16 property line of the industrial property over by
17 Elm.

18 Do you know what I'm talking about?

19 MR. GIBNEY: Yeah. The proposed
20 meandering walkway that goes around the property?

21 COUNCILMAN LABRIOLA: Right.

22 MR. GIBNEY: That was added actually on
23 the project at the request of Oyster Bay planning
24 people. And we wanted to keep that walkway as far
25 as from the buildings as possible, yet as close to

1 the screening as we could put it. I do feel like
2 the screening is adequate.

3 I'm not sure exactly what the question
4 is.

5 COUNCILMAN LABRIOLA: How many feet of
6 screening is there? I can't -- it doesn't --

7 MR. GIBNEY: It does vary because in
8 order to make the walkway interesting, it angulates
9 slightly. It's not just a straight walkway. It
10 has a little bit of a curvilinear factor to it.

11 So, the distance of screening vary from
12 -- I'm going to say -- a minimum of 8 to 10 feet
13 you think? A minimum of 8 to 10 and then it opens
14 up to as much as 20 feet in some areas.

15 The screening for this project -- for
16 these homeowners. I mean, this is an industrial
17 type, light industrial area. We're not necessarily
18 trying screen them from us. We're trying to screen
19 us from them.

20 COUNCILMAN LABRIOLA: That's -- my
21 point is once we -- assuming this development goes
22 forward, once we place seniors into that portion of
23 the property, are we going to be hearing about
24 noise complaints, trucks traffic, et cetera, if the
25 screening is only -- I'm looking here at minimum

1 you're saying at some point it's only 6, 10 feet,
2 right, and then it gets large on the corners, but
3 my point is that -- I mean, I see how long this
4 walkway is, but maybe that area would be best
5 suited to provide a much denser screening between
6 the residents and the industrial portion.

7 I just think it's something I'm going
8 to query our Commissioner of Planning and
9 Development and our Commissioner of Senior Housing
10 over there. That will tell us about the kinds of
11 complaints that we typically get when we put senior
12 homes into a light industrial area.

13 MR. GIBNEY: I understand. We've done
14 quite a few senior housing and developments
15 actually in many different settings.

16 Keep in mind, there are these
17 topographic elevations on both sides of this
18 property. One is five foot, one is approximately
19 six foot. Some of the planting -- we're trying to
20 keep the plantings as close to the property line as
21 possible, as far up the hill as possible, thereby
22 getting more height out of the plantings.

23 Do you have a comment? Al might have a
24 comment.

25 MR. SUTTON: I was just going to add

1 that in terms from the interior of the senior unit,
2 it's not -- we anticipate the perimeter sound walls
3 and triple glazing. As a comparative, there's a
4 few luxury townhomes that are right on the Northern
5 State they built recently. When you're in those
6 units, they are completely -- you don't hear any
7 other traffic in full like 5:00 rush-hour type
8 noise, so from the interior of the unit, we don't
9 -- again, certainly, it's not other residents
10 around us. We're surrounded by light industrial
11 and it's a valid concern.

12 From the interior of the unit, we are
13 anticipating from a construction point of view that
14 there will be no issue in that regard, and that
15 sound wise, we could easily regulate that and the
16 decibel, we didn't measure anything yet, but the
17 exterior didn't seem inordinately, you know,
18 unusually loud. It was mostly coming from Jericho.
19 So I think we will be fine in terms of that regard.

20 And what Rich was eluding to, that
21 depression, the planting so far as decibel
22 regulating sound is Zero. You don't get any
23 benefit from screening. It's only a visual screen,
24 all the plantings you want to put. You can put 25
25 feet deep and effectively the sound will go right

1 through it, so there is no benefit.

2 That's why along the Expressway all
3 those solid walls have gone up because that's the
4 only way to stop sound if you some elevation
5 differential or some grade or a berm, those are the
6 benefits.

7 COUNCILMAN LABRIOLA: So, the sound
8 would be dealt with from the construction of the
9 unit and that's in your plans that you're going to
10 -- that is in your plan as you develop?

11 MR. SUTTON: Yes.

12 COUNCILMAN LABRIOLA: Would you be
13 willing -- I should ask Mr. Soloway, are you
14 willing to covenant to that restriction that you
15 would, in fact, use the kind of sound deadening --
16 the sound --

17 MR. SOLOWAY: Absolutely.

18 I'd like to also point out that on the
19 westerly side of the building, we abut the parking
20 area of the office building, so there's no
21 industrial uses there.

22 On the easterly side, these are
23 basically office buildings. This is a hotel.
24 There's very little going on here. Down in the
25 southerly side, it's all warehousing.

1 COUNCILWOMAN WALSH: I was there the
2 other day. It's a lot of trucks, though. I was
3 there -- I was there during the week. It was a lot
4 of trucks going back and forth.

5 MR. SOLOWAY: We will covenant that we
6 will use sound mitigating construction and keep in
7 mind that there were 121 families living on this
8 site for many, many years, so it has a history of
9 residential use.

10 COUNCILMAN LABRIOLA: I understand
11 that.

12 Again, I think this is a completely
13 different kind of development and I think you're
14 going to have --

15 MR. SOLOWAY: Absolutely.

16 COUNCILMAN LABRIOLA: The way our
17 senior housing works, I'm not sure if the owners
18 are familiar with building senior housing.

19 I should ask you, Mr. Soloway, have
20 they built senior housing -- is there any history
21 of building senior housing --

22 MR. SOLOWAY: No, they have not.

23 COUNCILMAN LABRIOLA: -- in the Town?

24 So, there is a learning curve here in
25 terms of providing the right kind of amenities that

1 seniors expect in the Town of Oyster Bay.

2 MR. SOLOWAY: We will covenant the use
3 of noise mitigating materials in construction.

4 COUNCILMAN LABRIOLA: Thank you.

5 That's great.

6 SUPERVISOR SALADINO: Any other
7 questions?

8 MR. GIBNEY: Any more questions on the
9 site?

10 SUPERVISOR SALADINO: Yes. I didn't
11 notice fencing and while it's not make or break,
12 but I'm curious, do you plan any kind of opaque
13 fencing?

14 MR. SOLOWAY: Repeat that, please.

15 MR. GIBNEY: As per code, yes.

16 Six-foot chain-link on the outside?
17 Talking about a solid fence, I was not involved in
18 that, but there's a solid fence on the property
19 line that would meet code.

20 SUPERVISOR SALADINO: Are there other
21 questions on landscape?

22 COUNCILMAN LABRIOLA: That concrete
23 retaining wall, does that rise above -- is that
24 part of what you're calling a five-foot over the
25 street level?

1 MR. SUTTON: Which wall?

2 COUNCILMAN LABRIOLA: The concrete
3 retaining wall I see.

4 MR. SUTTON: There is a wall -- this
5 part here?

6 COUNCILMAN LABRIOLA: Yes.

7 MR. SUTTON: No. I was discussing this
8 gradient differencem that's all on the side. This
9 wall is here because that is retaining the -- the
10 first floor of the hotel is seven or eight feet
11 above the grade on the property there. That wall
12 is absolutely a functional retaining wall. No
13 sound deadening impact because it's underground.

14 COUNCILMAN LABRIOLA: That's what I was
15 curious about.

16 Thank you.

17 MR. GIBNEY: Would that be all?

18 SUPERVISOR SALADINO: Just from your
19 professional perspective, how does this fit in with
20 the rest of the community; what will the look be if
21 you're offsite driving by, walking by, riding a
22 bicycle and also, on site from the design, what
23 will be the difference from the rest of the
24 community?

25 MR. GIBNEY: Well, having been on site

1 earlier, in short, anything would be nicer than
2 what was there. This is actually quite beautiful,
3 I think the building, the fenestration on it,
4 especially compared to some of the adjacent
5 buildings, I think it's a vast improvement.

6 I'm looking at some of the -- the
7 building to the right which is just a line of
8 windows and rather boring in a way, but it is what
9 it is. It's there. I find this building to have
10 much more of a residential appeal, again, with the
11 fenestration and the combination of plantings that
12 will be there compared to what's around it.

13 SUPERVISOR SALADINO: Are there any
14 other questions?

15 (No verbal response given.)

16 SUPERVISOR SALADINO: Thank you.

17 Mr. Soloway?

18 MR. SOLOWAY: Our next presenter is Pat
19 Lenihan. Our traffic consultant will discuss the
20 traffic impacts of the site which have been -- we
21 gave the Town a full traffic impact statement.

22 Pat?

23 MR. LENIHAN: Thank you, Lou.

24 Good evening, Supervisor Saladino,
25 Members of the Town Council.

1 My name is Patrick Lenihan. I am the
2 Director of Transportation and of VHB Hauppauge's
3 office.

4 Part of the work of VHB and Dave
5 Wortman will speak a little bit more later about
6 the overall environmental approach, but what my
7 office did was generate a detailed traffic impact
8 study for the application in keeping with standard
9 and accepted practice of studies of that nature and
10 that traffic impact study was appended to the
11 expanded EAF presented as part of the application.

12 Briefly, the traffic study looked at
13 traffic safety, site access, parking which we've
14 spent some time on already, future volumes and
15 capacity conditions without the proposed
16 redevelopment and conditions that we expect to
17 exist after the redevelopment. Of course, to
18 compare the two.

19 The proposed redevelopment, first, a
20 little bit about the existing site. We talked
21 about what was on the site, the existing buildings.
22 The site is served now by four uncontrolled
23 driveways across it's slightly 300-plus feet of
24 frontage. Those are four driveways, curb cuts
25 where drivers visiting the site now can make lefts

1 into the site, lefts out of the site, rights in,
2 right out. There are no restrictions.

3 What I'm going to mention later on and
4 it was mentioned previously was that we are
5 proposing to build a traffic signal there and it
6 will serve one single driveway, so, from an access
7 management perspective, and a safety perspective,
8 that's a big improvement over what's there now.

9 In our study, no credit was taken for
10 the traffic generation of the existing uses on the
11 site. We essentially looked at it as if this was
12 all new. We took no credit for the elimination of
13 anything on the site. So that's a conservative way
14 of doing things.

15 As far as potential impacts, the study
16 looks at the affects of the additional traffic, not
17 only at the driveway but at a couple of signalized
18 locations east and west of the site; specifically,
19 Michael Drive and Underhill Boulevard, and what we
20 found was that when we introduced the site traffic
21 to the existing condition, without the
22 redevelopment, we look at changes and delays and
23 levels of services at those intersections and what
24 we found was, and it's detailed in the traffic
25 study, very, very small increases in delays and no

1 changes in levels of service at those locations as
2 a result of the introduction of traffic due to what
3 we have here.

4 Again, the site access, there will be
5 one fairly central. It will be signalized. That
6 signal will also serve the commercial development
7 on the north side of Jericho Turnpike.

8 So, as a side benefit to that, what
9 will happen is folks over there currently, they
10 can't make a left out of that driveway. It's
11 prohibited by sign. Some people cheat.

12 But with the introduction of the
13 traffic signal, some of those folks who are
14 currently using Underhill Boulevard will have the
15 opportunity to come out here and that will take a
16 little bit of pressure of of Underhill Boulevard as
17 well.

18 The traffic study was reviewed by Town
19 staff and their professional consultants. I also
20 had two meetings with State DOT. The study was
21 submitted to State DOT and reviewed. They are in
22 agreement. We've gone over the site, the site
23 access and the installation of a traffic signal, so
24 they're on board with that. They're awaiting plans
25 for the work within the right-of-way should this

1 project be approved and move forward.

2 In closing, based on our detailed
3 study, it is my professional opinion that the
4 approval, construction and operation of the
5 redevelopment that is proposed would not cause a
6 significant negative impact to traffic in the area
7 of the site and I thank you for your time.

8 And if you have any questions?

9 SUPERVISOR SALADINO: Are there any
10 questions? Councilman?

11 COUNCILMAN LABRIOLA: Can you just go
12 over the trip generation? I'm not sure if you
13 mentioned that.

14 MR. LENIHAN: Sure.

15 COUNCILMAN LABRIOLA: The peak time,
16 the peak trip generation.

17 MR. LENIHAN: As you -- we've probably
18 been before you, us boring traffic engineers, we
19 look at weekday peak hours of commuting traffic
20 a.m. and p.m. and the Saturday midday. So, what we
21 have here with the residences, commercial, retail
22 space, restaurant space, in total in weekday
23 morning -- and I need my glasses because I'm going
24 to move into senior housing soon -- in the morning,
25 we've got 63 trips in an hour, so roughly one a

1 minute. So, that's mostly exiting in the evening
2 because of residences. In the p.m., 145. So that
3 would be, you know, a little less than three a
4 minute. That's fairly split evenly between
5 entering and exiting.

6 On Saturday, 167 in a one-hour period
7 which is under three per minute split in both
8 directions. So, again, we took no -- we took no --
9 when we applied that traffic to Jericho Turnpike,
10 we didn't take credit for the elimination of the
11 existing trips.

12 COUNCILMAN LABRIOLA: Thank you.

13 SUPERVISOR SALADINO: Just one quick
14 question to differentiate parking and trips needed
15 for different types of eateries, the subject came
16 up a little earlier in this hearing, can you just
17 describe to us briefly the difference of the needs
18 between a sit-down restaurant where people are
19 going to stay for some time and enjoy a full meal
20 versus a delicatessen, hero shop where there are
21 two similar places of similar square footage?

22 MR. LENIHAN: Sure.

23 A sit-down restaurant, of course, folks
24 are going to visit the restaurant. They're going
25 to sit down and probably have waitress service.

1 They're going to linger for a while.

2 It was mentioned a deli, hero shop.

3 I'm not sure deli and hero shop would coexist next
4 to each other. They might compete a little bit.

5 So a hero, shop there's probably some
6 breakfast activity and the heaviest peak would be
7 lunchtime, but the hero shop is a quick hit, in and
8 out fairly quickly.

9 SUPERVISOR SALADINO: Which generates
10 more trips, which would need more parking spots
11 between the deli or hero shop versus the sit-down
12 restaurant?

13 MR. LENIHAN: The sit-down restaurant.

14 SUPERVISOR SALADINO: Requires more
15 parking spots --

16 MR. LENIHAN: More parking because
17 people are going to --

18 SUPERVISOR SALADINO: And generates
19 more trips?

20 MR. LENIHAN: Yes. People are there
21 longer. They have, you know, more seats. The
22 other things -- there's not a complete correlation
23 between trips and parking. It depends how long
24 folks linger at the site.

25 The hero shop is more of your quick hit

1 and then the hero shop probably doesn't do much for
2 dinner.

3 SUPERVISOR SALADINO: I'm looking at
4 this from a common sense perspective and I would
5 think the less expense the item is and that quicker
6 the turnover generates more trips as opposed --

7 MR. LENIHAN: It would but the hero
8 shop -- I guess I'm thinking the hero shop wouldn't
9 be as large.

10 SUPERVISOR SALADINO: Wouldn't be as
11 large.

12 MR. LENIHAN: As a restaurant.

13 SUPERVISOR SALADINO: And wouldn't
14 service as many hours perhaps?

15 MR. LENIHAN: They may not have much
16 going on at dinner. They may have very little bit
17 at breakfast.

18 COUNCILWOMAN MAIER: I was there during
19 the breakfast hours this weekend and that's exactly
20 how to explain it. Quick hit. They're in/out.
21 There are tables --

22 MR. LENIHAN: And that's why you
23 wouldn't have a deli.

24 You wouldn't want --

25 COUNCILWOMAN WALSH: -- sitting down --

1 it was almost like they were in a rush to get to
2 work.

3 COUNCILMAN HAND: Mr. Lenihan, if you
4 could just elaborate on the reduction from four
5 curb cuts to one and the benefit of such?

6 MR. LENIHAN: Sure.

7 In traffic engineering, one of the
8 better accepted principals and this is backed up by
9 statistics is access management, and DOT has made
10 great strides in this area over the years as folks
11 come in with applications and that's reducing the
12 number of access points to the extent that
13 particular use will still function under. Four
14 curb cuts with 300 some odd footage is a lot of
15 curb cuts.

16 As you're driving down Jericho
17 Turnpike, you have to be more on guard,
18 essentially, for someone who is pulling out of this
19 site. With the traffic signal, they'll be
20 protected completely, but with the four curb cuts,
21 statistics tell us that with the same amount of
22 traffic with more curb cuts, there is a potential
23 for higher accident occurrence.

24 COUNCILMAN HAND: Thank you.

25 COUNCILWOMAN MAIER: Mr. Lenihan, thank

1 you very much for your presentation.

2 I have in my background I used traffic
3 studies many times. Thank you. I know sometimes
4 how painstaking it can be sitting there counting
5 cars all day long.

6 MR. LENIHAN: Thankfully, I don't count
7 them any more. I've spent my time.

8 COUNCILWOMAN MAIER: So, the one
9 traffic light, having worked with State DOT in the
10 past, you said you've submitted the proposed use to
11 DOT for the traffic light and they seem favorable
12 upon that?

13 MR. LENIHAN: Correct.

14 COUNCILWOMAN MAIER: Had they given you
15 any indication of timeframe? I know that can some
16 time.

17 MR. LENIHAN: They are awaiting permit
18 plans which, you know, our construction plans --

19 COUNCILWOMAN MAIER: Permit plans, once
20 they receive those, the timeframe of which they are
21 able to move forward with putting the light in?

22 MR. LENIHAN: If we were to receive a
23 favorable ruling of the site, we would probably
24 initiate those right away. I would imagine we
25 would get through DOT probably in three and a half

1 months' time.

2 COUNCILWOMAN MAIER: Very optimistic.

3 MR. LENIHAN: They've gotten better.

4 They have, but --

5 COUNCILWOMAN MAIER: So you expect that
6 the traffic light will be there before, if this is
7 approved, you know, both uses open?

8 MR. LENIHAN: It could certainly be
9 there before, but we would time it, but we may not
10 get approval for a while, but it would certainly be
11 up running before, for instance, got the C.O.

12 COUNCILWOMAN MAIER: Thank you.

13 MR. LENIHAN: Thank you.

14 SUPERVISOR SALADINO: Thank you very
15 much.

16 Counselor?

17 MR. SOLOWAY: Now, introduce Jason
18 Cooper, our environmental management consultant, to
19 discuss the environmental conditions on this site.

20 MR. COOPER: Hello. Good evening.

21 My name is Jason Cooper. I'm a
22 New York State licensed professional geologist. I
23 work with CA Rich Consultants out of Plainview,
24 New York and I've been working there about twenty
25 years.

1 My company has worked on this project
2 since 2017, beginning with preparation of a Phase I
3 environmental site assessment. The site assessment
4 was for the entire property.

5 What we did was -- for those of you
6 that don't know Phase I environmental site
7 assessment is basically a screening tool that the
8 environmental industry uses to help determine the
9 environmental quality of the property.

10 What we do is we research the history
11 by reviewing fire insurance maps, aerial
12 photographs, topo maps and government data bases.

13 In addition to the historical review,
14 we go out for site inspections and we walk the
15 entire site as much as we can and we inspect or
16 observe adjacent properties.

17 So, our Phase I environmental site
18 assessment from 2016 revealed that there may have
19 been a couple of potential environmental concerns.
20 As you're aware, there's the -- it's not up here
21 now, but there's the County Auto Body which is in
22 that approximate location and then down over here
23 was the Trio Auto Repair shop.

24 Then somewhere in here, there was a
25 former transmission shop, which when we went to

1 inspect, no longer existed, so, because of our
2 findings of Phase I, we recommended conducting
3 Phase II environmental site assessment which
4 involves sampling of soil or soil vapor, ground
5 water, whatever we deem necessary at that time.

6 So, our Phase II investigation, we also
7 did a 2016 shortly after Phase I. We completed an
8 investigation on the northern side of the property
9 and we collected soil samples and soil vapor
10 samples. The results of our soil samples were
11 pretty good. We only found some elevated levels of
12 copper, which weren't too bad, and then we found
13 some soil vapor in the ground which when we compare
14 to New York State Department of Health Guidelines
15 -- let me step back -- there are no Guidelines for
16 soil vapor yet. There are for sub slab soil vapor,
17 but what we did was we looked at the best data we
18 had and it looked like the site may require
19 mitigation and by mitigation, we mean the
20 installation of a vapor barrier during construction
21 of the building, a possible sub slab
22 depressurization system if it's needed. Obviously,
23 after those things are installed, we would want
24 confirmatory sampling.

25 So, this brings us to 2017 when we

1 completed a preconstruction remedial investigation
2 work plan -- sorry, remedial investigation work
3 plan/remedial action work plan.

4 This work plan was completed to collect
5 additional samples on the property where we had
6 data gaps. We wanted to make sure that the data we
7 got in the initial sampling round -- we needed to
8 fill those data gaps to see what we would need to
9 do going forward.

10 So, our plan going forward basically is
11 to have this plan reviewed by the County as well as
12 you, so you can see what's going on. Then anything
13 that we do at the site will be governed by this
14 remedial action work plan and anything that's done
15 basically has to be done through the New York State
16 Department of Health, the New York State Department
17 of Environmental Conservation and/or the Nassau
18 County Department of Health.

19 So, anything that is environmentally
20 related has to go through those channels. So,
21 that's really it. Yeah. We just -- after we get
22 work done, obviously, we will keep everybody
23 informed of what we find and, you know, plans may
24 change. We may require to put in certain things
25 to, you know, keep the health of the residents, you

1 know, it's our utmost importance right now.

2 That's all I have.

3 If anybody has any questions?

4 COUNCILMAN LABRIOLA: Did your Phase II
5 include the area where the senior housing will go?

6 MR. COOPER: So, for right now, our
7 sampling, right now, is limited to this area.

8 Reason, being the back of property was
9 strictly used for residential purposes. Our main
10 concern at that time was the auto body shop, the
11 auto repair shop and the former transmission shop.

12 But as far as sampling on this part of
13 the site, we did not but that is something that we
14 want to address because of what we found over here
15 with the soil vapor, we need make sure that it's
16 not a problem further south of the sample we took.

17 COUNCILMAN LABRIOLA: Thank you.

18 MR. COOPER: You're welcome.

19 COUNCILMAN HAND: Mr. Cooper or
20 Mr. Soloway, if you could please comment on the
21 terms of the agreement with the Syosset Central
22 School District which identified mutually agreeable
23 measures to mitigate potential impacts to the
24 district associated with the generation of school
25 aged children in the Tribeca Square Residential

1 apartments.

2 MR. SOLOWAY: The school district had a
3 question about whether or not we were going to
4 utilize IDA inducements in the development of the
5 project. We have not yet decided whether we will
6 or not. We agreed with the school district that if
7 we did, we would give a stipend to the school
8 district in a significant amount which they asked
9 for and if we do do IDA financing or inducements,
10 we will live up to that stipulation with the school
11 district.

12 SUPERVISOR SALADINO: Any other
13 questions?

14 (No response given.)

15 SUPERVISOR SALADINO: Do you have any
16 other witnesses, Mr. Soloway?

17 MR. SOLOWAY: Yes.

18 We have one final witness, David
19 Wortman --

20 MR. COOPER: Thank you.

21 SUPERVISOR SALADINO: Thank you,
22 Mr. Cooper.

23 MR. SOLOWAY: -- of VHB Engineering.
24 He is our environmental planning expert and he is
25 going to sum up for you.

1 SUPERVISOR SALADINO: Good evening,
2 sir.

3 Place state your presence.

4 MR. WORTMAN: Please.

5 Thank you, Mr. Supervisor, Members of
6 the Board.

7 My name is David Wortman. I am the
8 senior environmental manager for VHB with offices
9 in Hauppauge.

10 VHB was retained by the applicant to
11 review the proposed project with respect to
12 environmental and planning considerations.

13 The hour is getting late. I'll attempt
14 to be brief, but will be happy to answer any
15 questions as I wrap up.

16 But VHB had prepare a Part 1
17 environmental assessment form for submission along
18 with the application for the proposed project which
19 contains a wealth of environmental data on the
20 subject property as well as the proposed project.

21 We had also prepared and supplemented
22 that form with an extensive, expanded environmental
23 assessment report which comprehensively addressed a
24 range of topics. Those included a detailed
25 description of the proposed action, an assessment

1 of water resources including ground water and storm
2 water. Land use and zoning and community character
3 were evaluated as part of that report.

4 You've heard about traffic. A traffic
5 impact study was considered as part of that and
6 included. Impacts on community facilities and
7 services were addressed including school districts
8 and other -- excuse me, other service providers.
9 Impacts on cultural resources and anesthetics were
10 also addressed therein.

11 Following the submission of those
12 materials, a coordinator review was undertaken on
13 behalf of this Board by the Town with all involved
14 agencies and potential interested agencies.
15 There's quite a list. It's included in the
16 materials before the Board.

17 The application was subject to a
18 detailed review with the Town's Planning and
19 Development Department. VHB, our client, the
20 applicant and this team worked closely with the
21 Planning and Development Department, as well as
22 their professional consultants, Nelson, Pope &
23 Voorhis over a period of several months in
24 reviewing consideration of various site planning
25 but also environmental considerations.

1 We also coordinated closely with the
2 Town's Environmental Quality Review Division, and
3 their Environmental Department over that period as
4 well.

5 The application was enhanced in a
6 number of ways as a result of those coordination
7 efforts. Those are detailed very specifically in
8 the memo from the TEQR division, but, for example,
9 there changes made to reduce overall height of the
10 building, to include the walking paths as we talked
11 about and some of those many green features that
12 our landscape architect had described earlier and
13 several others.

14 To summarize this with respect to
15 environmental considerations, the proposed project
16 would be connected to public water supply and
17 sewers, so there will be no use of or discharges to
18 ground water with respect to sanitary waste,
19 portable water. There are no wetlands or surface
20 waters at or approximate to the subject property.
21 There are not shallow ground water conditions.
22 We're over 100 feet to ground water beneath the
23 site. We are not within a special ground water
24 protection area. The Town's Aquifer Protection
25 Overlay District or any other critical

1 environmental area that's designated pursuant to
2 SEQRA.

3 There are no significant natural areas
4 present and as the site was previously developed
5 throughout. A comprehensive storm water management
6 plan and swift will be implemented as part of the
7 proposed development. There are no historic
8 landmarks at the site, nor is the site within a
9 designated archeological sensitive area.

10 The traffic impact study prepared, as
11 you already heard, addressed considerations with
12 respect to traffic. Overall after these extensive
13 analyses, we respectfully submit that the proposed
14 project would not result in significant adverse
15 environmental impacts. That is consistent with the
16 results of the TEQR division memorandum which
17 contains a recommendation to this Board that they
18 consider issuing a negative declaration pursuant to
19 the State Environmental Quality Review Act or
20 SEQRA, otherwise known as a determination of
21 nonsignificance.

22 With respect to certain planning
23 considerations, as you know, the applicant is
24 before you tonight requesting a change of zone for
25 a portion of the property at the rear, as well as

1 special permit considerations regarding the use of
2 the Tribeca Park property at the north portion.

3 The comprehensive analysis within the
4 expanded environmental assessment details the mix
5 of land uses that are present throughout this area
6 as well as at the site under existing conditions.

7 We talked about visual considerations
8 such as those you asked about before how existing
9 views changed and community character overall. We
10 also undertook a detailed review of the project
11 with respect to the Town's special permit criteria.

12 And we respectfully submit that this
13 proposed project would be compatible with the land
14 use pattern in this vicinity, the established
15 character of the neighborhood and meets all the
16 relevant criteria for the issuance of this special
17 permit. And, again, any interest in time just a
18 few quick highlights with respect to planning and
19 consideration.

20 The request for special permit
21 approvals would essentially allow a similar
22 condition that has existed at the subject property.

23 In other words, what I mean is there
24 would continue to be a mix of commercial and
25 residential uses on the site that's zoned light

1 industrial and in an area containing a mix of uses.

2 It's noteworthy that the commercial
3 uses that are currently on the LI zone site are
4 generally more intensive in nature than would be
5 those proposed; meaning, the auto body, auto
6 repair, former transmission shop or generally
7 speaking more intensive commercial uses than would
8 be the nature of the retail and restaurant uses
9 proposed.

10 And, of course, the residential
11 component is consistent to the historic use of the
12 southern portion or much of the site with respect
13 to the former mobile home park that occupied it.

14 Last, but not least, we respectfully
15 submit that the project would be consistent with
16 the relevant comprehensive land use plans for the
17 area and the Town's stated purpose of its residents
18 district for achieving a balanced array of housing
19 types, sizes and densities in the matter consistent
20 with the character of the existing neighborhood and
21 protection of the environment.

22 That concludes my presentation. I'd be
23 happy to answer any questions you may have.

24 SUPERVISOR SALADINO: Thank you very
25 much.

1 MR. WORTMAN: Thank you.

2 SUPERVISOR SALADINO: Mr. Soloway?

3 MR. SOLOWAY: Let me just say, that
4 over the past three and a half years, the applicant
5 has been meeting with the Town Planning Department,
6 reviewing the plans, improving the plans, accepting
7 suggestions made by the Town Planning Department to
8 improve the project.

9 We hope that the Board likes the
10 project and will approve it and that is basically
11 our presentation tonight.

12 SUPERVISOR SALADINO: Thank you.

13 Are there any other questions from the
14 Board members before we turn it over to the public?

15 COUNCILMAN LABRIOLA: Yes, I do.

16 Mr. Soloway, before you take your seat,
17 just a couple of questions that I thought might
18 have been answered in presentation but were not,
19 for the benefit of the public, everybody, they know
20 that this is designed for what we call affordable
21 housing for senior citizens. It's program this
22 Town has developed over a couple of decades now.

23 I just was wondering what your client
24 will consider an affordable unit for a two-bedroom
25 senior citizen housing in this particular area.

1 Have you discussed the price point?

2 MR. SOLOWAY: No, we have not, but we
3 that's up to the Town department. We will go along
4 what their recommendations are.

5 COUNCILMAN LABRIOLA: If I said
6 \$200,000 a unit, you would go along with that?

7 MR. SOLOWAY: I think there are certain
8 Guidelines that the Town has.

9 COUNCILMAN LABRIOLA: I get that.
10 That's what I thought this would --

11 MR. SOLOWAY: We will work within those
12 Guidelines.

13 COUNCILMAN LABRIOLA: In other words,
14 you've come up with this density of almost 22 units
15 per acre.

16 I'm assuming THAT you're at that
17 density because this is what your client needs in
18 order to generate a profit on this particular --

19 MR. SOLOWAY: Right.

20 COUNCILMAN LABRIOLA: -- on this
21 particular development.

22 They must have a price point in mind.
23 I'm trying to elicit what is the range.

24 MR. SOLOWAY: They did not.

25 COUNCILMAN LABRIOLA: The range you're

1 talking about to have a senior housing unit, a
2 two-bedroom unit over there.

3 MR. SOLOWAY: They have not.

4 COUNCILMAN LABRIOLA: So, I guess I'll
5 have to talk to our Town Attorney about that.

6 COUNCILMAN IMBROTO: They are aware
7 that they'll be working within the Town Guidelines.

8 MR. SOLOWAY: Absolutely.

9 Before my client even came to me, and
10 he came to me before he purchased the property, I
11 represented him in the transaction in purchasing
12 the property, he had already met with the Town,
13 with the Commissioner and the Deputy Commissioner,
14 and he came to me saying, "This is what we're going
15 to do."

16 COUNCILMAN IMBROTO: What is the
17 intended schedule for the buildout? When do you
18 plan to have the senior housing component completed
19 in --

20 MR. SOLOWAY: I would say they're going
21 to build both projects at the same time. At least,
22 that's the present plan.

23 COUNCILMAN LABRIOLA: Mr. Soloway, you
24 mentioned that the new taxes that would be
25 generated on this parcel on the commercial portion

1 will be 703 -- I'm sorry, yes, \$703,000.

2 MR. SOLOWAY: That's based on present
3 tax rates.

4 COUNCILMAN LABRIOLA: Based on the
5 present tax rates, but I didn't hear you say what
6 you estimate the taxes that would be generated from
7 the senior --

8 MR. SOLOWAY: Again, we don't know that
9 because that's a function of the Town department --
10 what the taxes will be based upon the purchase
11 price, et cetera.

12 COUNCILMAN LABRIOLA: I'd like to ask
13 our Receive of Taxes if he could possibly do that
14 research for us before we render any decisions in
15 the future and try to determine what our -- what
16 this whole property would generate in its entirety.

17 Thank you.

18 MR. SOLOWAY: Talk to the County on
19 that.

20 COUNCILMAN LABRIOLA: Thank you.

21 SUPERVISOR SALADINO: Anyone else?

22 We don't have any slips of residents.
23 We always ask residents if they would like to be
24 heard. We have two here.

25 Would you fill out the slips? Anyone

1 else who would like to be heard, we ask you to fill
2 out a slip and we'd like to hear from all of you.
3 We'd like to hear from anyone who would like to
4 speak on this application.

5 While we're waiting, just to give
6 everyone a sense of how the schedule is going to go
7 this evening, right after we hear from the public,
8 we are going to entertain a motion.

9 We are not voting on the application
10 this evening, but we will be listening to everyone
11 and then we are going to break for Executive
12 Session and to give our stenographer a break as
13 well. And that shouldn't take too long, but just
14 to give you a sense and then we will come back and
15 get right to the regular Resolutions calendar of
16 the day.

17 (Whereupon, a discussion was held off
18 the record.)

19 SUPERVISOR SALADINO: Thank you. Okay.

20 We have a few names here of folks who
21 would like to be heard.

22 First on this list is Ned Newhouse.

23 MR. NEWHOUSE: Good evening, Board.

24 Welcome new members.

25 SUPERVISOR SALADINO: Good evening,

1 Ned.

2 MR. NEWHOUSE: 362 Barrel Court,
3 Woodbury, New York.

4 I have a couple of questions.

5 Are these units -- maybe I missed it --
6 are they for rental or for purchase?

7 SUPERVISOR SALADINO: Lou, would you
8 like to address that?

9 MR. SOLOWAY: The units which are in
10 the northerly building, the three-story building,
11 those are rentals. The units in the senior housing
12 are for purchase.

13 MR. NEWHOUSE: So, how can it be low
14 income adult housing if it's for purchase?

15 COUNCILMAN LABRIOLA: Affordable.

16 COUNCILMAN IMBROTO: It's not low
17 income housing.

18 MR. NEWHOUSE: I'm sorry, affordable.

19 Does that mean that someone else can
20 sell it for a much higher price?

21 MR. SOLOWAY: No.

22 COUNCILMAN IMBROTO: It's the Town's S2
23 program.

24 MR. NEWHOUSE: I'm not familiar.

25 COUNCILMAN IMBROTO: Golden Age program

1 that operates throughout the town.

2 MR. NEWHOUSE: So then they are
3 restricted in subsequent sales --

4 COUNCILMAN IMBROTO: Yes.

5 MR. NEWHOUSE: -- of how much they
6 can --

7 COUNCILMAN LABRIOLA: There's a formula
8 based upon the consumer price index that the owners
9 -- the next owners that would purchase it would be
10 set.

11 Again, that price point that I
12 discussed earlier establishes the baseline and from
13 that point on, it will be the consumer price index
14 based upon how many years.

15 MR. NEWHOUSE: Thank you for explaining
16 that to me. I'm ignorant about that.

17 Does that mean in the adult housing
18 that school aged children are not permitted to live
19 in there, in the adult housing? Are they
20 restricted? My mother's unit in Florida, children
21 can't live there, and I'm concerned about burdening
22 the school.

23 SUPERVISOR SALADINO: Why don't you ask
24 all your questions and then we will get your
25 answers for you. Give us all your questions.

1 MR. NEWHOUSE: I have a lot and they're
2 not going to get answered.

3 SUPERVISOR SALADINO: We'll try to do
4 the best can. It's our intention to answer your
5 questions.

6 MR. NEWHOUSE: All right.

7 SUPERVISOR SALADINO: Obviously, the
8 applicant is here to answer questions.

9 MR. NEWHOUSE: Okay.

10 Will there be restrictions on how many
11 people can live per unit because certainly we don't
12 want to overcrowd and overburden our school system?

13 Regarding security, will this be a
14 gated or card access property or is it open?

15 SUPERVISOR SALADINO: Do you have an
16 answer to that, Mr. Soloway?

17 MR. SOLOWAY: It's not a gated
18 community.

19 MR. NEWHOUSE: It's open.

20 This property is less than a quarter
21 mile of Cerro Wire Superfund site. That property
22 is concerning to the extent that it cannot be used
23 for residents and only light industrial. It was
24 also not mentioned that this property -- if this
25 property will have a below ground level. This

1 property abuts 150 Miller Place.

2 SUPERVISOR SALADINO: No, it doesn't.

3 That's incorrect.

4 MR. NEWHOUSE: This back end, it

5 doesn't?

6 SUPERVISOR SALADINO: No. That's not

7 correct.

8 MR. NEWHOUSE: It doesn't abut it, but

9 it's a quarter mile away. Fine. It's a half mile

10 away.

11 We all know that the Bethpage Plume has

12 travelled five miles and if that property is,

13 indeed, contaminated and we're still waiting for

14 environmental testing on that property, this

15 property might be contaminated in my opinion.

16 SUPERVISOR SALADINO: If you have --

17 MR. NEWHOUSE: It's concerning to me --

18 SUPERVISOR SALADINO: If you have

19 testing results, please, we want to see that. Any

20 information you might have.

21 MR. NEWHOUSE: Well, they haven't

22 tested the south side of the property that is the

23 closest to that 150 Miller Place, so that does

24 concern me.

25 I mean, this Board can certainly

1 approve this plan, but what happens if 150 Miller
2 Place is deemed contaminated? Who's going to want
3 to live there? That's less a quarter mile away.

4 Those are my comments and questions.

5 SUPERVISOR SALADINO: Thank you.

6 Commissioner Fitzgerald, would you mind
7 approaching the podium? Can you give little bit
8 overview of the S1 program so that Ned and others
9 in the room are maybe curious about the facts, can
10 get educated to that information?

11 COMMISSIONER FITZGERALD: Good evening,
12 Supervisor and Town Board.

13 Maureen Fitzgerald, Commissioner of
14 Department of Community and Youth Services.

15 SUPERVISOR SALADINO: Thank you,
16 Commissioner.

17 There was a question by the previous
18 speaker about this system in terms of regulations
19 on S1 Housing.

20 Can you just describe to us how it
21 might apply to a project -- like this project or a
22 project like this?

23 COMMISSIONER FITZGERALD: I think
24 Councilman Labriola spoke very well about the
25 resales.

1 So, the units are owner occupied by a
2 single person or a couple. In some cases, in
3 recent years, we've a requests for aides as the
4 population ages. So, there would never be more
5 three people there, tops. Most times we find it's
6 usually a couple or one person. There's mostly
7 what we find in all of our developments.

8 Children are not permitted. No one is
9 permitted under the age of 62 and one at least one
10 of the two people living in the apartment, if it's
11 a couple, have to be of the age of 62. We do not
12 permit children. Trust me, the Boards and the
13 homeowner's association there track that very well,
14 so there will not be children living in the units.

15 None of our communities are gated.
16 They are all mostly on major roads like Jericho
17 Turnpike, Sunrise Highway, Woodbury Road, but none
18 of the developments overall are gated.

19 SUPERVISOR SALADINO: Thank you,
20 Councilman.

21 COUNCILMAN LABRIOLA: Commissioner,
22 being that you're here, quick question, the waiting
23 list for Syosset in our -- do you have any idea
24 just a roundabout number?

25 COMMISSIONER FITZGERALD: We do. And

1 it's always fluid because we're always getting
2 applications in and we're always selling units.

3 But, currently, now we have
4 approximately 146 Syosset residents, applications
5 from Syosset residents that are interested in
6 purchasing. If I can go on to the Town of Oyster
7 Bay, we have over -- around 976 Town of Oyster Bay
8 applications from Town of Oyster Bay residents
9 themselves.

10 COUNCILMAN IMBROTO: So there's a great
11 need for senior housing?

12 COMMISSIONER FITZGERALD: I can speak
13 with great confidence about the need for senior
14 housing in the Town of Oyster Bay.

15 SUPERVISOR SALADINO: Thank you,
16 Commissioner.

17 COUNCILMAN LABRIOLA: Thank you,
18 Commissioner.

19 COMMISSIONER FITZGERALD: You're
20 welcome.

21 SUPERVISOR SALADINO: Okay. I believe
22 we answered all those questions.

23 So we will -- we missed one? Which one
24 was that, sir?

25 MR. NEWHOUSE: What about the

1 restrictions on how many people will live in the
2 rental units, not just adult housing?

3 COUNCILMAN IMBROTO: Ned, there's
4 building codes that restrict how many people can
5 live in any sort of housing unit.

6 SUPERVISOR SALADINO: Commissioner,
7 would you like to take that question?

8 Commissioner, please begin by stating
9 your presence.

10 COMMISSIONER MACCARONE: Commissioner
11 Elizabeth Maccarone of Planning and Development.

12 The number of people who would be
13 permitted to live within the apartments would be
14 based upon New York State Building Code based on
15 square footage of the bedrooms.

16 So the one-bedroom apartment, depending
17 on the size would allow for two or three people,
18 two bedrooms, two people per each room. Bedroom --
19 potentially four. I have not run those numbers,
20 but we would -- if the Town would look favorably on
21 the application, those numbers are all set by the
22 New York State Building Code.

23 SUPERVISOR SALADINO: And not the Town
24 code?

25 COMMISSIONER MACCARONE: Not the Town

1 Board.

2 SUPERVISOR SALADINO: Does anyone have
3 any questions for Commissioner?

4 (No one responded.)

5 SUPERVISOR SALADINO: Thank you,
6 Commissioner.

7 Our next speaker will be Mr. McKenna.

8 MR. MCKENNA: Good evening.

9 Kevin McKenna. I do live at 3 Edna
10 Drive, Syosset, New York.

11 Just a few easy questions.

12 The -- I think it was the State
13 gentleman from the Department of Transportation
14 talked about the traffic light to be put there.

15 That, you all know, in case you don't
16 know, Jericho Turnpike is an extremely heavily
17 trafficked road as it approaches Underhill
18 Boulevard. I don't live too far from there. And
19 the traffic backs up from the light at Underhill
20 Boulevard, especially at rush hour. It backs up
21 like 106/107.

22 So, my question is, when you put this
23 traffic light there, it's going to -- it's going to
24 block traffic while the light is turned waiting for
25 people to come out of the senior center. And I'm

1 just wondering if that was taken into account,
2 because it's going to make the backup even worse,
3 the traffic light.

4 I also want to ask if -- just so that
5 the Town Board does diligence -- one of the
6 gentlemen said that this property was transferred
7 in the year 2016. As we all know -- as we all
8 know, a prior Town of Oyster Bay -- town attorney,
9 his family owned that property, and I would like to
10 know, and I'm sure you would all like to know, has
11 the Inspector General of the Town of Oyster Bay,
12 has he done diligence to make sure that the prior
13 Town of Oyster Bay employee is not a part of the
14 LLC that is making this application? And I just
15 ask for you to take that into consideration and
16 talk to the Inspector General.

17 We -- as Ned mentioned, the site -- the
18 site is very, very close to a Superfund or a former
19 Superfund site which he referenced as 150 Miller
20 Place. And I appreciate the fact that your
21 environmental man talked about the testing on the
22 property, and I do encourage you to go further back
23 on the property as it get closer to the Superfund
24 site.

25 What I want to make sure that you're

1 aware of, is that we are, right now, still waiting
2 for the Department of Environmental Conservation to
3 provide radioactive test results of ten ground
4 water wells on the site that is very close to the
5 property that you intend to build on.

6 So you might want to make sure that you
7 understand what those results are before you put
8 people on this site, Number One.

9 Number Two, on May 1st of 2018,
10 Supervisor Saladino, after listening to about 70
11 residents at the Environmental Impact Statement
12 Meeting at Syosset High School, where numerous
13 residents -- and I'd be happy to give you a copy of
14 the transcripts -- numerous residents have talked
15 about how family members that have lived around
16 this site which is very close to this property have
17 experienced all different types of illnesses,
18 deaths, cancers, neurological disease and because
19 Supervisor Saladino is gracious enough to listen to
20 everybody as well as Councilwoman Johnson, I
21 believe was the only council member there, after
22 that hearing, Supervisor Saladino and the Town
23 announced independent testing would be provided on
24 that site very close to where you want to put
25 people.

1 And that was announced June of 2018
2 that independent testing would be done in addition
3 to the testing that DEC did in October of 2018 and
4 we are waiting now 14 months. It's actually 16
5 months right now. The DEC still has not provided
6 to the public and to the Town those test results.

7 So, I encourage you to be very, very
8 aware of that.

9 I'm going submit to the record -- for
10 the record, the announcement that was made by
11 Supervisor Saladino on June 18th of 2018.

12 I'd like to submit that to the record
13 -- for the record. It's the official announcement
14 that was made that we are still, to this day,
15 waiting on the Town to let the public know --

16 SUPERVISOR SALADINO: Mr. McKenna.

17 MR. McKENNA: -- what is going on with
18 the independent testing? We don't know.

19 Thank you.

20 SUPERVISOR SALADINO: Two items. We
21 are waiting on the DEC, just to correct you.

22 MR. McKENNA: You're waiting on the DEC
23 as well as your independent testing.

24 Thank you.

25 SUPERVISOR SALADINO: Our next speaker

1 is Julia Muench.

2 Good evening.

3 MS. MUENCH: Good evening.

4 Thank you for the time.

5 SUPERVISOR SALADINO: Of course.

6 MS. MUENCH: So, just to quickly run
7 through my questions.

8 MS. FAUGHNAN: Can you give your name?
9 Spell your name for the record.

10 MS. MUENCH: I'm Julia Muench,
11 J-U-L-I-A, M-U-E-N-C-H.

12 I'm a member of Indivisible Nassau
13 County.

14 SUPERVISOR SALADINO: And you reside
15 10 Fox Place, Hicksville, New York?

16 MS. MUENCH: That's correct.

17 SUPERVISOR SALADINO: Thank you so
18 much.

19 COUNCILMAN IMBROTO: What is
20 Indivisible Nassau County?

21 MS. MUENCH: We are a group of people
22 who are working to build an infrastructure of
23 communication on progressive issues at the local
24 level.

25 COUNCILMAN IMBROTO: It's a political

1 organization?

2 MS. MUENCH: Yes.

3 So, the questions that I had concerning
4 this development, the -- you know, I just looked at
5 Google Earth briefly and I saw that it's currently
6 a forested parcel or at least it has a lot more
7 trees than what is being proposed in the
8 development.

9 And so I was curious if we could get --
10 they talked about the current trees that are there
11 being a blight, but we didn't talk about how many
12 are coming down versus how many are being planted.

13 On a related note, I appreciate that
14 the development has solar panels that are planned
15 for the rooftop, and, so I was curious if those
16 solar panels are going to be providing for all of
17 the development's electrical needs; and if not,
18 whether at least on the senior housing, whether the
19 co-ops would be planning to be built with south
20 facing roofs, so that if those purchasers chose to
21 improve their property by installing solar panels,
22 they would have that capacity.

23 I was also concerned with replacing a
24 trailer park. I appreciate that we have affordable
25 senior housing absolutely, but -- and I definitely

1 appreciate that the Town of Oyster Bay needs senior
2 housing, but we are aging and we're aging for a
3 reason because young people can't afford to live
4 here, so I was curious if the rental properties, if
5 there was any provision being made for low income
6 accommodation there.

7 So, that's my questions.

8 SUPERVISOR SALADINO: Thank you.

9 MS. MUENCH: Thank you.

10 COUNCILMAN IMBROTO: Thank you, Julia.

11 SUPERVISOR SALADINO: Would you like to
12 address some of those issues at this time or would
13 you like to do it at your wrapup?

14 MR. SOLOWAY: I'd like to hear all of
15 them.

16 Ask us which questions you want
17 answered.

18 SUPERVISOR SALADINO: First, let's
19 start off with the tree density issue.

20 Perhaps your --

21 MR. SOLOWAY: Richard?

22 MR. GIBNEY: We actually did an
23 assessment of the site, again, going back
24 approximately two and a half to three years ago.

25 And we did, as part of our plan, the

1 entire list of trees -- 1 through 75A, I'm not sure
2 why it's an A -- I think it was left out at one
3 point, so it was added on, but there were 75 trees
4 on this site, and there's a combination of many of
5 them being removed, mostly, because they're in poor
6 condition, many because of construction and
7 hazardous conditions created by those trees.

8 For example, there is a Number 22 is an
9 oak tree, a 26-inch oak that had a major split in
10 the trunk and is considered a hazardous tree.

11 As I had said earlier, when we came to
12 this site, there were no outstanding specimen trees
13 to this site, let's start with that. Most of the
14 trees were in fair to poor condition. In a
15 situation like this, especially with some of these
16 trees, there's another split hazard tree which is a
17 48-inch silver maple. There were quite a few
18 Norway maples that are invasive trees that are sort
19 of at the end of their useful life on that site
20 because they're either split or dropping limbs, in
21 very poor condition.

22 I'm trying to get some other examples.
23 There are trees we're looking to preserve. I'm
24 looking at a 12-inch oak, 10-inch oak. In fact,
25 I'll run through the list here to find some more

1 preserved. There is an ailanthus on the property
2 line that I normally wouldn't even preserve, but
3 because it's healthy we decided to leave that.
4 Most of the trees on or near the property line are
5 being preserved as they are not dangerous trees.
6 So what might look like a large canopy in Google
7 Earth in a lot of cases are some of these trees
8 that are in very poor condition.

9 What we don't want to do either is we
10 don't want to excavate for foundations within the
11 roots zone of tree that we're trying to preserve.

12 So, I would much rather see that tree
13 come out and be replaced by another tree which
14 we're trying to do also. We're trying to put new
15 trees back in.

16 This list could be made available, I
17 assume, right?

18 MR. SOLOWAY: Yes.

19 MR. GIBNEY: It's part of the public
20 record.

21 SUPERVISOR SALADINO: Could you tell us
22 the number of trees and bushes, total plantings,
23 that would be added if this was approved? Do you
24 have a total?

25 MR. GIBNEY: It's going to be quite a

1 bit, but I can give an example.

2 Well, shrubs and Forbes, they call
3 them, or perennials, for instance, one plant
4 Amsonia which is a native, it's called a three-leaf
5 -- Thread-Leaf Bluestar, we have 800 of those going
6 in. Let me get to some trees. Twelve Heritage
7 Birch, which is one of the natives, I was talking
8 about before special to nigra. We have eleven red
9 maples going in and this is just in the front
10 property now. Two ginkos in the front.

11 Then, let me go to the back the
12 property --

13 MR. SOLOWAY: If I can just say this
14 while Rich is looking at this, this was all
15 submitted to the Town. You have this information.

16 SUPERVISOR SALADINO: We just want --

17 COUNCILMAN IMBROTO: Just for the
18 resident's question.

19 SUPERVISOR SALADINO: Residents, this
20 resident and any others that may be --

21 COUNCILMAN IMBROTO: We have a lot
22 information.

23 SUPERVISOR SALADINO: -- interested in
24 knowing --

25 MR. GIBNEY: In terms of natives and

1 trees, we have nine American hornbeams which is a
2 native deciduous tree. We're looking at
3 twenty-five American Hollies, also American native.
4 We have several dogwoods. I'm just trying to
5 think. I'm not going to go through all the
6 evergreens. There are quite a few evergreens going
7 in as part of screening.

8 SUPERVISOR SALADINO: Approximately,
9 give us --

10 COUNCILMAN IMBROTO: I think what the
11 resident was asking was the number before and the
12 total number of trees after.

13 MR. GIBNEY: Well, it's going to be
14 several hundred.

15 COUNCILMAN IMBROTO: So a lot more
16 trees.

17 MR. GIBNEY: 200 evergreens going in,
18 yes. As far as deciduous trees, it's probably
19 about 40 or so going back in, approximately. And
20 we could put more, if we wanted to. I really like
21 to think of -- I like to project canopies and see
22 -- we don't want to crowd it to the point --

23 SUPERVISOR SALADINO: We always
24 appreciate it when applicants work with residents --

25 MR. GIBNEY: Oh, no problem.

1 SUPERVISOR SALADINO: -- to come up
2 with aspects of the project that make them very
3 resident friendly.

4 MR. GIBNEY: I agree.

5 SUPERVISOR SALADINO: And to either fit
6 in with the community or enhance the community as
7 well as our environment.

8 MR. GIBNEY: One thing I'll note is we
9 are providing great diversity among the trees.

10 We're putting in species -- several
11 different species that don't exist there now, and
12 we're getting rid of some of the invasive such as
13 Norway Maple, Black Locust and trees that are
14 proving to be invasive. In fact, you can no longer
15 buy or plant them on Long Island.

16 SUPERVISOR SALADINO: So, if approved,
17 the environment on the site would be far more
18 diverse than it currently is?

19 MR. GIBNEY: No question.

20 And we have had this reviewed by the
21 planning group. We did field a couple of questions
22 of theirs and made one or two adjustments. But I'm
23 very confident that this will provide much more
24 diversity.

25 There's no diversity out there right

1 now, so it will be highly diverse. I believe we're
2 introducing at least 70 different species of the
3 plants out there.

4 SUPERVISOR SALADINO: Julia, does that
5 answer all your questions?

6 MS. MUENCH: Yes.

7 Thank you very much.

8 SUPERVISOR SALADINO: And the other
9 question in regard to the self-sufficiency based on
10 the solar panels proposed, would this site be -- do
11 we have a sense of what percentage of the
12 electrical needs would be supplied by those onsite
13 panels?

14 MR. SUTTON: Currently, the panels are
15 -- they use the existing grid. It's essentially a
16 symbiotic relationship where the electricity is
17 generated. The panels are just going to kind of a
18 bank into a fund. So, there is a credit that goes
19 back to the owner which benefits the residents.
20 There's not an actual -- you know, it can't be
21 shared directly with the seniors in the rear of
22 the -- we can have the roof system solar ready. It
23 is a beautiful southern part of the property, so it
24 would be easy to accommodate that.

25 We haven't as of yet. It was just hard

1 to resist the big flat roof of the new building in
2 the front, so it was great target.

3 Actually, just so you know, most of the
4 solar panels we've done them on a number of our
5 projects, the flat roofs are actually better than
6 the slope because they're just weighted systems
7 that sit on the roof. The panels are slightly
8 angled. They're completely invisible from any
9 angle around and you just load it up and it gets --
10 the solar panels of today, it's just the photons,
11 they don't have to directly hit like at any angle
12 as soon as the sun comes up, as soon as there is
13 light, they start -- they become activated.

14 So some of the engineers we've worked
15 with suggested that. The flat roofs are easy
16 because it gets the full spectrum of the sun going
17 over because it gets the higher exposure; whereas,
18 a sloped roof it diminishes the impact of the light
19 earlier in the day you get there. So, basically,
20 that's the solar answer.

21 SUPERVISOR SALADINO: If I may re-ask
22 you the question because I'm still not sure of the
23 answer. Let me rephrase that.

24 Have you designed these rooftops to
25 accommodate as much -- as many solar panels as many

1 photocells as is reasonable to get on those
2 rooftops? Have you maxed out as much is as
3 reasonable to fit the space?

4 MR. SUTTON: The commercial building
5 and the apartments in the front, okay, the Tribeca
6 building is -- we are showing the solar array, but
7 it is not maxed out. We can -- we will -- at this
8 point, we haven't done so. Once the project is
9 rolling, we will consult the solar engineers and
10 they set up -- it's -- we can fit more panels on
11 that roof at the senior development in the back.

12 We haven't addressed any solar
13 contributions to those units. I mean, we could
14 certainly do so. We haven't done it as of yet. We
15 just wanted to initiate that as a project -- in the
16 whole of the project, we do anticipate taking
17 advantage of those benefits and, listen, if it's
18 approved, we will continue in that direction and it
19 will be expanded.

20 SUPERVISOR SALADINO: So, the applicant
21 is interested in employing as much green technology
22 as reasonably possible?

23 MR. SOLOWAY: Yes.

24 SUPERVISOR SALADINO: Thank you.

25 MR. SUTTON: Okay.

1 SUPERVISOR SALADINO: Our next speaker
2 is Scott Merandi.

3 MR. MERANDI: Good evening, Board.

4 SUPERVISOR SALADINO: How are you,
5 Scott?

6 MR. MERANDI: Good.

7 Hi. My name is Scott, S-C-O-T-T,
8 Merandi, M-E-R-A-N-D-I. And I'm the owner of
9 Village Heros in Syosset.

10 A couple of things. I heard someone
11 mention landmark. I would think there isn't any
12 landmark.

13 COUNCILMAN IMBROTO: You're the
14 landmark.

15 MR. MERANDI: Village Heros, third
16 generation. My mother previously, Rikki and Eli,
17 the owners of Village Heroes.

18 COUNCILMAN IMBROTO: Are you going to
19 be displaced by the project?

20 MR. MERANDI: That's what I'm -- I'm
21 hoping that's not going to happen. I heard them
22 say restaurant. I don't if that's going to be us
23 or another shop that's going to be only -- I heard
24 only 16 tables maybe.

25 COUNCILMAN IMBROTO: Earlier in their

1 presentation, it seemed like they were indicating
2 that you would be staying.

3 MR. MERANDI: I would stay, right, but
4 if it's going to be a small little shop where --
5 because we get hundreds of people a day that come
6 in there, that will not be able to be accommodated
7 if that were to happen.

8 SUPERVISOR SALADINO: Are you currently
9 negotiating with the applicant?

10 MR. MERANDI: They say that I will
11 stay. You know, he did give me a handshake
12 agreement that I would be able to stay, but I
13 didn't know if I was going to be the restaurant
14 part or just a smaller part. It's not like --
15 we're a family restaurant. We have served the
16 community for a long, long time, 48 years. And I
17 would just like not to see Village Heros leave.
18 That would be bad for Syosset, Jericho. To me,
19 it's a landmark.

20 COUNCILMAN IMBROTO: Absolutely.

21 MR. MERANDI: Kids work there, come and
22 gone.

23 COUNCILMAN IMBROTO: Where will the
24 workforce go to lunch?

25 MR. MERANDI: Yes.

1 But I understand the reasoning for
2 senior housing. My mom was sick. Maybe she's
3 looking to get into a place. Maybe that will be
4 room there. Hopefully, somehow, in the capacity
5 Village Heros can stay there. I speak on my
6 mother, Rikki, Eli, Bob, the people who have come
7 before me. So, basically, that was my only
8 question, was that restaurant meant for us or was
9 to -- we're going to be on the smaller capacity
10 over there? Are you going to have a bigger, maybe
11 a chain? Because we're not a chain restaurant.
12 We're a family restaurant.

13 Another question, if they do -- if it
14 is approved and they get the permits and whatever,
15 are we allowed to stay there while the process is
16 being done or does it all -- all going to be closed
17 off all at one shot? That's pretty much it.

18 Thank you for your time and have a good
19 night.

20 SUPERVISOR SALADINO: One quick
21 question, you spoke to or suggested a number a
22 little earlier.

23 About how many trips, how many
24 customers walk into your store in a day, on the
25 average day?

1 MR. MERANDI: I'm going to say 500 to
2 maybe 800 people a day.

3 COUNCILMAN IMBROTO: I'd like to get
4 some clarify from the applicant.

5 COUNCILWOMAN JOHNSON: Do you see a lot
6 of accidents with those four different curb cuts?

7 MR. MERANDI: Have I seen it --

8 COUNCILWOMAN JOHNSON: It's a tough
9 spot.

10 MR. MERANDI: I've seen it in the past,
11 yes. More when the trailer park was there, I've
12 seen accidents.

13 COUNCILWOMAN JOHNSON: Without the
14 light?

15 MR. MERANDI: Without the light, yes.

16 COUNCILWOMAN JOHNSON: Okay.

17 SUPERVISOR SALADINO: On average, how
18 long do those -- does the average car stay in your
19 lot, the 500, 800 trips per day?

20 MR. MERANDI: Twenty, twenty-five
21 minutes.

22 SUPERVISOR SALADINO: Thank you.

23 MR. MERANDI: Thank you.

24 SUPERVISOR SALADINO: And our next
25 speaker is Diane Johnson.

1 COUNCILMAN IMBROTO: When Ms. Johnson's
2 done, I would like the applicant to address their
3 intentions with respect to Village Hero.

4 MS. JOHNSON: Good evening, everyone.
5 I don't know if I'm speaking up loud
6 enough?

7 SUPERVISOR SALADINO: Yes.
8 Could you start off by giving us your
9 full name and address, please?

10 MS. JOHNSON: My name is Diane Johnson.
11 I live at 58 Park Center Drive in Deer Park.

12 The reason I'm here is not where I live
13 now. It's where I used to live, right there. I
14 was number 70 Park Center Drive. There are a few
15 admonitions, warnings, whatever I would like to let
16 everyone know about, including the folks back here.

17 Well, Mr. Lenihan, the traffic, you're
18 going to need more than a light. You're going need
19 warning signs. You're going to need curve and hill
20 signs. You're going to need speed signs and
21 they're going to have to be enforced, because the
22 front of this Tribeca building where the driveway
23 is going go to be and the light, that's a hill
24 coming up from this way (indicating). This is
25 going from west to east that way (indicating).

1 Right there is the bottom of a hill and the bottom
2 of a curve at the same time.

3 That light may not be seen by somebody
4 who is maybe even 4 or 500 feet away from it. Will
5 not be able to see it. They will not slow down in
6 time because I was there and I almost got creamed
7 one time. Especially in bad weather, snow and ice,
8 et cetera. So, that's one little thing.

9 There is also -- in the back, there is
10 flooding area. This area floods in no uncertain
11 terms (indicating). With the rain we had a couple
12 of weeks ago, that probably is somewhat still
13 there. The sewer system, the sewers are going to
14 have to be redone.

15 Is that being taken care of? I guess,
16 Mr. Cooper or who's dealing with the sewer? Big
17 time. Big time. Because the 5-foot sides of that
18 bowl also extends to the back. Because everybody's
19 talking about the west and east side. Nobody's
20 talking about the south side. And that's where the
21 worst flooding is because over here (indicating),
22 this is all parking lot. No drainage, because they
23 didn't do drainage that they should have done. We
24 got it here. This is exactly where I used to live.

25 Twenty-five years, folks, so I sort of

1 know what I'm talking about.

2 And the biggest problem is going to be
3 as you mentioned about the plume, Cerro plume,
4 whatever other sites there are around there because
5 I am one of eight or ten people who had cancer out
6 of twenty homes. There were eight to ten of us.
7 Not all the same cancer. You can't say it was like
8 that town in New Jersey where all children get
9 brain cancer at the same time.

10 This is a big, big problem. I assumed
11 it was due to Cerro, but who really knows.
12 Bethpage Cerro.

13 The water is all connected underneath
14 somehow, so even though the drinking water comes
15 out of pipes, supposedly it's going maybe from
16 Upstate and being cleaned and so on, we really
17 don't know. But there are a lot of us with various
18 types of benign tumors. And then those of us like
19 me who got sick and had to have three surgeries and
20 chemotherapy and the whole rest of it, and now
21 we're scattered to the four winds because we all
22 had to leave because of the evictions and stuff,
23 prior to these folks owning it.

24 The contamination worries me which is
25 why I actually contacted the EPA three years ago

1 when I found out new people were going to get stuck
2 with it, including all you guys. I was very
3 worried about that. And the fact that even after
4 it's all done, is it going to be affordable for
5 seniors like me, who retired on Social Security and
6 some savings and some stuff? So, we don't know
7 what the prices are going to be, right? Guys? We
8 don't know?

9 Anyway, so, those are my four big
10 concerns: The traffic, the flood and the system
11 back there, how far you're going to have to get rid
12 of the dirt that's there right now. I think that's
13 going to be a problem and the cancer problems and
14 any other problems that occurred with the residents
15 that were there. I spent twenty-five years there.
16 So, I was exposed for quite a while to whatever is
17 there and there is something there.

18 Thank you very much.

19 SUPERVISOR SALADINO: Thank you for
20 coming out to share your information.

21 Mr. Soloway, that's the last of the
22 speakers.

23 Would you address those issues and any
24 other issues brought up this evening?

25 MR. SOLOWAY: I think we addressed the

1 speakers as they came up.

2 As far as Mrs. Johnson's comments,
3 there will be a whole new drainage system installed
4 in the project and that will take care of the
5 drainage on the project. As far as her other
6 comments, I don't think there are any need address
7 them here tonight unless the Board has a specific
8 question that you want me to address.

9 COUNCILMAN IMBROTO: You don't think
10 there's any need to address them?

11 MR. SOLOWAY: No. I think we've
12 covered them in the presentation that we gave.

13 COUNCILWOMAN WALSH: What about the
14 deli? If the deli is allocated for the smaller
15 space or the restaurant space. Do you know?

16 MR. SOLOWAY: There have been
17 preliminary discussions between the owners and the
18 sandwich shop. We are trying to provide a means of
19 keeping the sandwich shop open during construction.
20 I don't think we can keep the ice shop open during
21 construction.

22 And he's evidenced an interest in going
23 into one of the stores and we're very happy to have
24 him, but it's been too early to negotiate leases.
25 We don't have an approval yet. So, we can't really

1 talk about leases at this time.

2 Once the project gets started and we go
3 into a leasing program, I'm sure they want him.
4 We've been talking about him being our first
5 tenant, so we want keep him. He wants to stay. If
6 the dollars and cents work out, he's going to be
7 there.

8 SUPERVISOR SALADINO: Any other
9 questions?

10 COUNCILWOMAN JOHNSON: Supervisor, I'll
11 make a motion that this public hearing be closed
12 and decision be reserved.

13 COUNCILMAN IMBROTO: Second.

14 SUPERVISOR SALADINO: All in favor
15 please signify by -- I just have to ask for any
16 correspondence on this?

17 MR. LaMARCA: The attorney for the
18 applicant has filed his Affidavit of Service and
19 Disclosures.

20 Communications are as follows: We have
21 memos from the Department of Planning and
22 Development including a review of the required off
23 street parking. Nassau County Land and Tax Map
24 indicates the property is Section 15, Block 38 and
25 Lots 14-17, 20 and 23, Section 15, Lot 157, Lot 74.

1 According to the Town of Oyster Bay
2 zoning map the property is located within LI, light
3 industry zone. There are open code compliance
4 cases as well as variances and Town Board
5 Resolutions on file.

6 We have affidavits and postings of
7 publications.

8 There is no further correspondence.

9 SUPERVISOR SALADINO: These are all the
10 slips I have received of people indicating that
11 they were interested in speaking in this
12 application.

13 May I now have a motion?

14 COUNCILWOMAN JOHNSON: Supervisor, I
15 make a motion that this public hearing be closed
16 and the decision be reserved.

17 COUNCILMAN IMBROTO: Second.

18 SUPERVISOR SALADINO: All in favor
19 please signify by saying, "Aye."

20 ALL: "Aye."

21 SUPERVISOR SALADINO: Those opposed,
22 "Nay."

23 (No one responded.)

24 SUPERVISOR SALADINO: The "Ayes" have
25 it.

1 COUNCILWOMAN JOHNSON: Supervisor, I'm
2 going to move that the Board go into Executive
3 Session for the propose of discussing proposed,
4 pending or current litigation.

5 COUNCILMAN IMBROTO: I second the
6 motion.

7 SUPERVISOR SALADINO: All in favor
8 signify by saying, "Aye."

9 ALL: "Aye."

10 SUPERVISOR SALADINO: Those opposed,
11 "Nay."

12 (No one responded.)

13 MR. SOLOWAY: Thank you very much.

14 SUPERVISOR SALADINO: Thank you.

15 Ladies and gentlemen, we're going to be
16 going into Executive Session.

17 Any residents interested in speaking
18 with the applicants or their experts, you have a
19 great opportunity now and I ask that you afford
20 them the time.

21 Thank you.

22 We'll be back out as shortly as
23 possible and we will report any action taken.

24 (Whereupon, the Executive Session began
25 at 9:59 a.m. and ended at 10:33 a.m. and the

1 proceedings resumed as follows:)

2 SUPERVISOR SALADINO: Ladies and
3 gentlemen, we ask that you please take your seats.

4 We are ready to continue our meeting
5 and I ask for -- I hand the floor over to
6 Councilwoman Johnson.

7 COUNCILWOMAN JOHNSON: Supervisor, I
8 make a motion to close the Executive Session.

9 No action has been taken.

10 COUNCILMAN IMBROTO: Second the
11 motion --

12 SUPERVISOR SALADINO: And on the
13 motion?

14 COUNCILMAN IMBROTO: Second.

15 SUPERVISOR SALADINO: All in favor,
16 please signify by saying, "Aye."

17 ALL: "Aye."

18 SUPERVISOR SALADINO: All opposed,
19 "Nay."

20 (No one responded.)

21 SUPERVISOR SALADINO: The "Ayes" have
22 it.

23 All right.

24 No action taken as you just heard.

25 (TIME NOTED: 10:34 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
January 28, 2020
10:35 a.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: I will ask our
2 Town Clerk to please present the regular Action
3 Calendar.

4 May I have a motion?

5 MR. LaMARCA: May I have a motion to
6 suspend the rules and add Resolution Nos. 92-2020
7 through 95-2020.

8 On the motion?

9 COUNCILWOMAN JOHNSON: So moved.

10 COUNCILMAN IMBROTO: Second.

11 MR. LaMARCA: Motion made by
12 Councilwoman Johnson.

13 Seconded by Councilman Imbroto.

14 On the vote:

15 Supervisor Saladino?

16 SUPERVISOR SALADINO: "Aye."

17 MR. LaMARCA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: "Aye."

19 MR. LaMARCA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: "Aye."

21 MR. LaMARCA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. LaMARCA: Councilman Labriola?

24 COUNCILMAN LABRIOLA: "Aye."

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye."

2 MR. LaMARCA: Councilwoman Walsh?

3 COUNCILWOMAN WALSH: "Aye."

4 MR. LaMARCA: I have a couple of
5 Walk-on Resolutions that I'll briefly describe
6 before I ask for a vote to add them.

7 Resolution 96-2020; Resolution
8 supplementing Resolution 49-2020 in connection with
9 New York State Volunteer Firefighters Benefit Law
10 Policy town wide.

11 Resolution 97-2020; Resolution
12 authorizing the Supervisor or his designee to sign
13 an agreement for the Federal Department of
14 Transportation mandated Employee Drug and Alcohol
15 Testing Program.

16 May I have a motion to resuspend the
17 rules and add the following Walk-on Resolutions
18 Nos. 96 and 97-2020?

19 COUNCILWOMAN JOHNSON: So moved.

20 COUNCILMAN IMBROTO: Second.

21 MR. LaMARCA: Motion was made by
22 Councilwoman Johnson.

23 Seconded by Councilman Imbroto.

24 On the vote:

25 Supervisor Saladino?

1 SUPERVISOR SALADINO: "Aye."
2 MR. LaMARCA: Councilwoman Johnson?
3 COUNCILWOMAN JOHNSON: "Aye."
4 MR. LaMARCA: Councilman Imbroto?
5 COUNCILMAN IMBROTO: "Aye."
6 MR. LaMARCA: Councilman Hand?
7 COUNCILMAN HAND: "Aye."
8 MR. LaMARCA: Councilman Labriola?
9 COUNCILMAN LABRIOLA: "Aye."
10 MR. LaMARCA: Councilwoman Maier?
11 COUNCILWOMAN MAIER: "Aye."
12 MR. LaMARCA: Councilwoman Walsh?
13 COUNCILWOMAN WALSH: "Aye."
14 MR. LaMARCA: Motion to resuspend the
15 rules, a procedure to add Walk-on Resolutions
16 96-2020 and 97-2020 passes with seven "Ayes."
17 MR. LaMARCA: I think we have some
18 speakers on our regular calendar.
19 SUPERVISOR SALADINO: Yes, we do.
20 Our first speaker will be Arthur
21 Adelman.
22 MS. FAUGHNAN: How many? One Reso or
23 more than one?
24 MR. ADELMAN: Three.
25 SUPERVISOR SALADINO: He has three

1 Resolutions he would like to speak on.

2 MR. ADELMAN: Yes.

3 COUNCILMAN IMBROTO: How are you,
4 Arthur?

5 MR. ADELMAN: Good evening, everybody.

6 My name is Arthur Adelman, 110 Dubois
7 Avenue, Sea Cliff.

8 I'm here to talk on Resolutions 77, 78,
9 79, 70 with regard to the license agreement to pay
10 almost \$50,000 for 65 parking spaces which costs
11 the Town approximately \$765 a space.

12 I know that's a lot of money
13 considering we are -- permit fees are \$100 a year,
14 even less for seniors like me.

15 I'm just curious how we justify, you
16 know, that expenditure.

17 COUNCILMAN IMBROTO: There's not enough
18 parking at the train station, Arthur. We need to
19 provide more parking.

20 But my question was --

21 SUPERVISOR SALADINO: Why don't we have
22 him ask all his questions first?

23 MR. ADELMAN: Second question was on
24 No. 78, the settlement. I'm thrilled we're done
25 with this litigation and we can move forward.

1 SUPERVISOR SALADINO: What was that,
2 sir? I didn't hear you.

3 MR. ADELMAN: I'm happy that we made
4 settlement of the litigation and that we can move
5 forward.

6 I never thought it was a good idea to
7 fight it, but that was me.

8 Then on Resolutions 79, regarding the
9 bond for \$30 million, if this is how I read it and
10 there are 30 million that's being utilized to pay
11 off the balance or a great portion of the
12 settlement that we just talked about on Resolution
13 78, I'm very much against the Town floating a bond
14 to pay for current expenses, especially in light of
15 the fact that we are paying something back for
16 something we got paid for and the money was not
17 segregated properly and now we have to replenish
18 the coffers by floating a bond.

19 It was my belief we float bonds to pay
20 for improvements for structures, for infrastructure
21 that will -- we pay out over 10 or 15 years,
22 normally the life span of what we're borrowing for
23 but if it's -- I guess the question I have to ask,
24 are we utilizing the \$30 million bond for funds to
25 pay this settlement?

1 That would be the first question.

2 SUPERVISOR SALADINO: Yes.

3 MR. ADELMAN: If the answer is yes --

4 SUPERVISOR SALADINO: Yes.

5 MR. ADELMAN: Is the answer yes?

6 SUPERVISOR SALADINO: Yes.

7 MR. ADELMAN: I don't think we should
8 float a bond.

9 I think we should take the money and
10 pay it and if we have to raise taxes --

11 SUPERVISOR SALADINO: Take the money
12 from where, sir? I'm not following you. Take the
13 money from where?

14 COUNCILMAN IMBROTO: It's \$30 million.

15 MR. ADELMAN: We had \$17 million in
16 what was it, surplus, at the end of last year. We
17 have an \$8 million rainy day fund.

18 SUPERVISOR SALADINO: Sir, for starters
19 our bond rating would crash. We're going to bring
20 up Rob Darienzo to address this issue and we want
21 you and every member of the public to understand
22 what numbers, what financial data we are basing
23 this decision on, and I think it will be very clear
24 to you that this decision is the most responsible
25 of the options. It will be very clear when you see

1 the numbers.

2 MR. ADELMAN: But you understand my
3 apprehension is that when I thought municipalities
4 borrow money, we want to build a bridge from Point
5 A to Point B, so it's going to cost 30 million and
6 the bridge has a span -- life span of 20 years
7 let's say, so we'll pay off the bond in 20 years so
8 everybody that gets to use the bridge is paying for
9 a portion of it.

10 We're borrowing \$30 million that is
11 going to be -- strap new homeowners that move in
12 here -- move here 5, 10, 15 years from now.

13 SUPERVISOR SALADINO: I think when you
14 hear the financial picture in its whole, you'll
15 understand why, and then I'm going to ask you at
16 the end --

17 MR. ADELMAN: If I'm satisfied.

18 SUPERVISOR SALADINO: -- if you would
19 do the same.

20 All right?

21 MR. ADELMAN: Fair enough.

22 SUPERVISOR SALADINO: Would Rob
23 Darienzo come up?

24 MR. DARIENZO: Good evening, Supervisor
25 and Town Board Members.

1 Rob Darienzo, Director of Finance, Town
2 of Oyster Bay.

3 SUPERVISOR SALADINO: Mr. Darienzo, how
4 much did the Town borrow, I believe that was 2013?

5 MR. DARIENZO: How much did the Town
6 borrow in 2013?

7 SUPERVISOR SALADINO: I'm sorry, how
8 much was the Town paid for the property at
9 150 Miller Place?

10 MR. DARIENZO: 30,025,000.

11 SUPERVISOR SALADINO: 30,025,000.

12 MR. DARIENZO: That was a down payment
13 of a \$32.5 million deal.

14 SUPERVISOR SALADINO: We had a contract
15 with the purchaser, correct?

16 MR. DARIENZO: Correct.

17 We received a \$2.5 million down payment
18 and then we received 27,525,000 on September 4,
19 2013, which allowed us to stay rent free at the DPW
20 site for up to five years.

21 SUPERVISOR SALADINO: But in the terms
22 of a contract, this was a contract that before we
23 got here, this was all in black and white, and
24 signed, sealed and delivered before we got here. I
25 want to make it very clear that we are dealing with

1 a financial issue we inherited that has to be
2 resolved.

3 So we were paid \$30,025,000 in 2013,
4 but due to the terms of the contract, as time went
5 on, we had to pay rent and we had to turn over the
6 proceeds from the cell tower on the property.

7 I'm to believe that at this point,
8 based on that contract, we would own them \$1.2
9 million combination of rent and proceeds from the
10 cell tower; is that accurate?

11 MR. DARIENZO: Actually, I'd hate to
12 say it's not accurate 1.2 million was just for the
13 rent.

14 SUPERVISOR SALADINO: I'm sorry, 1.2
15 for the rent and then the 900,000 which is annual
16 that comes to over \$2 million.

17 MR. DARIENZO: Correct.

18 The 900,000 is the annual rent. It's
19 \$75,000 per month.

20 SUPERVISOR SALADINO: And that's in
21 addition to the money to settle this?

22 That would be in addition to
23 \$30,025,000.

24 MR. DARIENZO: That would have been --
25 if we received the \$30,025,000, we would have had

1 to pay rent monthly starting September 2018. We
2 have not made a payment at all.

3 SUPERVISOR SALADINO: So, if we didn't
4 negotiate this to lower it, we'd have to pay back
5 the \$30,025,000 and the 2 million some odd dollars
6 for the rent and the proceeds from the cell tower.

7 MR. DARIENZO: That's correct.

8 MR. ADELMAN: No. We settled for
9 30 million.

10 SUPERVISOR SALADINO: Because we
11 negotiated a better settlement.

12 MR. ADELMAN: Yes.

13 SUPERVISOR SALADINO: So, in addition
14 to that, it's important to realize that the rent on
15 the property -- and please correct me if I'm wrong
16 or give us the numbers -- but I believe it's
17 \$900,000 a year.

18 MR. DARIENZO: Correct.

19 SUPERVISOR SALADINO: To rent the
20 property.

21 This might not be the question for you,
22 it might be the question for DPW, but would we be
23 able to get off the property quickly or is this
24 something that would take time to build this
25 facility and move our resources elsewhere to one or

1 multiple locations?

2 MR. DARIENZO: I would surmise it would
3 take a year or years for us to fully get off the
4 property.

5 SUPERVISOR SALADINO: And in that time,
6 we would be paying rent to the --

7 MR. DARIENZO: In addition to what was
8 already owed, absolutely.

9 SUPERVISOR SALADINO: I'm going to ask
10 you to stand by while we bring up Richard Lenz, our
11 Commissioner.

12 Commissioner, how are you today?

13 COMMISSIONER LENZ: How are you?

14 SUPERVISOR SALADINO: State your
15 presence, please.

16 COMMISSIONER LENZ: Commissioner Lenz,
17 Department of Public Works, Commissioner of
18 Department of Public Works.

19 SUPERVISOR SALADINO: Commissioner, we
20 had many meetings. You were involved in many
21 meetings with a variety of folks determining what
22 the costs were to obtain property and build a
23 facilities to handle the same services we're
24 handling at 150 Miller Place, correct?

25 COMMISSIONER LENZ: Yes.

1 SUPERVISOR SALADINO: A combination of
2 CVM repair facility, storage facility. We -- our
3 trucks have to stay warmed overnight so they are
4 read when the snowstorm hits. We have office
5 buildings. We have quite a bit. We have storage
6 shelter. There's quite a bit at that site.

7 COMMISSIONER LENZ: We have over -- in
8 this central maintenance facility, you can work on
9 about 20 trucks at one time.

10 Now, picture garbage trucks, how huge
11 they are, that's what this facility can maintain.

12 Now, we've got to find another place --

13 SUPERVISOR SALADINO: Or places.

14 COMMISSIONER LENZ: -- to put this type
15 of equipment.

16 Now, also in the back -- on the
17 property, we have 60 garbage trucks that go out on
18 a daily basis. We also have salt trucks, sanding
19 trucks, salt and sanding trucks. We have
20 six-wheelers and ten-wheelers. So, the sheer
21 enormity of trying to find another site just for
22 central depo maintenance was astronomical and
23 then --

24 SUPERVISOR SALADINO: When you say
25 astronomical, this is critical?

1 COMMISSIONER LENZ: Yes.

2 From the meetings that I attended and I
3 know you were a part of this from the very
4 beginning in calculating this out, we were told
5 that the calculations brought up the numbers \$60 to
6 \$70 million --

7 COMMISSIONER LENZ: Absolutely.

8 SUPERVISOR SALADINO: -- to rebuild --
9 to build a scaled-down facility, smaller than what
10 we have now elsewhere in one or more locations.

11 COMMISSIONER LENZ: It would be several
12 locations to build that, yes.

13 SUPERVISOR SALADINO: So \$30 million
14 that we were being paid for this, but \$60 to \$70
15 million to build what the Town needs to service --
16 to provide the services we have in one or other
17 locations.

18 COMMISSIONER LENZ: Exactly and one of
19 our original discussions when we first came on
20 Board was that this is a huge issue and it just
21 didn't make sense to move.

22 SUPERVISOR SALADINO: In addition to
23 that, do you find the facility right on the Long
24 Island Expressway creates a high level of
25 efficiency in delivering those services, whether

1 it's weekly, multi-weekly garbage and sort pickup
2 or the need in the case of emergency snowstorms,
3 other natural disasters?

4 COMMISSIONER LENZ: We are located
5 centrally in the Town of Oyster Bay for the North
6 Shore and South Shore to man and operate taking
7 care of the Sanitation and recycling and salt --

8 SUPERVISOR SALADINO: So, would it be
9 wildly expensive, at least double, if not more --

10 COMMISSIONER LENZ: Absolutely.

11 SUPERVISOR SALADINO: -- \$60 to \$70
12 million to replace that \$30 million site?

13 COMMISSIONER LENZ: Yes.

14 SUPERVISOR SALADINO: I'm going to ask
15 you to stand by for a moment while I bring our Town
16 Attorney -- from our Town Attorney's office up
17 here, a representative.

18 Frank, would you state your presence,
19 please?

20 MR. SCALERA: Frank Scalera, Chief
21 Deputy Town Attorney.

22 SUPERVISOR SALADINO: Have we currently
23 been in a lawsuit with Syosset Park Development?

24 MR. SCALERA: Yes.

25 Syosset Park Development brought a

1 lawsuit against us in January of 2019.

2 SUPERVISOR SALADINO: Who are they?

3 MR. SCALERA: Syosset Park Development
4 is the buyers of the 150 Miller Place DPW facility.
5 They are the successor corporation to the original
6 buyer of the contract which was Oyster Bay Realty
7 LTD. Just they changed form from that company to
8 Syosset Park Development LLC.

9 SUPERVISOR SALADINO: So, the Town sold
10 a piece of property for \$30,025,000 that it would
11 cost us \$60 or \$70 million to build elsewhere?

12 But there is another issue at hand here
13 in calculating out the costs. If we were
14 unsuccessful in this lawsuit brought on by Syosset
15 Park Development, would the court impose statutory
16 interest?

17 MR. SCALERA: Yes.

18 If we were unsuccessful and didn't
19 prevail and this is a straightforward contract and
20 it was a breach of contract claim because we never
21 completed the closure there and we didn't pay the
22 rent and we didn't turn over the cell tower fee.

23 SUPERVISOR SALADINO: In an effort to
24 protect our taxpayers?

25 MR. SCALERA: Exactly.

1 And looking into these financial -- the
2 financial statistics and data about what it costs
3 to go elsewhere, yes, if you were to buy elsewhere,
4 a 20 to 25-acre site of that magnitude, you'd have
5 to pay --

6 SUPERVISOR SALADINO: Even a scaled-
7 downed size.

8 MR. SCALERA: Even a scaled-down.

9 SUPERVISOR SALADINO: Construction
10 costs and land costs would cost between --

11 MR. SCALERA: DPW is 53 acres.

12 SUPERVISOR SALADINO: But just to get
13 back here on the legal arm of this issue, what is
14 that statutory interest rate?

15 MR. SCALERA: The statutory interest in
16 New York State Law is 9 percent per year on
17 judgments.

18 SUPERVISOR SALADINO: So what could we
19 be paying in terms of court imposed interest on
20 this case?

21 MR. SCALERA: It would be \$2.7 million
22 a year.

23 SUPERVISOR SALADINO: A year?

24 MR. SCALERA: Starting.

25 SUPERVISOR SALADINO: How many years

1 could the Court impose that on us?

2 MR. SCALERA: As long as -- they can do
3 it prejudgment and postjudgment.

4 Prejudgment means from the time they
5 determined the breach was. In this particular
6 case, not to bore you, they would probably pick
7 some time in October or November of 2018. Do the
8 math.

9 We are already over a year and if we
10 continue litigation and went to trial, we have at
11 least another year or two, you're talking about
12 minimum three years at 2.7 million. That's
13 minimum. I'm going minimum. If there's an appeal,
14 add another year. Now, you 4 million -- four years
15 that's --

16 SUPERVISOR SALADINO: At a minimum,
17 you're talking about \$8.1 million?

18 MR. SCALERA: Yes.

19 SUPERVISOR SALADINO: What could it
20 cost the Town in legal fees to fight -- to continue
21 to fight this case throughout the process?

22 MR. SCALERA: Whether we keep it inside
23 or out, it would definitely -- definitely -- based
24 on the hourly rate, it would probably about
25 \$200,000 all said and done, if you include an

1 appeal.

2 SUPERVISOR SALADINO: So, this would
3 cost us at least another 30 or 40 million -- thank
4 you, Mr. Scalera.

5 So what we're hearing here, one option
6 is the bond \$30 million; pay them back; end the
7 lawsuit; close this chapter in the past; continue
8 to own the property; continue to service our
9 residents.

10 Another option is to continue to fight
11 them; spend \$60 to \$70 million to build this
12 elsewhere even as a scaled-down site; pay \$8.1
13 million maybe more in court-imposed interest which
14 is statutory in New York State; lose \$110,000 a
15 year on cell tower revenue which can go up with
16 high cell usage; pay \$900,000 annually in rent and
17 we're not sure for how many years, but we know it
18 would be at least three years before we could fully
19 move off that site, maybe longer, if construction
20 slowed down or it was difficult finding comparable
21 sites.

22 What else? \$900,000 a year rent;
23 \$110,000 cell service; \$8.1 million in court-
24 imposed statutory interest all for a site that's
25 going cost us double or move to build elsewhere.

1 If you were in charge, would you go
2 that route?

3 MR. ADELMAN: Excuse me, I never -- my
4 opening statement said thank you for doing the
5 settlement.

6 Everything else beyond that, I have
7 nothing. That's that.

8 My complaint --

9 SUPERVISOR SALADINO: Is?

10 MR. ADELMAN: -- why do we have to
11 borrow money to do this?

12 SUPERVISOR SALADINO: Because we don't
13 have that much in reserve.

14 MR. ADELMAN: I've been questioning it
15 for years.

16 Where'd the money go?

17 SUPERVISOR SALADINO: We're building a
18 reserve, which you've heard many times you come to
19 our meetings and we appreciate you being here, but
20 we are building reserves.

21 Before we got here, there was a large
22 44 million deficit ongoing -- budget -- ongoing
23 deficit in our budget and now because of proper
24 stewardship of the Town's finances, we are in a
25 much better place. In just two years, we have

1 built up \$8.2 million in reserve, but we don't have
2 \$30 million in reserves, and if we spent all our
3 reserves, our bond rating would be crashing.

4 MR. ADELMAN: Then we do have the
5 option of raising taxes to replenish what we have
6 to pay out. I'm just saying if you spend -- we
7 sold the land today five years ago. We took the
8 money in. Now, you're buying it back at no profit
9 to the buyer, we are getting it the same price, we
10 should have the money to buy it back.

11 SUPERVISOR SALADINO: It's actually a
12 contractual savings.

13 MR. ADELMAN: I'm sorry.

14 We're accruing \$900,000 year that's in
15 the budget for rent we are not paying. We're
16 getting the cell tower revenue. So, we're bringing
17 in a million dollars a year on paper for the
18 property.

19 I don't understand why you want to
20 float a bond and burden future residents with
21 paying it off. To me, it's not proper.

22 SUPERVISOR SALADINO: Because the
23 cost -- I'm going to ask Mr. Darienzo to come back
24 up for a second.

25 Let's compare costs of just what it

1 costs -- what the loss would be versus -- tell us
2 how much would this cost us a year, this bond with
3 principal interest.

4 MR. DARIENZO: Well, if we don't sell
5 the bonds in a couple months, I'm guesstimating it
6 will 2.6 million per year for 15 years.

7 MR. ADELMAN: 2.6?

8 MR. DARIENZO: Correct.

9 SUPERVISOR SALADINO: 2.6 million.

10 MR. DARIENZO: Roughly, 30 million in
11 principal. Roughly, \$2 million a year in principal
12 for 15 years, estimating between, again, 550,
13 600,000 a year in interest.

14 SUPERVISOR SALADINO: So we could be
15 looking at \$2.7 million a year in the court imposed
16 interest alone. We could be looking at 900,000 a
17 year in rent at that site.

18 MR. ADELMAN: No. We agree the
19 settlement is done.

20 I'm just talking about paying for it.

21 SUPERVISOR SALADINO: So, you would
22 prefer that we raise taxes instead of come up with
23 a better financial plan --

24 COUNCILWOMAN JOHNSON: Arthur, I'm
25 going to say, thank you for your input but, this is

1 what they've come up with and that's what we're
2 voting on, and that's the difference right now is
3 that we decided it's better to bond or do we have
4 money in reserve and it doesn't seem that we have
5 it just to pay out of hand.

6 COUNCILMAN IMBROTO: Arthur, nobody
7 wants to raise \$30 million in taxes to pay this
8 off.

9 MR. ADELMAN: But we took in the money
10 to save people taxes. I'm just saying everyone got
11 it five years ago, now -- I'm sorry guys, you've
12 got to give it back because we're getting the land
13 back. We're saving you on rent. Everything has
14 got to make it even Steven. I'm just saying it's
15 not fair to burden future residents, people trying
16 to move to Town of Oyster Bay to burden them with
17 an increased tax -- you know, it's a tax burden.

18 SUPERVISOR SALADINO: Arthur, what
19 we'll do then is we'll look at other uses of the
20 property that could generate revenue to mitigate
21 this cost.

22 MR. ADELMAN: I'm --

23 SUPERVISOR SALADINO: And in addition
24 to that, remember, when construction does take
25 place, there'll be one-time permit fees coming in

1 on that site that will also mitigate the cost.

2 So, you're looking at a piece of the
3 puzzle when you need to look at the entire puzzle
4 to understand where we plan to go with this.

5 MR. ADELMAN: My only feeling is that
6 the previous actors in this theater, looked like
7 heroes when they sold the land and they were able
8 to wipe out a deficit at that time.

9 Now, it's all new actors, but it's the
10 same play.

11 COUNCILMAN IMBROTO: Arthur, we are
12 dealing with the present.

13 COUNCILWOMAN JOHNSON: That would be --
14 where are we putting our facility for a cost of now
15 60 million more dollars to buy land and et cetera,
16 et cetera.

17 MR. ADELMAN: I knew I was going to
18 look kind of way out there when I suggested
19 assessing a \$30 million one time --

20 COUNCILWOMAN JOHNSON: I know.

21 SUPERVISOR SALADINO: Arthur, you're
22 not looking at all the facts and figures to make a
23 full assessment of this, but we're happy as we go
24 forward --

25 MR. ADELMAN: Okay.

1 SUPERVISOR SALADINO: -- to discuss
2 that with you so you can see the full picture,
3 because I think you're making an assessment based
4 on just partial information.

5 MR. ADELMAN: Okay.

6 COUNCILMAN IMBROTO: Arthur, that would
7 be an enormous cost to the residents.

8 MR. ADELMAN: It was an enormous
9 savings to the residents five years ago.

10 Where did the money go? Where did the
11 money go? Go back and pull it back from the Parks
12 Department.

13 COUNCILWOMAN JOHNSON: You have to find
14 60 million just for the new facility and where are
15 you getting the land?

16 MR. ADELMAN: We got 30 million in.

17 Where did it go?

18 SUPERVISOR SALADINO: Arthur, there's
19 an old expression and that's hindsight is 20/20.

20 MR. ADELMAN: But we spent the money --

21 SUPERVISOR SALADINO: New Board
22 members --

23 MR. ADELMAN: Until the deal closed.

24 SUPERVISOR SALADINO: Not we.

25 That came from a different

1 administration.

2 We are dealing with the issues of the
3 past and we are fixing them. Every single day
4 there is an issue that comes up that needs a
5 sensible approach.

6 We're laying this out with full
7 transparency --

8 COUNCILWOMAN JOHNSON: Arthur, thank
9 you for your input.

10 MR. ADELMAN: I think we're mortgaging
11 our future by doing so.

12 COUNCILWOMAN JOHNSON: Thank you.

13 MR. ADELMAN: Then look at parking.

14 SUPERVISOR SALADINO: Arthur, what if
15 it's paid off early?

16 MR. ADELMAN: Great.

17 SUPERVISOR SALADINO: Would we still be
18 mortgaging our future?

19 MR. ADELMAN: No. I would love to see
20 tax -- just like I pay anything else, pay it now.
21 Run it like a business. You want it now, you pay
22 for it now.

23 The other thing on the parking lot
24 thing, the \$50,000 for 65 parking spots, isn't
25 there any way to negotiate a better deal with the

1 owner of this land? I mean, we're --

2 COUNCILMAN IMBROTO: The market rate is
3 \$15 a day for the spot.

4 MR. ADELMAN: Who's getting \$15?

5 COUNCILMAN IMBROTO: That's what the
6 spots go for in Hicksville. That's what people pay
7 every day.

8 MR. ADELMAN: Oyster Bay is paying 760
9 a year for a spot.

10 COUNCILMAN IMBROTO: How much is that
11 day?

12 MR. ADELMAN: I don't know. We're only
13 getting \$100 a year in. We're losing \$500 a year
14 for space. Come on. You do the math.

15 COUNCILMAN IMBROTO: It's a fraction of
16 the market money.

17 MR. ADELMAN: Who's responsible for the
18 maintenance of that parking lot? Who's responsible
19 for the maintenance of that parking lot?

20 COUNCILWOMAN JOHNSON: Thank you,
21 Arthur.

22 SUPERVISOR SALADINO: Thank you,
23 gentlemen.

24 We appreciate your input and the
25 clarity you brought to the issue.

1 Our next speaker is Mr. McKenna.

2 MS. FAUGHNAN: How many Resolutions?

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

5 Simple question, the other option,
6 Mr. Supervisor, the other option was --

7 COUNCILWOMAN JOHNSON: Kevin, how many
8 Resolutions are you speaking on?

9 MR. McKENNA: Three.

10 COUNCILWOMAN JOHNSON: Three.

11 Thank you.

12 MR. McKENNA: I'm just as tired as you
13 are.

14 The other option is -- you said
15 different options.

16 The other option is, why did we not
17 adhere to the contract? Why didn't we adhere to
18 the --

19 COUNCILWOMAN JOHNSON: What's your next
20 question?

21 SUPERVISOR SALADINO: I'm not sure how
22 that's an option.

23 What's your next question?

24 MR. McKENNA: Why didn't we go ahead
25 with the contract? Why did we default on the

1 contract, and, by the way, just if my memory serves
2 me correct, it's correct you weren't here,
3 Mr. Supervisor, but the financial man who
4 orchestrated this whole thing from the beginning is
5 the Deputy Finance man that is a nice guy and he
6 probably knows his stuff, but he's the same -- you
7 said it's all new people. He's the one who
8 orchestrated this from the beginning, so what you
9 said is not true.

10 COUNCILWOMAN JOHNSON: Is there a
11 question? Next question.

12 MR. McKENNA: That's not true.

13 COUNCILWOMAN JOHNSON: It's a
14 statement.

15 MR. McKENNA: My question is, the
16 contract -- what you didn't talk about is the
17 contract that was signed says in the contract that
18 the Town is responsible for the legal fees. The
19 Town's responsible for all legal fees.

20 So, my question is, does that \$30
21 million -- because no one talked about the legal
22 fees that we have to pay the legal fees for Syosset
23 Park LLC -- does the \$30 million include --

24 SUPERVISOR SALADINO: The Town has
25 negotiated a new settlement.

1 COUNCILWOMAN JOHNSON: Ask all the
2 questions.

3 MR. McKENNA: Is that in the 30 million
4 dollars?

5 SUPERVISOR SALADINO: Let's bring up --

6 COUNCILWOMAN JOHNSON: No. Ask all
7 your questions.

8 MR. McKENNA: Let me ask, is that in
9 the \$30 million?

10 SUPERVISOR SALADINO: What else would
11 you like to know before you sit down?

12 COUNCILWOMAN JOHNSON: Ask all your
13 questions.

14 SUPERVISOR SALADINO: So please take a
15 seat --

16 MR. McKENNA: No. I have ten minutes.

17 SUPERVISOR SALADINO: Okay.

18 COUNCILMAN IMBROTO: Kevin, this is for
19 questions, not speeches.

20 MR. McKENNA: Now I have 8.20.

21 The other inaccuracy of what you said
22 is not only was Mr. Darienzo the Finance Director
23 who orchestrated this deal and put it on the books
24 the wrong way from the beginning --

25 COUNCILWOMAN JOHNSON: That's not a

1 question. That's a statement.

2 What's the question?

3 MR. McKENNA: And I'm allowed to, make
4 statements.

5 SUPERVISOR SALADINO: That's also
6 inaccurate.

7 MR. McKENNA: And I'm allowed to make
8 statements.

9 SUPERVISOR SALADINO: That's not
10 accurate.

11 MR. McKENNA: It is accurate.

12 SUPERVISOR SALADINO: It's not.

13 MR. McKENNA: The other inaccuracy --
14 the other inaccuracy is that when you came aboard
15 as the Supervisor after the deal was made, you were
16 the one who decided to continue to default on the
17 contract causing us to be in the situation that
18 we're in and that's true. You can't deny that.

19 Why did we default on the contract?

20 COUNCILWOMAN JOHNSON: False statement.

21 MR. McKENNA: Why didn't we go ahead
22 with the contract?

23 COUNCILWOMAN JOHNSON: Kevin, you have
24 to ask questions. You can't just make false
25 statements.

1 MR. McKENNA: I asked a question.

2 COUNCILWOMAN JOHNSON: False statement.

3 MR. McKENNA: Why did we cancel the
4 contract? The public deserves to know that.

5 COUNCILWOMAN JOHNSON: Next question.

6 SUPERVISOR SALADINO: Kevin, what else
7 would you like to share with us, because this feels
8 more like a bully session?

9 MR. McKENNA: No. It's not a bully
10 session. It's a fair question.

11 Why did we default on the contract?

12 COUNCILMAN IMBROTO: It doesn't make
13 sense to relocate this. We're staying there --

14 SUPERVISOR SALADINO: Kevin, it doesn't
15 make sense to relocate. Maybe you weren't
16 listening before, but it would cost \$60 to \$70
17 million to build even a scaled-down version of this
18 or at other locations.

19 MR. McKENNA: Well, you didn't tell the
20 public -- maybe you forgot. Maybe you forgot,
21 because you weren't here at the time, that John
22 Venditto hired, and the taxpayers, we paid for an
23 engineering firm to draw up architectural plans.

24 COUNCILMAN IMBROTO: How is that
25 relevant to this Resolution?

1 SUPERVISOR SALADINO: How is that
2 relevant to what we're talking about?

3 MR. McKENNA: You made a statement
4 before that we have to pay -- we already have plans
5 to -- design plans to move the people.

6 COUNCILMAN IMBROTO: Kevin, please keep
7 your comments germane to this Resolution.

8 MR. McKENNA: Moving past that --
9 moving past that, I have been told that we have
10 relocated many people out of that facility at
11 150 Miller Place and there's not that many people
12 there.

13 Now, I do agree that we need to have
14 land. I do agree that we --

15 COUNCILWOMAN JOHNSON: What's your
16 question?

17 MR. McKENNA: I do agree that we need
18 to have space to store trucks --

19 COUNCILWOMAN JOHNSON: What does this
20 have to do with the Resolution?

21 MR. McKENNA: -- but if my memory
22 serves me correct about eight months ago the Town
23 Board, not all the Town Board here, but some of the
24 Town Board approved a purchase of the property over
25 on Stewart Avenue and you told the public and the

1 Town Board, eight months ago, that the reason the
2 Town was buying that building on Stewart Avenue was
3 to store the Town's facility over there when you
4 were still leading the public to believe that your
5 were leaving the property.

6 Is that untrue?

7 COUNCILMAN IMBROTO: No. That's not
8 true.

9 MR. McKENNA: Did we buy a building on
10 Stewart Avenue?

11 COUNCILMAN IMBROTO: Is this relevant
12 to this Resolution, Kevin?

13 MR. McKENNA: Did we buy a building on
14 Stewart Avenue?

15 COUNCILMAN IMBROTO: There was a
16 Resolution --

17 MR. McKENNA: I'm going to reiterate --

18 COUNCILMAN IMBROTO: You're
19 mischaracterizing the discussion at that time.

20 MR. McKENNA: The public and the Town
21 Board --

22 COUNCILMAN IMBROTO: As you tend to do.

23 MR. McKENNA: The public and the Town
24 Board was told that the reason for the purchase of
25 that facility was to store the vehicles at that

1 facility. I'm just correcting some misstatements
2 that were made.

3 COUNCILMAN IMBROTO: Which Resolution
4 is this on?

5 COUNCILWOMAN JOHNSON: These are
6 misstatements.

7 Next.

8 COUNCILMAN IMBROTO: Is this on one of
9 the Resolutions?

10 MR. McKENNA: I still have five minutes
11 left.

12 COUNCILWOMAN JOHNSON: Go.

13 What's your next question?

14 MR. McKENNA: You're going to
15 interrupt?

16 COUNCILWOMAN JOHNSON: Yes.

17 What's your next question?

18 MR. McKENNA: You know what? Let me go
19 on to the Seritage. I'm just curious. I spoke to
20 a few of the Town Board members recently. I don't
21 want to single any out.

22 As of two weeks ago, you had not
23 received the Seritage preliminary draft DEIS.
24 You're going to vote tonight on whether or not
25 you're going to accept a voluminous document that I

1 received about four weeks ago and I still have not
2 been able to go through it all.

3 So, my question is, how much time has
4 the Town Board had to review the DEIS before you
5 vote on it tonight?

6 COUNCILMAN IMBROTO: Plenty of time.

7 SUPERVISOR SALADINO: Again --

8 MR. McKENNA: A couple of weeks ago --

9 SUPERVISOR SALADINO: Kevin --

10 MR. McKENNA: A couple of weeks ago one
11 of the council members didn't have it, so I'm
12 wondering how you could vote on that tonight if
13 some of the council members didn't have it.

14 COUNCILMAN IMBROTO: Kevin, we have a
15 very capable staff that works for the Town that has
16 worked on this for a very long time.

17 MR. McKENNA: I understand that, but --

18 COUNCILMAN IMBROTO: Okay.

19 MR. McKENNA: That's not what I'm
20 saying, Councilman.

21 COUNCILMAN IMBROTO: We've had plenty
22 of time to review it for completeness which is what
23 this Resolutions is about.

24 MR. McKENNA: That's not what I'm
25 saying.

1 COUNCILMAN IMBROTO: Saying it's
2 complete.

3 MR. McKENNA: I'm asking if you've had
4 enough time.

5 COUNCILMAN IMBROTO: Yes.

6 MR. McKENNA: You might have. You might
7 have been the privileged one to have gotten it six
8 or eight weeks ago, but there's others that didn't
9 have it two weeks ago.

10 So, I'm just asking if you had enough
11 time to review it so that you can make an
12 intelligent decision as to whether or not it's
13 complete DEIS in order for the Town Board to accept
14 it tonight?

15 COUNCILMAN IMBROTO: Do you have any
16 reason to believe that it's not a complete DEIS?

17 MR. McKENNA: I didn't say that.

18 That's not my question Councilman Lou.

19 COUNCILWOMAN JOHNSON: Councilman Lou?

20 MR. McKENNA: Thank you.

21 MS. FAUGHNAN: That was only two
22 Resolutions.

23 SUPERVISOR SALADINO: Our next speaker
24 will be Giuseppe Deanna.

25 Mr. Deanna, would you please come on

1 up?

2 MR. McKENNA: I'd like to have the
3 Deputy Town Attorney to answer my question.

4 SUPERVISOR SALADINO: Why don't you
5 meet with the Deputy Town Attorney and he'll be
6 happy to speak with you.

7 MR. McKENNA: By the way, are there any
8 plans to get a Town Attorney?

9 COUNCILWOMAN JOHNSON: We're on the
10 next person.

11 SUPERVISOR SALADINO: We are going to
12 listen to this gentleman, and I thank you very,
13 very much.

14 MS. FAUGHNAN: Councilwoman Johnson,
15 that's two Resolutions, not three.

16 COUNCILWOMAN JOHNSON: Oh.

17 SUPERVISOR SALADINO: Mr. Deanna, would
18 you please start off by giving us your full name
19 and address, sir?

20 Giuseppe Deanna, 8 Mill River Road,
21 East Norwich.

22 Good evening, Supervisor Saladino and
23 the Members of the Board.

24 COUNCILWOMAN JOHNSON: Can you tell us
25 how many Resolutions you're speaking on?

1 MR. DEANNA: One.

2 COUNCILWOMAN JOHNSON: Thank you.

3 MS. FAUGHNAN: Sorry.

4 MR. DEANNA: That's fine.

5 I'm coming to asked for assistance.

6 About two and a half years ago, I
7 complained to the Town of Oyster Bay about a water
8 issue I was dealing with on my property allowing
9 natural water to pass through my property.

10 The Town of Oyster Bay came in and they
11 forced my neighbor to fix an existing pipe for the
12 water to go through my property.

13 Since then, my problem has become worse
14 because of the collection of water at the front of
15 my property, so now I have water collecting. This
16 is natural water collecting in the front of my
17 property.

18 SUPERVISOR SALADINO: Grade water?

19 MR. DEANNA: No.

20 SUPERVISOR SALADINO: No?

21 MR. DEANNA: Natural water, 365 days a
22 year, every day.

23 SUPERVISOR SALADINO: Okay.

24 COUNCILWOMAN JOHNSON: A spring?

25 MR. DEANNA: It's springs.

1 SUPERVISOR SALADINO: Springs itself.

2 MR. DEANNA: I started to get --
3 unfortunately, I don't live -- I'm in the Town of
4 Oyster Bay, but the road in front of my house is
5 the Village of Muttontown.

6 So, I started to become harassed by the
7 Village of Muttontown due to the water starting to
8 leak into the road. They've placed an unpleasant
9 berm in front of the house to cause the water to
10 pool in the front of my yard. The water is still
11 making its way onto Mill River Road causing icy
12 road conditions.

13 I had many meetings with the Town of
14 Oyster Bay. I've been promised a resolution.

15 Now, I'm being threatened from
16 Muttontown for a lawsuit. They told me to put my
17 homeowners insurance on notice and the problem
18 continues.

19 I have three small children. My front
20 yard is inaccessible to them. If they go out
21 there, they could potentially drown. It's a matter
22 time that there's going to be a lawsuit because of
23 the water on the roadway icing up. I don't know
24 what to do about the water. The water is not mine.
25 It's not gutter water. It's water that emanates

1 from other Town of Oyster Bay properties.

2 So, I'm asking you for assistance
3 because I've been dealing with this for two and a
4 half years, and I'm not getting anywhere, not with
5 the Town of Oyster Bay. Muttontown is, like I
6 said --

7 SUPERVISOR SALADINO: Well, you are
8 getting somewhere with the Town of Oyster Bay and I
9 can assure you that we have spent quite a bit of
10 time in meetings discussing this issue.

11 We have had communications with the
12 Village and we're continuing to advocate for you.
13 The Town of Oyster Bay can't do work on another
14 municipality's property.

15 Just like your next door neighbor can't
16 build on your property, but we have been continuing
17 to advocate for you and I will have happily bring
18 up our representative from the Town Attorney's
19 office to give you a sense of what we've been doing
20 and what we continue to do for you.

21 MR. DEANNA: I know what you've been
22 doing and I know what you're trying to do --

23 SUPERVISOR SALADINO: You are getting a
24 responsive interest on behalf of our
25 administration. We're helping.

1 MR. DEANNA: Yes.

2 SUPERVISOR SALADINO: Okay.

3 MR. DEANNA: I'm not going to deny
4 that.

5 Although, you have to see my
6 frustration.

7 SUPERVISOR SALADINO: Of course.

8 MR. DEANNA: I'm dealing with it for
9 two and a half years.

10 SUPERVISOR SALADINO: Of course, we get
11 that.

12 MR. DEANNA: So, I just feel like I
13 can't keep doing this. There's got to be a way
14 that some more communication can be made or some
15 other solution can be made to resolve this issue
16 that doesn't involve -- I don't know.

17 SUPERVISOR SALADINO: Because we want
18 to continue to help, because we recognize your
19 frustration, because we understand the issue.

20 I'm going to ask you to please meet
21 with Frank Scalera.

22 Would you raise your hand, please, from
23 our Town Attorney's office?

24 MR. DEANNA: I know.

25 SUPERVISOR SALADINO: Let's work on

1 ways to step up our pressure on Muttontown Village
2 to get this issue resolved.

3 MR. DEANNA: That's fine.

4 SUPERVISOR SALADINO: Is that fair
5 enough?

6 MR. DEANNA: That's very fair.

7 COUNCILWOMAN JOHNSON: Perhaps Ted can
8 help.

9 SUPERVISOR SALADINO: Perhaps.

10 COUNCILWOMAN JOHNSON: The Newsday
11 reporter might be able to help you as well.
12 Something.

13 MR. DEANNA: That would be great.

14 SUPERVISOR SALADINO: I'm going to ask
15 you to please speak to Mr. Scalera and let's work
16 on ways to step up our pressure and to continue to
17 assist you.

18 MR. DEANNA: Okay.

19 SUPERVISOR SALADINO: All right.

20 MR. DEANNA: Thank you very much.

21 SUPERVISOR SALADINO: But it's not our
22 property and you do realize that the Town has
23 continuously made efforts on your behalf.

24 MR. DEANNA: I do realize it.

25 COUNCILWOMAN JOHNSON: I want to

1 clarify, you really didn't have a Resolution you
2 were speaking on.

3 You want us to create a Resolution of
4 some sort?

5 MR. DEANNA: I apologize.

6 COUNCILWOMAN JOHNSON: Okay.

7 Thank you.

8 SUPERVISOR SALADINO: It's okay.

9 MR. DEANNA: Thank you.

10 SUPERVISOR SALADINO: I believe that's
11 it until public comment.

12 That's all the slips I have on public
13 comment. Please.

14 MR. LaMARCA: May I have a motion to
15 adopt Resolutions Nos. P-3-20 through 97-2020?

16 **PERSONNEL RESOLUTION NO. P-3-20;**

17 Resolution pertaining to personnel of various
18 departments within the Town of Oyster Bay.

19 **TRANSFER OF FUNDS RESOLUTION NO.**

20 **TF-2-20;** Resolution pertaining to Transfer of Funds
21 within various departments' accounts for the Year
22 2020.

23 **RESOLUTION NO. 51-2020;** Resolution

24 amending Resolution No. 127-2017 to adjust the park
25 facility use permit fee non-resident and/or

1 non-resident organizations facility use permit fee.
2 (M.D. 1/7/20 #9).

3 **RESOLUTION NO. 52-2020;** Resolution
4 authorizing acceptance of a donation of a memorial
5 plaque and bench from P. Cicero, to be placed in
6 the Massapequa Dog Park in memory of Joanne Cicero.
7 (M.D. 1/7/20 #10).

8 **RESOLUTION NO. 53-2020;** Resolution
9 authorizing acceptance of a donation of a memorial
10 plaque from D. Marotti-Halama, to be placed on an
11 existing bench in Bay Front Park in memory of
12 Benjamin Marotti. (M.D. 1/7/20 #11).

13 **RESOLUTION NO. 54-2020;** Resolution
14 authorizing payment to instructors for fitness
15 classes to be held in 2020. Account No. PKS A 7110
16 44900 000 0000. (M.D. 1/7/20 #12).

17 **RESOLUTION NO. 55-2020;** Resolution
18 authorizing the Town of Oyster Bay Thirty-fifth
19 Annual Bluefish Tournament at Theodore Roosevelt
20 Memorial Park on September 13, 2020. Account No.
21 TWN TA 0000 00085 474 0000. (M.D. 1/7/20 #13).

22 **RESOLUTION NO. 56-2020;** Resolution
23 authorizing and directing the Town Clerk to publish
24 a Notice of Hearing in connection with the
25 Community Development's 46th Program Year 2020-

1 2021, scheduled to be held February 26, 2020;
2 Account No. IGA CD 8686 44100 000 CD 20. (M.D.
3 1/7/20 #18).

4 **RESOLUTION NO. 57-2020;** Resolution
5 authorizing renewal of membership in the New York
6 Government Finance Officers' Association for 2020;
7 Account No. CMP A 1315 47900 000 0000. (M.D. 1/7/20
8 #20).

9 **RESOLUTION NO. 58-2020;** Resolution
10 calling for a public hearing in connection with
11 serial bonds for Bethpage Water District
12 Improvements. Hearing Date: February 11, 2020.
13 (M.D. 1/7/20 #21).

14 **RESOLUTION NO. 59-2020;** Resolution
15 authorizing an Extension of Time, Quantity Decrease
16 No. 1, Acceptance and Final Payment on Contract No.
17 DP18-181, Installation of Sidewalk at Theodore
18 Roosevelt Elementary School located in Oyster Bay,
19 New York. (M.D. 1/7/20 #22).

20 **RESOLUTION NO. 60-2020;** Resolution
21 authorizing the Town of Oyster Bay Full Day/Half
22 Day Summer Recreation Program for the 2020 Calendar
23 year. Account No. PKS A 001 02001 510 0000 & TWN TA
24 0000 085 444 0000. (M.D. 1/7/20 #23).

25 **RESOLUTION NO. 61-2020;** Resolution

1 authorizing the New York Rangers "Try Hockey for
2 Free" program at the Town of Oyster Bay Ice Skating
3 Center at Bethpage Community Park to be held on
4 February 15, 2020. Account No. PKS A 7110 47670 000
5 0000. (M.D. 1/14/20 #4).

6 **RESOLUTION NO. 62-2020;** Resolution
7 authorizing the Town of Oyster Bay All-Star Ice
8 Hockey Invitational in cooperation with the High
9 School Hockey League of Nassau County to be held at
10 the Town of Oyster Bay Ice Skating Center at
11 Bethpage Community Park on March 7, 2020. Account
12 No. PKS A 7110 47670 000 0000. (M.D. 1/14/20 #5).

13 **RESOLUTION NO. 63-2020;** Resolution
14 authorizing the Town of Oyster Bay Waterfront
15 Festival and Marine Expo to be held at Tobay Marina
16 on September 12, 2020, the waiver of the
17 provisions of Chapter 173, and for the addition of
18 sponsors, vendors and/or exhibitors to said event.
19 Account Nos. TWN A 0001 02770 590 0000 & PKS A 7110
20 47670 000 0000. (M.D. 1/14/20 #6).

21 **RESOLUTION NO. 64-2020;** Resolution
22 authorizing the Town of Oyster Bay Special Olympics
23 "Polar Plunge" in cooperation with Special Olympics
24 to be held at Tobay on March 8, 2020. Account No.
25 PKS A 7110 47670 000 0000. (M.D. 1/14/20 #7).

1 **RESOLUTION NO. 65-2020;** Resolution
2 authorizing two Town of Oyster Bay Car Show Long
3 Island events, to be held at Tobay Beach on
4 April 25, 2020 and October 4, 2020, the waiver of
5 the provisions of Chapter 173, the addition of
6 sponsors, vendors and/or exhibitors to said event,
7 and to employ the services of a dedicated judging
8 staff and for the Department of Parks to produce
9 commemorative merchandise for the event. Account
10 Nos. TWN A 0001 02770 590 0000 and TWN TA 0000
11 00085 438 0000. (M.D. 1/14/20 #8).

12 **RESOLUTION NO. 66-2020;** Resolution
13 authorizing acceptance of a donation of a memorial
14 plaque from P. Vannatta, to be placed on an
15 existing bench in Marjorie R. Post Community Park
16 in memory of Leonard R. Vannatta. (M.D. 1/14/20
17 #9).

18 **RESOLUTION NO. 67-2020;** Resolution
19 authorizing the Supervisor, or his designee, to
20 execute a Letter of Acceptance to receive a grant
21 from the National Hockey League through the Hockey
22 is for Everyone Grant Program in support of the
23 Town of Oyster Bay Youth Hockey Ice Program. (M.D.
24 1/14/20 #14).

25 **RESOLUTION NO. 68-2020;** Resolution

1 authorizing the Supervisor, or his designee, to
2 execute a Grant Disbursement Agreement with the
3 Dormitory Authority of the State of New York to
4 secure state funding to be applied to the Marjorie
5 Post Community Center Renovation Project. (M.D.
6 1/14/20 #15).

7 **RESOLUTION NO. 69-2020;** Resolution
8 pertaining to site plan review and approval for PJA
9 250 Crossways Park, LLC, 250 Crossways Parks Drive,
10 Woodbury, New York. (M.D. 1/14/20 #17).

11 **RESOLUTION NO. 70-2020;** Resolution
12 authorizing a one year extension option for the
13 License Agreement for the use of property for
14 commuter parking at 47 West Barclay Street,
15 Hicksville, for the period January 1, 2020 through
16 December 31, 2020. (M.D. 1/14/20 #21).

17 **RESOLUTION NO. 71-2020;** Resolution
18 authorizing the property cleanup assessment of
19 18 Cheryl Lane South, Farmingdale, New York,
20 performed on October 1, 2019, be referred to the
21 County of Nassau for placement on the Nassau County
22 Tax Assessment Rolls. (M.D. 1/14/20 #22).

23 **RESOLUTION NO. 72-2020;** Resolution
24 authorizing the property cleanup assessment of
25 Old Country Road, Hicksville, New York, performed

1 on September 3, 2019, be referred to the County of
2 Nassau for placement on the Nassau County Tax
3 Assessment Rolls. (M.D. 1/14/20 #23).

4 **RESOLUTION NO. 73-2020;** Resolution
5 authorizing the property cleanup assessment of
6 165 Wilfred Boulevard, Hicksville, New York,
7 performed on September 11, 2019, be referred to the
8 County of Nassau for placement on the Nassau County
9 Tax Assessment Rolls. (M.D. 1/14/20 #24).

10 **RESOLUTION NO. 74-2020;** Resolution
11 authorizing the property cleanup assessment of
12 90 Cold Spring Road, Syosset, New York, performed
13 on October 9, 2019, be referred to the County of
14 Nassau for placement on the Nassau County Tax
15 Assessment Rolls. (M.D. 1/14/20 #25).

16 **RESOLUTION NO. 75-2020;** Resolution
17 authorizing the property cleanup assessment of
18 63 Vandewater Street, Farmingdale, New York,
19 performed on September 30, 2019, be referred to the
20 County of Nassau for placement on the Nassau County
21 Tax Assessment Rolls. (M.D. 1/14/20 #26).

22 **RESOLUTION NO. 76-2020;** Resolution
23 authorizing the property cleanup assessment of
24 116 Thorne Drive, Bethpage, New York, performed on
25 September 5, 2019, be referred to the County of

1 Nassau for placement on the Nassau County Tax
2 Assessment Rolls. (M.D. 1/14/20 #27).

3 **RESOLUTION NO. 77-2020;** Resolution
4 pertaining to Contract No. PWC23-18, On-Call
5 Engineering Services Relative to Environmental
6 Engineering in connection with Oversight of
7 Restoration of Excavated Area at Country Pointe
8 Development, Plainview. Account No. TWN A TA 000
9 00085 466 0000. (M.D. 1/14/20 #29).

10 **RESOLUTION NO. 78-2020;** Resolution
11 pertaining to settlement of litigation in
12 connection with 150 Miller Place, Syosset, *Syosset*
13 *Park Development, LLC v. Town of Oyster Bay.* (M.D.
14 1/14/20 #31).

15 **RESOLUTION NO. 79-2020;** Resolution
16 authorizing the issuance of serial bonds to pay for
17 the settlement of a lawsuit related to the sale of
18 the Town's DPW complex at 150 Miller Place,
19 Syosset. (M.D. 1/14/20 #18).

20 **RESOLUTION NO. 80-2020;** Resolution
21 pertaining to the Self-Insurance Retention
22 Provision for Administrative Proceeding (EEOC) in
23 connection with the Public Officials and Employees
24 Liability Insurance Policy. (M.D. 1/14/20 #32).

25 **RESOLUTION NO. 81-2020;** Resolution

1 authorizing the 2020 Public Officials & Employees
2 Liability Insurance Policy for the period
3 January 28, 2020 to January 28, 2021. (M.D. 1/14/20
4 #38).

5 **RESOLUTION NO. 82-2020;** Resolution
6 authorizing renewal of memberships in various
7 municipal government associations. Account No. OTC
8 A 1410 47900 000 0000. (M.D. 1/14/20 #35).

9 **RESOLUTION NO. 83-2020;** Resolution
10 pertaining to settlement of Arbitration No-Fault
11 Claim; Claimant: Allstate Insurance Company a/s/o
12 Maria Lerner. Account No. TWN AMS 1910 43020 602
13 0000 000. (M.D. 1/14/20 #36).

14 **RESOLUTION NO. 84-2020;** Resolution
15 authorizing payment for the provision of Workers'
16 Compensation Insurance for the participants of the
17 2020 Summer Youth Employment Program. Account No.
18 IGA CD 6293 43000 000 CW19 (M.D. 1/14/20 #16 &
19 1/21/20 #9).

20 **RESOLUTION NO. 85-2020;** Resolution
21 authorizing award of contracts for Independent
22 Medical Examination providers in connection with
23 civil actions and other proceedings, for the period
24 January 1, 2020 through December 31, 2020, with two
25 one-year extension options. Account No. OTA A 1420

1 44110 000 0000. (M.D. 1/14/20 #28 & 1/21/20 #17).

2 **RESOLUTION NO. 86-2020;** Resolution
3 authorizing acceptance of the Draft Environmental
4 Impact Statement (DEIS) in connection with Seritage
5 for the purpose of commencing the public review
6 process and to set a date for public hearing to be
7 held on March 10, 2020 at 7:00 pm at Hicksville
8 High School. (M.D. 1/14/20 #33 & 1/21/20 #23).

9 **RESOLUTION NO. 87-2020;** Resolution
10 pertaining to Settlement of Property Damage Claim;
11 Claimant: Leyda Cruz, Matter ID No. 2019-7255.
12 Account No. TWN AMS 1910 43020 602 0000 000. (M.D.
13 1/14/20 #37).

14 **RESOLUTION NO. 88-2020;** Resolution
15 pertaining to the decision on the application of
16 27 Carmans, Inc. for a Special Use Permit for
17 premises located at 25-27 Carmans Road, Massapequa,
18 New York. Hearing held: November 19, 2019. (M.D.
19 11/19/19 #5).

20 **RESOLUTION NO. 89-2020;** Resolution
21 pertaining to the decision on the application of
22 Massapequa Plaza Associates, Owner and Massapequa
23 FBBC, LLC d/b/a Fit Body Boot Camp, Tenant, for a
24 Special Use Permit to allow the operation of a
25 fitness facility for premises located at

1 5117-5167 Merrick Road, Massapequa, New York.

2 Hearing held: 12/10/19. (M.D. 12/10/19 #6).

3 **RESOLUTION NO. 90-2020;** Resolution
4 pertaining to the decision on the application of
5 62 South Street Tower, Inc. for a Special Use
6 Permit for premises located at 62 South Street,
7 Oyster Bay, New York. Hearing held: November 19,
8 2019. (M.D. 11/19/19 #6).

9 **RESOLUTION NO. 91-2020;** Resolution
10 pertaining to the decision on Hydrant Rental for
11 Oyster Bay Fire Protection District and Oyster Bay
12 Water District for the year 2020. Hearing held:
13 January 7, 2020. (M.D. 1/7/20 #8).

14 **RESOLUTION NO. 92-2020;** Resolution
15 authorizing negotiations to purchase the easement
16 at 185 Central Avenue, Bethpage, or in the
17 alternative, to commence condemnation proceedings,
18 and to utilize the services of an appraiser.
19 Account No. OTA A 1420 44110 000 0000. (M.D.
20 1/21/20 #25).

21 **RESOLUTION NO. 93-2020;** Resolution
22 directing the Town Clerk to publish a Notice of
23 Hearing in connection with the application of
24 31 Pearl Street, LLC and Island Properties, LLC for
25 a Change of Zone and Site Plan Approval on premises

1 located at 41 Summit Street, Oyster Bay, New York.
2 Hearing Date: February 25, 2020. (M.D. 1/21/20
3 #26).

4 **RESOLUTION NO. 94-2020;** Resolution
5 directing the Town Clerk to publish a Notice of
6 Hearing in connection with the application of
7 56 Washington Pkwy, Inc. for a Special Use Permit
8 to allow for the operation of an automobile repair
9 shop on premises located at 56 Washington Parkway,
10 Hicksville, New York. Hearing Date: February 25,
11 2020. (M.D. 1/21/20 #27).

12 **RESOLUTION NO. 95-2020;** Resolution
13 authorizing an extension to the Public Comment
14 Period to January 31, 2020 in connection with the
15 Town of Oyster Bay Solid Waste Disposal District
16 Local Solid Waste Management Plan. (M.D. 1/21/20
17 #29).

18 **RESOLUTION NO. 96-2020;** Resolution
19 supplementing Resolution 49-2020 in connection with
20 New York State Volunteer Firefighters Benefit Law
21 Policy town wide.

22 **RESOLUTION NO. 97-2020;** Resolution
23 authorizing the Supervisor or his designee to sign
24 an agreement for the Federal Department of
25 Transportation mandated Employee Drug and Alcohol

1 Testing Program.

2 On the motion?

3 COUNCILWOMAN JOHNSON: So moved.

4 Sorry.

5 COUNCILMAN IMBROTO: Second.

6 MR. LaMARCA: Motion made by

7 Councilwoman Johnson.

8 Seconded by Councilman Imbroto.

9 On the vote:

10 Supervisor Saladino?

11 SUPERVISOR SALADINO: "Aye."

12 MR. LaMARCA: Councilwoman Johnson?

13 COUNCILWOMAN JOHNSON: "Aye."

14 MR. LaMARCA: Councilman Imbroto?

15 COUNCILMAN IMBROTO: "Aye."

16 MR. LaMARCA: Councilman Hand?

17 COUNCILMAN HAND: "Aye."

18 MR. LaMARCA: Councilman Labriola?

19 COUNCILMAN LABRIOLA: "Aye" on all.

20 MR. LaMARCA: Councilwoman Maier?

21 COUNCILWOMAN MAIER: "Aye."

22 MR. LaMARCA: Councilwoman Walsh?

23 COUNCILWOMAN WALSH: "Aye."

24 MR. LaMARCA: Motion to adopt

25 Resolutions Nos. P-3-20 through 97-2020 passes with

1 seven "Ayes."

2 The calendar is complete.

3 SUPERVISOR SALADINO: Thank you for
4 your assistance.

5 COUNCILWOMAN JOHNSON: Supervisor, I
6 make a motion to close the meeting.

7 COUNCILMAN IMBROTO: Second.

8 SUPERVISOR SALADINO: All in favor
9 please signify by saying, "Aye."

10 ALL: "Aye."

11 SUPERVISOR SALADINO: Those opposed,
12 "Nay."

13 (No one responded.)

14 SUPERVISOR SALADINO: The "Ayes" have
15 it.

16 On public comment -- thank you, by the
17 way, for all those who come to speak and listen and
18 assist.

19 We appreciate your cooperation and we
20 appreciate your involvement.

21 (TIME NOTED: 11:15 A.M.)

22

23

24

25