

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 17, 2019
11:28 a.m.

HEARING - LOCAL LAW

To consider a Local Law entitled: "A Local Law amending Chapter 205 Streets and Sidewalks, Article II, Sidewalks, Curbs and Gutters, Section 205-11, Application and Issuance of Permit, of the Town Code of the Town of Oyster Bay." (M.D. 8/6/19 #26).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

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

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

Minutes of the meeting
taken by:

OLGA RAPTIS
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will the Town
2 Clerk please poll the Board?

3 MR. ALTADONNA: Supervisor?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: I am here.

9 MR. ALTADONNA: Councilwoman Michelle
10 Johnson, I know she's here.

11 SUPERVISOR SALADINO: She is here.

12 MR. ALTADONNA: She is here. She'll be
13 here.

14 Councilman Hand?

15 COUNCILMAN HAND: Here.

16 MR. ALTADONNA: There he is.

17 Handsome as always, Councilman.

18 Councilman Labriola?

19 COUNCILMAN LABRIOLA: Here.

20 COUNCILMAN IMBROTO: Jim, did you
21 forget me?

22 MR. ALTADONNA: Councilman Imbroto?

23 COUNCILMAN IMBROTO: I'm here.

24 MR. ALTADONNA: There you go.

25 You have a quorum here.

1 Would you like me to call the first
2 hearing?

3 SUPERVISOR SALADINO: Councilwoman
4 Johnson is present. She is here.

5 And if you would please call the first
6 hearing.

7 MR. ALTADONNA: Hearing, a Local Law
8 entitled: Hearing Local Law to consider Local Law
9 entitled, "A Local Law Amending Chapter 205 Streets
10 and Sidewalks, Article II, Sidewalks, Curbs and
11 Gutters, Section 205-11, Application and Issuance
12 of Permit of the Town Code of the Town of Oyster
13 Bay." (M.D. 8/6/19 #26).

14 MR. ROZEA: Good morning Supervisor and
15 Members of the Board.

16 Matthew Rozea, Deputy Town Attorney.

17 Local Law in front of the Board today
18 is very straightforward and simple.

19 In an effort to incentivize homeowners
20 to take care of their properties and to maintain
21 the sidewalks in front of their homes, the pros
22 local would waive the application fee for sidewalk
23 repair or replacement for residentially-owned or
24 occupied homes. That is the proposed amendment to
25 the Code.

1 And if there are any questions, I'd be
2 happy to entertain them.

3 COUNCILMAN LABRIOLA: Supervisor, I
4 would just like to first of all thank you and your
5 staff in the Town Attorney's office for bringing
6 this matter to fruition.

7 This actually was an initiative that we
8 worked on together because of a constituent citizen
9 who described the problems that they face sometimes
10 when trees uproot or storms uproot the trees,
11 et cetera, and they have to replace the flags of
12 sidewalks at a considerable expense. And, of
13 course, it's a compromise in the sense that the
14 Town is still able to make sure that the sidewalk
15 is reconstructed at our specifications that are
16 required and at the same time helping the homeowner
17 by waiving those fees.

18 So I think it's a great initiative. I
19 thank you for bringing it to this point and to do
20 it through the Local Law.

21 Thank you.

22 SUPERVISOR SALADINO: I think this is
23 important.

24 We know of the financial burdens of our
25 residents. We want to protect the quality of the

1 communities and their safety. And this is one of
2 those steps, so we appreciate your initiative as
3 well, and I encourage my colleagues on the Board to
4 support this. I know I will be.

5 COUNCILMAN IMBROTO: And I also will be
6 supporting it.

7 I'm glad that we can provide some
8 relief to our residents while improving safety and
9 quality of life throughout our communities.

10 SUPERVISOR SALADINO: I don't see any
11 slips as it relates to this hearing, so I'm going
12 assume that there is no one who wants to be heard
13 on this. But if there is, please raise your hand.

14 (No verbal response given.)

15 SUPERVISOR SALADINO: Any other
16 questions?

17 (No verbal response given.)

18 SUPERVISOR SALADINO: Thank you.

19 May I have a motion?

20 MR. ALTADONNA: Correspondence -- I
21 just want to make sure --

22 SUPERVISOR SALADINO: Of course.

23 MR. ALTADONNA: This one has to do with
24 animals, okay.

25 Local Law to Amend Chapter 168, "Parks

1 Recreation, Section -- this is not it. Hold on.

2 Hold on. Here we go.

3 Local Law to amend Chapter 205 Streets
4 and Sidewalks.

5 We have affidavits of postings and
6 publications. There is no other correspondence.

7 COUNCILMAN MUSCARELLA: Supervisor, I
8 make a motion that this public hearing be closed
9 and the decision be reserved.

10 COUNCILMAN MACAGNONE: Second.

11 SUPERVISOR SALADINO: All in favor
12 please signify by saying, "Aye."

13 COUNCILMAN MUSCARELLA: "Aye."

14 COUNCILMAN MACAGNONE: "Aye."

15 COUNCILWOMAN JOHNSON: "Aye."

16 COUNCILMAN IMBROTO: "Aye."

17 COUNCILMAN HAND: "Aye."

18 COUNCILMAN LABRIOLA: "Aye."

19 SUPERVISOR SALADINO: Those opposed,
20 "Nay."

21 (No verbal response given.)

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

24 (TIME NOTED: 11:30 A.M.)

25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 17, 2019
11:31 a.m.

HEARING - LOCAL LAW

To consider a Local Law entitled: "A Local Law Amending Chapter 168 Parks & Recreation, Section 168-19, Animals, of the Town Code of the Town of Oyster Bay." (M.D. 8/6/19 #50).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
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A L S O P R E S E N T:

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

Minutes of the meeting
taken by:

OLGA RAPTIS
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you please
2 call the next hearing?

3 MR. ALTADONNA: Local Hearing to
4 consider a Local Law entitled: "A Local Law
5 Amending Chapter 168 Parks & Recreation, Section
6 168-19, Animals, of the Town Code of the Town of
7 Oyster Bay." (M.D. 8/6/19 #50).

8 MR. ROZEA: Thank you.

9 For the record, same appearance.

10 This Local Law really works in harmony
11 with the Local Law that the Board considered at the
12 last meeting regarding tethering and other
13 protections for animals and pets.

14 So what this Local Law will do is amend
15 the Town Code to allow the Commissioner of Parks to
16 designate certain portions of parks or parks in
17 their entirety for which animals may be permitted
18 to enter. There was a prohibition on animals
19 entering into parks and this will open the parks,
20 at the discretion of the Commissioner, so that
21 residents and their pets can enjoy what the Town
22 has to offer.

23 SUPERVISOR SALADINO: Are there any
24 questions or statements?

25 COUNCILMAN IMBROTO: When the

1 Commissioner exercises his discretion to allow dogs
2 in these parks, will we also be maintaining the
3 parks to make sure that the dogs are cleaned up
4 after and there's no residual damage to the parks?

5 MR. ROZEA: I would imagine so.

6 COUNCILMAN IMBROTO: I would ask that
7 the Commissioner please keep that in mind.

8 COUNCILMAN MACAGNONE: Is there going
9 to be a fine or something for the people who don't
10 clean up after their dog?

11 MR. ROZEA: So, in other words, an
12 enforcement mechanism?

13 COUNCILMAN MACAGNONE: Yes.

14 MR. ROZEA: Again, I think that the
15 Commissioner's regulations and requirements for the
16 use of the parks will cover all of those issues.

17 COUNCILMAN MACAGNONE: Thank you.

18 COUNCILMAN IMBROTO: I would appreciate
19 it if I could get those answers before we vote on
20 the Resolution.

21 COUNCILMAN LABRIOLA: If I could make a
22 statement.

23 Again, I want to thank Supervisor
24 Saladino for working with my staff also and the
25 rest of this Town Board we're we've considered

1 amending this Chapter so that we can allow our
2 residents to bring their leashed dogs, their
3 licensed and leashed dogs, to certain designated
4 parklets or, as you said, certain areas of the
5 parks.

6 This is different from a dog park in
7 that we are creating -- we are doing something new
8 here. We are allowing residents who are dog owners
9 to be enabled to socialize and walk their dogs
10 rather than just being out on the curb or on the
11 sidewalk.

12 So this allows -- in each and every
13 community, I have asked the Commissioner of Parks
14 to look for areas in every part of the Township
15 where we can select little use or relatively little
16 used parklets which exist throughout the Town of
17 Oyster Bay and designate them for these
18 dog-friendly parklets.

19 And, of course, as we develop the
20 rules, I think that the Council members' concerns
21 have been addressed. Obviously, there will be
22 signs which will display the rules that the
23 Commissioner promulgates. There's an enforcement
24 aspect to it because of the public safety officers
25 who certainly can issue summonses for those who

1 violate those laws. But I think it's very
2 important that we understand that this is basically
3 a new initiative, a demonstration, so to speak,
4 that we hope works. And I think that if an area is
5 selected that doesn't work, I'm sure the
6 Commissioner will respond to the residents if
7 there's an outcry or what have you where it's not
8 working.

9 So, I think that this is just something
10 terrific for dog owners who are usually limited to
11 walking into the public streets or sidewalks or at
12 our only dog parks, which we only have one of them
13 and one under construction. So this is just a
14 great --

15 COUNCILMAN MACAGNONE: Councilman,
16 you've made a good point: Responsible dog owners,
17 that's licensed and responsible. That's a big
18 thing to alleviate a lot of residents' fears.

19 MR. ROZEA: I agree.

20 COUNCILMAN MACAGNONE: And if they're
21 irresponsible to public safety, as Councilman said,
22 to be on top of them.

23 MR. ROZEA: As is so often the case,
24 the Local Law addresses perhaps one provision of
25 the Town code, but we cannot forget that many other

1 aspects of the Code touch upon the issues that are
2 under discussion at the moment.

3 COUNCILMAN LABRIOLA: Commissioner
4 Pinto and I have been talking about, quite a bit,
5 about what's been happening here. And we've also
6 been doing research with the Clerk's office in
7 determining, you know, how many pet owners there
8 are that are actually licensed.

9 We know that there are substantially
10 more pet owners that have not licensed their dogs.
11 We believe that in addition to the positive
12 socialization aspects that will take place in these
13 local communities throughout the Town, is that the
14 Town will also be licensing many, many more pets
15 because -- and that will ensure that they have
16 their shots that are required, that they're
17 licensed and that the fees are being paid to the
18 Town Clerk's office. And, of course, our Public
19 Safety officers will be on top of this.

20 But I think it's a great initiative and
21 I'm just really happy and I see it coming to
22 fruition. I know we're not voting on it today, but
23 I wanted to be sure that people understood that
24 these parklets exist throughout the Town of Oyster
25 Bay because of our, I guess, we call them our

1 predecessors who had designated that whenever a
2 development took place in the Town, that they set
3 aside 3 percent of the land that they were
4 developing for open space. And it's very unique to
5 the Town of Oyster Bay.

6 We still continue this program today;
7 although, we do not seem to need much more open
8 space than we have. But back in the '40s and '50s
9 as the Town was being developed so we have hundreds
10 -- literally I believe Commissioner Pinto said
11 there are over --

12 COMMISSIONER PINTO: Over 225 parklets
13 in the Town.

14 COUNCILMAN LABRIOLA: Over 225
15 locations that are being considered -- I mean, in
16 the mix, I mean, for one for each community, one or
17 two for each community, however you find --

18 COMMISSIONER PINTO: I think we
19 recommended about a dozen --

20 COUNCILMAN LABRIOLA: Commissioner, why
21 don't you come forward, please?

22 Thank you, Counselor.

23 MR. ROZEA: Thank you.

24 SUPERVISOR SALADINO: Commissioner,
25 would you please identify yourself?

1 COMMISSIONER PINTO: Joe Pinto,
2 Commissioner of Parks, Town of Oyster Bay.

3 I'm excited about this because, to be
4 perfectly honest with you, people have been
5 bringing dogs into our parks and parklets for a
6 while now and it has been difficult, at times, to
7 control that.

8 So we've heard from a lot of residents,
9 and I know the Councilman has as well and that's
10 why the Councilman brought this to our attention to
11 try and get something done. And I applaud the
12 Councilman for it because he's looking a little bit
13 beyond what we've done in the past.

14 And we've gone back to our residents
15 and they think it's a great idea because their
16 problem is that people come to the parks and let
17 their dogs run around without a leash. This is a
18 kind of like a compromise. So we want to try to --
19 and the parklets we've identified, we want to try
20 it and see how it goes. We're probably going to
21 get feedback on both ends, but as long as people
22 clean up after themselves, I think it's a great
23 idea.

24 COUNCILMAN IMBROTO: Rather than
25 chasing people out of our parks, we can invite them

1 into some of them, give them a place to bring their
2 animals, bring them a place to socialize and make
3 sure that they're doing it the right way.

4 I think right now we have one dog park
5 that's in Massapequa, we're working on another one,
6 but large portions of the Town are not serviced, so
7 this will give a great opportunity for animal
8 lovers throughout the rest of the Town to have a
9 place to go while we work on finding additional
10 locations for other dog parks.

11 I commend the Councilman, I support the
12 legislation, and I look forward to a successful
13 program.

14 COUNCILWOMAN JOHNSON: I want to add
15 that I was in Cow Harbor Park in Northport over the
16 weekend and there were dozens of people with their
17 dogs and everyone was very happy. The dogs were
18 well behaved and it was nice to see responsible
19 owners.

20 People were smiling, little kids were
21 happy to not necessarily touch the dogs, but it was
22 nice on a Sunday afternoon to be able to go out
23 with your family and your furry family person, and
24 it really worked out well. There was no fighting
25 with the dogs, no barking. There were stations for

1 dog waste removal and things of that nature. It
2 worked out very well.

3 COUNCILMAN IMBROTO: Should we move
4 forward with this, I please ask that we monitor
5 closely, make sure that everyone is cleaning up
6 after their dog, that the dogs are getting along.
7 That everything is working.

8 COUNCILMAN MACAGNONE: That the dogs
9 are licensed and have their shots.

10 COMMISSIONER PINTO: Yes, yes. You got
11 that.

12 That's going to be part of it for sure.

13 COUNCILMAN LABRIOLA: Councilman and
14 Councilwoman, I also want to agree with you with
15 that. It's a great way to get people out of their
16 homes, especially young people who are constantly
17 on their phones, to be able to take their dogs and
18 make friends and socialize with their neighbors.

19 And dogs bring people together that
20 way. I've seen it at the dog park in Massapequa,
21 as I have two dogs myself, so, you know, we're
22 constantly seeing the same people and I've met so
23 many people as a result of having two dogs. You
24 know, and I know that throughout the community they
25 should be enjoying that same thing.

1 So, from Locust Valley all the way down
2 to Massapequa and everything in between, they
3 should have that same opportunity. And I think
4 that this is that kind of an initiative that would
5 enable them. And we're only talking about the
6 initial -- I think that the Commissioner has listed
7 12 parklets at this point. I think, you know, we
8 certainly have to see how that all works out. But
9 I hope that each and every -- I know that each and
10 every one of you are going to support this
11 initiative.

12 COUNCILMAN IMBROTO: We look forward to
13 seeing Bocce and Bailey at the dog park.

14 COUNCILMAN LABRIOLA: You remember my
15 dogs' names?

16 SUPERVISOR SALADINO: Is there anyone
17 else that has anything to say or has a question for
18 the Commissioner?

19 (No verbal response given.)

20 SUPERVISOR SALADINO: Well,
21 Commissioner, you will be charged with, once this
22 passes, you will be charged with rolling out this
23 program in a very responsible way that where we
24 ensure that safety is a big component of this.

25 And please keep in mind all the issues

1 that were brought up, whether it was how to deal
2 with dog waste, to ensure that residents and the
3 Town is ensuring that there is no dog waste in
4 these areas, all of the other issues and, of
5 course, putting safety first.

6 We are animal lovers in this Town and
7 we're going to prove it with our actions.

8 COMMISSIONER PINTO: You got it.

9 SUPERVISOR SALADINO: Thank you,
10 Commissioner.

11 Is there anyone else in the public who
12 would like to be heard?

13 MS. REINHART: Yes.

14 SUPERVISOR SALADINO: Yes, please come
15 up.

16 MS. REINHART: I just had a quick
17 question.

18 SUPERVISOR SALADINO: Would you kindly
19 start off by identifying yourself, name and
20 address.

21 MS. REINHART: Of course.

22 Lisa Reinhart, 65 Elm Street,
23 Hicksville.

24 I just wanted to make clear, these are
25 leashed dogs?

1 COUNCILWOMAN JOHNSON: Yes.

2 MS. REINHART: Okay. I just wanted to
3 make sure. All right.

4 Thanks.

5 SUPERVISOR SALADINO: Is there any
6 correspondence on this, please?

7 MR. ALTADONNA: Local Law to Amend
8 Chapter 168 Parks & Recreation, Section 168-19,
9 Animals, we have affidavits and postings and
10 publications. There is no other correspondence.

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

14 COUNCILMAN MACAGNONE: Second.

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

17 COUNCILMAN MUSCARELLA: "Aye."

18 COUNCILMAN MACAGNONE: "Aye."

19 COUNCILWOMAN JOHNSON: "Aye."

20 COUNCILMAN IMBROTO: "Aye."

21 COUNCILMAN HAND: "Aye."

22 COUNCILMAN LABRIOLA: "Aye."

23 SUPERVISOR SALADINO: Those opposed,
24 "Nay."

25 (No verbal response given.)

1 SUPERVISOR SALADINO: The "Ayes" have
2 it.

3 Thank you.

4 So we will reserve decision. You've
5 heard a lot of the sentiments of our Board members,
6 but we want to ensure that we give a full
7 opportunity for all of the residents who want to be
8 heard on this issue.

9 Thank you very much. We appreciate all
10 of your comments and all that's gone on to bring us
11 to this point.

12 (TIME NOTED: 11:44 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 17, 2019
11:45 a.m.

HEARING - P-6-19

To consider the application of KRE Broadway Owner, LLC, for a Special Use Permit to permit the construction and operation of a motor vehicle rental facility, on premises known as the Broadway Mall Shopping Center, located on the west side of Broadway, Hicksville, New York. (M.D. 8/6/19 #29).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

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

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

Minutes of the meeting
taken by:

OLGA RAPTIS
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you please
2 call the next hearing?

3 MR. ALTADONNA: Yes.

4 Hearing P-6-19 to consider the
5 application of KRE Broadway Owner, LLC, for a
6 Special Use Permit to permit the construction and
7 operation of a motor vehicle rental facility, on
8 premises known as the Broadway Mall Shopping
9 Center, located on the west side of Broadway,
10 Hicksville, New York. (M.D. 8/6/19 #29).

11 We have speakers on that as well.

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

14 Dominic Minerva, Minerva & D'Agostino,
15 107 South Central Avenue, Valley Spring, New York,
16 attorney for the applicant. I'm also joined by my
17 law partner, Albert D'Agostino.

18 I understand we have three applications
19 before you today, so I'm going to keep my opening
20 statements very brief so that I have time to have
21 my expert witnesses present their testimony and
22 then answer any questions the Board may have.

23 On each application, I do have a
24 representative from the applicant as well as
25 representatives from the tenants in case there are

1 any operational questions that you may have that I
2 don't have the answers to, they are there as well
3 to answer those questions.

4 The first application for you today is
5 for a special use permit to permit the conversion
6 of 1,091 square feet of existing vacant retail
7 space within the enclosed Mall to a motor vehicle
8 rental facility. So, We are not proposing any
9 additions to the Mall with any of these
10 applications; they're all interior.

11 This is also an application for
12 concurrent site plan approval; although, no site
13 changes are proposed as part of this application
14 other than the designation of parking spaces for
15 the rental inventory.

16 The subject premises is commonly
17 referred to as the Broadway Commons Shopping Center
18 and it's located on Broadway in Hicksville, 100
19 feet south of Nevada Street and it is located in
20 the General Business zone.

21 As you'll hear shortly from the
22 applicant's expert witnesses, the applicant meets
23 the criteria in Section 246-9.4 of the Town Code,
24 which is the general standards for special use
25 permit, for the granting of the requested special

1 use permit and the application will not result in
2 any parking issues at the site.

3 The proposed motor vehicle facility, if
4 approved by this Board, will be Avis. Avis will
5 rent both passenger and small van and trucks from
6 this location. This is a use that has peak hours
7 that generally will offset the peak hours of many
8 of the Mall tenants, as many customers pick up the
9 rental vehicles in the morning and return them in
10 the evenings.

11 The hours of operation will be Monday
12 through Sunday, seven days a week from 8:00 a.m. to
13 7:00 p.m. There will be no repairs or servicing
14 the vehicles on site, and the exterior of the cars
15 will be washed at a local car wash.

16 I'd just like, before I call my first
17 witness, to submit Applicant's Exhibit A. We have
18 received a letter of support from The Northwest
19 Civic Association in Hicksville, Inc. and I would
20 just like to read it into the record on this one
21 case and then I'll just ask it to be acknowledged
22 on the other two.

23 The letter is addressed to the Town
24 Board. It's dated September 13, 2019, regarding
25 the applications for special use permits submitted

1 by KRE Broadway Owner, LLC.

2 "My name is Jeffrey Negron and I am the
3 President of the Northwest Civic Association of
4 Hicksville. The Northwest Civic Association area
5 surrounds the Mall and its unique position in our
6 neighborhood presents vital opportunities for
7 neighborly interactions. I am happy and pleased to
8 report that through Broadway Commons' general
9 manager, Ken Hamilton, the application process has
10 been transparent with our organization from the
11 very beginning up to the present day.

12 "The Mall, as we still refer to it, has
13 been nothing less than an outstanding neighbor with
14 the interactions regarding their applications, as
15 well as a host of other instances regarding our
16 neighborhood law enforcement, our schools, our
17 youth, the various ethnic groups represented in
18 Hicksville, just to name a few.

19 "Also, as we all know, the Mall is the
20 epicenter of economic activity in Hicksville as
21 well as the Town of Oyster Bay, so it is in our
22 best interest that we ensure that the Mall is
23 properly supported in ventures and endeavors such
24 as these applications that are to be considered
25 today. That will help ensure a healthy and vibrant

1 Broadway Commons that could serve this community.

2 "For these reasons stated here, as well
3 as others, I would declare my full support of these
4 applications submitted by KRE Broadway Owner, LLC.

5 "I would like to thank the Town Board
6 for the opportunity to have my words read in my
7 absence as circumstances do not allow me to attend
8 daytime meetings during the school year.

9 "Thank you.

10 "Jeffrey Negron."

11 COUNCILMAN IMBROTO: Can you please
12 hand that up?

13 MR. MINERVA: Yes, I submit this as
14 Applicant's Exhibit A.

15 At this time, I'd like to call my first
16 witness, Barry Nelson, from the Nelson Realty
17 Group.

18 And, Supervisor, I would ask, having
19 previously qualified Mr. Nelson as an expert
20 witness with regard to real estate matters and
21 evaluation, if you would be willing to continue
22 that qualification.

23 SUPERVISOR SALADINO: We will.

24 Is there any dissent from any of our
25 Board members?

1 COUNCILMAN MACAGNONE: No.

2 Mr. Nelson has been around as long as I
3 have and is well respected.

4 MR. MINERVA: Thank you, Councilman.

5 MR. NELSON: Good morning, Supervisor,
6 Members of the Town Board.

7 I'll be brief. The Board is very
8 familiar with the location. I'm going to hand in a
9 packet of photographs. I have approximately 70
10 pictures that include the subject property, the
11 specific location of the proposed use for an Avis
12 Budget Rental facility.

13 The photographs that I handed in were
14 taken by myself and, in my opinion, fairly and
15 accurately depict the subject property and the uses
16 found in proximity to the location.

17 I'm going to hand in, as we go forward
18 on the second and third applications, similar --
19 same photographs, just in different orders. The
20 photographs will lead off with the specific
21 application tenant.

22 The proposed location is on the
23 westerly side of the Mall. To the south would be
24 the north side of Target. To the north would be
25 the theater and Round 1 entrances. To the west,

1 and it is a substantial distance from the property
2 line and the nearest residence is over 375 feet to
3 the building, what we have here is a location for
4 the proposed Avis Rental which that would be at the
5 entrance to the middle of the Mall on the westerly
6 side, under 1,100 square feet, and that is for the
7 paperwork.

8 As Counsel mentioned, there is no
9 repairs, no servicing of the vehicles; strictly a
10 paperwork operation and office location.

11 The parking field on the westerly side
12 would be a small portion used for the storage of
13 the vehicles and the small box trucks and vans
14 within a paved area, and there is lighting.

15 In fact, this location has a Nassau
16 County Police booth or office in the Mall just to
17 the north. If you look at my photographs, you'll
18 see the specific location.

19 The use in the entire Mall is only GB
20 district, zoning district. That type of use is
21 often found in business locations along Broadway
22 and throughout the Town by other agencies, car
23 dealerships, et cetera.

24 It's before this Board for a special
25 use permit that will include the storage of

1 vehicles in the parking field where it is lighted
2 and screened from the residential properties which
3 would be found westerly of the subject property.

4 The Mall itself is in excess of 54
5 acres. The retail includes IKEA, the movie
6 theaters. It includes Target to the south and
7 Macy's, and there's over 800,000 square feet of
8 Mall area that includes restaurants and retail
9 within their personal services as well.

10 Based on the criteria for granting a
11 special exception within the Town of Oyster Bay,
12 and as Counsel mentioned under the special use
13 permit review 246-9, and I read through the
14 criteria for the standards and the specific
15 performances, and to cut to the chase, it would be
16 my opinion, the granting of the special exception
17 for, again, it's an office use and the storage of
18 vehicles.

19 COUNCILMAN MACAGNONE: My concern is
20 the box truck.

21 How big a truck are we talking, a
22 22-footer?

23 MR. NELSON: I don't believe it's any
24 bigger than a 22-footer.

25 Is that correct, Counsel?

1 MR. MINERVA: The largest is a 16-foot
2 truck.

3 COUNCILMAN MACAGNONE: Thank you.

4 MR. NELSON: So with that said, you do
5 have the shipping and receiving portion of a
6 loading dock of Target just to the south. It's
7 smaller than their facilities, smaller than their
8 trucking.

9 So, considering that the Mall exists,
10 the use will up some vacancy spots. I believe the
11 special exception is a reasonable request, both
12 under the standard and the performance standards of
13 the Town Law.

14 Thank you.

15 SUPERVISOR SALADINO: Other questions
16 for Mr. Nelson?

17 (No verbal response given.)

18 MR. MINERVA: In connection with all
19 three applications, we do need a small parking
20 variance for each one and that would be the subject
21 of a hearing before the Board of Appeals.

22 I do have my parking expert, John
23 Harter, from Atlantic Traffic and Design, just to
24 give the Board a brief description of the parking
25 at the site.

1 MR. HARTER: Good morning.

2 John Harter, H-A-R-T-E-R.

3 I'm Principal at Atlantic Traffic and
4 Design Engineers, licensed engineer in this State
5 and several others. Our Business address,
6 2929 Expressway Drive North, Hauppauge, New York.

7 We have worked on this site, the
8 Broadway Mall, now the Broadway Commons for more
9 than five years now for various traffic access and
10 parking issues.

11 It's easiest really to talk about the
12 three applications together. Right now we're on
13 the Avis, but there is also the Round 1 expansion
14 and the Orange Theory, just to boil it down and
15 simplify for the Board and give an understanding of
16 the parking.

17 Overall, the three applications will
18 increase the requirement of the change of space
19 within the Mall by 164 additional spaces. And with
20 the Avis project, we will lose eleven spaces with
21 the changing of several stalls to create storage
22 for the trucks that were just mentioned.

23 The overall site is approximately
24 185,000 square feet and currently provides a total
25 parking of 4,894 spaces. Just to put it in simple

1 terms, that translates to about five and a half or
2 5.5 spaces per thousand square feet of building
3 area.

4 ITE, The Institute of Transportation
5 Engineers, recommends in the order of four to four
6 and a half, so the site supply is very high.

7 Our office, back in 2016, prepared a
8 traffic-parking study and did actual demand counts
9 at that time. We did them in April and actually
10 went back in December of that year in the holiday
11 period and took counts on the busiest period on
12 Saturday, December 19th, and from that peak period,
13 we saw a maximum of 3,146 parked vehicles.

14 And that demand translates only to --
15 gives us about 1,200 open spaces at that time with
16 the application. So that's, approximately, even
17 under the busiest time of the year, we had about a
18 quarter of the spaces open for the entire center.

19 So given that, the small increase in
20 need for additional parking is well supported with
21 the supply.

22 Thank you.

23 SUPERVISOR SALADINO: Does anyone have
24 any questions for the parking expert?

25 (No verbal response given.)

1 MR. MINERVA: That concludes our direct
2 presentation on this application unless there are
3 any other questions from the Board.

4 And we are available for any questions
5 after any public comment.

6 SUPERVISOR SALADINO: Just to review
7 one of the issues, how many spots are you asking
8 for by the ZBA?

9 MR. MINERVA: We are asking for, I
10 believe it's 164 -- I have those numbers here.

11 It's 159 stalls.

12 COUNCILMAN IMBROTO: Just to be clear,
13 that's for the zoning, that's for variance?

14 MR. MINERVA: That's for variance,
15 correct.

16 That relief is not for you to consider
17 today. And we will have a full parking demand
18 study for the ZBA that we will submit to them.

19 SUPERVISOR SALADINO: Thank you.

20 We have some speakers on this issue.

21 Our first will be Phil Heckler.

22 MR. HECKLER: Good morning, Supervisor
23 and Town Board.

24 Phil Heckler, 28 Jay Street,
25 Hicksville.

1 Can I speak to all three of the --

2 SUPERVISOR SALADINO: Well, let's get
3 an opinion from our attorney. I think it would be
4 better --

5 COUNCILMAN IMBROTO: You can speak to
6 them, but they'll only be part of the record of
7 this hearing.

8 MR. SCALERA: That's correct, what the
9 Councilman just said.

10 SUPERVISOR SALADINO: Probably be best
11 if you speak to each individually, but you can,
12 obviously, speak anything you'd like at this time.

13 MR. HECKLER: Okay. I'll come back up
14 for the other two.

15 I'm speaking for myself, along as a
16 member of the Hicksville Garden Civic and there's
17 several members of the Hicksville Garden Civic here
18 that feel the same.

19 I'm also President of the Hicksville
20 School Board, but, again, I'm here speaking for
21 myself.

22 I generally support and strongly
23 support all three of these proposals. The Mall, as
24 Jeffrey Negrón said in his letter, is a very
25 important part of the community and the tax base,

1 and some of my comments I'll save for the other two
2 pieces.

3 I wanted to point out, Supervisor, in
4 your speech you mentioned that, using my school
5 district hat, that two-thirds of the taxpayers tax
6 base, tax fees, are school district.

7 In Hicksville, they are particularly
8 low compared to other communities to a significant
9 degree because of our commercial base, which at one
10 point was about 50/50 and I think it shifted
11 towards 40/60 paid by commercial base. And, so
12 actions taken by the Town, although the Town only
13 represents, if I remember correctly, 13 percent,
14 the actions you take on commercial activities
15 represent about 30 percent of our tax base.

16 So, the actions you take here can have
17 more impact than your entire budget on Hicksville.

18 So, again, I support this, and I
19 believe several of the -- I know all of the members
20 that are here also support this special use permit.

21 Thank you.

22 SUPERVISOR SALADINO: Thank you,
23 Mr. Heckler.

24 Thank you for your input.

25 Joel Berse?

1 MR. BERSE: Good morning.

2 Joel Berse, Immediate and Past
3 President of Northwest Civic Association and also
4 Immediate and Past President of Hicksville
5 Community Council.

6 I am very proud because I have never
7 heard Jeff so well-written in a letter. And as my
8 protege, I'm going to have to complement him when
9 we talk this evening, because that was an excellent
10 letter.

11 I'm sure, even though he is a teacher
12 -- he is a second language teacher in the Roosevelt
13 School District, so when he writes -- if you read
14 his President messages in our newsletter, there was
15 nothing compared there to how that came out. I am
16 very proud that that is what he submitted today.

17 As far as the first hearing here on the
18 car rental operation, it has existed before in a
19 kiosk. The only concern that several members even
20 brought up at last night's meeting, is the exact
21 location of where they're going to dedicate spots
22 now, rather than it being in the general lot that
23 it had been before where they're going to take some
24 away from whatever businesses, and that was a
25 concern, but, honestly, it really shouldn't be as

1 long as the Mall budgets appropriately.

2 Now, there have been various variances
3 over the years for the Mall's parking, so when it
4 comes up to the ZBA, we'll look at that at that
5 time. We don't see a problem with this.

6 The old retail space that they're going
7 into is unoccupied. It had been at one time Mace's
8 Discount Mini Department Store. It had been
9 Department of Motor Vehicles. So there really
10 shouldn't be a problem moving that over there.

11 Jeff had originally asked me to be here
12 today to speak on this and didn't tell me that a
13 letter was being generated. So I'm a little bit
14 taken back and, like I said, that that letter was
15 extremely well written for his normal writing.

16 COUNCILMAN IMBROTO: Let me ask you,
17 anecdotally, do you ever have a problem parking at
18 the Broadway Mall even during peak hours?

19 MR. BERSE: Occasionally, on the
20 holiday season at this point at the back of the
21 Mall where they're going, it gets challenging. But
22 other than holiday season in the last couple weeks
23 of December, no.

24 COUNCILMAN IMBROTO: Would you say
25 there's generally a lot of parking even if it's not

1 in the exact location where you want to go into?

2 MR. BERSE: "A lot" is relevant.

3 I wouldn't say a lot, but I wouldn't
4 say that this would be detrimental. And I did have
5 a lengthy conversation with Ken Hamilton about
6 this. We're all pretty much simpatico with what's
7 going on at the Mall in regard to this.

8 So I don't think anybody should deny
9 them this, this special usage. There are questions
10 on others that, you know, we'll talk about in the
11 other hearings.

12 So in the meantime, we're good to go
13 with this one; just minor just tweaking and
14 watching in the future for the parking variances.

15 SUPERVISOR SALADINO: And Joel, for
16 clarity, this is not only your opinion, but is this
17 also the opinion of many of the members --

18 MR. HECKLER: We discussed this in last
19 night's meeting.

20 SUPERVISOR SALADINO: And --

21 MR. BERSE: And this is a consensus --
22 when I come up here and talk like this and say I'm
23 representing the Civic, I'm representing the Civic.

24 I've had nineteen years of that like
25 you've had in different levels of government

1 representing, and when I say I'm representing,
2 that's what I'm doing.

3 SUPERVISOR SALADINO: Thank you.

4 MR. HECKLER: This is not exclusively
5 personal opinion.

6 SUPERVISOR SALADINO: Thank you.

7 MR. BERSE: Thank you.

8 SUPERVISOR SALADINO: And in order to
9 get to Joel's question answered, I would like to
10 ask you where will this parking pass, where will it
11 specifically be on the grounds.

12 MR. MINERVA: Yes. So, In the past, it
13 has not been identified where the parking is and it
14 has been somewhat haphazard. What we did on the
15 site plan that we submitted, not only did we show
16 on that site plan, that's subject to your approval,
17 where the parking would be in designating those
18 areas, but we also showed on that site plan the
19 signage that would go in the front of those stalls
20 to designate out those areas as the specific Avis
21 inventory parking areas. So we're going to make
22 that formal. We're designating on the site plan.
23 We're designating physically on the site with
24 signage for all of those spaces.

25 SUPERVISOR SALADINO: And for the

1 purposes of the public -- thank you, Joel.

2 Can you us, show the public where?

3 UNIDENTIFIED SPEAKER: There's 10
4 stalls close to the building. And then another 22
5 that are at the back of this parking lot.

6 SUPERVISOR SALADINO: Thank you.

7 I just received two slips on this, so
8 I'm assuming that that covers everyone who wanted
9 to speak on this hearing.

10 Do we have a correspondence? Any other
11 questions of the Board?

12 (No verbal response given.)

13 SUPERVISOR SALADINO: Correspondence,
14 please.

15 MR. ALTADONNA: Petition of KRE
16 Broadway Owner, LLC, Avis Car Rental.

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

19 Communications are as follows?

20 We have memos from the Department of
21 Planning and Development including a review of the
22 required off-street parking. A Nassau County Land
23 and Tax map indicates the property is Section 11,
24 Block D, Lots 1237, 1352, 1374 and 1385.

25 According to the Town of Oyster Bay

1 Zoning maps, the property is located within the GB,
2 general business and RF1-7, one-family residence.
3 There are no open code compliance cases. There are
4 variances. A Town Board Resolution on file. We
5 have affidavits of postings and publications.
6 There is no further correspondence.

7 SUPERVISOR SALADINO: Thank you.

8 May I have a motion?

9 COUNCILMAN MUSCARELLA: Supervisor, I
10 will make a motion that the public hearing be
11 closed and the decision be reserved.

12 COUNCILMAN MACAGNONE: Second.

13 SUPERVISOR SALADINO: All in favor
14 please signify by saying, "Aye."

15 COUNCILMAN MUSCARELLA: "Aye."

16 COUNCILMAN MACAGNONE: "Aye."

17 COUNCILWOMAN JOHNSON: "Aye."

18 COUNCILMAN IMBROTO: "Aye."

19 COUNCILMAN HAND: "Aye."

20 COUNCILMAN LABRIOLA: "Aye."

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

23 (No verbal response given.)

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

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Thank you.

(TIME NOTED: 12:08 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 17, 2019
12:09 p.m.

HEARING - P-7-19

To consider the application of KRE Broadway Owner, LLC, for a Special Use Permit to permit the expansion of an active recreation use with game room, on premises known as the Broadway Mall Shopping Center, located on the west side of Broadway, Hicksville, New York. (M.D. 8/6/19 #28).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

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

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

Minutes of the meeting
taken by:

OLGA RAPTIS
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you please
2 call the next hearing?

3 MR. ALTADONNA: Hearing P7-19 to
4 consider the application of KRE Broadway Owner,
5 LLC, for a Special Use Permit to permit the
6 expansion of an active recreation use with game
7 room, on premises known as the Broadway Mall
8 Shopping Center, located on the west side of
9 Broadway, Hicksville, New York. (M.D. 8/6/19 #28).

10 MR. MINERVA: Good morning, again.
11 Dominic Minerva, Minerva & D'Agostino,
12 1077 Central Avenue, Valley Spring, New York,
13 attorney for the applicant.

14 This application before you today is
15 for a special use permit to permit the expansion of
16 the existing Round 1 tenancy at the Broadway
17 Commons Shopping Center for an additional 5,200
18 square feet of space, in addition to the existing
19 49,223 square feet of space that was approved
20 pursuant to Resolution Number 534 of 2016.

21 This is also an application for
22 concurrent site plan approval; although, no site
23 changes are proposed as part of this application.
24 This is interior renovations only.

25 Subject premises is commonly referred

1 to as the Broadway Commons Shopping Center, and is
2 located on Broadway in Hicksville, 100 feet south
3 of Nevada Street and is located in the General
4 Business zone of the Town.

5 As you will hear shortly from the
6 applicant's expert witnesses, the applicant meets
7 the criteria in Section 2469.4 of the Town Code of
8 the granting of the requested special use permit.

9 The application will not result in any
10 parking issues at the site.

11 I would note that a minor parking
12 variance per code is required for this application
13 as well at that will be a separate application for
14 the Board of Appeals and that was inclusive of the
15 159-space variance that we indicated was required.

16 The proposed expansion, The Round 1
17 tenancy, if approved by this Board, will include an
18 expanded arcade area in addition to the existing
19 bowling alley, arcade, billiard and restaurant
20 areas.

21 In case any of the Board members or
22 attending public are not familiar with this
23 operation, it is essentially a competitor of Dave &
24 Buster's.

25 This has proven to be a good

1 complimentary use to the Mall, as malls today need
2 to improve in its offerings from traditional retail
3 to attract customers with dining, entertainment,
4 recreation and personal service options.

5 The hours of operation are Friday and
6 Saturday from 10:00 a.m. to 1:00 a.m. and Sunday to
7 Thursday from 10:00 a.m. to midnight.

8 At this time, I'm going to call my
9 first witness, Barry Nelson, from the Nelson Realty
10 Group to testify.

11 Thank you.

12 MR. NELSON: Good morning, again.

13 Barry Nelson, 220 Pettit Avenue,
14 Bellmore, New York 11710.

15 I'll hand in similar photographs. This
16 packet includes 70 pictures that lead with the
17 Round 1 use.

18 COUNCILMAN IMBROTO: Is it the same set
19 of photos just starting in a different place?

20 MR. NELSON: Yes, sir.

21 And you will see that the initial
22 photographs will include the existing facility,
23 Round 1. It includes interior photographs of the
24 use, Round 1, the approximate location of the
25 expansion of the 5,200 square feet and the uses

1 found within the Mall in that proximity.

2 Again, it is an expansion interior of
3 the Mall. The use is already existing. The
4 entrance includes the exterior location at the Mall
5 on the westerly side, as well as on the interior.

6 I have visited the location on several
7 occasions. The Mall at that location is fully
8 rented, including the new signing of the Avis
9 budget to the south.

10 I noted earlier that there's a Nassau
11 County Police booth at that location. The movie
12 theater is to the north. The food court is above
13 the location. This is not an expansion into the
14 lower level; although, the Round 1 does have a part
15 of their space on the level, lower level, and the
16 street level.

17 As I mentioned earlier, the nearest
18 residence to the west would be over 375 feet, to
19 the north you have the buffer of the theaters, then
20 to the residences of the south side of Nevada
21 Street.

22 Nevertheless, I paid close attention to
23 the noise that emanates, if any, from the outside
24 on the street level, as well as in the Mall. I
25 believe it has been well sounded as far as sound

1 buffering. There is no noise. The use is strictly
2 within the Mall.

3 And based on the criteria of the
4 special exception, we already have the Mall
5 existing. It's over, as I mentioned, it's over 55
6 acres. It's got over 800,000 square feet of
7 retail. The location is already existing. Any
8 onerous affects have already been existing over the
9 years and you would know what's the impact for the
10 Round 1 location.

11 I believe the expansion is a reasonable
12 request within the Mall. It's well-maintained.
13 It's in good condition, the Mall itself at the
14 location, and I looked at, as I mentioned, the
15 criteria for the special exception for the
16 standards and the specific performances and I
17 believe the Mall meets that criteria as well as the
18 specific use of Round 1.

19 Thank you.

20 SUPERVISOR SALADINO: Thank you, Barry.

21 Are there any questions?

22 MR. MUSCARELLA: Thank you.

23 COUNCILMAN MACAGNONE: Thank you.

24 MR. MINERVA: I'm going to call my next
25 witness, John Harter, from Atlantic Traffic and

1 Design to briefly summarize the parking, just for
2 the record, again.

3 MR. HARTER: Hello, again.

4 John Harter, H-A-R-T-E-R,
5 2929 Expressway Drive, North Hauppauge, New York,
6 from Atlantic Traffic and Design Engineers.

7 As I talked on the prior application
8 for Avis, we looked at both Avis and the Round 1
9 expansion and under this application and Orange
10 Theory together. We previously studied counts and
11 parking demand.

12 In December of 2015, peak time
13 typically traffic engineers don't design using the
14 holiday period, but from that study, we found about
15 3,476 maximum parking vehicles. And we had an open
16 spaces of about 1,240. So, about 25 percent of
17 this overall Broadway Commons had open parking.

18 With this application and the two
19 others, we are increasing the parking requirement
20 by about 160 spaces and a loss of eleven spaces.

21 Given that prior data collection in
22 December of 2015, we would still anticipate an open
23 spaces of over 1,000 -- of open spaces during even
24 the peak time at the end of the holiday season.

25 Given that, we feel that the parking

1 variance is well supported.

2 Thank you.

3 MR. MINERVA: Thank you.

4 I just want to ask the Board if I can
5 also deem the letter from Northwest Civic
6 Association Hicksville, Inc. dated September 13,
7 2019, that was submitted as an exhibit in the last
8 hearing as an exhibit to this hearing as well.

9 COUNCILMAN IMBROTO: Would you read it
10 again?

11 MR. MINERVA: No.

12 COUNCILMAN IMBROTO: It was so well
13 written.

14 MR. MINERVA: Just to clarify any
15 confusion, I did confer with the Law Manager, Ken
16 Hamilton. That letter was provided to him by Jeff
17 Negron last night at the meeting and he brought it
18 to the hearing today to submit.

19 I do have a representative from the
20 Round 1 tenancy and a representative for the
21 applicant here.

22 Again, if there are any operational
23 questions that you want answered.

24 Thank you.

25 SUPERVISOR SALADINO: Questions from

1 the Board?

2 COUNCILMAN MUSCARELLA: Yes.

3 Believe it or not, ironically I was
4 there about two and a half weeks ago with my
5 granddaughter who is about three years old.

6 It was inclement, we were driving, I
7 didn't know what to do, my wife wasn't present,
8 and, I went to the facility, which I was taken
9 aback and, ironically, I was playing the games and
10 not my granddaughter because it's geared more
11 towards a target market of teenagers and older
12 people.

13 My question is very simple. She had a
14 great time and it was wonderful and the noise and I
15 couldn't get her to leave, but she played no games.

16 The new expansion, will there be
17 anything targeted to a younger age?

18 COUNCILMAN IMBROTO: Councilman, she
19 really should be here to testify.

20 COUNCILMAN MUSCARELLA: I can get her
21 on the phone and we can Face Time her if you would
22 like.

23 MR. TAKEUCHI: Good morning.

24 Steven Takeuchi, 3070 Sonnet Street,
25 Suite 200, (inaudible) California.

1 To answer your question, we select our
2 games depending on the market. So that question
3 I'll have to go back to my gaming department to see
4 what kind of games they want to get. That is
5 something we will put into consideration to just
6 vary the games that we offer on our premise.

7 COUNCILMAN MUSCARELLA: It might be a
8 wise thing for a grandfather to bring a
9 three-year-old. That's all. All right?

10 MR. TAKEUCHI: We will take that into
11 consideration.

12 COUNCILMAN IMBROTO: If you can get us
13 any information that you do have before we vote on
14 this, that would be appreciated as well.

15 MR. TAKEUCHI: Sure.

16 COUNCILMAN MACAGNONE: I want to know
17 what games Councilman Muscarella did play.

18 (Laughter ensues.)

19 COUNCILMAN MUSCARELLA: No comment.

20 SUPERVISOR SALADINO: Any other
21 questions from our Board members?

22 (No verbal response given.)

23 SUPERVISOR SALADINO: So, my question
24 is that facilities of this type obviously attract
25 young people. We hear stories and, obviously, our

1 residents are always concerned about safety. And
2 we saw just this morning a fight breaking out in
3 the street among young people, we saw this on this
4 news, that ended up in a stabbing. So safety is
5 our chief concern.

6 Can you talk to us about your safety
7 plan, video cameras, what do you have there to
8 protect against issues, unsafe conditions, sex
9 predators who might visit this site? How will our
10 residents be assured that their children are safe?

11 MR. MINERVA: Yes. Unfortunately, I
12 don't have a copy with me, but when we presented
13 the application in 2016, safety was a topic at that
14 meeting, and we did have a safety plan that we
15 submitted. It became one of the conditions in the
16 declaration of governance. So It included, I
17 believe, included cameras and also live security
18 personnel.

19 SUPERVISOR SALADINO: So you're
20 assuring us that there are cameras in operation at
21 this time and that you may be adding them as you
22 expand?

23 MR. MINERVA: I'm just going to call
24 Steven again so he can confirm that information.

25 COUNCILMAN HAND: Counselor, to that

1 point, have we had any issues over the last couple
2 of years at that location?

3 MR. MINERVA: I am not aware. I did
4 check with the Mall management. I am not aware of
5 any incidents that resulted in the police being
6 called to that site.

7 MR. TAKEUCHI: Just to answer your
8 question in terms of security, we did place over
9 thirty security cameras within our facility. And
10 we also contract with private security to
11 coordinate all our security efforts. Also we
12 coordinate with the Mall's security team so that we
13 have a joint effort in keeping the area safe.

14 SUPERVISOR SALADINO: Can you assure
15 the residents that these cameras are angled in ways
16 that no child or someone abducting a child can
17 leave the premises through any exit, any way
18 without being captured on security cameras and
19 recording?

20 MR. TAKEUCHI: So most of our exits are
21 definitely covered by security cameras. That's our
22 main focus. And also we have cameras throughout
23 the floor including all areas of our facility.

24 SUPERVISOR SALADINO: If this expansion
25 is allowed and approved, will you be adding any

1 cameras?

2 MR. TAKEUCHI: That is definitely in
3 the plans. We definitely want to cover the new
4 area because there are exits and entrances, so we
5 will be adding.

6 SUPERVISOR SALADINO: And how long do
7 you keep those recordings?

8 MR. TAKEUCHI: It used to be two
9 months, but we are going company-wide with about
10 two years' worth of storage.

11 SUPERVISOR SALADINO: Thank you.

12 MR. MINERVA: And I just did confirm
13 with the Mall management that there's been no
14 incidents here where the police were called.

15 COUNCILMAN MACAGNONE: They've been a
16 wonderful tenant from what I understand.

17 MR. MINERVA: Thank you.

18 SUPERVISOR SALADINO: Are there any
19 other questions from the Board members?

20 (No verbal response given.)

21 MR. MINERVA: Thank you.

22 SUPERVISOR SALADINO: We have speakers
23 on this starting with Phil Heckler.

24 MR. HECKLER: I don't know if I have to
25 say good morning or good afternoon.

1 Phil Heckler, 28 Jay Street,
2 Hicksville.

3 I'll try not to be too repetitive from
4 what I said at the prior hearing. Again, I'm here
5 speaking for myself along with several Hicksville
6 Garden Civic Association members here that agree
7 with what I'm saying.

8 Again, we support this proposal as well
9 as the other two that have been talked about today.

10 The thing I wanted to add about Round
11 1, I've been also at Round 1 many times, many
12 times, actually, with my grandkids and they
13 particularly liked the karaoke rooms. It's kind of
14 a unique place for, probably long overdue, in my
15 opinion in Hicksville since we lost so many other
16 activities that preteens and teens could do.

17 So, again, I support this. And I think
18 I'll add one thing to what I said previously on the
19 school tax base. I haven't looked at this lately,
20 but several years ago when I looked, the Mall
21 contributed about 4 percent of the total taxes paid
22 to the school district, so it is a significant tax
23 revenue source.

24 And the decisions you make, again,
25 affect in Hicksville more than 30 percent of the

1 school district tax base or I should say of the
2 taxpayers since we are two-thirds, as you indicated
3 previously.

4 That's about it.

5 SUPERVISOR SALADINO: Thank you.

6 Joel Berse?

7 MR. BERSE: Good afternoon.

8 Once again, Joel Berse, Immediate and
9 Past President of ten years' service with the
10 Northwest Civic Association and also Past President
11 Hicksville Community Council.

12 To answer a couple of the things that
13 came up during this conversation, during the
14 original presentation that I believe Mr. D'Agostino
15 presented when they first were coming to the Mall,
16 when he spoke on behalf of Round 1, one of the
17 major issues for our residents, particularly the
18 ones in the back of the Mall on the Barnes Avenue
19 school side and on the south side of Nevada Street
20 was safety and security. And between the plan that
21 the Mall presented and the private security that
22 Round 1 presented did very well. We haven't had
23 any aggravation of any type. Nobody overly
24 concerned. There hasn't even been any noise
25 issues.

1 And to speak to the parking situation,
2 more times than not, the teenagers that you say go
3 and frequent the place are dropped off and picked
4 up. They're not even creating a parking issue with
5 parents being there for long durations of time.

6 So as far as that parking part of the
7 variance, it's really of no concern. I've been
8 inside the area that they're expanding to or
9 potentially expanding to, with Ken Hamilton in the
10 past. It makes a lot of sense because it's a
11 continuation of their wall inside for interior
12 space. The Mall would really was having difficulty
13 getting another tenant into there without doing
14 major renovations to it because the Round 1
15 business took all the facilities that were within;
16 in other words, bathrooms and other stuff like that
17 that would have been belonging to the interior of a
18 store.

19 So anybody else coming in, they would
20 either have to reconstruct or send their people up
21 the escalator to the public area in the food court.

22 So this is a sensible expansion, a
23 sensible use, and I really, from the history of
24 what's happened, have spoken to other residents
25 from Northwestern and I don't think anybody has a

1 problem because the history has been a successful
2 one.

3 So, the Round 1 part of this
4 application to us basically should be a no-brainer
5 slam dunk. And it's nice to be able to say
6 something like that about something once in a
7 while.

8 And I've been trying to instruct
9 everybody to stop complaining, cretching, bitching
10 and moaning and start looking at the good side of
11 the stuff that's going on in the neighborhood, and
12 this is a good thing.

13 The Round 1 has been a good neighbor,
14 been a good tenant for the Mall and been good for
15 the community. It gives a lot of the kids a place
16 to go. And, like when we were at the opening of
17 the police booth right next door to it, there's
18 been no need for even the police to utilize that
19 booth to watch Round 1 because of the security
20 measures that have been prepared.

21 So for that purpose, I'm going to say
22 it's a go. And when you all get the opportunity to
23 vote on it, this one shouldn't be a difficult one.

24 Thank you.

25 SUPERVISOR SALADINO: Thank you.

1 COUNCILMAN IMBROTO: I just want to
2 emphasize the importance of having constructive
3 activities for young people and places like the
4 Broadway Mall.

5 There was a period of time when there
6 was no arcade there. We didn't stop going to the
7 Mall. We still hung out there and you just got
8 into trouble in the rest of the Mall. It's a good
9 thing. Not me, but...

10 SUPERVISOR SALADINO: It's very nice to
11 have the youth perspective on this.

12 MR. MINERVA: That concludes our
13 application on this matter unless there are any
14 other remaining questions from the Board.

15 SUPERVISOR SALADINO: Any questions
16 from any Board members?

17 (No verbal response given.)

18 SUPERVISOR SALADINO: Thank you very
19 much.

20 MR. MINERVA: Thank you very much.

21 SUPERVISOR SALADINO: Is there any
22 correspondence?

23 MR. ALTADONNA: Petition of KRE
24 Broadway Owner, LLC Round 1, the attorney for the
25 applicant has filed this Affidavit of Service and

1 Disclosure.

2 Communications are as follows:

3 We have memos from the Department of
4 Planning and Development including a review of the
5 required off-street parking. The Nassau County
6 Land and Tax Map indicates the property in Section
7 11, Block D, Lots 1237, 1352, 1374 and 1385.

8 According to the Town of Oyster Bay
9 zoning maps the property is located within the GB,
10 general business, and RF1-7, one family residence.
11 There are no open code compliance cases. There are
12 variances in a Town Board Resolution on file. We
13 have affidavits of postings and publications.

14 There is no further correspondence.

15 SUPERVISOR SALADINO: May I have a
16 motion, please?

17 COUNCILMAN MUSCARELLA: Supervisor, I
18 will make a motion that the public hearing be
19 closed and the decision be reserved.

20 COUNCILMAN MACAGNONE: Second.

21 SUPERVISOR SALADINO: All in favor
22 please signify by saying, "Aye."

23 COUNCILMAN MUSCARELLA: "Aye."

24 COUNCILMAN MACAGNONE: "Aye."

25 COUNCILWOMAN JOHNSON: "Aye."

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COUNCILMAN IMBROTO: "Aye."

COUNCILMAN HAND: "Aye."

COUNCILMAN LABRIOLA: "Aye."

SUPERVISOR SALADINO: Those opposed,
"Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

(TIME NOTED: 12:30 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 17, 2019
12:31 p.m.

HEARING - P-8-19

To consider the application of KRE Broadway Owner, LLC, for a Special Use Permit to permit the construction and operation of a fitness center on premises known as the Broadway Mall Shopping Center, located on the west side of Broadway, Hicksville, New York. (M.D. 8/6/19 #27).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

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

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

Minutes of the meeting
taken by:

OLGA RAPTIS
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you please
2 call the next hearing?

3 MR. ALTADONNA: Hearing P-8-19 to
4 consider the application of KRE Broadway Owner,
5 LLC, for a Special Use Permit to permit the
6 construction and operation of a fitness center on
7 premises known as the Broadway Mall Shopping
8 Center, located on the west side of Broadway,
9 Hicksville, New York. (M.D. 8/6/19 #27).

10 MR. MINERVA: Dominic Minerva,
11 Minerva & D'Agostino, 107 South Central Avenue,
12 Valley Stream, New York, attorney for the
13 applicant.

14 This is the last of our three
15 applications today. I thank the Board for their
16 patience.

17 The application for you today is for
18 special use Permit to permit the conversion of
19 3,200 square feet of existing vacant retail space
20 within the enclosed Mall to a fitness center.

21 This is also an application on
22 concurrent site plan approval, although no site
23 changes are proposed as part of this application.

24 The subject premises is commonly
25 referred to as the Broadway Commons Shopping Center

1 and is located on Broadway in Hicksville, 100 feet
2 south from Nevada Street and is located in the
3 general business center of the Town.

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

10 The proposed fitness center, if
11 approved by this Board, will be in Orange Theory
12 which is a fitness center with small group classes
13 with an instructor only. Clients are not permitted
14 to come work out without signing up for a class.
15 The classes are only open to members. Therefore,
16 this use varies considerably from a traditional
17 fitness center operation.

18 Classes are typically one hour in
19 length and the members pre-register online or by
20 phone.

21 Again, this is a complementary use of
22 the Mall because Malls today need to improve the
23 mix of offerings from traditional retail to attract
24 customers with dining, entertainment, recreation
25 and personal services options.

1 This is a use that has peak hours that
2 will be generally be offset from the peak hours of
3 the Mall tenants. The hours of operation are from
4 5:00 a.m. to 10:00 p.m. Monday through Friday, and
5 5:00 a.m. to 3:00 p.m. Saturdays and Sundays.

6 I will call on my first expert. I do
7 have again a representative from the applicant and
8 also a representative from the tenant here to
9 answer any operational questions the Board may
10 have.

11 And I would ask again if the Board
12 would accept the letter from the Northwest Civic
13 Association of Hicksville dated September 13, 2019,
14 as an exhibit to this hearing.

15 Thank you.

16 I call up Barry Nelson, Nelson Realty
17 Group.

18 MR. NELSON: Good afternoon, again.

19 Barry Nelson, 220 Pettit Avenue,
20 Bellmore, New York 11710.

21 Again, similar photographs leading with
22 Orange Theory photographs. This one's location is
23 on the southerly side of the Mall. It's midpoint
24 between the easterly building and the westerly
25 building lines of the Mall itself. It is just west

1 of Macy's, east of Target and it includes at that
2 location the former location of a Tae Kwan Do
3 fitness and Nationwide Insurance.

4 The other uses at that specific
5 location, just to the west of the proposed location
6 of Orange Theory would include Buffalo Wild Wings
7 restaurant and a nail and spa facility.

8 Again, it is adequately distanced from
9 the nearest residential. There's more parking to
10 the south. In fact, there's a nine-bay auto repair
11 facility just to the south.

12 Further south of the use itself but on
13 the Mall property, Mavis Discount Tires. I visited
14 other locations and there are several locations
15 within the Town of Oyster Bay, on Hempstead
16 Turnpike, Bethpage, Merrick Road in Massapequa and
17 Massapequa Park, Jackson Avenue in Syosset and one
18 near my business, place of business on Merrick Road
19 in Merrick County, Hempstead.

20 It's a good use for the Mall itself,
21 compatible use. It's within the confines of the
22 Mall itself. There is an entrance just to the
23 outside.

24 Nevertheless, this type of use has been
25 accepted and developed throughout the Town of

1 Oyster Bay under -- within the General Business
2 district, neighborhood business district in the
3 Town of Hempstead in the business zone in closer
4 proximity to residential and other uses as I
5 mentioned. It's a compatible use, complementary.

6 I looked at the criteria for the
7 special exception and it is compared to permit as a
8 right permitted uses.

9 It's my opinion it's no more onerous or
10 detrimental to a permitted use in my opinion than
11 what we find within the Mall. And I looked, as I
12 mentioned, the criteria for the special exception,
13 the standards, and the specific performance
14 requirements, and I believe both the Mall and this
15 use, Orange Theory Fitness, will comply with every
16 criteria and it's not going to be onerous or
17 detrimental to the Mall itself or the general
18 health, safety and welfare of the Town people.

19 Thank you.

20 SUPERVISOR SALADINO: Any questions for
21 Mr. Nelson?

22 (No verbal response given.)

23 MR. MINERVA: I think Barry Nelson, but
24 they do have another location in the Town of Oyster
25 Bay on Jackson Avenue in Syosset, for the Board's

1 information.

2 At this time, I am going to call my
3 parking and traffic expert, John Harter from
4 Atlantic Traffic and Design to briefly summarize
5 the parking.

6 And, again, this is recorded within the
7 159 stalls space variance that we need for all of
8 these uses together that we would be applying to
9 the Board of Appeals for that relief.

10 Thank you.

11 MR. HARTER: Hello, again.

12 John Harter, H-A-R-T-E-R, principal
13 Atlantic Traffic and Design Engineers,
14 2929 Expressway Drive, North Hauppauge, New York.

15 As I testified in the two prior
16 applications for Avis and Round 1 expansion, Orange
17 Theory was also part of our review for parking
18 needs for the site.

19 We had studied the overall Broadway
20 Commons in 2015 during the December holiday period.
21 At that time, the worst case period, we found about
22 3,475 parked vehicles, and we found at that time
23 open spaces of approximately 1,250. That result
24 with the worst-case situation was 25 percent of the
25 spaces were open which is very favorable.

1 As noted, the three applications
2 together would add approximately 160 spaces in
3 additional requirement and a small loss of eleven
4 spaces.

5 In association with the Avis
6 application looking back at our December results,
7 we would still expect during our worst case year
8 end period to have approximately over 1,000 spaces
9 still open throughout December.

10 For those reasons, we feel that the
11 parking variance is very well supported.

12 Thank you.

13 SUPERVISOR SALADINO: Thank you.

14 Are there any questions on this issue?

15 (No verbal response given.)

16 MR. MINERVA: I thank you again for
17 your time, and we remain available to talk if there
18 are any follow-up questions.

19 Thank you.

20 SUPERVISOR SALADINO: Thank you.

21 Our first speaker on this hearing is
22 Phil Heckler.

23 MR. HECKLER: This is more times than
24 I've spoken in the last three years.

25 Phil Heckler, 28 Jay Street,

1 Hicksville.

2 Again, I support this special use
3 permit. The Broadway Common is a valuable member
4 of the community and community's tax base and we
5 fully support this as well as many members in the
6 audience today.

7 Thank you.

8 SUPERVISOR SALADINO: Before you leave,
9 Phil, all three of these applications have the
10 potential for more uses -- an increased need for
11 parking spots and, obviously, there are variance
12 hearings coming up on that very subject.

13 From your experience, will these -- if
14 these application pass -- we look at every
15 application individually, but, of course, we have
16 to recognize the overall need for parking
17 throughout.

18 If all three of these applications that
19 are before us today passed, and you have told us
20 that you're in favor of all three, do you feel that
21 there is enough space to handle the increase in
22 parking that might come from their passage?

23 MR. HECKLER: I'm not a parking expert,
24 but I've parked there many times and I am an
25 engineer, professional engineer, but not in parking

1 -- but I'm surprised to hear it's ever been 75
2 percent full.

3 So, I think there's plenty of parking
4 there. I can't envision that this will exceed that
5 parking. I wouldn't be surprised if a couple
6 hundred of the parkers there now are really
7 commuters not using the facility. So, I don't see
8 this as creating a parking problem.

9 SUPERVISOR SALADINO: Thank you for
10 your views.

11 It's very helpful.

12 COUNCILWOMAN JOHNSON: We also used
13 some of the parking when we were redoing the
14 garages and even with that there was still plenty
15 of parking.

16 MR. HECKLER: And I should point out,
17 thanks for reminding me, our bus company, EBT, uses
18 a significant part of their parking for quite a few
19 months, actually a couple of years well -- I don't
20 know if I should mention this, they're still
21 awaiting approval of the property they purchased
22 within the Town.

23 MR. ALTADONNA: It's been approved.

24 MR. HECKLER: It's been approved.

25 Thank you. Great.

1 SUPERVISOR SALADINO: Thank you, Phil.

2 We appreciate you today and each and
3 every day that you assist with good government in
4 our Town.

5 MR. HECKLER: Thank you.

6 SUPERVISOR SALADINO: Joel Berse.

7 MR. BERSE: Good afternoon once again.

8 Joel Berse, Immediate and Past
9 President, Northwest Civic Association.

10 This is the only one of the three
11 applications that really raises some questions, so
12 I'm going to raise the questions and tell you what
13 the answers are that we've been provided.

14 First of all, there already is Blink
15 Fitness in the center and what Ken Hamilton
16 presented at our meeting last night that this is a
17 more of a complementary type of physical fitness
18 business, it's not the same as Blink and that they
19 would not be competing with one another.

20 As far as your questions about parking
21 at the Mall, I am just beyond the 300-foot line
22 from the south side of the Mall, so I did not get
23 the letters because our house is 330 feet, and
24 that's always been an issue with me over things at
25 the Mall, but the fortunate thing was is Ken also

1 spoke to me personally to say the letters are going
2 out when you hear something. And I said to him, I
3 don't know if I'm going to get them, which as per
4 usual, I did not, but the fact that he reached out
5 to me, we spoke in depth on all these applications
6 and I basically probably had the highest experience
7 level of having done activities with the Mall in
8 the parking lot, inside the Mall and also being
9 there with the police department for many things,
10 especially when the mounted unit works during the
11 Christmas season that on the south side of the lot
12 we do have a problem where commuters who are
13 non-Town of Oyster Bay residents and can't park at
14 the station or in other places, park vehicles in
15 that lot that's on the south portion of the
16 property, and it's usually below what is it, On The
17 Border restaurant there that's still survived
18 there. The school buses had been parking curbside
19 with the other restaurant that closed, but
20 fortunately they're not there anymore.

21 And when it is during the holiday
22 season, the area that they're talking about going
23 to, if there are small classes and there are not a
24 lot of people, it shouldn't be a major issue. But
25 those are the parking lots that fill up the most at

1 the Mall.

2 When they talk about having 75 percent
3 coverage, there are other aspects of the Mall on
4 the north end, on other spots outwardly toward 107
5 that's where the vacancies are and that would not
6 be where somebody would go do his business.

7 But if they're talking about just
8 having private classes with limited amount of
9 people and they're only, I'm sure a class is not
10 going to be more than an hour, if it's even an
11 hour, then I don't see a major parking issue other
12 than if it would be in holiday season.

13 Our other concerns with the fitness
14 stuff is that if this special usage is allowed to
15 go on top of the special usage that was granted for
16 Blink, when the Seritage application comes down the
17 road, we don't want to set a precedent, because our
18 concerns are that they have two special usage
19 things in direct competition with the Mall that
20 we're concerned about down in the future about if
21 to have a movie theatre and it doesn't work out
22 with their special plan, they're going to have to
23 change the movie theatre and compete with the
24 Broadway Commons movie theatre.

25 Same thing, they have a proposed

1 fitness center that's going to be right across the
2 street from Blink Fitness. So is this going to
3 create a hardship for people that we're welcoming
4 to the community because Broadway Commons is doing
5 it the right way. So we just don't want a
6 precedent set for the future for when the other
7 applicants come forward.

8 And the other problem is that there is
9 a common representation for these applicants, that
10 we always had a resistance to but can't control.

11 So, that is our concerns. I don't
12 think any of these three uses should be denied. I
13 think they should just be monitored with the
14 parking. I don't think it will be a problem. It's
15 just what goes forward like anything else.

16 The problem has always been that
17 applications were taken piecemeal, and the thing
18 that you have been doing with the administration in
19 this Town about making more common sense is that we
20 should look at full growth, not piecemeal growth.

21 All right. I see my time is up, but
22 that's a major point about the fitness stuff with
23 the special use permits.

24 SUPERVISOR SALADINO: Thank you very
25 much, and you know I share your ideology and we do

1 on the Board about looking at the entire picture
2 and proceeding in a way that's best for our
3 residents throughout the Town, residents in
4 Hicksville, the school district, and all those
5 concerns. We're doing just that. We appreciate
6 your help.

7 Are there any slips for anyone else?

8 MR. MINERVA: If I can just answer a
9 few of those questions.

10 Yes, it's group classes only. You
11 cannot come there and work out without partaking in
12 the group classes.

13 They're estimating anywhere from 10 to
14 35 people per class, but there is a little
15 flexibility if their classes are larger. And their
16 price point is around \$100 to \$180 per month. So
17 the price point here compared to the price point at
18 Bling Fitness is significantly increased. So it's
19 really a different product that we're going to
20 offering at this location.

21 COUNCILMAN MACAGNONE: This is more
22 cardio as opposed to a typical gym?

23 MR. MINERVA: It's a mix. So you do
24 cardio. And in one one-hour session, you do both
25 cardio and lifting.

1 SUPERVISOR SALADINO: Are there any
2 other questions?

3 (No verbal response.)

4 SUPERVISOR SALADINO: Thank you.

5 COUNCILMAN LABRIOLA: Mr. Minerva and
6 Mr. D'Agostino, I just want to congratulate you,
7 first of all, for representing the client that
8 clearly is working very hard in very difficult
9 times to reimagine the shopping center as it was
10 originally constructed. In this day and age
11 competing with online shopping and all of the other
12 competition that is around you, it's so important
13 for you as the owners to come forward with new
14 ideas, to bring people to this shopping destination
15 so they just don't shop online.

16 We need you to succeed. We want you to
17 succeed. We need you to stay viable. And I think
18 that we will always be encouraging you to think
19 outside the box to keep these shopping centers
20 viable, but not in their current state, but by
21 reimagining them into something new that brings
22 people out of their homes and make it a shopping
23 destination as I've seen all over in other areas of
24 the country.

25 So I would just encourage you to keep

1 on coming up with new ideas. And I think that you
2 will always find a receptive ear in this Town
3 because we need you to succeed and we want you to.

4 So with that being said, thank you.

5 MR. MINERVA: Thank you very much.

6 I just want to thank the Board once
7 again for your time and for hearing all three
8 applications.

9 SUPERVISOR SALADINO: There are no
10 other slips for speakers.

11 Is there any correspondence?

12 MR. ALTADONNA: Petitioner of KRE
13 Broadway Owner, LLC Orange Theory. The attorney
14 for the applicant has filed the Affidavit of
15 Service and Disclosures.

16 The communications are as follows:

17 We have memos from the Department of
18 Planning and Development including a review of the
19 required off-street parking. The Nassau County
20 Land and Tax Map indicates the property is
21 Section 11, Block D, Lots 1237, 1352, 1374 and
22 1385.

23 According to the Town of Oyster Bay
24 Zoning maps, the property is located within the GB,
25 General Business, zone and RF1-7, one-family

1 residence. There are no open code compliance
2 cases. There are variances and a Town Board
3 resolution on file. We have affidavits of postings
4 and publications.

5 There is no further correspondence.

6 SUPERVISOR SALADINO: Thank you.

7 May I have a motion, please?

8 COUNCILMAN MUSCARELLA: Supervisor, I
9 will make a motion that the public hearing be
10 closed and the decision be reserved.

11 COUNCILMAN MACAGNONE: Second.

12 SUPERVISOR SALADINO: All in favor
13 please signify by saying, "Aye."

14 COUNCILMAN MUSCARELLA: "Aye."

15 COUNCILMAN MACAGNONE: "Aye."

16 COUNCILWOMAN JOHNSON: "Aye."

17 COUNCILMAN IMBROTO: "Aye."

18 COUNCILMAN HAND: "Aye."

19 COUNCILMAN LABRIOLA: "Aye."

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

22 (No verbal response given.)

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

25 That concludes our hearings.

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Would you please bring forward the
regular action calendar?

Does the stenographer need a break
before we begin that?

THE STENOGRAPHER: No.

SUPERVISOR SALADINO: Okay.

(TIME NOTED: 12:50 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
September 17, 2019
12:51 p.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

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

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

Minutes of the meeting
taken by:

OLGA RAPTIS
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you please
2 bring forward the regular Action Calendar?

3 MR. ALTADONNA: First we're going to do
4 the suspends, resuspends and then we will add on.

5 May I have a motion to suspend the
6 rules and add Resolution No. 454, which was tabled
7 on July 30, 2019 and Resolution No. 570.

8 **RESOLUTION NO. 454-2019;** Resolution
9 authorizing thirty (30) "4 Hour Parking No Permit
10 Needed" spaces be changed to "Commuter Permit
11 Parking" in Parking Field H-9 in Hicksville. (M.D.
12 7/16/19 #18).

13 **RESOLUTION NO. 570-2019;** Resolution
14 authorizing the Supervisor, or his designee, to
15 execute a License Agreement for use of Property at
16 Town DPW Complex, Syosset, New York for the period
17 October 1, 2019 through March 31, 2020. (M.D.
18 9/10/19 #19).

19 On the motion?

20 COUNCILMAN MUSCARELLA: So moved.

21 COUNCILMAN MACAGNONE: Second.

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

25 On the vote:

1 Supervisor?
2 SUPERVISOR SALADINO: "Aye."
3 MR. ALTADONNA: Councilman Muscarella?
4 COUNCILMAN MUSCARELLA: "Aye."
5 MR. ALTADONNA: Councilman Macagnone?
6 COUNCILMAN MACAGNONE: "Aye."
7 MR. ALTADONNA: Councilwoman Johnson?
8 COUNCILWOMAN JOHNSON: "Aye."
9 MR. ALTADONNA: Councilman Imbroto?
10 COUNCILMAN IMBROTO: "Aye."
11 MR. ALTADONNA: Councilman Hand?
12 COUNCILMAN HAND: "Aye."
13 MR. ALTADONNA: And Councilman
14 Labriola?
15 COUNCILMAN LABRIOLA: "Aye."
16 MR. ALTADONNA: Motion to suspend the
17 rules and add Resolution Number 454 and 570 passes
18 with seven "Ayes."
19 SUPERVISOR SALADINO: Could you please
20 speak up? We can't hear it.
21 With those leaving the room, if you
22 would do so, so we can continue with the business
23 of the day, we greatly appreciate it.
24 Thank you so much.
25 Just give them a moment, please.

1 Please proceed.

2 MR. ALTADONNA: I have a motion to
3 re-suspend the rules and add the following Walk-on
4 resolutions: 571 and 572, which are resolutions
5 relating to -- the first one, 571, Resolution
6 pertaining to replacement of the Challenger Field
7 artificial turf at John Burns Park, Massapequa,
8 New York.

9 Resolution No. 572 is a Resolution
10 accepting the donation of a walkway repair at the
11 Thomas Park Locust Valley by the Metinecock
12 Neighborhood Association -- Metinecock, I'm sorry.

13 On the motion?

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Second.

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

18 On the vote:

19 Supervisor?

20 SUPERVISOR SALADINO: "Aye."

21 MR. ALTADONNA: Councilman Muscarella?

22 COUNCILMAN MUSCARELLA: "Aye."

23 MR. ALTADONNA: Councilman Macagnone?

24 COUNCILMAN MACAGNONE: "Aye."

25 MR. ALTADONNA: Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: "Aye."

2 MR. ALTADONNA: Councilman Imbroto?

3 COUNCILMAN IMBROTO: "Aye."

4 MR. ALTADONNA: Councilman Hand?

5 COUNCILMAN HAND: "Aye."

6 MR. ALTADONNA: Councilman Labriola?

7 COUNCILMAN LABRIOLA: "Aye."

8 MR. ALTADONNA: Motion to re-suspend
9 the rules and add Resolutions No. 571 and 572 and
10 the Action Calendar passes with seven "Ayes."

11 Now, we're going to go to the regular
12 Action Calendar.

13 May I have a motion to adopt
14 Resolutions No. 454, TF-15-19 through 572?

15 **TRANSFER OF FUNDS RESOLUTION NO.**

16 **TF-15-19;** Resolution pertaining to Transfer of
17 Funds within various departments accounts for the
18 Year 2019.

19 **RESOLUTION NO. 527-2019;** Resolution
20 authorizing issuance of a refund for the Summer
21 Recreation Program at Marjorie Post Park to
22 M. Tedesco. Account No. PKS A 0001 02001 510 0000.
23 (M.D. 8/13/19 #4).

24 **RESOLUTION NO. 528-2019;** Resolution
25 authorizing issuance of a refund for the Summer

1 Recreation Program at Plainview-Old Bethpage
2 Community Park to E. Solarsh. Account No. PKS A
3 0001 02001 510 0000. (M.D. 8/13/19 #5).

4 **RESOLUTION NO. 529-2019;** Resolution
5 authorizing publication of a legal notice
6 pertaining to the 2019- 2020 School Tax. Account
7 No. ROT A 1330 44100 000 0000. (M.D. 8/13/19 #9).

8 **RESOLUTION NO. 530-2019;** Resolution
9 authorizing issuance of a refund of a building
10 permit fee to Maccarone Plumbing, Inc., due to the
11 property being located in the Incorporated Village
12 of Massapequa Park. Account No. PAD B 0001 02555
13 000 0000. (M.D. 8/13/19 #10).

14 **RESOLUTION NO. 531-2019;** Resolution
15 authorizing an extension of Road Restoration
16 Requirements Contract HRR17-154, for the period
17 October 3, 2019 through October 2, 2020. (M.D.
18 8/13/19 #13).

19 **RESOLUTION NO. 532-2019;** Resolution
20 granting request from Russell Kissinger, to donate
21 a memorial plaque to be placed on an existing bench
22 in Theodore Roosevelt Memorial Park and Beach in
23 memory of Robert and Gail Kissinger. (M.D. 8/20/19
24 #6).

25 **RESOLUTION NO. 533-2019;** Resolution

1 authorizing the second and last one-year extension
2 option of the License Agreement for Golf
3 Professional Services and Driving Range Operations
4 at the Joseph Colby Town of Oyster Bay Golf Course,
5 through December 31, 2020, under the same terms and
6 conditions as the current Agreement. (M.D. 8/20/19
7 #7).

8 **RESOLUTION NO. 534-2019;** Resolution
9 authorizing issuance of a refund for the Summer
10 Recreation Program at Plainview-Old Bethpage
11 Community Park to A. Mack. Account No. PKS A 0001
12 02001 510 0000. (M.D. 8/20/19 #8).

13 **RESOLUTION NO. 535-2019;** Resolution
14 pertaining to settlement of negligence claim;
15 Claimant: Progressive Casualty Insurance Co. A/s/o
16 Karina Madson v. Town of Oyster Bay. Account No.
17 TWN AMS 1910 43020 602 0000 000. (M.D. 8/20/19 #9).

18 **RESOLUTION NO. 536-2019;** Resolution
19 authorizing acceptance of the design and entrance
20 into bid and construction phases for Contract No.
21 DP19-193, Park Managers Building at Theodore
22 Roosevelt Memorial Park, Oyster Bay, New York.
23 (M.D. 8/20/19 #11).

24 **RESOLUTION NO. 537-2019;** Resolution
25 rescinding Resolution Nos. 480-1978 and 718-1996,

1 to open the bidding process to other manufacturers,
2 for reasons of efficiency and economics. (M.D.
3 8/20/19 #12).

4 **RESOLUTION NO. 538-2019;** Resolution
5 authorizing Change Order No. 1/Net Decrease
6 relative to the Construction Phase of Contract No.
7 1 in connection with Contract No. DP18-182,
8 Replacement of Two Synthetic Turf Fields at John J.
9 Burns Park and CPL. Kevin T. Kolm Memorial Park.
10 (M.D. 8/20/19 #13).

11 **RESOLUTION NO. 539-2019;** Resolution
12 granting request from the Syosset Fire District,
13 for Town assistance in conducting their annual Fire
14 Prevention Open House at Department Headquarters on
15 September 29, 2019, to use the northeast portion of
16 Municipal Parking Lot S-1, have temporary "No
17 Parking" signs posted in said area and for the use
18 of various Town equipment for the event. (M.D.
19 8/20/19 #14).

20 **RESOLUTION NO. 540-2019;** Resolution
21 granting request from the Gold Coast Business
22 Association, for Town assistance in conducting
23 their 6th Annual Fall Fest on October 27, 2019, to
24 use of a portion of Municipal Parking Lot G-2, have
25 temporary "No Parking" signs posted in said area

1 and use various Town equipment for the event. (M.D.
2 8/20/19 #15).

3 **RESOLUTION NO. 541-2019;** Resolution
4 granting request from the New York Marine Trades
5 Association to use the parking lot at Tobay Beach
6 and the Joseph J. Saladino Memorial Marina at Tobay
7 for their 43rd Annual In-Water Boat Show from
8 September 27 through September 29, 2019 and to have
9 Town Ordinance 168-22 waived for the event (M.D.
10 8/27/19 #9).

11 **RESOLUTION NO. 542-2019;** Resolution
12 granting request from A. Karo to donate a memorial
13 plaque to be placed on an existing bench in the
14 Honorable Joseph Colby Golf Course in memory of
15 Richard Epstein. (M.D. 8/27/19 #10).

16 **RESOLUTION NO. 543-2019;** Resolution
17 authorizing the waiver of fees to accommodate
18 league play for Long Island Sled Hockey, Inc. (M.D.
19 9/3/19 #4).

20 **RESOLUTION NO. 544-2019;** Resolution
21 pertaining to amended site plan for Cold Spring
22 Harbor Laboratory, 500 Sunnyside Boulevard,
23 Woodbury, New York. (M.D. 9/3/19 #6).

24 **RESOLUTION NO. 545-2019;** Resolution
25 authorizing flood insurance be secured on

1 thirty-eight (38) Town Buildings, from September
2 18, 2019 through September 18, 2020. Account No.
3 TWN AMS 1910 43010 602 0000 000. (M.D. 9/3/19 #21 &
4 9/10/19 #20).

5 **RESOLUTION NO. 546-2019;** Resolution
6 authorizing the property cleanup assessment of
7 4488 Merrick Road, Massapequa, New York, performed
8 on July 5, 2019, be referred to the County of
9 Nassau for placement on the Nassau County Tax
10 Assessment Rolls. (M.D. 9/3/19 #8).

11 **RESOLUTION NO. 547-2019;** Resolution
12 authorizing the property cleanup assessment of
13 72 Intervale Avenue, Farmingdale, New York,
14 performed on June 27, 2019, be referred to the
15 County of Nassau for placement on the Nassau County
16 Tax Assessment Rolls. (M.D. 9/3/19 #9).

17 **RESOLUTION NO. 548-2019;** Resolution
18 authorizing the property cleanup assessment of
19 13 Dogwood Place, Massapequa, New York, performed
20 on June 19, 2019, be referred to the County of
21 Nassau for placement on the Nassau County Tax
22 Assessment Rolls. (M.D. 9/3/19 #10).

23 **RESOLUTION NO. 549-2019;** Resolution
24 authorizing the property cleanup assessment of
25 165 Wilfred Boulevard, Hicksville, New York,

1 performed on June 20, 2019, be referred to the
2 County of Nassau for placement on the Nassau County
3 Tax Assessment Rolls. (M.D. 9/3/19 #11).

4 **RESOLUTION NO. 550-2019;** Resolution
5 authorizing the property cleanup assessment of
6 47 Chestnut Street, Hicksville, New York, performed
7 on May 17, 2019, be referred to the County of
8 Nassau for placement on the Nassau County Tax
9 Assessment Rolls. (M.D. 9/3/19 #12).

10 **RESOLUTION NO. 551-2019;** Resolution
11 authorizing the property cleanup assessment of
12 4387 Merrick Road, Massapequa, New York, performed
13 on June 13, 2019, be referred to the County of
14 Nassau for placement on the Nassau County Tax
15 Assessment Rolls. (M.D. 9/3/19 #13).

16 **RESOLUTION NO. 552-2019;** Resolution
17 authorizing the property cleanup assessment of
18 224 Yoakum Avenue, Farmingdale, New York, performed
19 on June 29, 2019, be referred to the County of
20 Nassau for placement on the Nassau County Tax
21 Assessment Rolls. (M.D. 9/3/19 #14).

22 **RESOLUTION NO. 553-2019;** Resolution
23 authorizing the property cleanup assessment of
24 30 Columbia Road, Hicksville, New York, performed
25 on June 17, 2019, be referred to the County of

1 Nassau for placement on the Nassau County Tax
2 Assessment Rolls. (M.D. 9/3/19 #15).

3 **RESOLUTION NO. 554-2019;** Resolution
4 authorizing the property cleanup assessment of
5 58 Parkview Circle, Bethpage, New York, performed
6 on July 1, 2019, be referred to the County of
7 Nassau for placement on the Nassau County Tax
8 Assessment Rolls. (M.D. 9/3/19 #16).

9 **RESOLUTION NO. 555-2019;** Resolution
10 authorizing the Supervisor, or his designee, to
11 execute an agreement in connection with Request for
12 Proposals for Retention of Firm for the Analysis
13 and Audit of Cable Franchise Fee Collections. (M.D.
14 9/3/19 #19).

15 **RESOLUTION NO. 556-2019;** Resolution
16 authorizing payment be made to satisfy an amended
17 judgment in connection with *Centro de la Comunidad*
18 *Hispana de Locust Valley v. Town of Oyster Bay, et*
19 *ano.*; 10-cv-2262. Account No. TWN A 1989 44170 000
20 0000. (M.D. 9/3/19 #22).

21 **RESOLUTION NO. 557-2019;** Resolution
22 pertaining to Change Order No. 1 for Contract No.
23 DPW15-124, Installation of Permanent Generators at
24 Critical Facilities in Massapequa and Massapequa
25 Park. Account No. TWN A 0001 04089 594 000. (M.D.

1 9/3/19 #23).

2 **RESOLUTION NO. 558-2019;** Resolution
3 pertaining to Contract No. PWC014-18, On-Call
4 Engineering Service Request relative to Surveying,
5 in connection with water main easement at Ellsworth
6 W. Allen Park. Account No. PKS H 7197 20000 000
7 1502 001. (M.D. 9/3/19 #24).

8 **RESOLUTION NO. 559-2019;** Resolution
9 authorizing bid for Contract No. DP19-201 - Town of
10 Oyster Bay Golf Course Storage Building. (M.D.
11 9/3/19 #25).

12 **RESOLUTION NO. 560-2019;** Resolution
13 authorizing an Inter-Municipal Fuel Agreement with
14 the Oyster Bay East-Norwich Central School District
15 for the period October 1, 2019 through July 31,
16 2029. (M.D. 9/3/19 #26).

17 **RESOLUTION NO. 561-2019;** Resolution
18 granting request from Bethpage Fire Department
19 Engine Company Seven, for Town assistance in
20 conducting their annual Street Fair on
21 September 22, 2019, to use Municipal Parking Field
22 B-1, have temporary "No Parking" signs posted in
23 said area and use various Town equipment for the
24 event. (M.D. 9/3/19 #27).

25 **RESOLUTION NO. 562-2019;** Resolution

1 granting request from Locust Valley Chamber of
2 Commerce, for Town assistance in conducting their
3 14th Annual Harvest Festival on October 19, 2019,
4 to use Municipal Parking Lot LV-1 and LV-2 and
5 various Town equipment for the event. (M.D. 9/3/19
6 #28).

7 **RESOLUTION NO. 563-2019;** Resolution
8 granting request from Columbus Lodge #2143, Order
9 Sons of Italy in America, for Town assistance in
10 conducting their 24th Annual Columbus Lodge Italian
11 Feast and Festival on North Broadway in Massapequa
12 on September 29, 2019 for a waiver of Town
13 Ordinance Chapter 82-3, and to use various Town
14 equipment for the event. (M.D. 9/3/19 #29).

15 **RESOLUTION NO. 564-2019;** Resolution
16 authorizing acceptance of monetary donations from
17 various individuals to benefit the Town's Animal
18 Shelter. (M.D. 9/3/19 #31).

19 **RESOLUTION NO. 565-2019;** Resolution
20 authorizing acceptance of monetary donations from
21 K. Sweeney and M. May to benefit the Town's Animal
22 Shelter. M.D. (9/3/19 #32).

23 **RESOLUTION NO. 566-2019;** Resolution
24 pertaining to Amended Site Plan approval for
25 Cedar-Carmans, LLC, 900-944 Carmans Road,

1 Massapequa, New York. (M.D. 9/3/19 #5 & 9/10/19
2 #15).

3 **RESOLUTION NO. 567-2019;** Resolution
4 pertaining to the decision for a Local Law
5 entitled: "A Local Law Amending Chapter 168 Parks &
6 Recreation, Section 168-19, Animals, of the Town
7 Code of the Town of Oyster Bay." Hearing held:
8 September 17, 2019. (M.D. 8/6/19 #50).

9 **RESOLUTION NO. 568-2019;** Resolution
10 pertaining to the decision for Local Law entitled:
11 "A Local Law Amending Chapter 205. Streets and
12 Sidewalks, Article II, Sidewalks, Curbs and
13 Gutters, Section 205-11, Application and Issuance
14 of Permit, of the Town Code of the Town of Oyster
15 Bay." Hearing held: September 17, 2019. (M.D.
16 8/6/19 #26).

17 **RESOLUTION NO. 569-2019;** Resolution
18 pertaining to the decision for Local Law entitled:
19 "A Local Law Amending Chapter 103 - Dogs and Other
20 Animals, of the Town Code of the Town of Oyster
21 Bay." Hearing held: August 20, 2019. (M.D.
22 8/20/19 #4).

23 On the motion?

24 COUNCILMAN MUSCARELLA: So moved.

25 COUNCILMAN MACAGNONE: Second.

1 MR. ALTADONNA: Motion made by
2 Councilman Muscarella, second by Councilman
3 Macagnone.

4 I believe you have speakers.

5 SUPERVISOR SALADINO: We do.

6 Our first speaker is Arthur Adelman on
7 Resolution 570.

8 MR. ADELMAN: Good afternoon,
9 Supervisor, Council people.

10 My only question on Resolution 570 was
11 concerning why what looks like a rental agreement
12 is called a License Agreement, and the second part
13 of the question would pertain to the draft
14 resolution where counsel has put that the reason we
15 need this is because the occupancy of the premises
16 will provide maintenance and security the Town
17 would otherwise have to supply.

18 I don't understand that terminology.

19 SUPERVISOR SALADINO: Why don't you
20 take your and we'll get your question answered
21 immediately.

22 MR. ADELMAN: Well, I have to leave so
23 I'll listen -- I'll see it tonight, but those are
24 my questions.

25 COUNCILMAN IMBROTO: Thank you, Arthur.

1 SUPERVISOR SALADINO: Thank you.

2 We have a representative, I believe
3 that is the DPW, I believe on the specifics of this
4 agreement.

5 MR. ALTADONNA: I think that would be
6 Town attorney.

7 SUPERVISOR SALADINO: Do you have that,
8 Commissioner?

9 Counsel, would you like to answer that
10 question? If it's under your purview, if you'd
11 like to answer that question, we can have our Town
12 attorney come in, rather than hand it off.

13 COMMISSIONER LENZ: While we're
14 waiting, I'll add some information.

15 SUPERVISOR SALADINO: Certainly.

16 COMMISSIONER LENZ: My name is Richard
17 Lenz. I'm Commissioner, Department of Public Works
18 and Highways.

19 This Resolution is for the rental of
20 two and a half acres at the DPW complex in
21 150 Miller Place. It's for Wilson Construction
22 Company. They are working with the Long Island
23 Railroad and PSE&G to replace outdated poles. That
24 is the purpose of this contract.

25 As far as -- and it's in the first

1 six-month period of time -- as far as if it's a
2 lease or a contract -- that's --

3 SUPERVISOR SALADINO: In terms of what
4 activities we'll be doing there, we are under the
5 understanding that this will be for storage of
6 materials and equipment.

7 COMMISSIONER LENZ: Yes, it is. That's
8 exactly what I was going to say.

9 Thank you.

10 SUPERVISOR SALADINO: Thank you,
11 Commissioner.

12 Town attorney representative will step
13 forward, please, and identify themselves.

14 MR. SCALERA: Good afternoon.

15 Frank Scalera, Town Attorney's Office,
16 Oyster Bay.

17 What's the question? I was upstairs --

18 SUPERVISOR SALADINO: This is in regard
19 to No. 570, Resolution No. 570.

20 COUNCILMAN IMBROTO: The License
21 Agreement.

22 MR. SCALERA: But what exactly was the
23 question about the License Agreement?

24 SUPERVISOR SALADINO: We have
25 established what the purpose of leasing the

1 property is for. It's for storage of equipment and
2 supplies, materials during this construction for
3 six months to replace poles.

4 MR. SCALERA: Correct.

5 SUPERVISOR SALADINO: What the specific
6 question of the resident was about why is it
7 considered a License Agreement as opposed to a
8 lease? He wants to know about the legal specifics.

9 MR. SCALERA: Oh, the specifics, yeah.
10 License Agreements, they are different than leases.
11 License Agreements allow the Town -- the Town
12 retains the authority to revoke it within a certain
13 notice, certain period of time like thirty days or
14 sixty days; whereas a lease, it gives the person
15 who's their tenant more property interest, and
16 because this was a short-term proposition, we
17 decided to go with License Agreement like we
18 typically do with most of our use and occupancy
19 agreements for the Town of Oyster Bay.

20 SUPERVISOR SALADINO: So this falls in
21 line with the other operations the Town does?

22 MR. SCALERA: Yes.

23 SUPERVISOR SALADINO: And we maintain
24 more rights for the Town, for the residents and the
25 property taxes?

1 MR. SCALERA: Correct.

2 It allows the property owner, in this
3 case, the Town, more rights if it wants to bring
4 the land back.

5 And because this was a temporary
6 situation, it was best legally to go with a
7 license.

8 SUPERVISOR SALADINO: Thank you so
9 much.

10 Mr. McKenna, you have a question on the
11 same issue or was your question answered?

12 MR. MCKENNA: Yes.

13 Kevin McKenna, Edna Drive, Syosset.

14 Could you tell us what the benefit is
15 to the taxpayers and the local residents in the
16 area that have homes abutting that property because
17 I remember last year residents came here from
18 Syosset and their homes abutted that property?

19 And at that time they were concerned
20 about noise that had taken place when the Town was
21 doing other work.

22 I just heard you talked that there's
23 going to be storage. Are there going to be
24 vehicles coming in and out? Is there going to be
25 any type of noise level? Were the local residents,

1 the homes that abut that property, were they
2 notified of this Resolution?

3 But if you can elaborate on that and,
4 again, what is the benefit to the taxpayer? What
5 is the upside? Is there a financial --

6 SUPERVISOR SALADINO: The benefit to
7 the resident is that this type of agreement greatly
8 increases the rights the Town and our residents
9 have.

10 If the entity on the property is not
11 strictly adhering to the rules that they've signed
12 for, that they've agreed to, it gives us much more
13 leverage to correct the situation much more
14 quickly.

15 MR. McKENNA: I understand.

16 That's from a contractual standpoint
17 but is there a rental amount that the Town is
18 getting? What is the Town getting for this License
19 Agreement?

20 SUPERVISOR SALADINO: So if you kindly
21 take your seat, we'll answer your questions.

22 MR. McKENNA: And if you can also
23 answer the question about, is there going to be
24 noise? Were residents in the area notified?

25 That will be great.

1 Thank you.

2 SUPERVISOR SALADINO: Thank you.

3 Commissioner, would you like to step
4 forward, please?

5 So the resident is, or so I assume, is
6 asking a question about trying to determine what
7 will be taking place if this is approved.

8 COMMISSIONER LENZ: This is going to be
9 on the west side of the property. This is on the,
10 right near Cerro Wire property, so it's not near
11 the residents. Again, it's a short-term lease for
12 a six-month period of time. And it's \$11,000 per
13 month. And the equipment would be, it would be
14 tractor trailer -- construction equipment coming in
15 and out.

16 SUPERVISOR SALADINO: Are we setting
17 terms in terms of their hours of operation?

18 COMMISSIONER LENZ: Yes, we are.

19 SUPERVISOR SALADINO: Yes.

20 Can you tell us what time they're
21 allowed to begin operation?

22 COMMISSIONER LENZ: It would be 6:00 in
23 the morning 'til I think about 5:00 at night. I
24 will supervise the hours of operation.

25 SUPERVISOR SALADINO: So we want to

1 ensure that our residents understand what might be
2 taking place there if this is passed. I'm going to
3 charge you with staying very strict on noise --

4 COMMISSIONER LENZ: Absolutely.

5 SUPERVISOR SALADINO: -- making sure
6 that activities are not beyond our noise
7 regulations and that the public is kept in place in
8 terms of informing them of any and all activities.

9 COMMISSIONER LENZ: Yes, sir.

10 SUPERVISOR SALADINO: Thank you very
11 much, Commissioner.

12 MR. McKENNA: Financial rental, are we
13 getting money for this?

14 SUPERVISOR SALADINO: Yes, sir. We
15 answered the question earlier.

16 MR. McKENNA: I'm sorry, I didn't hear.
17 Thank you.

18 SUPERVISOR SALADINO:

19 The Town will receive \$11,000 per month
20 in the terms of this agreement.

21 Our next speaker, Lisa Reinhart.

22 MS. REINHART: My name is Lisa
23 Reinhart, 65 Elm Street, Hicksville.

24 454, I just want to say thanks, thanks
25 for the progress. I did get to speak with

1 Mr. Bishop twice on this. I just want to make
2 sure, and I did just discuss this with him, that
3 the parking committee will reconvene on this
4 because the only communication I have received has
5 been from Mr. McCaffrey and Mr. Bishop. I just
6 want to make sure the parking committee is still
7 involved in looking at taking over extra spots and
8 making more decisions about that. There hasn't
9 been anything from the parking committee.

10 SUPERVISOR SALADINO: Thank you.

11 We really appreciate it.

12 MS. REINHART: Thanks.

13 SUPERVISOR SALADINO: Our next speaker
14 -- it doesn't specifically say it's about our
15 Action Calendar -- but I'm going to bring up Rex
16 Emmitt.

17 Sir, you've spoken to us before on a
18 different issue.

19 Are you here to speak on an issue as it
20 relates to the Resolution?

21 MR. EMMITT: No, public calendar.

22 SUPERVISOR SALADINO: So we'll bring
23 you up at the end.

24 MR. EMMITT: Thank you.

25 SUPERVISOR SALADINO: All right.

1 Thank you. We appreciate that very
2 much.

3 That's all the speakers we have slips
4 for on our regular action calendar.

5 May I please have a motion?

6 MR. ALTADONNA: Are you going to call
7 for a vote?

8 SUPERVISOR SALADINO: Is there
9 correspondence on this?

10 MR. ALTADONNA: Not on this.

11 And just to reiterate, the motion was
12 made by Councilman Muscarella, was second by
13 Councilman Macagnone.

14 We're voting on Resolutions 454, and
15 TF15-19 through 572.

16 On the vote:

17 Supervisor?

18 SUPERVISOR SALADINO: I recuse myself
19 from No. 563 and in all transparency, I am a member
20 of the organization. The organization was founded
21 by my father and others going back to the 1960s.

22 I've been very active and I've been
23 recognized by this organization for my activities
24 in benefiting the community both in the past and
25 presently.

1 Therefore, I recuse myself from No. 563
2 and vote "Aye" on the remainder of the calendar.

3 MR. ALTADONNA: Councilman Muscarella?

4 COUNCILMAN MUSCARELLA: I vote "Aye" on
5 all.

6 MR. ALTADONNA: Councilman Macagnone?

7 Go slow.

8 COUNCILMAN MACAGNONE: "Aye" on all.

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: "Aye" on all.

11 And I'd like to thank the Metinecock
12 Association up on the North Shore near Locust
13 Valley for their never-ending support and all they
14 do.

15 Thank you for getting it on the
16 calendar.

17 MR. ALTADONNA: Councilman Imbroto?

18 COUNCILMAN IMBROTO: I vote "Aye" on
19 all and I "abstain" on 571.

20 MR. ALTADONNA: Councilman Hand?

21 COUNCILMAN HAND: "Aye" on all with the
22 exception of 454.

23 I would like to see it going through a
24 parking committee.

25 MR. ALTADONNA: So you're voting --

1 COUNCILMAN HAND: "No" on 454.

2 "Aye" on all others.

3 MR. ALTADONNA: Councilman Labriola?

4 COUNCILMAN LABRIOLA: "Aye" on all, but
5 I'd like to explain my vote on 568.

6 I just want to thank Commissioner Lenz
7 for working with my office and the rest of the Town
8 Board in moving to waive the fees for residential
9 rehabilitation for sidewalks.

10 I think this is a very positive thing
11 for our residents. I think that the fact that we
12 require them to keep their sidewalks in good repair
13 at their expense, I think that this is our way of
14 saying thank you for doing that. Thank you for
15 taking care of the sidewalks and making sure that
16 eliminate trip hazards. But it's also our way of
17 saying that we can make sure that they get the
18 permit so that it is built in accordance with our
19 specifications, but at the same time we help our
20 residents; particularly, our senior citizens who
21 have been living on fixed incomes, so every little
22 bit helps.

23 So I want to thank you Supervisor and
24 the rest of the Town Board for voting to pass this
25 measure.

1 I vote "AYE."

2 MR. ALTADONNA: Okay. Here we go.

3 Resolution 554 passes with six "Ayes"
4 and one "No."

5 TF-15 through 562 passes with seven
6 "Ayes."

7 563, six "Ayes," one "Recusal."

8 564 through 572, seven "Ayes."

9 The calendar is complete.

10 SUPERVISOR SALADINO: Thank you.

11 At this time, we must break for
12 Executive Session while still remaining open and we
13 will return and report any findings.

14 May I have a motion?

15 COUNCILMAN MUSCARELLA: Supervisor, I
16 make a motion that this Town Board go into
17 Executive Session for the purpose of discussions
18 regarding proposed, pending and current litigation.

19 COUNCILMAN MACAGNONE: Second.

20 SUPERVISOR SALADINO: All in favor
21 please say signify by saying, "Aye."

22 COUNCILMAN MUSCARELLA: "Aye."

23 COUNCILMAN MACAGNONE: "Aye."

24 COUNCILWOMAN JOHNSON: "Aye."

25 COUNCILMAN IMBROTO: "Aye."

1 COUNCILMAN HAND: "Aye."

2 COUNCILMAN LABRIOLA: "Aye."

3 SUPERVISOR SALADINO: Those opposed,
4 "Nay."

5 (No verbal response given.)

6 SUPERVISOR SALADINO: The "Ayes" have
7 it.

8 We will be returning shortly.

9 Thank you.

10 (Whereupon, the Executive Session began
11 at 1:07 p.m. and ended at 1:50 p.m. and the
12 proceedings resumed as follows:)

13 SUPERVISOR SALADINO: Thank you, ladies
14 and gentlemen. Kindly take your seats.

15 When we left, we made a motion to go
16 into an Executive Session.

17 May I have a report?

18 COUNCILMAN MUSCARELLA: I make a motion
19 that we close the Executive Session.

20 No action has been taken.

21 COUNCILMAN MACAGNONE: Second.

22 SUPERVISOR SALADINO: All in favor
23 please signify by saying, "Aye."

24 COUNCILMAN MUSCARELLA: "Aye."

25 COUNCILMAN MACAGNONE: "Aye."

1 COUNCILWOMAN JOHNSON: "Aye."

2 COUNCILMAN IMBROTO: "Aye."

3 COUNCILMAN HAND: "Aye."

4 COUNCILMAN LABRIOLA: "Aye."

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

7 (No verbal response given.)

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

10 At this time, we'd like a motion to
11 close the regular Board meeting.

12 MR. MUSCARELLA: Supervisor, I make a
13 motion to close the Board meeting.

14 COUNCILMAN MACAGNONE: Second.

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

17 COUNCILMAN MUSCARELLA: "Aye."

18 COUNCILMAN MACAGNONE: "Aye."

19 COUNCILWOMAN JOHNSON: "Aye."

20 COUNCILMAN IMBROTO: "Aye."

21 COUNCILMAN HAND: "Aye."

22 COUNCILMAN LABRIOLA: "Aye."

23 SUPERVISOR SALADINO: Those opposed,
24 "Nay."

25 (No verbal response given.)

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SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you to our stenographer for all
your work.

(TIME NOTED: 1:50 P.M.)