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TOWN BOARD
Town of Oyster Bay
REGULAR MEETING

September 10, 2024
10:27 a.m.

SPECIAL PRESENTATION

JOSEPH SALADINO

SUPERVISOR

**

RICHARD LaMARCA

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

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A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.	TOWN ATTORNEY

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PRAYER:

RABBI WEINSTEIN

PLEDGE:

BLUE STAR MOTHERS

ANDREA NORDQUIST, PRES.

MARY JO LOVE

HEIDI O'CONNELL

MARY SULLIVAN

COLLEEN SMITH

AM VETS POST 88

COMMANDER LORETTA DIBRINNO

SECOND VP RAY EASLEY

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SUPERVISOR SALADINO: Good morning, ladies and gentlemen, and welcome to our Town Board meeting of the Oyster Bay Town Board for Tuesday, September 10, 2024.

For those joining us this morning, you have the opportunity to be heard on matters brought to the Town Board meeting and when they relate to something we are voting on or during the hearing, at the end of each hearing, or if you would like to wait to the end of the meeting, if it's unrelated, and then speak during public comment period at the end of this meeting.

As always, this meeting is being live streamed on social media and the Town's website, www.Oysterbaytown.com. These proceedings are recorded and transcribed.

Your voice is important to us. Statements, comments and input from the public relative to our meetings are always welcomed and respected. And of course, the rule is, we always respect

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each other, whoever is speaking at the time. Even when things get heated, we still follow the rules and respect all the speakers at the meeting. No reason for anything to get heated anyway. We are here to listen.

You can submit comments online by e-mailing publiccomment@OysterBay-NY.gov. Again, publiccomment@OysterBay-NY.gov or you can mail us at the Office of Town Attorney, 54 Audrey Avenue, Oyster Bay, New York. 11771.

Folks, we lead town board meetings with prayer. That's how we began seven years ago, when we all came, the new administration came to this town. We are very proud of that. We invite people from every religion to come in. This is one of the ways in which the family of the Town of Oyster Bay, all of us, learn about each other are educated on each other's religion, who lives here, how we practice, who we are in this very close knit family that is the Town.

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So leading us in prayer today is a good friend, Rabbi Jay Weinstein of Simchat Halev. Rabbi, we're thankful that you're here. Come on up, please. We're thankful that you're here with us today. And we want to say that your beautiful late daughter in law, Andrea and your entire family have been in our hearts and prayers since Andrea's passing untimely in this tragic way.

RABBI WEINSTEIN: Thank you so much.

SUPERVISOR SALADINO: With New Year coming in a few weeks, we wish you and your loved ones and the entire congregation good health and peace and a lot of love, especially under these circumstances. And know you have the support of the Town, of the community, and we circle the wagons around you at this very difficult time, and we wish you all of God's blessings.

MR. WEINBERG: Thank you so much.

SUPERVISOR SALADINO: Shall we all rise, please.

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(Whereupon, all rise.)

RABBI WEINSTEIN: Friends, as a Jew and as a Rabbi, I begin this blessing with gratitude. Gratitude for the efforts of the Town of Oyster Bay in standing with us. It has been a very hard 11 months.

When I was younger, much younger, in my teenage years, I had a poster on my wall and my bedroom, it had a flower on it. And surrounding the flower were the words: "War is not healthy for children and other living things". These words are still so profound. War is not healthy for anyone.

The tragedies of October 7th, those still in captivity, including our own, Omer Neutra, the brutal murders of innocent Americans, including Hersh Goldberg Polin. You, Supervisor Saladino and your team have stood not behind us, but with us in public spaces, praying for Omer's return, may it come to be. Dedicating a tree of life, ordering flags

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lowered to honor Hersh and the Americans and other hostages brutally murdered by HAMAS. And acknowledging the rise in anti-Semitism and hate. And so I want to take this moment to publicly be grateful to each and every one of you.

I take another moment to acknowledge the innocent lives and the enduring pain and the suffering that persists for so many of us recently. And another moment to remember the tragedy of 9/11, 23 years ago tomorrow. God, teach us to see that even in the chaos and the darkness, there indeed is light. Help us to see the light and the joy. Yes, we need peace and we need love for this meeting, Holy One, a blessing, God, thank you for instilling within us the ability to hear and to listen to each other. To go forth with open hearts, kindness, gratitude, hope and wisdom.

May the conversations and the issues and the discussions and decisions enhance our community and provide an environment

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which benefits and protects all people.
Kindness, compassion and love. May we be
able to see the light of God in each
other. And let us say together, "Amen".

(Whereupon, all, "Amen".)

SUPERVISOR SALADINO: Thank you,
Rabbi. Your words went right to our
hearts. Thank you for the recognition you
gave us. But far more importantly, thank
you for continuing with your leadership
to help people to navigate through this
extremely difficult time in our world.
And you do all this while you grieve, it
shows us strength in you second to none.
We look up to you. We are blessed to have
you, as is your congregation.

We all share our condolences. Please
know you have our sorrow, our prayers,
but our hope for a better future and a
stronger relationship as one family in
this town remain. Thank you

RABBI WEINSTEIN: Thank you very
much.

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SUPERVISOR SALADINO: Ladies and gentlemen, leading us in the Pledge of Allegiance this morning are our very good friends. Not yet are very good friends. Andrea Norquist, president of the Blue Star Mothers New York, number 14 on Long Island; Colleen Smith; Mary Jo Love; Mary Sullivan and Heidi O'Connell.

The Blue Star Mothers of America is a private, nonprofit organization that provides support for mothers who have sons or daughters in active service in the United States Armed Forces. They'll be joined by AM Vets Post 88 Commander Loretta Dibrinno and Second VP Ray Easley. And of course, the honor is all of ours to have you here. We appreciate all you do. Please proceed.

(Whereupon, the Pledge of Allegiance is said.)

SUPERVISOR SALADINO: Thank you again for your tireless efforts on behalf of those who have defended America's freedom in the past, and continue to do that.

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Thank you for your help to veteran families. And it's an important moment to recognize the men and women in the United States armed forces serving here and throughout the world, and the men and women in law enforcement, all of our health care heroes, and all of those who respect America. It's not difficult to respect the country, to recognize what we have been through as a nation and our resolve and our strength. I apologize if I sound like I'm preaching to the choir, but I love this country as you do and as veterans have proven. So, let us continue to come together as one family, as one country for each other. Indivisible. Which means we don't allow ourselves to be divided. A lesson that the whole country needs to hear. But thank God, here in the Town of Oyster Bay, you get it. It makes all of us so proud of you. I'm proud of this town and this nation. So God bless each and every one of you and God bless America. Let's please give

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them a hand.

(Whereupon, applause.)

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SUPERVISOR SALADINO: Folks, please be seated at this time. So this is a very important time in our nation's history. We spoke about this, and the rabbi spoke about what's going on in Israel and how it's affecting Americans, including our very own son here in Plainview. And we're praying for the release of those hostages. But it's also a time to remember the victims of the September 11th attacks on America, their families, and then the first hero responders who continue to lose their battles with 9/11 related illnesses, including cancer.

Twenty three years have passed. Some of us we must be saying, wow, it feels like yesterday we heard on the radio or saw on television. Remember that crystal clear blue sky of that morning? I was heading to this very building at that time when I heard the news. Very sad time in our Nation's history, but a strength and resolve that we have shown over and over again that we will not allow anyone

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to defeat us as a people, as a nation,
and at our core, we're here for our
nation and here for each other.

Six years ago, the Town of Oyster
Bay constructed the Walls of Honor. It's
on the east side of the 9/11 monument at
Tobay Beach, bayside. It's a beautiful
monument. If you've had an opportunity to
see it, you know. If not, please make a
point to go down to Tobay Beach on Ocean
Parkway. Walk north to the bayside beach,
make a left, head west and you will see a
gorgeous monument there with the names
inscribed into granite. The names of
those we lost on 9/11, and then a portion
where we continue to add names because
they're our heroes too. We want to make
sure all of these good people are never
forgotten.

In that stone, in that granite, are
the names of those who have succumbed to
the battle of 9/11 illness, cancer and
other illnesses. Just as many of those
rescue and recovery heroes raced to the

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towers the first minute the plane hit, they stayed until the last brick was turned. Folks who are volunteers, firefighters, emergency responders, concerned professionals, many of them from right here in our town.

Court Cousins is a perfect example of that. We honored him in this very room. And then a number of weeks after honoring him and giving him a key to the Town, he passed away. Many, many of those people need to be remembered; all of them need to be remembered. And that memorial stands with and leads us to those we lost on that tragic morning. The sacrifices remind us of the ongoing human cost of the attacks, and we owe it to their memories to not allow their struggles to be in vain.

Each name on the Wall of Honor represents a full life of promise, dreams and aspirations that were extinguished far too soon. Last night, my colleagues on the town board and I unveiled eight

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new names as we continue to add names every year; in this case, those we lost in 2023. They're more than just names etched in granite. These are heroes, family members, friends, neighbors, loved ones, all. We remember their sacrifice and those who continue to be lost each year. And we think of them in our hearts. And we made a commitment to their families and loved ones that we will never forget.

We had an overwhelming 400 people there last night on that beautiful night. What was very interesting, one of many aspects that were very interesting, is there were young people. They're people who have not reached 23 years old. People were not alive back then. And that's important because this can't end with the generation that experienced 9/11. We must remember our loved ones are heroes forever.

So at this time, I ask for a moment of silence to remember all we lost on

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9/11, including those we have lost since,
and the eight people whose names we added
to that wall just last night. God bless
them all. Heroes.

(Whereupon, a brief moment
of silence observed.)

SUPERVISOR SALADINO: Thank you very
much.

Another important issue to us that
is once again cancer related, is the
emphasis on prostate cancer awareness and
the importance of testing in achieving
early detection. And of course, that is
the best route to survival.

Prostate cancer is the most common
type of cancer other than non-melanoma
skin cancer. It's diagnosed in men in the
United States. Furthermore, it's the
second leading cause of cancer deaths in
men after lung cancer in our country. We
encourage all watching today to visit the
American Cancer Society at Cancer.Org to
learn more.

September is also National

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Children's Cancer Awareness Month, and the Town of Oyster Bay is proud to announce the initiatives that seek a cure and support those affected. Every year, we partner with the Christina Renna Foundation Christina Renna Foundation, to raise awareness about this important cause by tying gold ribbons around the columns. You'll see them as you enter town hall.

Our own town councilman, Tom Hand, is a board member with this amazing organization. And we do commend his work, and we're exceedingly proud to do our part to support these efforts to eradicate childhood cancer. Councilman, is there anything you'd like to add to that?

COUNCILMAN HAND: It's just important that we do recall the fact that there's a lot of good work being done in the sciences, specifically Cold Spring Harbor Laboratories. They're trying to come up with a cure. Christina Renna

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died of a blastoma. And it was something that took a young girl at the age of 16, 17 years away from her family. So please, just keep her in your thoughts and prayers.

Thank you.

SUPERVISOR SALADINO: Thank you, Tom.

Councilwoman Maier has also been personally touched by this terrible disease and has worked tirelessly to support Mighty Mason's Warriors; Mighty Mason's Warriors. And I smile as I say that because I picture an incredible young boy who is growing up quickly, and his smile, his strength, his fortitude is an inspiration to all of us.

Mighty Mason's Warriors was named in honor of the councilwoman's son, who, by the grace of God, is in remission. Councilwoman, would you like to add anything to that?

COUNCILWOMAN MAIER: Sure. Thank you, Supervisor.

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Yeah. September is always a tough month for me. Obviously, it's a blessing that our son is still here. For those of you who don't know, my son Mason was diagnosed with very high risk acute lymphoblastic leukemia when he was three and a half. He is now eight and a half, and he is considered cancer free and rang that bell, last year, about a year and a half ago. And he is doing phenomenal. Just started third grade. He's happy. He's healthy. He's thriving. He's doing what he loves most. And that's played baseball right now. He had the opportunity a few weeks ago to sign a one day contract for the New York Mets. And the one question we asked. How much are you going to make (laughter)? I was like, smart kid.

But he had an opportunity to do something that truly loves with an incredibly supportive team, the Mets and the hospital that treated him, Cohen's Children's Medical Center and I thank

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them every day for saving his life. He went through two and a half years of treatment. So at one point in his over half of his life he spent in the hospital. But he's doing incredible. And you would never know looking at him, how well he's doing and thriving. But I know that that's not always the case.

But we still have to do so much more. So much more research has to be put into childhood cancers. I'm finding out it seems like once a month now, someone else is diagnosed with leukemia or some sort of cancer. So it's really important to make sure that we, like Tom said, that we continue to support these foundations because it's really what's going to help find a cure eventually, and I know we will. And I know they've actually overcome some obstacles in leukemia. They've actually advanced a little bit. So the treatment that my son went through has been shortened quite a bit by, I think, a year. So a lot of these kids

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that undergo the spinal taps and the infusions and all the oral medicine is now actually cut back by a year, so making progress. But hopefully, there'll be a point in time where it's gone, child cancer is eradicated. There's hope and it looks like we're getting there, but we still have a ways to go.

So thank you for that. And I continue to love just seeing the smile on his face, because five years ago it was definitely a different time. He's happy and healthy and really seemed like, somewhat unaffected at this point. Just a memory for him. But he will be monitored closely for many years. We go to the hospital every other month, and he's got an amazing team of people; his doctor, his nurse practitioner that he's known for the last five years. And I credit a big part of helping to save his life and continue being happy and healthy. So thank you for that.

(Whereupon, applause.)

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SUPERVISOR SALADINO: Well, God
bless Mason and God bless your family.
Continued good news.

Folks, go visit these websites.
Learn more. Find out how you can protect
yourself and your family. It's mighty
Mason's Warriors. And the other is the
Christina Renna Foundation. Thank you,
Councilman Hand. Thank you, Councilwoman
Maier.

Just so you know, we have
illuminated our Town Hall North, this
building, for this month in gold light
for pediatric cancer awareness. So that's
the reason we eliminated that.

In an effort to help hospitals
facing a nationwide blood shortage, my
colleagues and I invite residents to
donate our next blood drive on Tuesday,
September 26th, from 1 p.m. to 7 p.m. at
the Hicksville Athletic Center, located
at 167 South Broadway in Hicksville. I'd
like to thank our Town Clerk, Rich
LaMarca, for your efforts in coordinating

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this drive, as blood is critically needed at our local hospitals.

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So I do want to just take a moment of personal privilege and thank the team that worked so successfully on last night's program, 9/11 program at Tobay. That's the Department of Community and Youth Services, the Department of Public Safety, our Public Information Office, the Parks Department and the Department of Public Works, who quite frankly, did gorgeous job building this incredible monument. So please take a look at that.

Allow me to alert you to a few more things we're doing. On September 21st, we are finishing out our 2023 concert series with the Lords of 52nd Street, Billy Joel's original band. It's Oyster Bay, right? This is Billy Joel's home, so come on out. It's a free show. You don't have to be a town resident; Saturday, September 21st. I believe it begins at 730, and we're at Allen Park on Motor Avenue in Farmingdale.

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Once again, thank you to the Department for putting on a phenomenal season of free concerts, movies, all the activities. You can find out about our fall festivals, all the programs that we're involved in, whether it's the blood drive or many of these fabulous programs that we provide for our residents, everything's on our website: OysterBaytown.com or follow me, Supervisor Joseph Saladino, on Facebook. You're all invited. Bring your friends, your family, your neighbors.

And while I'm thanking our town employees for their great job, I also want to take a moment to thank the town board members because they're an important part of this. We approve everything at these board meetings. That's part of what's on our calendar for today. And your support of these programs, these exceptional programs, has been greatly appreciated by the public.

So with that, that's our morning

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opening for the board meeting. We're going to have our hearings first and you can speak on any hearing. I see people who have been asking to speak on one of the hearings. Please fill out a form. If you'd like to speak on a Resolution Calendar, fill out a form for that too. If you'd like to speak on something unrelated to any of this, just put public comment on the bottom of the form and fill that out to so we can ensure that you get a chance to be heard.

We're going to do the hearings, then we're going to do the regular Resolution Calendar. And then we are going to break to confer with our attorneys, and then we'll come back after that break in order to hear anyone who would like to be heard at public comment. So that's our schedule for today.

(Whereupon, above matter concludes, 10:52 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of September, 2024.

Karen Lorenzo
KAREN LORENZO

1	8	Allegiance [2] - 10:4, 10:21	Armed [1] - 10:14
1 [1] - 23:21	88 [2] - 3:13, 10:15	Allen [1] - 24:24	armed [1] - 11:5
10 [2] - 1:6, 4:5	9	allow [4] - 11:18, 13:25, 15:19, 24:15	aspects [1] - 16:16
10:27 [1] - 1:7	9/11 [8] - 8:12, 13:14, 14:7, 14:16, 14:23, 16:21, 17:2, 24:7	AM [2] - 3:13, 10:15	aspirations [1] - 15:23
10:52 [1] - 26:24	A	amazing [2] - 18:13, 22:19	Athletic [1] - 23:22
10th [1] - 27:13	a.m [2] - 1:7, 26:24	Amen" [2] - 9:5, 9:6	attacks [2] - 13:12, 15:18
11 [1] - 7:7	ability [1] - 8:19	America [4] - 10:10, 11:9, 11:25, 13:12	ATTORNEY [1] - 2:16
11771 [1] - 5:13	able [1] - 9:4	America's [1] - 10:24	Attorney [1] - 5:12
11th [1] - 13:12	ABSENT [1] - 2:7	American [1] - 17:23	attorneys [1] - 26:17
14 [1] - 10:7	achieving [1] - 17:13	Americans [3] - 7:20, 8:2, 13:7	Audrey [1] - 5:12
16 [1] - 19:3	acknowledge [1] - 8:8	Andrea [2] - 6:8, 10:6	Avenue [2] - 5:12, 24:25
167 [1] - 23:23	acknowledging [1] - 8:4	ANDREA [1] - 3:7	awareness [3] - 17:12, 18:8, 23:15
17 [1] - 19:4	active [1] - 10:13	Andrea's [1] - 6:10	Awareness [1] - 18:2
2	activities [1] - 25:5	announce [1] - 18:4	B
2023 [2] - 16:4, 24:17	acute [1] - 20:6	anti [1] - 8:5	band [1] - 24:19
2024 [3] - 1:6, 4:5, 27:13	add [4] - 14:17, 16:2, 18:18, 19:22	anti-Semitism [1] - 8:5	baseball [1] - 20:15
21st [2] - 24:16, 24:23	added [1] - 17:3	anyway [1] - 5:6	battle [1] - 14:23
23 [2] - 8:12, 16:18	administration [1] - 5:17	apologize [1] - 11:12	battles [1] - 13:14
26th [1] - 23:21	advanced [1] - 21:22	applause [2] - 12:3, 22:25	Bay [9] - 1:3, 4:4, 5:12, 5:21, 7:6, 11:21, 14:6, 18:3, 24:19
4	affected [1] - 18:5	appreciate [1] - 10:18	bayside [2] - 14:8, 14:12
400 [1] - 16:13	affecting [1] - 13:7	appreciated [1] - 25:24	Beach [2] - 14:8, 14:11
5	age [1] - 19:3	approve [1] - 25:19	beach [1] - 14:12
52nd [1] - 24:18	ago [6] - 5:16, 8:13, 14:5, 20:11, 20:16, 22:12		beautiful [3] - 6:7, 14:8, 16:14
54 [1] - 5:12	alert [1] - 24:15		bedroom [1] - 7:11
7	alive [1] - 16:19		
7 [1] - 23:21			
730 [1] - 24:24			
7th [1] - 7:17			

began ^[1] - 5:15
begin ^[1] - 7:4
begins ^[1] - 24:23
behalf ^[1] - 10:23
behind ^[1] - 7:22
bell ^[1] - 20:10
benefits ^[1] - 9:2
best ^[1] - 17:15
better ^[1] - 9:20
big ^[1] - 22:22
Billy ^[2] - 24:18, 24:20
bit ^[2] - 21:22, 21:24
blastoma ^[1] - 19:2
bless ^[5] - 11:24, 11:25, 17:4, 23:3
blessed ^[1] - 9:16
blessing ^[3] - 7:4, 8:18, 20:3
blessings ^[1] - 6:22
blood ^[4] - 23:18, 23:20, 24:2, 25:7
blue ^[1] - 13:20
BLUE ^[1] - 3:6
Blue ^[2] - 10:6, 10:10
board ^[6] - 5:14, 15:25, 18:13, 25:18, 25:20, 26:2
Board ^[3] - 4:4, 4:5, 4:8
BOARD ^[1] - 1:2
bottom ^[1] - 26:11
boy ^[1] - 19:16
break ^[2] - 26:16, 26:18
brick ^[1] - 15:3
brief ^[1] - 17:6

Bring ^[1] - 25:13
Broadway ^[1] - 23:23
brought ^[1] - 4:8
brutal ^[1] - 7:19
brutally ^[1] - 8:3
building ^[3] - 13:21, 23:14, 24:13
BY ^[1] - 1:22

C

calendar ^[1] - 25:21
Calendar ^[2] - 26:8, 26:16
Cancer ^[2] - 17:23, 18:2
cancer ^[14] - 13:15, 14:23, 17:11, 17:12, 17:16, 17:17, 17:18, 17:20, 17:21, 18:17, 20:9, 21:15, 22:7, 23:15
Cancer.Org ^[1] - 17:23
cancers ^[1] - 21:12
captivity ^[1] - 7:18
care ^[1] - 11:8
case ^[2] - 16:3, 21:9
Center ^[2] - 20:25, 23:22
certify ^[1] - 27:9
chance ^[1] - 26:13
chaos ^[1] - 8:14
child ^[1] - 22:6
childhood ^[2] - 18:17, 21:12

children ^[1] - 7:13
Children's ^[2] - 18:2, 20:25
choir ^[1] - 11:13
Christina ^[4] - 18:6, 18:7, 18:25, 23:9
circle ^[1] - 6:20
circumstances ^[1] - 6:18
clear ^[1] - 13:20
CLERK ^[2] - 1:18, 2:14
Clerk ^[1] - 23:24
close ^[1] - 5:24
closely ^[1] - 22:17
Cohen's ^[1] - 20:24
Cold ^[1] - 18:23
colleagues ^[2] - 15:24, 23:19
Colleen ^[1] - 10:8
COLLEEN ^[1] - 3:11
columns ^[1] - 18:10
coming ^[1] - 6:14
COMMANDER ^[1] - 3:14
Commander ^[1] - 10:15
commend ^[1] - 18:14
comment ^[3] - 4:14, 26:11, 26:20
comments ^[2] - 4:22, 5:8
commitment ^[1] - 16:10
common ^[1] -

17:16
community ^[2] - 6:19, 8:25
Community ^[1] - 24:8
compassion ^[1] - 9:3
concerned ^[1] - 15:6
concert ^[1] - 24:17
concerts ^[1] - 25:4
concludes ^[1] - 26:24
condolences ^[1] - 9:18
confer ^[1] - 26:17
congregation ^[2] - 6:16, 9:17
considered ^[1] - 20:9
constructed ^[1] - 14:6
continue ^[9] - 10:25, 11:15, 13:14, 14:17, 16:2, 16:8, 21:17, 22:11, 22:23
Continued ^[1] - 23:4
continuing ^[1] - 9:11
contract ^[1] - 20:17
conversations ^[1] - 8:23
coordinating ^[1] - 23:25
core ^[1] - 14:3
correct ^[1] - 27:10

cost^[1] - 15:17
COUNCILMAN^[4]
 - 2:7, 2:8, 2:9,
 18:20
councilman^[1] -
 18:12
Councilman^[2] -
 18:17, 23:10
COUNCILWOMAN
N^[4] - 2:6, 2:10,
 2:11, 19:24
Councilwoman^[3]
 - 19:10, 19:22,
 23:10
councilwoman's
^[1] - 19:20
country^[5] - 11:10,
 11:14, 11:17,
 11:20, 17:21
COUNTY^[1] - 27:5
course^[3] - 4:25,
 10:17, 17:14
Court^[1] - 15:8
Cousins^[1] - 15:8
credit^[1] - 22:21
critically^[1] - 24:2
crystal^[1] - 13:19
cure^[3] - 18:4,
 18:25, 21:19
cut^[1] - 22:4

D

darkness^[1] - 8:14
daughter^[1] - 6:8
daughters^[1] -
 10:13
deaths^[1] - 17:20
decisions^[1] - 8:24

dedicating^[1] -
 7:25
defeat^[1] - 14:2
defended^[1] -
 10:24
definitely^[1] -
 22:13
Department^[5] -
 24:8, 24:9, 24:11,
 25:3
detection^[1] -
 17:14
diagnosed^[3] -
 17:18, 20:6, 21:14
DIBRINNO^[1] -
 3:14
Dibrinno^[1] -
 10:16
died^[1] - 19:2
different^[1] - 22:13
difficult^[3] - 6:21,
 9:13, 11:9
discussions^[1] -
 8:24
disease^[1] - 19:12
divided^[1] - 11:19
doctor^[1] - 22:19
donate^[1] - 23:20
done^[1] - 18:22
down^[1] - 14:11
dreams^[1] - 15:22
drive^[3] - 23:20,
 24:2, 25:8
during^[2] - 4:10,
 4:13

E

e-mailing^[1] - 5:9

early^[1] - 17:14
Easley^[1] - 10:17
EASLEY^[1] - 3:15
east^[1] - 14:7
educated^[1] - 5:22
effort^[1] - 23:17
efforts^[4] - 7:5,
 10:23, 18:16,
 23:25
eight^[3] - 15:25,
 17:3, 20:8
eliminated^[1] -
 23:16
emergency^[1] -
 15:5
emphasis^[1] -
 17:12
employees^[1] -
 25:16
encourage^[1] -
 17:22
end^[4] - 4:11, 4:12,
 4:14, 16:20
enduring^[1] - 8:9
enforcement^[1] -
 11:7
enhance^[1] - 8:24
ensure^[1] - 26:12
enter^[1] - 18:10
entire^[2] - 6:9, 6:15
environment^[1] -
 8:25
eradicate^[1] -
 18:17
eradicated^[1] -
 22:7
especially^[1] -
 6:17

ESQ^[1] - 2:16
etched^[1] - 16:5
eventually^[1] -
 21:19
example^[1] - 15:8
exceedingly^[1] -
 18:15
exceptional^[1] -
 25:23
experienced^[1] -
 16:21
extinguished^[1] -
 15:23
extremely^[1] -
 9:13

F

fabulous^[1] - 25:8
face^[1] - 22:12
Facebook^[1] -
 25:12
facing^[1] - 23:18
fact^[1] - 18:21
fall^[1] - 25:6
families^[3] - 11:3,
 13:12, 16:11
family^[10] - 5:20,
 5:25, 6:9, 9:21,
 11:16, 16:6, 19:4,
 23:3, 23:7, 25:14
far^[2] - 9:10, 15:24
Farmingdale^[1] -
 24:25
festivals^[1] - 25:6
few^[3] - 6:14,
 20:16, 24:15
fill^[3] - 26:6, 26:8,
 26:12

finishing ^[1] - 24:17
firefighters ^[1] - 15:5
first ^[3] - 13:13, 15:2, 26:3
five ^[2] - 22:12, 22:21
flags ^[1] - 7:25
flower ^[2] - 7:11, 7:12
Folks ^[4] - 5:14, 13:2, 15:4, 23:5
follow ^[2] - 5:4, 25:11
Forces ^[1] - 10:14
forces ^[1] - 11:5
forever ^[1] - 16:23
forget ^[1] - 16:12
forgotten ^[1] - 14:20
form ^[3] - 26:6, 26:8, 26:11
forth ^[1] - 8:20
fortitude ^[1] - 19:17
Foundation ^[3] - 18:7, 23:9
foundations ^[1] - 21:17
FRANK ^[1] - 2:16
frankly ^[1] - 24:12
free ^[3] - 20:9, 24:21, 25:4
freedom ^[1] - 10:24
friend ^[1] - 6:3
Friends ^[1] - 7:3
friends ^[4] - 10:5, 16:6, 25:13

full ^[1] - 15:22
Furthermore ^[1] - 17:19
future ^[1] - 9:20

G

generation ^[1] - 16:21
gentlemen ^[2] - 4:3, 10:3
girl ^[1] - 19:3
God ^[10] - 8:13, 8:18, 9:4, 11:20, 11:24, 11:25, 17:4, 19:21, 23:2, 23:3
God's ^[1] - 6:22
gold ^[2] - 18:9, 23:14
Goldberg ^[1] - 7:21
gorgeous ^[2] - 14:14, 24:13
grace ^[1] - 19:21
grade ^[1] - 20:12
granite ^[3] - 14:15, 14:21, 16:5
grateful ^[1] - 8:6
gratitude ^[2] - 7:5, 8:21
Gratitude ^[1] - 7:5
great ^[1] - 25:16
greatly ^[1] - 25:24
grieve ^[1] - 9:14
growing ^[1] - 19:16

H

Halev ^[1] - 6:4
half ^[5] - 20:8,

20:11, 21:3, 21:5
Hall ^[1] - 23:13
hall ^[1] - 18:11
HAMAS ^[1] - 8:4
hand ^[2] - 12:2, 27:13
Hand ^[2] - 18:12, 23:10
HAND ^[2] - 2:8, 18:20
happy ^[3] - 20:12, 22:13, 22:23
Harbor ^[1] - 18:24
hard ^[1] - 7:7
hate ^[1] - 8:5
head ^[1] - 14:13
heading ^[1] - 13:21
health ^[2] - 6:16, 11:8
healthy ^[5] - 7:13, 7:15, 20:13, 22:14, 22:23
hear ^[3] - 8:19, 11:20, 26:19
heard ^[5] - 4:7, 13:18, 13:22, 26:13, 26:19
hearing ^[3] - 4:10, 4:11, 26:4
hearings ^[3] - 26:3, 26:6, 26:14
hearts ^[4] - 6:9, 8:21, 9:9, 16:9
heated ^[2] - 5:3, 5:6
HEIDI ^[1] - 3:9
Heidi ^[1] - 10:9
Help ^[1] - 8:15
help ^[4] - 9:12,

11:2, 21:18, 23:17
helping ^[1] - 22:22
hereby ^[1] - 27:8
hereunto ^[1] - 27:12
hero ^[1] - 13:13
heroes ^[5] - 11:8, 14:18, 14:25, 16:5, 16:22
Heroes ^[1] - 17:5
Hersh ^[2] - 7:20, 8:2
Hicksville ^[2] - 23:22, 23:23
high ^[1] - 20:6
history ^[2] - 13:4, 13:23
hit ^[1] - 15:2
Holy ^[1] - 8:17
home ^[1] - 24:20
Honor ^[2] - 14:6, 15:21
honor ^[3] - 8:2, 10:17, 19:20
honored ^[1] - 15:9
honoring ^[1] - 15:11
hope ^[3] - 8:21, 9:20, 22:7
hopefully ^[1] - 22:5
hospital ^[3] - 20:24, 21:6, 22:18
hospitals ^[2] - 23:17, 24:3
hostages ^[2] - 8:3, 13:10
human ^[1] - 15:17

I	<p>instilling ^[1] - 8:18</p> <p>interesting ^[2] - 16:15, 16:16</p> <p>invite ^[2] - 5:18, 23:19</p> <p>invited ^[1] - 25:13</p> <p>involved ^[1] - 25:7</p> <p>Island ^[1] - 10:8</p> <p>Israel ^[1] - 13:6</p> <p>issue ^[1] - 17:10</p> <p>issues ^[1] - 8:23</p>	<p>kindness ^[1] - 8:21</p> <p>Kindness ^[1] - 9:3</p> <p>knit ^[1] - 5:25</p> <p>known ^[1] - 22:20</p>	<p>listen ^[2] - 5:7, 8:20</p> <p>live ^[1] - 4:17</p> <p>lives ^[2] - 5:23, 8:9</p> <p>living ^[1] - 7:14</p> <p>local ^[1] - 24:3</p> <p>located ^[1] - 23:22</p> <p>look ^[2] - 9:16, 24:14</p> <p>looking ^[1] - 21:7</p> <p>looks ^[1] - 22:8</p> <p>Lords ^[1] - 24:18</p> <p>LORENZO ^[3] - 1:22, 27:7, 27:16</p> <p>Lorenzo ^[1] - 27:15</p> <p>Loretta ^[1] - 10:16</p> <p>LORETTA ^[1] - 3:14</p> <p>lose ^[1] - 13:14</p> <p>lost ^[6] - 14:16, 15:15, 16:3, 16:8, 16:25, 17:2</p> <p>LOUIS ^[1] - 2:7</p> <p>Love ^[1] - 10:8</p> <p>love ^[5] - 6:17, 8:17, 9:3, 11:14, 22:11</p> <p>LOVE ^[1] - 3:8</p> <p>loved ^[4] - 6:15, 16:6, 16:11, 16:22</p> <p>loves ^[2] - 20:14, 20:22</p> <p>lowered ^[1] - 8:2</p> <p>lung ^[1] - 17:21</p> <p>lymphoblastic ^[1] - 20:7</p>
	J	L	M
<p>illness ^[1] - 14:23</p> <p>illnesses ^[2] - 13:15, 14:24</p> <p>illuminated ^[1] - 23:13</p> <p>IMBROTO ^[1] - 2:7</p> <p>importance ^[1] - 17:13</p> <p>important ^[9] - 4:21, 11:3, 13:4, 16:20, 17:10, 18:8, 18:21, 21:15, 25:19</p> <p>importantly ^[1] - 9:10</p> <p>IN ^[1] - 27:12</p> <p>including ^[5] - 7:18, 7:20, 13:7, 13:15, 17:2</p> <p>incredible ^[3] - 19:15, 21:6, 24:13</p> <p>incredibly ^[1] - 20:23</p> <p>indeed ^[1] - 8:15</p> <p>Indivisible ^[1] - 11:17</p> <p>Information ^[1] - 24:10</p> <p>infusions ^[1] - 22:3</p> <p>initiatives ^[1] - 18:4</p> <p>innocent ^[2] - 7:20, 8:9</p> <p>input ^[1] - 4:22</p> <p>inscribed ^[1] - 14:15</p> <p>inspiration ^[1] - 19:18</p>	<p>Jay ^[1] - 6:3</p> <p>JEFFREY ^[1] - 2:15</p> <p>Jew ^[1] - 7:3</p> <p>Jo ^[1] - 10:8</p> <p>JO ^[1] - 3:8</p> <p>job ^[2] - 24:13, 25:16</p> <p>Joel's ^[2] - 24:19, 24:20</p> <p>JOHNSON ^[1] - 2:6</p> <p>joined ^[1] - 10:15</p> <p>joining ^[1] - 4:6</p> <p>Joseph ^[1] - 25:12</p> <p>JOSEPH ^[2] - 1:12, 2:5</p> <p>joy ^[1] - 8:16</p>	<p>Laboratories ^[1] - 18:24</p> <p>LABRIOLA ^[1] - 2:9</p> <p>ladies ^[1] - 4:3</p> <p>Ladies ^[1] - 10:2</p> <p>LaMarca ^[3] - 1:17, 2:14, 23:25</p> <p>last ^[6] - 15:3, 16:14, 17:4, 20:10, 22:21, 24:6</p> <p>Last ^[1] - 15:24</p> <p>late ^[1] - 6:8</p> <p>laughter ^[1] - 20:19</p> <p>LAURA ^[1] - 2:10</p> <p>law ^[2] - 6:8, 11:7</p> <p>lead ^[1] - 5:14</p> <p>leadership ^[1] - 9:11</p> <p>leading ^[3] - 6:2, 10:3, 17:20</p> <p>leads ^[1] - 15:15</p> <p>learn ^[2] - 5:21, 17:24</p> <p>Learn ^[1] - 23:6</p> <p>left ^[1] - 14:13</p> <p>lesson ^[1] - 11:19</p> <p>leukemia ^[3] - 20:7, 21:14, 21:21</p> <p>life ^[5] - 7:25, 15:22, 21:2, 21:5, 22:22</p> <p>light ^[4] - 8:15, 9:4, 23:14</p>	<p>MAIER ^[2] - 2:10, 19:24</p>

Maier ^[2] - 19:10,
23:11
mail ^[1] - 5:11
mailing ^[1] - 5:9
Mary ^[2] - 10:8
MARY ^[2] - 3:8,
3:10
Mason ^[2] - 20:5,
23:3
Mason's ^[4] -
19:13, 19:14,
19:19, 23:8
matter ^[1] - 26:23
matters ^[1] - 4:8
means ^[1] - 11:18
media ^[1] - 4:17
Medical ^[1] - 20:25
medicine ^[1] - 22:3
MEETING ^[1] - 1:4
meeting ^[8] - 4:4,
4:8, 4:12, 4:15,
4:16, 5:5, 8:17,
26:2
meetings ^[3] -
4:23, 5:14, 25:20
melanoma ^[1] -
17:17
member ^[1] - 18:13
members ^[2] -
16:6, 25:18
memorial ^[1] -
15:14
memories ^[1] -
15:19
memory ^[1] - 22:16
men ^[4] - 11:4, 11:6,
17:18, 17:21
Mets ^[2] - 20:17,

20:23
MICHELE ^[1] - 2:6
Mighty ^[3] - 19:13,
19:19
mighty ^[1] - 23:7
minute ^[1] - 15:2
moment ^[8] - 8:6,
8:8, 8:11, 11:3,
16:24, 17:6, 24:4,
25:17
monitored ^[1] -
22:16
Month ^[1] - 18:2
month ^[4] - 20:3,
21:13, 22:18,
23:14
months ^[1] - 7:8
monument ^[4] -
14:7, 14:9, 14:14,
24:14
morning ^[6] - 4:2,
4:6, 10:4, 13:20,
15:16, 25:25
most ^[2] - 17:16,
20:14
MOTHERS ^[1] - 3:6
Mothers ^[2] - 10:7,
10:10
mothers ^[1] - 10:12
Motor ^[1] - 24:24
movies ^[1] - 25:4
MR ^[1] - 6:23
murdered ^[1] - 8:3
murders ^[1] - 7:19
must ^[2] - 13:17,
16:21

N

name ^[1] - 15:21
named ^[1] - 19:19
names ^[8] - 14:14,
14:15, 14:17,
14:22, 16:2, 16:4,
17:3
NASSAU ^[1] - 27:5
nation ^[4] - 11:11,
11:23, 14:2, 14:4
Nation's ^[1] - 13:23
nation's ^[1] - 13:4
National ^[1] - 17:25
nationwide ^[1] -
23:18
navigate ^[1] - 9:12
need ^[4] - 8:16,
8:17, 15:13, 15:14
needed ^[1] - 24:2
needs ^[1] - 11:20
neighbors ^[2] -
16:6, 25:14
Neutra ^[1] - 7:19
never ^[3] - 14:19,
16:12, 21:7
New ^[5] - 5:13,
6:13, 10:7, 20:17,
27:8
NEW ^[1] - 27:4
new ^[2] - 5:16, 16:2
news ^[2] - 13:22,
23:4
next ^[1] - 23:20
night ^[4] - 15:24,
16:14, 17:4
night's ^[1] - 24:7
non ^[1] - 17:17
non-melanoma ^[1]

- 17:17
none ^[1] - 9:15
nonprofit ^[1] -
10:11
NORDQUIST ^[1] -
3:7
Norquist ^[1] - 10:6
north ^[1] - 14:12
North ^[1] - 23:13
Notary ^[1] - 27:7
notes ^[1] - 27:11
number ^[2] - 10:7,
15:10
nurse ^[1] - 22:20
NY.gov ^[2] - 5:9,
5:10

O

O'CONNELL ^[1] -
3:9
O'Connell ^[1] -
10:9
observed ^[1] - 17:7
obstacles ^[1] -
21:21
Obviously ^[1] -
20:3
Ocean ^[1] - 14:11
October ^[1] - 7:17
OF ^[3] - 2:15, 27:4,
27:5
Office ^[2] - 5:11,
24:10
old ^[1] - 16:18
Omer ^[1] - 7:19
Omer's ^[1] - 7:24
once ^[2] - 17:11,
21:13

Once ^[1] - 25:2
One ^[1] - 8:17
one ^[11] - 5:19, 8:7, 9:21, 11:16, 11:24, 16:15, 20:16, 20:18, 21:4, 26:5
ones ^[4] - 6:15, 16:7, 16:11, 16:22
ongoing ^[1] - 15:17
online ^[1] - 5:8
open ^[1] - 8:21
opening ^[1] - 26:2
opportunity ^[4] - 4:7, 14:9, 20:16, 20:21
oral ^[1] - 22:3
order ^[1] - 26:18
ordering ^[1] - 7:25
organization ^[2] - 10:11, 18:14
original ^[1] - 24:19
ourselves ^[1] - 11:18
overcome ^[1] - 21:21
overwhelming ^[1] - 16:13
owe ^[1] - 15:18
own ^[3] - 7:18, 13:8, 18:12
Oyster ^[9] - 1:3, 4:4, 5:12, 5:21, 7:6, 11:21, 14:5, 18:3, 24:19
OysterBaytown.com ^[1] - 25:11

P

p.m ^[2] - 23:21
pain ^[1] - 8:9
Park ^[1] - 24:24
Parks ^[1] - 24:11
Parkway ^[1] - 14:12
part ^[4] - 18:16, 22:22, 25:19, 25:21
partner ^[1] - 18:6
passed ^[2] - 13:16, 15:12
passing ^[1] - 6:10
past ^[1] - 10:25
peace ^[2] - 6:16, 8:16
pediatric ^[1] - 23:15
people ^[12] - 5:18, 9:2, 9:12, 14:2, 14:19, 15:13, 16:13, 16:17, 17:3, 22:19, 26:4
People ^[1] - 16:18
perfect ^[1] - 15:8
period ^[1] - 4:14
persists ^[1] - 8:10
personal ^[1] - 24:5
personally ^[1] - 19:11
phenomenal ^[2] - 20:11, 25:3
picture ^[1] - 19:15
Plainview ^[1] - 13:8
plane ^[1] - 15:2
played ^[1] - 20:14
PLEDGE ^[1] - 3:5
Pledge ^[2] - 10:3,

10:20
point ^[4] - 14:11, 21:4, 22:6, 22:15
Polin ^[1] - 7:21
portion ^[1] - 14:16
POST ^[1] - 3:13
Post ^[1] - 10:15
poster ^[1] - 7:10
practice ^[1] - 5:24
practitioner ^[1] - 22:20
PRAVATO ^[1] - 2:15
prayer ^[2] - 5:15, 6:2
PRAYER ^[1] - 3:2
prayers ^[3] - 6:10, 9:19, 19:6
praying ^[2] - 7:23, 13:9
preaching ^[1] - 11:13
PRES ^[1] - 3:7
PRESENTATION ^[1] - 1:9
president ^[1] - 10:6
private ^[1] - 10:11
privilege ^[1] - 24:5
proceed ^[1] - 10:19
proceedings ^[1] - 4:19
professionals ^[1] - 15:6
profound ^[1] - 7:15
program ^[2] - 24:7
programs ^[4] - 25:6, 25:8, 25:23
progress ^[1] - 22:5

promise ^[1] - 15:22
prostate ^[1] - 17:12
Prostate ^[1] - 17:16
protect ^[1] - 23:6
protects ^[1] - 9:2
proud ^[5] - 5:18, 11:22, 11:23, 18:3, 18:15
proven ^[1] - 11:15
provide ^[2] - 8:25, 25:9
provides ^[1] - 10:12
public ^[6] - 4:14, 4:23, 7:23, 25:24, 26:10, 26:20
Public ^[4] - 24:9, 24:10, 24:12, 27:7
publiccomment @OysterBay ^[2] - 5:9, 5:10
publiccomment @OysterBay-NY.gov ^[2] - 5:9, 5:10
publicly ^[1] - 8:6
put ^[2] - 21:11, 26:10
putting ^[1] - 25:3

Q

quickly ^[1] - 19:16
quite ^[2] - 21:24, 24:12

R

rabbi ^[1] - 13:5
Rabbi ^[4] - 6:3, 6:4,

7:4, 9:8
RABBI ^[4] - 3:3,
 6:12, 7:3, 9:23
raced ^[1] - 14:25
radio ^[1] - 13:18
raise ^[1] - 18:8
rang ^[1] - 20:9
Ray ^[1] - 10:16
RAY ^[1] - 3:15
reached ^[1] - 16:18
really ^[3] - 21:15,
 21:18, 22:14
reason ^[2] - 5:5,
 23:16
RECEIVER ^[1] -
 2:15
recently ^[1] - 8:11
recognition ^[1] -
 9:9
recognize ^[2] -
 11:4, 11:10
recorded ^[1] - 4:19
recovery ^[1] -
 14:25
regular ^[1] - 26:15
REGULAR ^[1] - 1:4
relate ^[1] - 4:9
related ^[2] - 13:15,
 17:11
relationship ^[1] -
 9:21
relative ^[1] - 4:23
release ^[1] - 13:9
religion ^[2] - 5:19,
 5:23
remain ^[1] - 9:22
remember ^[5] -
 8:12, 13:11, 16:7,

16:22, 16:25
Remember ^[1] -
 13:19
remembered ^[2] -
 15:13, 15:14
remind ^[1] - 15:17
remission ^[1] -
 19:21
Renna ^[4] - 18:6,
 18:7, 18:25, 23:9
represents ^[1] -
 15:22
rescue ^[1] - 14:25
research ^[1] -
 21:11
resident ^[1] - 24:22
residents ^[2] -
 23:19, 25:9
Resolution ^[2] -
 26:7, 26:15
resolve ^[2] - 11:12,
 13:24
respect ^[4] - 4:25,
 5:4, 11:9, 11:10
respected ^[1] -
 4:24
responders ^[2] -
 13:13, 15:5
return ^[1] - 7:24
ribbons ^[1] - 18:9
Rich ^[1] - 23:24
RICHARD ^[2] -
 1:17, 2:14
rise ^[3] - 6:25, 7:2,
 8:4
risk ^[1] - 20:6
room ^[1] - 15:10
route ^[1] - 17:15

rule ^[1] - 4:25
rules ^[1] - 5:4

S

sacrifice ^[1] - 16:7
sacrifices ^[1] -
 15:16
sad ^[1] - 13:22
Safety ^[1] - 24:10
SALADINO ^[12] -
 1:12, 2:5, 4:2,
 6:13, 6:24, 9:7,
 10:2, 10:22, 13:2,
 17:8, 19:8, 23:2
Saladino ^[2] - 7:21,
 25:12
Saturday ^[1] -
 24:22
save ^[1] - 22:22
saving ^[1] - 21:2
saw ^[1] - 13:19
SCALERA ^[1] -
 2:16
schedule ^[1] -
 26:20
sciences ^[1] -
 18:23
season ^[1] - 25:4
seated ^[1] - 13:3
second ^[2] - 9:15,
 17:20
Second ^[1] - 10:16
SECOND ^[1] - 3:15
see ^[7] - 8:13, 8:15,
 9:4, 14:10, 14:13,
 18:10, 26:4
seeing ^[1] - 22:11
seek ^[1] - 18:4

Semitism ^[1] - 8:5
September ^[9] -
 1:6, 4:5, 13:11,
 17:25, 20:2,
 23:21, 24:16,
 24:23, 27:13
series ^[1] - 24:17
service ^[1] - 10:13
Services ^[1] - 24:9
serving ^[1] - 11:5
set ^[1] - 27:12
seven ^[1] - 5:15
Shall ^[1] - 6:24
share ^[1] - 9:18
shortage ^[1] -
 23:18
shortened ^[1] -
 21:24
show ^[1] - 24:21
shown ^[1] - 13:24
shows ^[1] - 9:15
side ^[1] - 14:7
sign ^[1] - 20:16
silence ^[2] - 16:25,
 17:7
Simchat ^[1] - 6:4
Six ^[1] - 14:5
skin ^[1] - 17:18
sky ^[1] - 13:20
smart ^[1] - 20:20
smile ^[3] - 19:14,
 19:17, 22:11
SMITH ^[1] - 3:11
Smith ^[1] - 10:8
social ^[1] - 4:17
Society ^[1] - 17:23
someone ^[1] -
 21:13

somewhat^[1] - 22:15
son^[5] - 13:8, 19:20, 20:4, 20:5, 21:23
sons^[1] - 10:13
soon^[1] - 15:24
sorrow^[1] - 9:19
sort^[1] - 21:15
sound^[1] - 11:13
South^[1] - 23:23
spaces^[1] - 7:23
speakers^[1] - 5:5
speaking^[1] - 5:2
SPECIAL^[1] - 1:9
specifically^[1] - 18:23
spent^[1] - 21:5
spinal^[1] - 22:2
Spring^[1] - 18:23
SS^[1] - 27:4
standing^[1] - 7:6
stands^[1] - 15:15
Star^[2] - 10:7, 10:10
STAR^[1] - 3:6
started^[1] - 20:12
STATE^[1] - 27:4
State^[1] - 27:8
statements^[1] - 4:22
States^[3] - 10:14, 11:5, 17:19
stayed^[1] - 15:3
STENOGRAPHE
R^[1] - 1:22
stenographic^[1] - 27:11

STEVE^[1] - 2:9
still^[6] - 5:4, 7:15, 7:18, 20:4, 21:10, 22:9
stone^[1] - 14:21
stood^[1] - 7:22
streamed^[1] - 4:17
Street^[1] - 24:18
strength^[4] - 9:15, 11:12, 13:23, 19:17
stronger^[1] - 9:21
struggles^[1] - 15:19
submit^[1] - 5:8
successfully^[1] - 24:6
succumbed^[1] - 14:22
suffering^[1] - 8:10
Sullivan^[1] - 10:9
SULLIVAN^[1] - 3:10
SUPERVISOR^[12]
 - 1:13, 2:5, 4:2, 6:13, 6:24, 9:7, 10:2, 10:22, 13:2, 17:8, 19:8, 23:2
Supervisor^[3] - 7:21, 19:25, 25:12
support^[7] - 6:19, 10:12, 18:5, 18:16, 19:13, 21:17, 25:22
supportive^[1] - 20:23
surrounding^[1] - 7:12

survival^[1] - 17:15

T

TAKEN^[1] - 1:22
taps^[1] - 22:2
TAXES^[1] - 2:15
teach^[1] - 8:13
team^[4] - 7:22, 20:23, 22:19, 24:5
teenage^[1] - 7:10
television^[1] - 13:19
terrible^[1] - 19:11
testing^[1] - 17:13
thankful^[2] - 6:4, 6:6
thanking^[1] - 25:15
there'll^[1] - 22:5
they've^[1] - 21:20
They've^[1] - 21:22
things"^[1] - 7:14
third^[1] - 20:12
THOMAS^[1] - 2:8
thoughts^[1] - 19:5
three^[2] - 13:16, 20:7
thriving^[2] - 20:13, 21:8
throughout^[1] - 11:6
tireless^[1] - 10:23
tirelessly^[1] - 19:12
Tobay^[3] - 14:8, 14:11, 24:7
today^[5] - 6:2, 6:6, 17:22, 25:22,

26:21
together^[2] - 9:5, 11:16
Tom^[3] - 18:12, 19:9, 21:16
tomorrow^[1] - 8:13
took^[1] - 19:3
touched^[1] - 19:11
tough^[1] - 20:2
towers^[1] - 15:2
town^[11] - 5:14, 5:17, 9:22, 11:23, 15:7, 15:25, 18:11, 18:12, 24:22, 25:15, 25:17
TOWN^[4] - 1:2, 1:18, 2:14, 2:16
Town^[15] - 1:3, 4:4, 4:8, 5:11, 5:20, 5:25, 6:19, 7:6, 11:21, 14:5, 15:12, 18:3, 23:13, 23:24
Town's^[1] - 4:18
tragedies^[1] - 7:17
tragedy^[1] - 8:12
tragic^[2] - 6:11, 15:16
transcribed^[1] - 4:20
transcription^[1] - 27:10
treated^[1] - 20:24
treatment^[2] - 21:4, 21:23
tree^[1] - 7:25
truly^[1] - 20:22

trying ^[1] - 18:24
Tuesday ^[2] - 4:5,
 23:20
turned ^[1] - 15:4
Twenty ^[1] - 13:16
two ^[1] - 21:3
tying ^[1] - 18:9
type ^[1] - 17:17

U

unaffected ^[1] -
 22:15
under ^[1] - 6:17
undergo ^[1] - 22:2
United ^[3] - 10:14,
 11:4, 17:19
unrelated ^[2] -
 4:13, 26:10
untimely ^[1] - 6:10
unveiled ^[1] - 15:25
up ^[4] - 6:5, 9:16,
 18:25, 19:16

V

vain ^[1] - 15:20
veteran ^[1] - 11:2
veterans ^[1] - 11:15
VETS ^[1] - 3:13
Vets ^[1] - 10:15
VICKI ^[1] - 2:11
victims ^[1] - 13:11
visit ^[2] - 17:22,
 23:5
voice ^[1] - 4:21
volunteers ^[1] -
 15:4
voting ^[1] - 4:10
VP ^[2] - 3:15, 10:16

W

wagons ^[1] - 6:20
wait ^[1] - 4:12
Walk ^[1] - 14:12
wall ^[2] - 7:11, 17:4
Wall ^[1] - 15:21
Walls ^[1] - 14:6
WALSH ^[1] - 2:11
War ^[2] - 7:13, 7:15
Warriors ^[4] -
 19:13, 19:14,
 19:19, 23:8
watching ^[1] -
 17:22
ways ^[2] - 5:20,
 22:9
website ^[2] - 4:18,
 25:10
websites ^[1] - 23:5
weeks ^[3] - 6:14,
 15:10, 20:16
WEINBERG ^[1] -
 6:23
Weinstein ^[1] - 6:3
WEINSTEIN ^[4] -
 3:3, 6:12, 7:3,
 9:23
welcome ^[1] - 4:3
welcomed ^[1] -
 4:24
west ^[1] - 14:13
WHEREOF ^[1] -
 27:12
whole ^[1] - 11:19
wisdom ^[1] - 8:22
wish ^[2] - 6:14, 6:21
WITNESS ^[1] -
 27:12

women ^[2] - 11:4,
 11:7
words ^[3] - 7:13,
 7:14, 9:8
Works ^[1] - 24:12
world ^[2] - 9:13,
 11:6
wow ^[1] - 13:17
www.
Oysterbaytown.
com ^[1] - 4:18

Y

Year ^[1] - 6:13
year ^[7] - 16:3, 16:9,
 18:5, 20:10,
 21:25, 22:4
years ^[11] - 5:16,
 7:10, 8:12, 13:16,
 14:5, 16:18, 19:4,
 21:3, 22:12,
 22:17, 22:21
yesterday ^[1] -
 13:18
YORK ^[1] - 27:4
York ^[4] - 5:13,
 10:7, 20:17, 27:8
young ^[3] - 16:17,
 19:3, 19:16
younger ^[2] - 7:9
yourself ^[1] - 23:7
Youth ^[1] - 24:9

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 10, 2024

10:52 a.m.

Hearing 1

HEARING - Cable Franchise
To consider the renewal agreement for Cable
Television Franchise with the
Town of Oyster Bay. (M.D. 7/30/24 #23)

JOSEPH SALADINO

SUPERVISOR

**

RICHARD LaMARCA

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

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A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.,	TOWN ATTORNEY

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SUPERVISOR SALADINO: Will our Clerk Rich LaMarca, would you please poll the Board?

TOWN CLERK: Supervisor Saladino?

SUPERVISOR SALADINO: Present.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Present.

TOWN CLERK: Councilman Imbroto is absent.

Councilman Hand?

COUNCILMAN HAND: Present.

TOWN CLERK: Councilman Labriola.

COUNCILMAN LABRIOLA: Here.

TOWN CLERK: Councilwoman Maier?

COUNCILWOMAN MAIER: Present.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Present.

TOWN CLERK: We have a quorum, Supervisor.

SUPERVISOR SALADINO: Thank you.

Would you please call the first hearing?

TOWN CLERK: Today's first hearing is to consider the a renewal agreement

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for Cable Television Franchise with the
Town of Oyster Bay.

TOWN ATTORNEY: Good morning,
Supervisor, members of the Town Board.
Frank Scalera, Town Attorney.

Pursuant to New York State Town Law
Section 64 that talks about the powers of
the Town Board and specifically
Subdivision 7 addresses franchises. And
it says, in some and substance that the
town board may grant rights to
franchises, permissions or consents to
use streets and highways and public
places, or any part thereof, a space for
the purpose of that franchise.

In this particular case, the
franchise in question is Verizon Cable
services. There are two franchises that
provide currently cable services to the
town. One is the former Cablevision,
Altice and Verizon Fios is the other one.
Both of them have had a franchise
agreement with the Town for better than
15 years, I believe, maybe more. And they

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came up for renewal.

If you recall, a few months ago, the Cablevision/Altice agreement came up for renewal. It was negotiated by my office and by our outside counsel, who specializes in this type of manner. We passed the agreement for Cablevision/Altice, whatever company they go by, Optimum. And now Verizon Fios, their particular Cablevision franchise agreement came up for renewal and the last six, seven months, we've been negotiating back and forth. Most of the terms of that agreement is the same or similar to the ones we did with the Cablevision/Altice. There is an increase in revenue on this particular agreement with Verizon Fios, I believe it's 5%. Based upon the mandates of state law, we had to have the hearing for the board to approve the agreement. So basically, Verizon Fios, who has been providing services to town residents, if they choose that particular subscription, and

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the Town Board must, of course, by public hearing, allow them to operate through our infrastructure and the poles and public ways and things of that nature.

SUPERVISOR SALADINO: Mr. Scalera, how long is this contract that we're looking at, the proposed contract, for?

TOWN ATTORNEY: I believe it's another 15 year agreement -- No. Excuse me. Ten year agreement. I apologize, the initial one was ten years. This is another ten years. Okay.

SUPERVISOR SALADINO: And the one that we're currently in. How long of a contract was that?

TOWN ATTORNEY: They were ten year agreements. I got confused before with 15. I apologize.

SUPERVISOR SALADINO: This gives them the opportunity to operate, to put up the wires in our town and the other transmissions and the service.

TOWN ATTORNEY: Correct. For Fios and their cable and for their internet

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services and the like, whatever any of you folks have, Verizon Fios, it will continue to be the same type of service; however, because they based upon New York State Town Law and Rules and Regulation of the Public Service Commission in New York State, franchisees such as these, have to come before the town board. And that's basically it. And the agreement is similar to the last, but better for the Town and its residents and its taxpayers.

SUPERVISOR SALADINO: Are there any questions of the Board?

COUNCILMAN LABRIOLA: Yeah, I have, Supervisor.

SUPERVISOR SALADINO: Please proceed.

COUNCILMAN LABRIOLA: Mr. Scalera, you said it was a ten year agreement.

TOWN ATTORNEY: Yes.

COUNCILMAN LABRIOLA: Is there any opportunity, at any point in time to renegotiate terms if we find that they're not performing or canceling?

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TOWN ATTORNEY: Of course, there's provisions in this agreement for such situations. For instance, if the Public Service Commission changes their regulations on how they define a certain service, yes, you'd have to renegotiate. If the Town in its wisdom feels that the market has increased and we feel that the 5% wasn't sufficient, of course, you could go back and reopen negotiate, but it would be by another hearing because that's the nature of the franchise.

COUNCILMAN LABRIOLA: Which leads me to my next series of questions that I've asked in years past. Is there any program that Verizon offers for senior citizens discounts, or for those in active military service or veterans? Is there anything at all that they offer in our agreement or have been possibly even been discussed with your office that they would look kindly towards?

TOWN ATTORNEY: That is a good question. I don't know the answer to that

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question. I know I did not personally negotiate, our outside counsel did. However, they do allow for certain services beyond the just providing cable television to or internet service. They'll provide certain uses of their facilities and things of that nature. So if there is a request from any group that would like something from them, of course, they can come to us and we can, of course, sit with them and ask. They've been pretty good over the years, both companies in that respect.

COUNCILMAN LABRIOLA: I remember the time when there was just a monopoly with the old cable company.

TOWN ATTORNEY: Correct.

COUNCILMAN LABRIOLA: So at least we have competition now. And that's why I'm getting at these questions about whether or not they're offering more incentives for the veterans or active duty or seniors or even the indigent. Is there a program for low income residents of our

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town that would enable them to get into that service at a lower rate because of their poverty level?

TOWN ATTORNEY: Well, as I said, when I went through the agreement, I don't see any specific things in our agreements with them to allow them to. But I will, if you'd like to keep the record open for a short period of time, I will again, you know, go through this with a fine tooth comb and see if there's things of that nature in there. If not, I guess we can always, if you like, pursue that. Because anything we get further, in my opinion, my office opinion, would not require another hearing because we're getting more than less on this agreement.

So, let's keep the record open for for 30 days so we can solidify those things. They were talked about, but I don't know how exactly they do it in writing.

COUNCILMAN LABRIOLA: I do believe

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that I've read that in some of the smaller municipalities, such as villages, they may have made these offers to entice them to let them in when there was just a monopoly service with the other

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companies. So I'm curious is to know

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whether Altice or Verizon will start to

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compete in that regard, with offering

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incentives to our residents, especially

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those who are of low income or those who

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have served in our country.

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TOWN ATTORNEY: Again, you know that

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they offer public education, all those

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types of access channels they provide for

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the public, which will be vetted through

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the Town. But they do allow those kinds

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of things.

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But I'll look at both agreements, of

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course, and the benefit is that most of

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the time, if not all the time, the

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agreements pretty much kind of mirror

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each other for, for purposes of keeping,

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for lack of a better term, for keeping

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the peace between those companies between

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themselves, not necessarily with us,
because it's the same infrastructure that
they used, the polls, the right of ways
and things of that nature.

COUNCILMAN LABRIOLA: I'd be
interested in knowing what response is.

TOWN ATTORNEY: So let's keep the
record open for two weeks or so or three
weeks, and then we'll, like I said, I
don't believe based upon my legal
opinion, if we get additional services,
we would have to come back to the board
because it'll be an additional benefit.
Okay.

SUPERVISOR SALADINO: Mr. Scalera,
your first recommendation was to keep the
record open for 30 days. Do you feel that
way?

TOWN ATTORNEY: Yeah, I think 30
days will be enough time for to compare
both agreements and to address the
councilman's concerns. And of course, if
we can go further on it, it'll take a
week or two dealing with the companies.

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It's not going to happen overnight. Okay.

SUPERVISOR SALADINO: Are there any other questions in the board?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Are there any questions of the public? Would anyone like to be heard from the public?

Yes, sir. Please come forward. We will ask you to afterwards to fill out a slip. But for now, why don't you step up to the podium and please start off with your full name and address.

MR. MENG: Matthew Meng, 6481 Northern Boulevard East Norwich.

Double poles. Can't we put some sort of demand on these cable companies? A six month limitation by which they have to remove the poles that are taken down -- or not taken down I should say. In the hamlet of East Norwich, we have a pole that's been there for three years from an accident, and it's still up. And can't we put some sort of understanding within the

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agreement that they have a limitation and maybe a penalty? I know every community on Long Island suffers from this. It just can't be our hamlet. That's all. Thank you.

SUPERVISOR SALADINO: Okay. Thank you. We'll certainly reach out to them and look into that. Would you kindly just fill out that slip so we follow the protocol.

Is there anyone else who would like to be heard on this hearing?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Please let the record reflect that no one has indicated they would like to be heard.

Do we have information on postings and mailing communications?

TOWN CLERK: Supervisor, we have affidavits of posting and publication. There is no other correspondence.

SUPERVISOR SALADINO: Thank you very much. May I have a motion, please.

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COUNCILWOMAN JOHNSON: Supervisor, I
make a motion this hearing be closed and
the record be kept open for 30 days.

COUNCILMAN HAND: Second.

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

(Whereupon, all members of
the Town of Oyster Bay Town
Board present respond in favor
with, "Aye.")

SUPERVISOR SALADINO: Those opposed,
"Nay".

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The "Ayes"
have it.

(Whereupon, above matter
concludes, 11:03 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of September, 2024.

Karen Lorenzo
KAREN LORENZO

#	additional ^[2] - 12:12, 12:14	B	certainly ^[1] - 14:8
#23 ^[1] - 1:13	address ^[2] - 12:22, 13:14	based ^[3] - 5:20, 7:5, 12:11	certify ^[1] - 16:9
1	addresses ^[1] - 4:10	BAY ^[1] - 1:3	changes ^[1] - 8:5
1 ^[1] - 1:8	affidavits ^[1] - 14:22	Bay ^[3] - 1:13, 4:3, 15:9	channels ^[1] - 11:15
10 ^[1] - 1:5	afterwards ^[1] - 13:11	benefit ^[2] - 11:20, 12:14	choose ^[1] - 5:25
10:52 ^[1] - 1:6	ago ^[1] - 5:3	better ^[3] - 4:24, 7:11, 11:24	citizens ^[1] - 8:17
10th ^[1] - 16:13	agreement ^[18] - 1:11, 3:25, 4:24, 5:4, 5:8, 5:12, 5:15, 5:18, 5:22, 6:10, 6:11, 7:10, 7:20, 8:3, 8:21, 10:6, 10:19, 14:2	between ^[2] - 11:25	CLERK ^[11] - 1:20, 2:14, 3:5, 3:7, 3:9, 3:13, 3:15, 3:17, 3:19, 3:24, 14:21
11:03 ^[1] - 15:20	agreements ^[5] - 6:18, 10:8, 11:19, 11:22, 12:22	beyond ^[1] - 9:5	Clerk ^[1] - 3:2
15 ^[3] - 4:25, 6:10, 6:19	allow ^[4] - 6:3, 9:4, 10:8, 11:17	Board ^[6] - 3:4, 4:5, 4:9, 6:2, 7:14, 15:10	closed ^[1] - 15:3
2	Altice ^[2] - 4:22, 11:8	BOARD ^[1] - 1:2	comb ^[1] - 10:12
2024 ^[2] - 1:5, 16:13	answer ^[1] - 8:25	board ^[5] - 4:12, 5:21, 7:9, 12:13, 13:4	Commission ^[2] - 7:7, 8:5
3	apologize ^[2] - 6:11, 6:19	Boulevard ^[1] - 13:16	communication s ^[1] - 14:20
30 ^[4] - 10:21, 12:18, 12:20, 15:4	approve ^[1] - 5:22	BY ^[1] - 1:23	community ^[1] - 14:3
5	Attorney ^[1] - 4:6	C	companies ^[5] - 9:14, 11:7, 11:25, 12:25, 13:18
5% ^[2] - 5:19, 8:10	ATTORNEY ^[13] - 2:16, 4:4, 6:9, 6:17, 6:24, 7:21, 8:2, 8:24, 9:18, 10:5, 11:13, 12:8, 12:20	cable ^[5] - 4:20, 6:25, 9:5, 9:17, 13:18	company ^[2] - 5:9, 9:17
6	Aye ^[1] - 15:11	Cable ^[4] - 1:10, 1:11, 4:2, 4:18	compare ^[1] - 12:21
64 ^[1] - 4:8	Aye" ^[1] - 15:7	Cablevision ^[2] - 4:21, 5:11	compete ^[1] - 11:9
6481 ^[1] - 13:15	Ayes ^[1] - 15:16	Cablevision/ Altice ^[3] - 5:4, 5:9, 5:17	competition ^[1] - 9:20
7		canceling ^[1] - 7:25	concerns ^[1] - 12:23
7 ^[1] - 4:10		case ^[1] - 4:17	concludes ^[1] - 15:20
7/30/24 ^[1] - 1:13		certain ^[3] - 8:6, 9:4, 9:7	confused ^[1] - 6:18
A			consents ^[1] - 4:13
a.m ^[1] - 1:6			consider ^[2] - 1:11, 3:25
absent ^[1] - 3:10			
ABSENT ^[1] - 2:7			
access ^[1] - 11:15			
accident ^[1] - 13:24			
active ^[2] - 8:18, 9:23			

<p>continue ^[1] - 7:4 contract ^[3] - 6:7, 6:8, 6:16 Correct ^[2] - 6:24, 9:18 correct ^[1] - 16:10 correspondence ^[1] - 14:23 COUNCILMAN ^[14] - 2:7, 2:8, 2:9, 3:12, 3:14, 7:15, 7:19, 7:22, 8:14, 9:15, 9:19, 10:25, 12:6, 15:5 Councilman ^[3] - 3:9, 3:11, 3:13 councilman's ^[1] - 12:23 COUNCILWOMA N ^[7] - 2:6, 2:10, 2:11, 3:8, 3:16, 3:18, 15:2 Councilwoman ^[3] - 3:7, 3:15, 3:17 counsel ^[2] - 5:6, 9:3 country ^[1] - 11:12 COUNTY ^[1] - 16:5 course ^[7] - 6:2, 8:2, 8:10, 9:11, 9:12, 11:20, 12:23 curious ^[1] - 11:7</p>	<p>demand ^[1] - 13:18 discounts ^[1] - 8:18 discussed ^[1] - 8:22 Double ^[1] - 13:17 down ^[2] - 13:20, 13:21 duty ^[1] - 9:23</p>	<p>forth ^[1] - 5:14 forward ^[1] - 13:10 franchise ^[5] - 4:16, 4:18, 4:23, 5:11, 8:13 Franchise ^[3] - 1:10, 1:12, 4:2 franchisees ^[1] - 7:8 franchises ^[3] - 4:10, 4:13, 4:19 FRANK ^[1] - 2:16 Frank ^[1] - 4:6 full ^[1] - 13:14</p>	<p>highways ^[1] - 4:14</p>
<p style="text-align: center;">D</p>	<p style="text-align: center;">E</p>	<p style="text-align: center;">G</p>	<p style="text-align: center;">I</p>
<p>days ^[4] - 10:21, 12:18, 12:21, 15:4 dealing ^[1] - 12:25 define ^[1] - 8:6</p>	<p>East ^[2] - 13:16, 13:22 education ^[1] - 11:14 enable ^[1] - 10:2 entice ^[1] - 11:4 especially ^[1] - 11:10 ESQ ^[1] - 2:16 exactly ^[1] - 10:23 Excuse ^[1] - 6:10</p>	<p>grant ^[1] - 4:12 group ^[1] - 9:9 guess ^[1] - 10:14</p>	<p>IMBROTO ^[1] - 2:7 Imbroto ^[1] - 3:9 IN ^[1] - 16:12 incentives ^[2] - 9:22, 11:10 income ^[2] - 9:25, 11:11 increase ^[1] - 5:17 increased ^[1] - 8:9 indicated ^[1] - 14:17 indigent ^[1] - 9:24 information ^[1] - 14:19 infrastructure ^[2] - 6:4, 12:3 initial ^[1] - 6:12 instance ^[1] - 8:4 interested ^[1] - 12:7 internet ^[2] - 6:25, 9:6 Island ^[1] - 14:4 it'll ^[2] - 12:14, 12:24</p>
<p style="text-align: center;">D</p>	<p style="text-align: center;">F</p>	<p style="text-align: center;">H</p>	<p style="text-align: center;">J</p>
	<p>facilities ^[1] - 9:8 favor ^[2] - 15:6, 15:10 few ^[1] - 5:3 fill ^[2] - 13:11, 14:10 fine ^[1] - 10:12 Fios ^[6] - 4:22, 5:10, 5:19, 5:23, 6:24, 7:3 first ^[3] - 3:22, 3:24, 12:17 folks ^[1] - 7:3 follow ^[1] - 14:10 former ^[1] - 4:21</p>	<p>hamlet ^[2] - 13:22, 14:5 HAND ^[3] - 2:8, 3:12, 15:5 Hand ^[1] - 3:11 hand ^[1] - 16:13 heard ^[3] - 13:9, 14:13, 14:18 Hearing ^[1] - 1:8 hearing ^[8] - 3:23, 3:24, 5:21, 6:3, 8:12, 10:18, 14:13, 15:3 HEARING ^[1] - 1:10 hereby ^[1] - 16:8 hereunto ^[1] - 16:12</p>	<p>JEFFREY ^[1] - 2:15 Johnson ^[1] - 3:7 JOHNSON ^[3] - 2:6, 3:8, 15:2 JOSEPH ^[2] - 1:16, 2:5</p>

K	<p>looking ^[1] - 6:8</p> <p>LORENZO ^[3] - 1:23, 16:7, 16:16</p> <p>Lorenzo ^[1] - 16:15</p> <p>LOUIS ^[1] - 2:7</p> <p>low ^[2] - 9:25, 11:11</p> <p>lower ^[1] - 10:3</p>	<p>MR ^[1] - 13:15</p> <p>municipalities ^[1] - 11:3</p> <p>must ^[1] - 6:2</p>	<p>11:4</p> <p>office ^[3] - 5:5, 8:22, 10:16</p> <p>old ^[1] - 9:17</p> <p>one ^[4] - 4:22, 6:12, 6:14, 14:17</p> <p>One ^[1] - 4:21</p> <p>ones ^[1] - 5:16</p> <p>open ^[5] - 10:10, 10:20, 12:9, 12:18, 15:4</p> <p>operate ^[2] - 6:3, 6:21</p> <p>opinion ^[3] - 10:16, 10:17, 12:12</p> <p>opportunity ^[2] - 6:21, 7:23</p> <p>opposed ^[1] - 15:12</p> <p>Optimum ^[1] - 5:10</p> <p>outside ^[2] - 5:6, 9:3</p> <p>overnight ^[1] - 13:2</p> <p>OYSTER ^[1] - 1:3</p> <p>Oyster ^[3] - 1:13, 4:3, 15:9</p>
	M	N	
	<p>M.D ^[1] - 1:13</p> <p>Maier ^[1] - 3:15</p> <p>MAIER ^[2] - 2:10, 3:16</p> <p>mailing ^[1] - 14:20</p> <p>mandates ^[1] - 5:20</p> <p>manner ^[1] - 5:7</p> <p>market ^[1] - 8:9</p> <p>matter ^[1] - 15:19</p> <p>Matthew ^[1] - 13:15</p> <p>MEETING ^[1] - 1:4</p> <p>members ^[2] - 4:5, 15:8</p> <p>MENG ^[1] - 13:15</p> <p>Meng ^[1] - 13:15</p> <p>MICHELE ^[1] - 2:6</p> <p>military ^[1] - 8:19</p> <p>mirror ^[1] - 11:22</p> <p>monopoly ^[2] - 9:16, 11:6</p> <p>month ^[1] - 13:19</p> <p>months ^[2] - 5:3, 5:13</p> <p>morning ^[1] - 4:4</p> <p>most ^[1] - 11:20</p> <p>Most ^[1] - 5:14</p> <p>motion ^[2] - 14:25, 15:3</p>	<p>name ^[1] - 13:14</p> <p>NASSAU ^[1] - 16:5</p> <p>nature ^[5] - 6:5, 8:13, 9:8, 10:13, 12:5</p> <p>Nay" ^[1] - 15:13</p> <p>necessarily ^[1] - 12:2</p> <p>negotiate ^[2] - 8:11, 9:3</p> <p>negotiated ^[1] - 5:5</p> <p>negotiating ^[1] - 5:14</p> <p>New ^[4] - 4:7, 7:5, 7:7, 16:8</p> <p>NEW ^[1] - 16:4</p> <p>next ^[1] - 8:15</p> <p>Northern ^[1] - 13:16</p> <p>Norwich ^[2] - 13:16, 13:22</p> <p>Notary ^[1] - 16:7</p> <p>notes ^[1] - 16:11</p>	
L		O	P
<p>LABRIOLA ^[10] - 2:9, 3:14, 7:15, 7:19, 7:22, 8:14, 9:15, 9:19, 10:25, 12:6</p> <p>Labriola ^[1] - 3:13</p> <p>lack ^[1] - 11:24</p> <p>LaMarca ^[3] - 1:19, 2:14, 3:3</p> <p>last ^[2] - 5:13, 7:11</p> <p>LAURA ^[1] - 2:10</p> <p>Law ^[2] - 4:7, 7:6</p> <p>law ^[1] - 5:20</p> <p>leads ^[1] - 8:14</p> <p>least ^[1] - 9:19</p> <p>legal ^[1] - 12:11</p> <p>less ^[1] - 10:19</p> <p>level ^[1] - 10:4</p> <p>limitation ^[2] - 13:19, 14:2</p> <p>look ^[3] - 8:23, 11:19, 14:9</p>		<p>OF ^[4] - 1:3, 2:15, 16:4, 16:5</p> <p>offer ^[2] - 8:20, 11:14</p> <p>offering ^[2] - 9:22, 11:9</p> <p>offers ^[2] - 8:17,</p>	<p>p.m ^[1] - 15:20</p> <p>part ^[1] - 4:15</p> <p>particular ^[4] - 4:17, 5:11, 5:18, 5:25</p> <p>passed ^[1] - 5:8</p> <p>past ^[1] - 8:16</p> <p>peace ^[1] - 11:25</p> <p>penalty ^[1] - 14:3</p> <p>performing ^[1] -</p>

7:25
period ^[1] - 10:10
permissions ^[1] - 4:13
personally ^[1] - 9:2
places ^[1] - 4:15
podium ^[1] - 13:13
point ^[1] - 7:23
pole ^[1] - 13:22
poles ^[3] - 6:4, 13:17, 13:20
poll ^[1] - 3:3
polls ^[1] - 12:4
possibly ^[1] - 8:21
posting ^[1] - 14:22
postings ^[1] - 14:19
poverty ^[1] - 10:4
powers ^[1] - 4:8
PRAVATO ^[1] - 2:15
present ^[2] - 3:6, 15:10
Present ^[4] - 3:8, 3:12, 3:16, 3:18
pretty ^[2] - 9:13, 11:22
proceed ^[1] - 7:18
program ^[2] - 8:16, 9:25
proposed ^[1] - 6:8
protocol ^[1] - 14:11
provide ^[3] - 4:20, 9:7, 11:15
providing ^[2] - 5:23, 9:5
provisions ^[1] - 8:3
pubic ^[1] - 6:5

Public ^[3] - 7:7, 8:4, 16:7
public ^[6] - 4:14, 6:2, 11:14, 11:16, 13:8, 13:9
publication ^[1] - 14:22
purpose ^[1] - 4:16
purposes ^[1] - 11:23
pursuant ^[1] - 4:7
pursue ^[1] - 10:15
put ^[3] - 6:21, 13:17, 13:25

Q

questions ^[5] - 7:14, 8:15, 9:21, 13:4, 13:8
quorum ^[1] - 3:19

R

rate ^[1] - 10:3
reach ^[1] - 14:8
read ^[1] - 11:2
RECEIVER ^[1] - 2:15
recommendatio
n ^[1] - 12:17
record ^[6] - 10:10, 10:20, 12:9, 12:18, 14:17, 15:4
reflect ^[1] - 14:17
regard ^[1] - 11:9
REGULAR ^[1] - 1:4
Regulation ^[1] - 7:6
regulations ^[1] -

8:6
remember ^[1] - 9:15
remove ^[1] - 13:20
renegotiate ^[2] - 7:24, 8:7
renewal ^[5] - 1:11, 3:25, 5:2, 5:5, 5:12
reopen ^[1] - 8:11
request ^[1] - 9:9
require ^[1] - 10:17
residents ^[4] - 5:24, 7:12, 9:25, 11:10
respect ^[1] - 9:14
respond ^[1] - 15:10
response ^[4] - 12:7, 13:6, 14:15, 15:15
revenue ^[1] - 5:18
Rich ^[1] - 3:3
RICHARD ^[2] - 1:19, 2:14
rights ^[1] - 4:12
Rules ^[1] - 7:6

S

SALADINO ^[19] - 1:16, 2:5, 3:2, 3:6, 3:21, 6:6, 6:14, 6:20, 7:13, 7:17, 12:16, 13:3, 13:7, 14:7, 14:16, 14:24, 15:6, 15:12, 15:16
Saladino ^[1] - 3:5
SCALERA ^[1] - 2:16

Scalera ^[4] - 4:6, 6:6, 7:19, 12:16
Second ^[1] - 15:5
Section ^[1] - 4:8
see ^[2] - 10:7, 10:12
senior ^[1] - 8:17
seniors ^[1] - 9:24
September ^[2] - 1:5, 16:13
series ^[1] - 8:15
served ^[1] - 11:12
service ^[7] - 6:23, 7:4, 8:7, 8:19, 9:6, 10:3, 11:6
Service ^[2] - 7:7, 8:5
services ^[6] - 4:19, 4:20, 5:24, 7:2, 9:5, 12:12
set ^[1] - 16:12
seven ^[1] - 5:13
short ^[1] - 10:10
signify ^[1] - 15:7
similar ^[2] - 5:16, 7:11
sit ^[1] - 9:12
situations ^[1] - 8:4
six ^[2] - 5:13, 13:19
slip ^[2] - 13:12, 14:10
smaller ^[1] - 11:3
solidify ^[1] - 10:21
sort ^[2] - 13:18, 13:25
space ^[1] - 4:15
specializes ^[1] - 5:7
specific ^[1] - 10:7

<p>specifically ^[1] - 4:9 SS ^[1] - 16:4 start ^[2] - 11:8, 13:13 State ^[4] - 4:7, 7:6, 7:8, 16:8 state ^[1] - 5:20 STATE ^[1] - 16:4 STENOGRAPHE R ^[1] - 1:23 stenographic ^[1] - 16:11 step ^[1] - 13:12 STEVE ^[1] - 2:9 still ^[1] - 13:24 streets ^[1] - 4:14 Subdivision ^[1] - 4:10 subscription ^[1] - 5:25 substance ^[1] - 4:11 suffers ^[1] - 14:4 sufficient ^[1] - 8:10 SUPERVISOR ^[19] - 1:17, 2:5, 3:2, 3:6, 3:21, 6:6, 6:14, 6:20, 7:13, 7:17, 12:16, 13:3, 13:7, 14:7, 14:16, 14:24, 15:6, 15:12, 15:16 Supervisor ^[5] - 3:5, 3:20, 4:5, 7:16, 15:2 supervisor ^[1] - 14:21</p>	<p style="text-align: center;">T</p> <p>TAKEN ^[1] - 1:23 talks ^[1] - 4:8 TAXES ^[1] - 2:15 taxpayers ^[1] - 7:12 Television ^[2] - 1:12, 4:2 television ^[1] - 9:6 ten ^[5] - 6:11, 6:12, 6:13, 6:17, 7:20 term ^[1] - 11:24 terms ^[2] - 5:15, 7:24 themselves ^[1] - 12:2 thereof ^[1] - 4:15 they've ^[1] - 9:13 THOMAS ^[1] - 2:8 three ^[2] - 12:9, 13:23 Today's ^[1] - 3:24 tooth ^[1] - 10:12 towards ^[1] - 8:23 town ^[6] - 4:12, 4:21, 5:24, 6:22, 7:9, 10:2 TOWN ^[26] - 1:2, 1:3, 1:20, 2:14, 2:16, 3:5, 3:7, 3:9, 3:13, 3:15, 3:17, 3:19, 3:24, 4:4, 6:9, 6:17, 6:24, 7:21, 8:2, 8:24, 9:18, 10:5, 11:13, 12:8, 12:20, 14:21 Town ^[14] - 1:13, 4:3, 4:5, 4:6, 4:7,</p>	<p>4:9, 4:24, 6:2, 7:6, 7:12, 8:8, 11:17, 15:9 transcription ^[1] - 16:10 transmissions ^[1] - 6:23 two ^[3] - 4:19, 12:9, 12:25 type ^[2] - 5:7, 7:4 types ^[1] - 11:15</p> <p style="text-align: center;">U</p> <p>up ^[6] - 5:2, 5:4, 5:12, 6:22, 13:12, 13:24 uses ^[1] - 9:7</p> <p style="text-align: center;">V</p> <p>verbal ^[3] - 13:5, 14:14, 15:14 Verizon ^[8] - 4:18, 4:22, 5:10, 5:19, 5:23, 7:3, 8:17, 11:8 veterans ^[2] - 8:19, 9:23 vetted ^[1] - 11:16 VICKI ^[1] - 2:11 villages ^[1] - 11:3</p> <p style="text-align: center;">W</p> <p>WALSH ^[2] - 2:11, 3:18 Walsh ^[1] - 3:17 ways ^[2] - 6:5, 12:4 week ^[1] - 12:25 weeks ^[2] - 12:9, 12:10</p>	<p>WHEREOF ^[1] - 16:12 wires ^[1] - 6:22 wisdom ^[1] - 8:8 WITNESS ^[1] - 16:12 writing ^[1] - 10:24</p> <p style="text-align: center;">Y</p> <p>year ^[4] - 6:10, 6:11, 6:17, 7:20 years ^[6] - 4:25, 6:12, 6:13, 8:16, 9:13, 13:23 YORK ^[1] - 16:4 York ^[4] - 4:7, 7:5, 7:8, 16:8</p> <p style="text-align: center;">-</p> <p>- ^[1] - 1:10</p>
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TOWN BOARD

TOWN OF OYSTER BAY

REGULAR MEETING

September 10, 2024

11:03 a.m.

Hearing 2

HEARING - Local Law

To consider a Local Law entitled
"A LOCAL LAW TO AMEND THE CODE OF THE TOWN
OF OYSTER BAY, NEW YORK, TO SET FORTH
PENALTIES ALLOWED TO BE ASSESSED BY THE
BUREAU OF ADMINISTRATIVE ADJUDICATION,
AMENDING CHAPTER 114 - EXPLOSIVES AND
FIREARMS, CHAPTER 231 - UNMANNED AIRCRAFT,
CHAPTER 233-VEHICLES AND TRAFFIC."
(M.D. 8/6/24 #34)

JOSEPH SALADINO

SUPERVISOR

**

RICHARD LaMARCA

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

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A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.,	TOWN ATTORNEY
WILLIAM MCCABE, ESQ.,	ASSISTANT TOWN ATTORNEY

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SUPERVISOR SALADINO: Would you kindly call the next hearing?

TOWN CLERK: The second hearing is to consider a local law entitled A Local Law to amend the code of the Town of Oyster Bay, New York, to set forth penalties allowed to be assessed by the Bureau of Administrative Adjudication Amending Chapter 114 - Explosives and Firearms; Chapter 231 - Unmanned Aircraft; Chapter 233 Vehicles and Traffic.

ASSISTANT TOWN ATTORNEY: Good morning, Supervisor, Town Board. My name is William McCabe, Assistant Town Attorney, with the Town of Oyster Bay.

This hearing, the proposed law is to set forth penalties allowed to be assessed by the Bureau of Administrative Adjudication. The Bureau of Administrative of Adjudication was established by Chapter 14 of the Town Code to enable the Town Attorney's Office to adjudicate Town Code violations.

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The violation of a provision of this chapter or the Rules of Regulation delineated under the Town Board, the Department of Planning and Development, the Department of Environmental Resources, or the Department of Public Safety is hereby declared to be an offense. This amendment gives the Bureau of Administrative Adjudication jurisdiction, concurrent with Nassau District Court for anyone in violation of this chapter.

In other words, this is a housekeeping rule. What used to happen was everybody had to go to Nassau District Court for any violation, any offense that was given by a town code member. And now we're going to have a our own kind of court, Administrative Adjudication, so our town members will not have to go to Hempstead to have anything adjudicated. They will be able to do right here at the Town.

SUPERVISOR SALADINO: Thank you,

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Counselor.

Just to add to that, this is something that has been in the planning for a long time. We've already held the hearing on this, and now we are changing the code so this Adjudication Bureau can hear the cases. And this way residents don't have to travel for a day in District Court in Hempstead and then perhaps come back here to have to fix whatever it might be with the Building Department. It's one stop shopping. This is designed to make things easier, more effective, and to bring people into compliance and to help our residents get into compliance, but also help residents who may have a complaint, an ongoing complaints in their community, to help to resolve that issue. Is that an accurate depiction?

ASSISTANT TOWN ATTORNEY: I think that is, yes.

SUPERVISOR SALADINO: Thank you, Counselor. Are there any questions of

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the Board?

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: Would anyone
in the public like to be heard on this
hearing?

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: Please let the
record reflect that no one has indicated
they would like to be heard.

Is there any correspondence?

TOWN CLERK: We have affidavits of
posting and publication. There is no
other correspondence.

SUPERVISOR SALADINO: May I have a
motion?

COUNCILWOMAN JOHNSON: Supervisor, I
make a motion on the public portion of
this hearing be closed and the record be
kept open for 30 days.

COUNCILMAN HAND: Second.

SUPERVISOR SALADINO: With that, all
in favor, please signify by saying,

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"Aye".

(Whereupon, all members of
the Town of Oyster Bay Town
Board present respond in favor
with, "Aye.")

SUPERVISOR SALADINO: Those opposed,
"Nay".

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The "Ayes"
have it.

(Whereupon, above matter
concludes, 11:06 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of September, 2024.

Karen Lorenzo
KAREN LORENZO

#	Adjudication ^[6] - 3:9, 3:21, 3:22, 4:10, 4:21, 5:7	Aye ^[1] - 7:6 Aye" ^[1] - 7:2 Ayes ^[1] - 7:11	community ^[1] - 5:19
#34 ^[1] - 1:18			complaint ^[1] - 5:18
1	ADMINISTRATIV E ^[1] - 1:14	B	complaints ^[1] - 5:19
10 ^[1] - 1:5 10th ^[1] - 8:13 114 ^[2] - 1:15, 3:10 11:03 ^[1] - 1:6 11:06 ^[1] - 7:16 14 ^[1] - 3:23	Administrative ^[5] - 3:9, 3:20, 3:22, 4:10, 4:20 affidavits ^[1] - 6:14 Aircraft ^[1] - 3:12 AIRCRAFT ^[1] - 1:16 allowed ^[2] - 3:8, 3:19 ALLOWED ^[1] - 1:13 amend ^[1] - 3:6 AMEND ^[1] - 1:11 Amending ^[1] - 3:10 AMENDING ^[1] - 1:15 amendment ^[1] - 4:9 AND ^[2] - 1:15, 1:17 assessed ^[2] - 3:8, 3:20 ASSESSED ^[1] - 1:13 ASSISTANT ^[3] - 2:17, 3:14, 5:22 Assistant ^[1] - 3:16 ATTORNEY ^[4] - 2:16, 2:17, 3:14, 5:22 Attorney ^[1] - 3:17 Attorney's ^[1] - 3:24	Bay ^[3] - 3:7, 3:17, 7:4 BAY ^[2] - 1:3, 1:12 BE ^[1] - 1:13 Board ^[4] - 3:15, 4:4, 6:2, 7:5 BOARD ^[1] - 1:2 bring ^[1] - 5:15 Building ^[1] - 5:12 BUREAU ^[1] - 1:14 Bureau ^[5] - 3:9, 3:20, 3:21, 4:9, 5:7 BY ^[2] - 1:13, 1:25	compliance ^[2] - 5:16, 5:17 concludes ^[1] - 7:16 concurrent ^[1] - 4:11 consider ^[2] - 1:10, 3:5 correct ^[1] - 8:10 correspondence ^[2] - 6:13, 6:16 COUNCILMAN ^[4] - 2:7, 2:8, 2:9, 6:23 COUNCILWOMA N ^[4] - 2:6, 2:10, 2:11, 6:19 Counselor ^[2] - 5:2, 5:25 COUNTY ^[1] - 8:5 Court ^[3] - 4:12, 4:17, 5:10 court ^[1] - 4:20
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2 ^[1] - 1:8 2024 ^[2] - 1:5, 8:13 231 ^[2] - 1:16, 3:11 233 ^[1] - 3:12 233-VEHICLES ^[1] - 1:17		cases ^[1] - 5:8 certify ^[1] - 8:9 changing ^[1] - 5:6 CHAPTER ^[3] - 1:15, 1:16, 1:17 chapter ^[2] - 4:3, 4:13 Chapter ^[4] - 3:10, 3:11, 3:12, 3:23 CLERK ^[4] - 1:24, 2:14, 3:4, 6:14 closed ^[1] - 6:21 code ^[3] - 3:6, 4:18, 5:7 CODE ^[1] - 1:11 Code ^[2] - 3:24, 3:25	days ^[1] - 6:22 declared ^[1] - 4:8 delineated ^[1] - 4:4 Department ^[4] - 4:5, 4:6, 4:7, 5:13 depiction ^[1] - 5:21 designed ^[1] - 5:14
3			
30 ^[1] - 6:22			
8			
8/6/24 ^[1] - 1:18			
A			
a.m ^[1] - 1:6 able ^[1] - 4:23 ABSENT ^[1] - 2:7 accurate ^[1] - 5:20 add ^[1] - 5:3 adjudicate ^[1] - 3:25 adjudicated ^[1] - 4:23 ADJUDICATION ^[1] - 1:14			

<p>Development ^[1] - 4:5 District ^[3] - 4:12, 4:17, 5:10</p>	<p>hear ^[1] - 5:8 heard ^[2] - 6:6, 6:12 hearing ^[6] - 3:3, 3:4, 3:18, 5:6, 6:7, 6:21 Hearing ^[1] - 1:8 HEARING ^[1] - 1:9 held ^[1] - 5:5 help ^[3] - 5:16, 5:17, 5:19 Hempstead ^[2] - 4:22, 5:10 hereby ^[2] - 4:8, 8:8 hereunto ^[1] - 8:12 housekeeping ^[1] - 4:15</p>	<p>kindly ^[1] - 3:3</p>	<p>NASSAU ^[1] - 8:5</p>
<p>E</p>	<p>I</p>	<p>L</p>	<p>Nassau ^[2] - 4:11, 4:16 Nay" ^[1] - 7:8 NEW ^[2] - 1:12, 8:4 New ^[2] - 3:7, 8:8 next ^[1] - 3:3 Notary ^[1] - 8:7 notes ^[1] - 8:11</p>
<p>easier ^[1] - 5:14 effective ^[1] - 5:15 enable ^[1] - 3:24 entitled ^[2] - 1:10, 3:5 Environmental ^[1] - 4:6 ESQ ^[2] - 2:16, 2:17 established ^[1] - 3:23 Explosives ^[1] - 3:10 EXPLOSIVES ^[1] - 1:15</p>	<p>IMBROTO ^[1] - 2:7 IN ^[1] - 8:12 indicated ^[1] - 6:11 issue ^[1] - 5:20</p>	<p>LABRIOLA ^[1] - 2:9 LaMARCA ^[2] - 1:23, 2:14 LAURA ^[1] - 2:10 Law ^[3] - 1:9, 1:10, 3:6 law ^[2] - 3:5, 3:18 LAW ^[1] - 1:11 local ^[1] - 3:5 Local ^[3] - 1:9, 1:10, 3:5 LOCAL ^[1] - 1:11 Lorenzo ^[1] - 8:15 LORENZO ^[3] - 1:25, 8:7, 8:16 LOUIS ^[1] - 2:7</p>	<p>O</p>
<p>F</p>	<p>J</p>	<p>M</p>	<p>OF ^[7] - 1:3, 1:11, 1:12, 1:14, 2:15, 8:4, 8:5 offense ^[2] - 4:9, 4:18 Office ^[1] - 3:24 one ^[2] - 5:13, 6:11 ongoing ^[1] - 5:18 open ^[1] - 6:22 opposed ^[1] - 7:7 own ^[1] - 4:20 Oyster ^[3] - 3:7, 3:17, 7:4 OYSTER ^[2] - 1:3, 1:12</p>
<p>favor ^[2] - 6:25, 7:5 FIREARMS ^[1] - 1:16 Firearms ^[1] - 3:11 fix ^[1] - 5:11 forth ^[2] - 3:7, 3:19 FORTH ^[1] - 1:12 FRANK ^[1] - 2:16</p>	<p>JEFFREY ^[1] - 2:15 JOHNSON ^[2] - 2:6, 6:19 JOSEPH ^[2] - 1:20, 2:5 jurisdiction ^[1] - 4:11</p>	<p>M.D ^[1] - 1:18 MAIER ^[1] - 2:10 matter ^[1] - 7:15 MCCABE ^[1] - 2:17 McCabe ^[1] - 3:16 MEETING ^[1] - 1:4 member ^[1] - 4:19 members ^[2] - 4:21, 7:3 MICHELE ^[1] - 2:6 might ^[1] - 5:12 morning ^[1] - 3:15 motion ^[2] - 6:18, 6:20</p>	<p>P</p>
<p>G</p>	<p>K</p>	<p>N</p>	<p>p.m ^[1] - 7:16 PENALTIES ^[1] - 1:13 penalties ^[2] - 3:8, 3:19 people ^[1] - 5:15 perhaps ^[1] - 5:11 Planning ^[1] - 4:5 planning ^[1] - 5:4 portion ^[1] - 6:20</p>
<p>given ^[1] - 4:18</p>	<p>Karen ^[1] - 8:15 KAREN ^[3] - 1:25, 8:7, 8:16 kept ^[1] - 6:22 kind ^[1] - 4:20</p>	<p>name ^[1] - 3:15</p>	
<p>H</p>			
<p>hand ^[1] - 8:13 HAND ^[2] - 2:8, 6:23</p>			

<p>posting ^[1] - 6:15 PRAVATO ^[1] - 2:15 present ^[1] - 7:5 proposed ^[1] - 3:18 provision ^[1] - 4:2 public ^[2] - 6:6, 6:20 Public ^[2] - 4:7, 8:7 publication ^[1] - 6:15</p>	<p style="text-align: center;">S</p> <p>Safety ^[1] - 4:8 SALADINO ^[11] - 1:20, 2:5, 3:2, 4:25, 5:24, 6:5, 6:10, 6:17, 6:24, 7:7, 7:11 SCALERA ^[1] - 2:16 Second ^[1] - 6:23 second ^[1] - 3:4 September ^[2] - 1:5, 8:13 set ^[3] - 3:7, 3:19, 8:12 SET ^[1] - 1:12 shopping ^[1] - 5:13 signify ^[1] - 6:25 SS ^[1] - 8:4 STATE ^[1] - 8:4 State ^[1] - 8:8 STENOGRAPHE R ^[1] - 1:25 stenographic ^[1] - 8:11 STEVE ^[1] - 2:9 stop ^[1] - 5:13 supervisor ^[1] - 6:19 Supervisor ^[1] - 3:15 SUPERVISOR ^[11] - 1:21, 2:5, 3:2, 4:25, 5:24, 6:5, 6:10, 6:17, 6:24, 7:7, 7:11</p>	<p style="text-align: center;">T</p> <p>TAKEN ^[1] - 1:25 TAXES ^[1] - 2:15 THE ^[3] - 1:11, 1:13 THOMAS ^[1] - 2:8 TO ^[3] - 1:11, 1:12, 1:13 town ^[2] - 4:18, 4:21 TOWN ^[11] - 1:2, 1:3, 1:11, 1:24, 2:14, 2:16, 2:17, 3:4, 3:14, 5:22, 6:14 Town ^[11] - 3:6, 3:15, 3:16, 3:17, 3:23, 3:24, 3:25, 4:4, 4:24, 7:4 Traffic ^[1] - 3:13 TRAFFIC. ^[1] - 1:17 transcription ^[1] - 8:10 travel ^[1] - 5:9</p> <p style="text-align: center;">U</p> <p>under ^[1] - 4:4 UNMANNED ^[1] - 1:16 Unmanned ^[1] - 3:11</p> <p style="text-align: center;">V</p> <p>Vehicles ^[1] - 3:12 verbal ^[3] - 6:3, 6:8, 7:9 VICKI ^[1] - 2:11 violation ^[3] - 4:2,</p>	<p>4:12, 4:17 violations ^[1] - 3:25</p> <p style="text-align: center;">W</p> <p>WALSH ^[1] - 2:11 WHEREOF ^[1] - 8:12 WILLIAM ^[1] - 2:17 William ^[1] - 3:16 WITNESS ^[1] - 8:12 words ^[1] - 4:14</p> <p style="text-align: center;">Y</p> <p>York ^[2] - 3:7, 8:8 YORK ^[2] - 1:12, 8:4</p> <p style="text-align: center;">“</p> <p>“A ^[1] - 1:11</p> <p style="text-align: center;">-</p> <p>- ^[3] - 1:9, 1:15, 1:16</p>
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TOWN BOARD

Town of Oyster Bay

REGULAR MEETING

September 10, 2024

11:06 a.m.

Hearing 3

HEARING - P-9-24

To consider the application of
62-61 Northern Boulevard Corporation, fee
Owner, for a Special Use Permit at premises
located at
62-61 Northern Boulevard, East Norwich.
(M.D. 8/6/24 #35)

JOSEPH SALADINO

SUPERVISOR

**

RICHARD LaMARCA

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

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A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA TOWN CLERK
JEFFREY P. PRAVATO RECEIVER OF TAXES
FRANK SCALERA, ESQ., TOWN ATTORNEY

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APPEARED:
Judy Simoncic, Esq., Forcelli Deegan Terrana
Zach Chaplin, Stonefield Engineering
Amanda La Rosa, Stonefield Engineering
Scott Yanuck, Laurel Environmental
Chris Torken, Applicant

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SUPERVISOR SALADINO: Will you please call the third hearing?

TOWN CLERK: Today's last hearing is to consider the application of 62-61 Northern Boulevard Corporation, fee owner, for a Special Use Permit at premises located at 62-61 Northern Boulevard East Norwich.

MS. SIMONCIC: Good morning, Supervisor, members of the town board. My name is Judy Simoncic, I'm an attorney with the firm Forcelli Deegan Terrana with offices at 333 Earl Ovington Boulevard, Uniondale. I'm appearing this morning on behalf of the applicants, 62-61 - 62-81 Northern Boulevard Corporation, that's the owner of the subject premises, Norwich LLC, which is the long term ground lessee, they're under a ground lease of 49 years for this property, and finally 7-Eleven Inc, that's the ultimate lessee for the property.

With me this morning is Zach

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Chaplin, who's our project engineer with Stonefield Engineering; Amanda LaRosa, she's our traffic engineer, also with Stonefield; and Scott Yanuck, who is a geologist and president at Laurel Environmental. They will all be making presentations to the board. Also, here are some other representatives of 7-Eleven and the owner who are available for additional questions, if need be.

(Whereupon, slides displayed and referred to throughout presentation.)

MS. SIMONCIC: The premises is known as 6261-6281 Northern Boulevard in East Norwich. It's designated a Section 24, Block B, Lot 948 on the Nassau County Land Tax Map. It has a lot size of 1.35 acres and the property is zoned General Business.

The application before the board today concerns a proposal for a new 7-Eleven convenience store with a gas station. Now, the convenience store is a

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permitted use As of Right within the General Business District. The proposed gas station requires a Special Use Permit from this board.

Before discussing the proposal, what I want to do -- and you have the aerial before you -- is really talk about the subject property setting in the town and its history, which I believe is highly relevant to this application. I assume the screens are working that are before you?

(Whereupon, acknowledged.)

MS. SIMONCIC: So the first exhibit, Exhibit 1, is an aerial photo of the subject property and the surrounding area. As you can see, the property is highlighted, outlined in red, it's a single tax lot, as I indicated, that contains 1.35 acres. And it's located on the north side of New York State Route 25 A, also known as Northern Boulevard, which is a four lane road with a center divider. The premises is approximately

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2 450ft west of another state road on New
3 York State Route 106, also known as
4 Jericho Oyster Bay Road. This property
5 has 290ft of frontage on Route 25A. Route
6 25A is within the sole jurisdiction of
7 New York State DOT. The DOT was asked to
8 review this project as it relates to
9 traffic and other aspects, which it has
10 done, and it has issued the approval of
11 the proposal. And you will hear from the
12 traffic engineer more in terms of the
13 DOT's review and approval of this
14 property.

15 With respect to the history and the
16 use of this property, this property was
17 developed and improved with actually four
18 principal uses that have existed for many
19 years. There was a Country Kitchen,
20 Pancake House, and that was on the
21 eastern portion of the site that is
22 generally now shown as dirt on the
23 aerial. That building, which was a 5300
24 square foot building, was built in 1966
25 and existed on the site for over 55

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years. It was ultimately closed and demolished in 2021. So that's vacant portion on the aerial that's before you.

The western portion of the site was developed as a four pump gasoline station with an 1800 square foot public garage for auto repair and a small convenience store, all built pursuant to special permit granted by this Board in 1964. Those uses of that portion of the property also existed for 60 years. Today, only the convenience store and the gas station, which is currently under demolition, have existed. And this clearly demonstrates there is a need for this convenience store and gas station use. Otherwise, they would have went out of business like the Pancake House and also the removal of the auto repair portion of this property.

Clearly, we believe the proposed development of the property as a convenience store with a gasoline pump is consistent with the historic use of this

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property, which, as I indicated, has been for over 60 years. And just as important, it is consistent with the prior Special Use Permit that this board granted for those two uses back in the early '60s.

I'm going to turn to the next slide. So the next exhibit before you is a zoning map. The subject property is located in the East Norwich commercial corridor. And as you can see, the immediate area consists of a large number of commercial uses. Looking back at the aerial, this property is in the east large commercial corridor. Again, the highlighted in the red is the subject site. You have the East Norwich Commons shopping center. To the west, you have Rothman's Steakhouse at the northeast corner of Route 25A and 106. You have the East Norwich Inn around the corner from the property. You can see that we've identified there's a bank just to the east, Chase Bank. And then there's a TD bank further on the corner of 106 and

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Northern Boulevard. And there are at least a dozen other businesses fronting on Northern Boulevard in the stretch of the East Norwich hamlet area. You also have East Norwich shopping center, which is around the corner, which we identified, a professional office with the Hunter restaurant that are also located north on 106.

There are also, as you can see behind each of these business zone properties, single family homes.

And then I will turn to the zoning map. Hopefully it's gonna work. So this is the existing zoning map for this area. And you can see that this property is clustered in a predominant commercial corridor again with General Business, Zoning and Neighborhood Business Zone properties. And again, we do have residences to the north of premises that are zoned R17, and to the south across Northern Boulevard are a number of commercial uses that I had mentioned.

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Behind them are also residential properties.

Okay, so this is a photo of what was formerly the existing gas station. As I mentioned, the former Pancake House Restaurant on the property, which was demolished in 2021, as shown in these photos; the gas station, public garage and convenience store are now closed and they are in the process of being demolished. Until now, the site has remained unchanged since the 1960s and the gas station and garage are clearly showing their age. As you can see from the existing conditions of the property, the entire site was essentially concrete and asphalt ground cover. There's no landscaping on this property, and there are virtually no buffers to the residential homes to the north. In fact, the current pavement goes right up to rear of the homes that are directly to the north.

This site is crying out for

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redevelopment. It truly is in dire need of redevelopment and upgrade, and it's a prime candidate for that. And we believe that our proposed site developments are consistent and will give it the sorely needed upgrade that it needs. If the Board has any questions as I'm speaking, please interrupt.

Before you is the color rendering, the applicants are proposing to construct, a new, state of the art 7-Eleven convenience store with eight pump fueling stations and canopy. There's been letters that were submitted to the Town indicating that there would be much more; it is an eight pump facility only.

In terms of the uses, again, this site was historically a public garage, restaurant, auto repair, convenience store and gas station. We are consolidating from four uses to two uses. Again, 7-Eleven convenience store itself is a permitted use As of Right in the Business District and it, along with the

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entire project, fully complies with all the bulk requirements of the code, in addition to parking requirements under the code.

In a moment, I'm going to turn over this presentation of our project Civil and Architectural Consultants. But I just want to touch on some defining features of this proposal. This is not a grocery store, and this is not a "super 7-Eleven" as some have characterized it. We are proposing a significant reduction and building area that existed on this property previously. The prior Pancake House and convenience store buildings contained a total of 7092ft². We are reducing that number by more than 43%, with only a 3999ft² building.

Additionally, as shown in the plan before you, the maximum permitted building coverage in the GB district is 80%. We are only at 6.8%. So clearly this is not an overdevelopment of this site. And as a result of that, we are providing

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2 and have the ability to add 27,000ft² of
3 green space, landscape buffers at
4 substantial setbacks to the residential
5 properties that are adjacent to this
6 property. In sum, 46% of this space of
7 this site will be green space and
8 buffers, where today there are none.

9 Additionally, this project will
10 advance the Town's climate smart
11 community objectives through
12 implementation of features like cool
13 roofs, energy efficiency and water saving
14 fixtures, versus what exists today on
15 site, which is an antiquated convenience
16 store and gas station built in the 1960s.

17 Just going to go to one more exhibit
18 before I have Mr. Chaplin address the
19 Board. This is the floor plan for the
20 building. So while the building contains
21 3999ft², only 2041ft² of that is devoted
22 to retail space, to true retail, where
23 customers can come and purchase items.
24 The balance of the building consists of
25 offices, dry storage, cold storage,

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utilities, and other non-retail areas. So out of the 4000ft² that this building will contain, only 51% of the building is for retail. So it truly is not even 4000ft² of retail space. It's half of that.

At this point in time, what I'd like to do is hand over the microphone to Zach Chaplin to go through the site plan and give the board more details on the proposal.

SUPERVISOR SALADINO: Good morning.

MR. CHAPLIN: Good morning.

Just for the record, my name is Zach Chaplin with Stonefield Engineering, civil engineer for the project. I'm a licensed professional engineer, and I've worked on dozens of similar projects to this one.

I think big picture, before getting into the specifics of the project, as a civil engineer and as a designer, you know, we're asked a lot of times to squeeze as much as you can into a site.

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Just try and fit as much as you can. Make it work. That's really not the case here. This is a 1.3 acre site where almost half of it is going to be landscaped. This is truly a redevelopment opportunity where we're going to consolidate four uses into two. We're going to remove the service repair that was there as well as the restaurant. And then we have a gas station, which, as you can see is really becoming more prominent. And that combo of sort of gas station is something modern that you see getting built more and more.

We are fully compliant with the zoning regulations, and we're creating a buffer that just doesn't exist today. So that's something that over time is going to create a lot of value, especially to the residents to the North. Again, right now the pavement goes right to the property line. These trees, over time mature to a height of 40-50ft, that's something that we are creating as part of

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2 this application. And again, there could
3 be alternatives that could be As of Right
4 for this site, where really there's only
5 a ten foot requirement in the code for
6 other types of projects that are already
7 seeking this special permit. So you could
8 have a grocery store or a restaurant
9 where you got loading within ten feet of
10 the property line. That's not what we're
11 doing here. We're creating a long
12 standing buffer in the rear of the
13 property.

14 So this is an aerial from 2019. It
15 just shows the site as it existed then.
16 And again, just to make the point I was
17 making earlier, you can see that the
18 entire site is fully paved, a building or
19 impervious. There's no little to no
20 landscaping whatsoever. And again,
21 there's cars that you can see parked that
22 are right up against the property line.

23 Under proposed conditions, we are
24 proposing a 3999ft² 7-Eleven. There are
25 eight multipurpose dispensers. So the

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confusion might be there are 16 fueling positions, but only eight pumps; 28 parking spaces, which complies with the Town requirement.

As mentioned, there's an 80% building coverage requirement, we're under 10%. So again, this is an underdeveloped, under utilized parcel where again, almost half of it is going to be landscaped.

The landscape buffer in the rear, just to get a little bit more specific, it varies. So the site is a little bit triangular in shape, or just angled towards the northerly property line at the pinch point with the building is 26.6ft, but that expands to 50-60ft as you go west and east.

I think the important thing to remember from a civil design standpoint is when we laid out this site, what we want to do is put all the activities towards Northern Boulevard, right? So the building, the pumps, everything is facing

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Northern Boulevard. And actually one of the best buffers in and of itself is the building. There's no activity that happens behind the building. On that area, we're obviously going to add the landscaping and fencing. So really this this whole site, its laid out to face Northern Boulevard and essentially have zero activity towards the north.

From an access standpoint, we are consolidating four curb cuts into two. So under the existing conditions this is a kind of overlay. You can kind of see the existing conditions and what we're proposing. There are four curb cuts that exist today, four of which were being utilized when the restaurant was there. We're only going to have two curb cuts in the proposed condition. I know one of the concerns that that some of the public has had is that a lot of people like to cut through to get to Muttontown Lane. There's kind of that break in the median where people will exit the site, drive to

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that middle area and then drive down to Muttontown. That's no longer going to be possible. So we're going to have a median that kind of blocks that specific spot. Our driveways are going to be located west and east of the property. So we're going to have a right in, right out only driveway at the east corner of the site. And then we have a right and right now, as well as a left hand only driveway at the western side of the site. We've worked with DOT, who asked us to, essentially, modify that median to allow for a left turn lane so that car can make that left turn into the site.

But big picture again, we're consolidating the curb cuts of four to two, and we're no longer going to have that pathway that exists today where you can drive straight through to Muttontown.

There is a dedicated loading zone and trash enclosure that's on the site. So all deliveries will be essentially secure next to the site. Again, I just

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want to point out from a from a civil engineer standpoint, really this is an ideal site. We have room for parking, we have room for maneuverability, room for loading, room for trash, we have room for plenty of landscaping. This is a sizable site where we're able to get everything we would like onto the site plan. A lot of times, especially in this area, it's tough to find sites that have this type of size where we can really lay out a safe and efficient layout. And this is an opportunity where we're able to do that.

This site will have new LED lighting proposed. The light poles will be installed at a modest 14 foot height. There'll be zero spillage across the northerly property line. Everything will be lit essentially towards the site, towards where the gas pumps are, and will meet all Town requirements.

From a utility standpoint, just water and sewer, there's really a decrease in demand from this use compared

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to what it was or what it could be. So in terms of just water and sewer, there's a decrease from this gas station convenience store probably to again, what there would be with the restaurant, etc., what could be proposed here As of Right.

The landscape plan has a 46% increase in landscape areas. There'd be 65 evergreen trees installed around the perimeter. As I mentioned, these can grow up to 40 to 50ft by mature height, over 161 evergreen shrubs, 20 deciduous trees. So really a comprehensive landscape plan that we work closely with, with Planning to prepare.

Operationally, this is a 24 hour convenience store. Recycling and solid waste pick up would occur a couple of times a week by a private hauler.

About two to three employees on site at any time.

Fueling deliveries occur usually occur two to three times a week or on an as needed basis.

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I think this one was flipped, but this is just to get an idea of the architecture. The applicants really spent time working with Town Planning to provide something that's unique and nice for the area, different than what you might see from some other 7-Elevens in town. So we spent some time working on the canopy architecture in the building to kind of blend in more so with the specific element of East Norwich.

In closing, I think the big things to take away from this project are:

We're creating a buffer that's going to create a tremendous amount of value that doesn't exist today and doesn't have to be done to the extent that we're proposing it As of Right;

We're consolidating access to two curb cuts;

This is a sizable site that's really underdeveloped. You could build a lot more on here. You could go with a large grocery store with loading in the back,

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restaurants, etc.;

This is an opportunity to enhance the site esthetically, both with the landscaping and the building architecture;

And again, it's just a safe and efficient layout that works really well.

Happy to answer any questions or I can have our traffic engineer comments.

SUPERVISOR SALADINO: There are no questions at this time. Thank you.

MS. LAROSA: Good morning. My name is Amanda LaRosa. I'm also a licensed professional engineer with Stonefield Engineering. My involvement is related to traffic engineering.

As part of Stonefield's involvement in the application, we have coordinated with the New York State Department of Transportation regarding the access plan to the site and the associated improvements along Northern Boulevard, which is a state highway.

As Mr. Chaplin mentioned, we are

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significantly consolidating access, going from four driveways down to two driveways, which the DOT is in favor of.

In addition to the access consolidation, the Dot has reviewed the driveway alignment and design. Both driveways will provide striping and signage prohibiting left turns exiting the driveway, which is an improvement over the existing conditions out there today.

In addition to installing that signage and striping to more clearly center traffic westbound, the improved alignment will also eliminate the ability to cut through that median break on Northern Boulevard when exiting the site.

Finally, the DOT did request that we install an eastbound turn bay. This is partially to correct some existing conditions where people are using that break to make a U-turn maneuver are either in the median or spilling back onto the state highway. But either way,

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they did request a left turn bay to prevent any impacts from eastbound flow on state highway when vehicles are entering the site.

In addition to the DOT coordination, my office also prepared a memorandum in response to the Town's Transportation Information Request addendum. As noted in that memo, both gasoline stations and convenience stores tend to attract their customers from vehicles who are already traveling on the adjacent roadway. They're passing the site and they're entering because it's very convenient to do so.

I'd also note that the western portion of the parcel has historically operated as a gasoline station, so the type of traffic associated with the use is already very present on the roadway. And for those reasons, we're not expecting that there's going to be a substantial increase in traffic to the site when it's redeveloped with a newer

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gas station.

Based on the proposed land use as a gas station and the lack of nearby transit, the patronage to the site is expected to be primarily vehicular traffic. However, I would note that we are providing a pedestrian connection to the state highway so that any pedestrians walking along the highway would be able to enter the building safely.

The site proposes 28 parking spaces, which complies with the Town's requirements, is consistent with the operator's typical parameters and also aligns with expected parking demands based on some industry standard data.

As part of the response, we also prepared a safety assessment along the state highway on the site's frontage, we found that there is not a significant number of collisions along the state highway on the site frontage, and in connection with the application, we're not expecting any impacts to collision

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rates.

As Mr. Chaplin mentioned, some of the As of Right comparisons that we looked at, such as a grocery store, would generate a higher number of new traffic. That's people who are leaving their house specifically to go to the destination; whereas, the use that we're proposing is intended to feed off of traffic that's already passing by the site. There's an abundance of gas stations, abundance of convenience stores. They're expected to be convenient uses. Use like a restaurant on the site would generate more weekend traffic during peak hours when people are out and about shopping and traveling through the area for recreational purposes.

Regarding the fueling operations, there is diesel fueling. It is a low flow diesel, which is different from a high flow diesel, which would cater to something like a tractor trailer. For comparison, a low flow diesel is fueling

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at about eight gallons per minute, where high flow diesel is flowing about 30-40 gallons per minute. So about four times faster when you're catering to tractor trailers. Not at all the intention of this site. This is for high performance vehicles, recreational vehicles stuff, vehicles with smaller tanks, you know, somewhere in the 12 to 18 gallon range.

With that, I'll take any questions from the Board or turn back to counsel.

COUNCILMAN HAND: One question. The Northern Boulevard left turn lane going eastbound, is there a traffic control there or a signal or a stop sign or any to that effect?

MS. LAROSA: It's a yield control.

COUNCILMAN HAND: Yield control. Okay. What is the static or stage capability of that lane?

MS. LAROSA: So it's about 200ft in total, which includes about 100ft of dedicated space and then a taper lane, which essentially models what's there for

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the westbound traffic on the opposite side right now.

COUNCILMAN HAND: Okay. And what is the anticipated traffic flow from that left hand turning lane into that facility during the peak time?

MS. LAROSA: We're not expecting that much traffic from that direction. Somewhere between 5 to 10 vehicles during peak hours, maybe more at all times when there's less traffic flowing on Northern Boulevard in general, and it's easier to make that turn. But overall, we are primarily expecting this to draw from the flow of westbound traffic.

COUNCILMAN HAND: Thank you.

SUPERVISOR SALADINO: Please proceed.

COUNCILMAN LABRIOLA: Mr. LaRosa, in your trip generation study, did you compare what the existing trip generation, based upon the existing use and what you anticipate under the proposed use and a comparison; have you

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prepared those numbers?

MS. LAROSA: We have. So in the document that you're referring to, our comparison was solely based on the existing gas station, which was operational at the time that we wrote the memo, and it did not incorporate all of the prior uses on the site, although it may be fair to. So when comparing to just the gasoline station that was there and the vacant parcel on the eastbound side, we are talking about anywhere between 25 to 30 new vehicles. Those are people who weren't already on the roadway. The remainder of the traffic is people who were already passing the site. They're already represented in the traffic volumes that are passing the site. And so since they're not new to the roadway, we don't expect those vehicles to have any impacts on operations level of service for traffic flow.

COUNCILMAN LABRIOLA: In the existing use what were the hours of

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operation of the gas pumps?

MS. LAROSA: I can't say that I know.

COUNCILMAN LABRIOLA: What I'm getting at is, if this is a 24 hour service, what is your estimation of the trip generation during the hours that the prior use existed? What is your estimation of the increase in traffic or just what will be your trip generation during those hours of the early mornings from 12 a.m. to 6 a.m.?

MS. LAROSA: Understood. So as I mentioned, this is a use that really feeds off of traffic that's already on the roadway. So in response to your question, I did review annual average daily traffic volumes published by the DOT along Northern Boulevard, passing the site frontage. And what I found is the overnight hours, roughly from 11 p.m. to 5 a.m., there's about 5% of the total daily traffic on the roadway during that time, and the remaining 95% is happening

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outside of those overnight hours. And we really expect that the traffic to the site closely correlates with the volumes on the roadway.

The overnight hours is just really expected to be a reliable 24 hour use for your overnight workers, your police force, your hospital workers, maybe a parent who has a sick kid needs some medicine, needs milk for a bottle. It's intended as a reliable open use, not necessarily as "hey, please leave your house at midnight and come to our convenience store".

COUNCILMAN LABRIOLA: You'll be selling alcohol during those hours, 24/7?

MS. SIMONCIC: Yes. The 7-Eleven will sell alcohol like all the other 7-Elevens that are in town, in accordance with the state, with authority requirements, Monday through Saturday and limited on Sunday.

SUPERVISOR SALADINO: Any more questions?

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(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Please proceed.

MS. SIMONCIC: At this time I'd like to have Scott Yanuck with Laurel Environmental address the board. His company was retained by the ground lessee to oversee the removal of the tanks, which is being performed by Cumberland, by another environmental group. But I'd like him to address the Board, because I believe there were letters submitted to the Board indicating that work was being done without approvals, that it was being rushed. And I want him to explain what's being done and what the oversight is.

SUPERVISOR SALADINO: Okay. Good morning.

MR. YANUCK: Good morning.

Scott Yanuck, Laurel Environmental. I'm a professional geologist licensed in New York state.

I'm just going to give you a little

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bit of a rundown on what has been happening at the site recently.

Going back a little bit in 2008, the tanks that were at the site were removed and replaced. At that time, some contamination was found. That contamination was cleaned up and the spills that were existing, there was a spill from 1994 and a spill from 2008. Those were both closed in 2013 by the DEC, when they indicated that the contamination would lead up to their satisfaction.

So we were hired to oversee the work that was taking place in the last couple of months at the site; more recently in, in August. And so what transpired was that the Cumberland Farms contractor, Metro, and their environmental consultant, Atlas, had filed paperwork and were removing the tanks and abandoning the dry wells at the site. We were out there every day. Not the entire day, but we were out there when work was

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2 taking place in the morning making sure
3 that they were following the work plans
4 that were approved. The tanks were
5 removed by Metro. Some insignificant
6 amount of contamination was found around
7 the boxes and other things. The tanks had
8 not leaked. They were double wall
9 fiberglass that were less than 20 years
10 old.

11 In total under one truckload of
12 material had been taken out of mainly the
13 the dry wells that were abandoned and two
14 buckets out of all of those tanks that
15 were removed. The site is pretty clean.
16 There's no ground contamination.
17 Groundwater at the site is roughly 120ft
18 deep. And there's no contamination of
19 regional groundwater. And all of the
20 paperwork was submitted to DC to Nassau
21 County Department of Health and to the
22 Fire Marshal, and all of the work was
23 completed in accordance with those work
24 plans. Nassau County has inspectors at
25 the site that made sure that the work was

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done as well and witnessed all of the sampling.

So everything's been pretty much done at this point. The tanks are gone. There's a small pile of soil that needs to be removed. It's less than one truckload. It's probably about ten yards. And that's what I can tell you.

Any questions?

SUPERVISOR SALADINO: Any questions?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: So I have a few as it relates to this. Are there any types of storage tanks at all currently in the ground at this site?

MR. YANUCK: No, all the tanks have been removed.

SUPERVISOR SALADINO: Everything has been removed.

MR. YANUCK: Yes.

SUPERVISOR SALADINO: When you did the testing or whoever took care of the testing previously, what kind of

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contamination was found and what was the volume of contaminated soil found?

MR. YANUCK: Are you talking about in August or back in the day?

SUPERVISOR SALADINO: Either.

MR. YANUCK: Okay. I don't remember exactly how much soil was removed in 2008.

SUPERVISOR SALADINO: Can you estimate?

MR. YANUCK: It could have been 200 tons or 100 -- I don't. I would have to look at the reports again. We didn't do that work.

SUPERVISOR SALADINO: Very well. Would you consider it a large amount of contaminated soil?

MR. YANUCK: No, I wouldn't consider it to be a large spill or a large amount of soil. And again, there was some confusion. There's a shallower water layer that sits on top of clay at about 18ft that had some contamination in it. But the regional groundwater, which is

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what feeds the aquifers and everything,
that did not have any contamination in it
at all.

SUPERVISOR SALADINO: Meaning the
magnetite?

MR. YANUCK: No. I mean the upper
glacier.

SUPERVISOR SALADINO: Nothing was
found in the upper glacier?

MR. YANUCK: Right.

SUPERVISOR SALADINO: Thank you. And
when these soils were removed, they were
removed to a standard that was dictated
by the New York State Department of
Environmental Conservation?

MR. YANUCK: Yes. That's correct.

SUPERVISOR SALADINO: Did the
Department of Environmental Conservation
allow any contaminated soil to be left
behind?

MR. YANUCK: They probably did; most
likely.

SUPERVISOR SALADINO: Do you know to
what depth they had asked that be

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removed?

MR. YANUCK: No. I can get back to you.

SUPERVISOR SALADINO: As of now, can you tell us that there are no storage vessels underground at this site at all of any type, not just for fuel, but for any other?

MR. YANUCK: I'm not sure whether they removed the hydraulic lifts and the hydraulic lifts have small tanks that hold the hydraulic oil. I don't know if those have been removed yet or not.

SUPERVISOR SALADINO: Do you know if there's been testing to see if those vessels have leaked at all?

MR. YANUCK: I don't recall.

SUPERVISOR SALADINO: Okay. So our residents, can they be assured that the vast majority of contamination has now been removed?

MR. YANUCK: Yes.

SUPERVISOR SALADINO: Thank you, sir.

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Any other questions?

MR. TORKEN: Excuse me, Mr. Supervisor.

SUPERVISOR SALADINO: Please, could you begin by identifying yourself for the record?

MR. TORKEN: My name is Chris Torken. I'm the managing partner of Norwich LLC, ground lessee; I'm the applicant. I'm involved on this project from the time that we signed the lease on all fronts. Before we committed to the project, we had hired an environmental company to do a phase one and phase two study to make sure we're not committing to something that's problematic. We did discover the previous contamination, and we were assured that it was completed and remediated to the satisfaction of DEC.

DEC has a little bit of forgiveness, or they would like certain things to be left alone if they're not going to have a long term impact, negative environmental impact, such as contaminating the

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groundwater. So there may be some. We have discovered in other sites that we have developed that we go back and they say, okay, there's a little bit of lead here and they're scrutinizing a lot. Any soil coming out has to be discarded to a licensed facility.

SUPERVISOR SALADINO: As per --

MR. TORKEN: Safety guidelines, state and federal law.

SUPERVISOR SALADINO: So what you're telling us is that the DEC mandates that any soil with contamination must be fully excavated and carted off site to a licensed recipient.

MR. TORKEN: In any area that work is being performed. So if you touch it and there's work being done, that soil has to be removed to a licensed facility and there are different degrees.

SUPERVISOR SALADINO: Do you happen to know what was the deepest depth the excavated to?

MR. TORKEN: The general depth is

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the bottom of the tank, which is no more than 20 to 25ft at best, that they would need to clean out. Based on our past experience, they don't go beyond that in this condition where the groundwater --

SUPERVISOR SALADINO: Do they test below that?

MR. TORKEN: They test it, and if there is contamination to the levels, they require it is removed.

SUPERVISOR SALADINO: Thank you.

MR. TORKEN: Further, to answer your question regarding the lifts, they are still in the building. The building has not been demolished yet. Right now we're working on this site removing all fuel tanks and the dry wells. The building and the canopy and the lifts inside the garage will be removed, and they'll also be under guidance of DEC. And to make sure that nobody misses anything, I hired a separate company that represents us, which is Laurel Environmental, that just made the presentation. So anything going

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on until Cumberland is fully completed is under supervision of DEC and we are there to make sure nothing is missed, as I don't want to inherit anything, a liability that was previously caused.

SUPERVISOR SALADINO: Thank you.

MR. TORKEN: Thank you.

MS. SIMONCIC: And to that end, we can submit to the Board if you'd like copies of the documentation showing what's been done to date on the site to demonstrate and back up with Mr. Yanuk indicated to the Board.

SUPERVISOR SALADINO: Appreciate it.

MS. SIMONCIC: As you can see from the design of this project, we really have gone to great lengths to design a project that addresses the community concerns and really hopefully has responded to what the civics and the local community are looking for. We had actually done a lot of outreach with the community. We met with the East Norwich Eastern Civic Association back in June.

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We hadn't been talking to them previously. We attended a meeting with all of our experts in June, June 26th, that is, at which more than 100 people attended. And we presented all of our plans to them. Following our meeting with them, there were further meetings with the civic group that we were not invited to attend, that occurred in July and August.

We have gone out to the adjacent neighbors that live to the north, which they are arguably the most affected property owners to this site. And we did get letters of consent from some of those abutting neighbors. And I'd like to submit them to the record. We have secured consents from the owners of properties at 17 Ross Lane, 19, Ross Lane 21, Ross Lane, 23 Ross Lane, 25 Ross Lane and 27 Ross Lane. Three out of those property owners that have signed consents and support our application, I believe some of them are here today, directly

1
2 above the property. And arguably those
3 are the people that are most affected by
4 this project. So I'd like to submit a
5 copy of the radius map, which I marked
6 up, and the consent letters. There are
7 about a total of 30 people that signed in
8 support, but six of them are directly
9 behind this property, which I like to
10 submit to the board (handing).

11 SUPERVISOR SALADINO: Thank you.

12 MR. TORKEN: In conclusion, we
13 respectfully submit to the Board that a
14 new state of the art 7-Eleven convenience
15 store and gas station will replace the
16 existing gas station, convenience store,
17 vehicle repair shop, and restaurant that
18 made the site an unattractive property on
19 a prominent road in the town for decades
20 is a positive improvement. These uses
21 will be in harmony with the historic use
22 of this property, and certainly have
23 become part of the character of this
24 neighborhood. The neighborhood has been
25 established and existed with the

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convenience store and a gas station for over 60 years.

Approval of this application will add 27,000ft² of green space and landscaping, where only pavement exists today. This is really an opportunity for the Town to revitalize this property and give the neighbors a beautiful development with landscaping and buffers as was discussed throughout the presentation. It will improve traffic circulation and address concerns that have been expressed -- and I assume we're going to hear them again from the residents -- but concerns about this property serving as a cut through to Muttontown Road and overall safety on the site and Northern Boulevard.

We are adding a Hamptons style building that complements the character of the existing businesses and architectural design of the other buildings in the area, and this was obviously intentional. And we believe

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that it will fit within the charm, and the design and architecture will be an enhancement to this community.

The proposal has taken every concern and critique of the public and the Town into account. This application has undergone rigorous review by the Department of Planning and Development. We worked with the Department of Planning and Development for over a year on the plans. We've addressed all their comments and concerns, and ultimately staff has endorsed our proposal as before you today. Additionally, as indicated, the DOT has approved the proposal.

Finally, with respect to the environmental review of this project under SEQRA, this application is predetermined to be a Type 2 Action and is exempt from further review under SEQRA because the building is less than 4000ft², and there was a recommendation made by DER to that effect.

Based on the testimony that you've

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heard from us on our presentation, we respectfully request the Board approve the application as proposed. I'm happy to answer any questions or I'll hand it over to the public to speak.

SUPERVISOR SALADINO: Thank you, counselor.

Okay folks, we have quite a few people that are speaking. I ask for your patience because we're going to listen to every single person. Everyone gets one opportunity at bat, if you will.

(Whereupon, unidentified public member remarks.)

SUPERVISOR SALADINO: We're going to go through this list, and everyone who has filled out a form will have an opportunity to speak. If you haven't filled out a form yet and you'd like to speak, please do. It's very important. They're right up front. And everyone's going to get that same amount of time. And we're all going to listen respectfully to each and every person.

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Afterwards, as is the model here and virtually every town, the applicant's attorney will come up and address some of the issues that were heard after everyone speaks. But it's not a back and forth. We will respectfully listen to everyone, and everyone will be heard.

At any point during this hearing, you can fill out a form and still be heard.

The first speakers will be first Wendy and then Frank Bianco. Wendy.

(Whereupon, a request to speak later.)

(Whereupon, a request to speak from a public member is made.)

SUPERVISOR SALADINO: Sally, you happen to be next.

Sally, but you kindly first of all, make sure that the microphone is facing you so everyone can hear you. Please start off -- we're going to ask everyone to begin by giving us your full name and

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a full address for the record.

MS. MCNEIL-RIND: My name is Sally McNeil-Rind and I live at 6 Mill River Road in East Norwich.

The question that I would like to just start off with, and maybe somebody will get to answer this is I would like to know when the traffic studies were actually made, because some of us were told that they were made during Covid, which would make them invalid. So I would like that to come up.

I would just like to say that this area is the entrance to both East Norwich and Oyster Bay, and this is a historic area. I think that having a 24 hour business of any type would be inappropriate for the entrance to our beautiful hamlet village. So I'm against anything that would be 24 hours.

I would like to say that I believe that anything like this would create traffic, light and noise pollution, and can create potential crime because they

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would be selling alcohol, which I'm very much against, 24 hours.

I'm very concerned about any change in the median that would create a dangerous situation and bottleneck at certain times of the day, such as in the morning when busses may be going up and down the road, or especially in the afternoon during rush hour. I have seen many accidents during those times on that road, which is one of the questions that makes me want to know when those traffic studies were made.

It is up to the Town of Oyster Bay, in my opinion, to plan the future of Oyster Bay and East Norwich. And the time is now. We cannot allow things to go in willy nilly, as some of the things that we've been seeing recently. There's no cohesion. This is a historic area, and it deserves to have some of the gray spaces taken up by other businesses to come in. And I don't believe there's any room for a 24 hour 7-Eleven where we live. I think

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it's going to create a lot of traffic,
and I just don't think it's a good idea.
We should be creating something that
protects the historic area and creates a
safe and attractive opportunity for our
residents.

Thank you very much for listening.

SUPERVISOR SALADINO: Thank you very
much. Rob Brusca.

MR. BRUSCA: Good morning, everyone.
Rob Brusca, 105 Devonshire Drive East,
Norwich, New York, on 11732. Thanks for
the opportunity today.

The two things I think among many
circumstances that you've already heard
and you'll continue to hear today that
are most clear, is that the site plan
here is impressive. In my 60 years of
residing in Oyster Bay/East Norwich, I've
never seen that much green space on
Northern Boulevard in the East Norwich
area.

That said, what is also clear, as
evidenced by the presentation by counsel

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also, is that this area is substantially surrounded by residential uses to the north and further to the south, immediately across the street from the subject area.

In total, I do believe that given all of the circumstances, and I'd like to detail some of them further here and you'll hear more about those after me, that this board is completely within its right and it would not be arbitrary in any fashion for this well intended, perhaps, application to nonetheless be denied.

Among other things, the primary circumstance that I think you've already heard about, as referenced by the last speaker, is that there is a proposed 24/7 use here. That, to me is incredible. That was brought up to the applicant. Matt Meng and I did sit with counsel and the applicant very generously in early June for the first time. And that was the first thing we brought up is that 24/7 is

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2 effectively a nonstarter. As the Town
3 knows full well operations within the
4 Town of Oyster Bay pursuant to section
5 246.5+, the operation of a motor vehicle
6 fuel sales establishment is prohibited
7 unless located on a number of roadways
8 within the Town of Oyster Bay. The
9 closest one to this location is North
10 Hempstead Turnpike, 25A, where this
11 location where this site is located, but
12 west of Cedar Swamp Road up around LIU
13 Post College. This is not west of Cedar
14 Swamp Road and, therefore, the fuel sales
15 operation for 24/7 use in this location
16 is contrary to Town Code and should be
17 denied.

18 Further, there's another Section
19 246, the 7.8 subdivision, under which
20 this town board has the opportunity and
21 the discretion to set and limit hours of
22 operation, specifically to set reasonable
23 limitations on the hours of any
24 nonresidents use when such a use is of a
25 nature or location that could reasonably

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2 be expected to have a significant impact
3 on neighboring residences at unreasonable
4 hours of the day. I don't think it takes
5 too much to conclude that 24/7 use here
6 directly south of the neighborhood,
7 Norwich Greens, as it's been called over
8 time, and directly north of the
9 substantial residences off Muttontown
10 Lane, across the street to the south,
11 where the Harmony Heights School facility
12 is located, would have a completely
13 unreasonable impact and detriment to the
14 surrounding residential uses.

15 As far as 24/7 uses in the East
16 Norwich community, I've lived in my own
17 community for 60 years. I can't recall a
18 24/7 use on Northern Boulevard or
19 anywhere in the East Norwich community.
20 Let me take that back. Besides the East
21 Norwich Inn, which itself has been the
22 subject recently of substantial potential
23 redevelopment, and we believe will be the
24 subject of substantial, likely
25 redevelopment in the near future, there

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is no other retail or other business establishment in the East Norwich community that is 24/7.

One of the many popular or most heavily traveled and successful businesses in East Norwich, Christina's Epicure, the supermarket on 106, closes down at 7 p.m.. Rothmans the historic restaurant, as we all probably know it immediately to the east of this location, closes down at 10 p.m. between Monday and Thursday and is open until 11 p.m. on Friday and Saturday. Gino's pizza, in the facility in the shopping center where Christina's is located, closes down at 10 p.m. the latest on Fridays and Saturdays, 9 p.m. all other days. Massena Market, which is directly west and adjacent to this location, closes at 6 p.m. Monday through Saturday. Angelina's and La Pizzeta, the restaurants with which I'm sure you're all very familiar, I don't have their hours of operation. I've been in there relatively late at times, but

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not much past 10-11:00. So clearly there is no demand. There is no reasonable expectation for a 24/7 use to be situated in this Norwich community.

What we've been told by the applicant, which I appreciate, is that it is the business model of the 7-Eleven corporate offices to be open 24/7. Respect their business model. I need my own business model. But in regards to when a business model crosses the line of adversely impacting those in the surrounding community, the business model has to go away.

And frankly, a quick Google search of Sunday on my part and I'm not technically inclined shows that there are a number of Long Island based 7-Eleven that are not open 24/7. There's one in Farmingdale that, according to the internet, closes at 11 p.m. there's one in Great Neck that closes at 9 p.m.. There's another one in Deer Park that closes at 12 a.m., and there is still

1
2 another one in Blue Point that closes at
3 11 p.m.. So again, respectful of the
4 business model when when it crosses the
5 line and adversely impacts the
6 surrounding community, the business model
7 has to take a back seat.

8 Finally, with regards to the Special
9 Use Permit standards alone, I don't
10 believe that the applicant has met their
11 burden. Among other things, in your
12 Section 9.4 of the Town Code relative to
13 Special Use Permit, it references that
14 the location and size of the use, nature
15 and intensity of the operations involved
16 shall be such that it will be in harmony,
17 etc., with the appropriate and orderly
18 development of other properties in the
19 area. It was referenced that there are
20 eight pumps at this station at this
21 proposed station. Eight pumps. The
22 former Gulf station that was there had, I
23 guess four pumps, eight hoses for lack of
24 a better way of describing it. This will
25 have, I view it as 16 pumps; 16

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opportunities for people to gas up at that location. It's going from 8 to 16. Plus, I believe there are an additional two locations for diesel.

Further, adding to the potential appropriate and orderly development of the rest of the area, as I referenced, is without question teed up for redevelopment in the near future. The problem with this location, with this application, I think, among other things, with all due regard to the applicant and applicant's counsel and the intent of 7-Eleven business model, it's too intense. There's too much going on there. And that in turn then lays a precedent for East Norwich Inn, just to the east, that may create further intense uses that are not in any way intended or appropriate for the East Norwich community.

And I apologize, 9.46 also references that the Special Use Permit shall not be more objectionable to nearby

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2 properties by reason of the
3 characteristics than would otherwise be
4 set out for a permit that does not
5 require special use. I do believe that,
6 again, given the circumstances, this
7 requested Special Use Permit would be
8 more objectionable, more intense than a
9 standard non Special Use Permit, say a
10 traditional retail.

11 Further, it references again under
12 9.4 that the traffic flow to and from the
13 site will effectively not pose a
14 pedestrian or vehicular safety hazard for
15 those in the area. We haven't touched on
16 it and again, it's a separate issue, but
17 Muttontown Lane is directly south of this
18 location. The roadway that leads into and
19 out of the Harmony Heights residential
20 neighborhood there. Those folks have been
21 burdened for years and years and years
22 with cut through traffic from Northern
23 Boulevard, through their neighborhood out
24 to 106 and in reverse. Almost a similar
25 situation as we discussed here relative

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to the car wash here in Oyster Bay on High Street and Park Avenue. Those folks need relief. This, while 7-Eleven has nothing to do with the folks on Muttontown Lane's traffic problem technically, I think practically it has everything to do with it, and I do think that it would add to their burden. What was mentioned previously.

And I will shut up in a moment. I appreciate the extra time -- two other points. It does reference that the roadway improvements will not negatively impact the character of the community in which it's located. As was referenced, I believe, by the engineer, the median directly south of this location, for which the East Norwich Beautification Committee and the East Norwich community have spent many, many thousands of dollars beautifying, it will be stripped away at a length of up to 250ft. Again, that's up the DOT, but that will have an impact on on the character of the

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community.

One last thing, I believe, is that it was referenced that ingress and egress will be of a dedicated nature on the east side and west side of the property, such that it would not create a further incentive to cut through the Harmony Heights neighborhood up Muttontown Lane. The site plan that I'm looking at shows on the east side ingress -- meaning closer to the Chase Bank there I guess it's a way to view it -- ingress, but also egress. It's not a dedicated ingress. That that sounds great for vehicular movement. But in permitting the egress from the east side, it is permitting folks to jump out of that location and cut through the median and cut down Muttontown Lane and cut through that neighborhood. Similarly, on the west side, it has dedicated egress out towards the Mill River Road light, but it also has opportunity for folks to effectively make a left out of that dedicated west

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side egress, further giving opportunity for folks to cut through the median and down Muttotown Lane.

In total, I appreciate the outreach by the applicant and by Counsel back in June. There were substantial meetings thereafter, and you'll hear from folks after me. So I wish you luck today in making this decision. But I do think, in all seriousness, in total, as zoning is specifically, and as you folks know better than I having entertain any number of zoning applications here, ultimately, with all the specifics and details which have to be addressed, of course, it's a matter of weighing the benefit to the applicant here versus the potential detriment and adverse impact to the surrounding community. And I believe you will fall or you should fall on the latter and deny this application at this time. Thank you.

SUPERVISOR SALADINO: Thank you for your comments.

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The next speaker will be Marissa Perry.

(Whereupon, no response.)

(Whereupon, interruption from unidentified public member.)

SUPERVISOR SALADINO: Mr. McCabe, would you please approach the rostrum? I'd like you to contact Marissa Perry. Let her know that she can still will be leaving the record open. Please contact her directly and let her know that she can submit any testimony in writing by email or handwriting, and we'll be happy to include it.

ASSISTANT TOWN ATTORNEY: Okay.

The next speaker will be Douglas --

(Whereupon, interruption from unidentified public member.)

SUPERVISOR SALADINO: All of the speaking takes place from the podium so everyone can hear. Is this that you'd like to to be heard out of turn?

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(Whereupon, interruption
from unidentified public
member.)

SUPERVISOR SALADINO: You can do
both. I can take you out of turn and we
can listen to right now. We're very
sensitive to any health issues, and I
don't think we'll have any pushback from
any residents on that. What would you
like to do? You can do either one you
like.

(Whereupon, interruption
from unidentified public
member.)

SUPERVISOR SALADINO: You can write
in. We're going to ask that be given to
Mr. McCabe.

DEPUTY TOWN ATTORNEY: He stepped
out.

SUPERVISOR SALADINO: Would you
please take the information from the
resident?

DEPUTY TOWN ATTORNEY: Sure.

SUPERVISOR SALADINO: You can give

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our counsel all of your contact information. Please also let them know how to contact us by either email or direct mail. Thank you.

Douglas Elliot Goodman.

(Whereupon, no response.)

(Whereupon, interruption from unidentified public member.)

SUPERVISOR SALADINO: We'll contact him as well. He did not leave us a phone number, but we'll try to contact him to let them know he can also provide information.

The next speaker -- folks, thank you for your patience. You've been wonderful, Peter Alessio. Come on up to the to the podium, please, sir. Can you start off by giving us your name and address?

MR. ALESSIO: My name is Peter Alessio. I live at 1 Hollis North, East Norwich.

Now, I heard the description of the property from a lawyer's perspective or a

1
2 business person's perspective. But I'd
3 like the Board to hear the description of
4 property from a resident's perspective.

5 From a resident's perspective, this
6 is a parcel of land along a sleepy
7 historical corridor known as the Heritage
8 Trail. From the residents' perspective,
9 this is this is part of a sleepy
10 community. I call it a sleepy community
11 because it has a bedtime. If you go on
12 this stretch at 10:00 at night, there are
13 no destinations. And when the residents
14 moved into East Norwich and to Oyster
15 Bay, this is what they signed up for.

16 Now, I'm aware there was a
17 resolution in the '60s that expanded the
18 rights of the landowner to do more things
19 with the property, but that resolution
20 actually references to residents and
21 considers the convenience of the
22 residents. They're asking that the
23 restrictions set at that time be revoked
24 because they want to offer us a 7-Eleven
25 and a gas station a quarter of a mile

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away from a 7-Eleven and another gas station. I'm not against having a business there, and that's not what I'm suggesting. But what I believe the petitioner is asking for is the restriction of the covenants that were made that were the bargain that put the first gas station there. I'm asking the board to continue to consider the convenience and the existence of the residents that are already there. I'm not looking to take our eye off the ball. I know there's going to be a business there, but I'm asking is that we don't give more relief than we gave in the '60s. There's not less traffic now than it was then. Traffic is a bigger issue than it was then. I'm asking that we continue to enforce the covenants we put in place, because they're at least as important now as they were then.

And I'd like to point out that -- I lost my train of thought.

SUPERVISOR SALADINO: It's okay.

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MR. ALESSIO: I would like to point out that anybody that looks at this parcel of land and doesn't think that it's going to dramatically change the character of the community, he's either disingenuous when they speak to us or is not familiar with the parcel of land.

SUPERVISOR SALADINO: Thank you, sir. Thank you for being so professional. Everybody is just absolutely, wonderfully professional.

Our next speaker will be Daniella Crocchiala. I'm going to ask you to begin by giving us your name and address for the record.

(Whereupon, board displayed and referred to.)

MS. CROCCHIALA: Daniella Crocchiala, 51 Walnut Avenue, East Norwich. I am with a concerned group of residents from East Norwich, the Harmony Heights section, Muttontown and the surrounding areas of the north shore within the Town of Oyster Bay.

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First, before I get into everything that's wrong, I just want to get into a little detail about the way this whole project has happened. The developer and the engineering firm have been corresponding with the Planning Board for years. This has been in the works for years. That's fine. That's their right. Not trying to take that away. However, when we, the residents, find out about a project, we have to FOIL things, and FOILs can take anywhere from 20 business days to up to 45. So when something's put on the calendar, if you could be so kind to kind of note that we have to get the wheels in motion to FOIL and get our information just to even determine whether or not we're going to support something, because we're not just going to look at a plan and say we like it, or talk to our friends on Facebook and say, we like it. We want the facts.

Second of all, there's been a number of projects that have happened that we're

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not happy about. Right now, on 106,
there's two large houses that are going
up. It's Muttontown, we get it. But
right next door is the cemetery, which is
part of East Norwich. So I see kind of
how the arrows can get crossed. Shame on
us. We should have been paying better
attention to it. But since those
development developments have been
happening, we're getting flooded. There's
a lot of mud coming down. It's not the
greatest thing. It would have been great
for us to know about it and try to talk
about it as well.

Now, there's another large two story
office building going right next door.
It's Caroni Office Towers. We wish also
we would have known about it. We missed
the boat. So now we're going to move past
that hope that we can figure out how to
better communicate and figure out the how
plans are happening.

I'm also going to ask that, when I
lived in New York City, my city

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councilwoman, she used to have town hall meetings. It happened twice a year, three times a year. I think with everything that's going on, with all the development, everything that's up at stake, I think we should have some town hall meetings with whoever represents us on the North Shore. I know it's more work.

SUPERVISOR SALADINO: We do have Town Board meetings; you're at one.

MS. CROCCHIALA: No, town hall. Town Hall meetings with our legislator, with our select legislator.

SUPERVISOR SALADINO: Just stop this for just a moment. I don't want to take up your time.

(Whereupon, timer is stopped.)

SUPERVISOR SALADINO: We do have that system in place. We all are at large representatives. The Nassau County legislators do that as well. But we have something called public comment at the

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end of every single town board meeting where people can bring up issues.

MS. CROCHIALA: No, no. That's great. Here, Tuesday, 10:00 in the morning -- I think one night during the week for each section, the North Shore, the South Shore and Massapequa, our area, there could be twice a year, an evening town hall, not anything voting on, just a discussion of everything that's going on.

SUPERVISOR SALADINO: We do that. I just want you to realize that we all go out to civic association meetings. We do this in in a way, to be informative. We get phone calls, we return them. We talk to people about applications. We set up meetings so we do have something in place. And the reason that I stress this and stop the clock the whole bit, because getting you and the residents information is something paramount to us. So it is critical, but we're happy to continue to expand upon transparency and flow of information.

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COUNCILWOMAN WALSH: I think what you're asking is, I know you wanted myself or Rich to be at one of your civic meetings, and we do go to civic meetings; however, when there's an application involved, we have to be objective. So that's probably why we didn't come to your last meeting. But we do go to, if we're invited to, monthly civic meetings in communities; we do that.

MS. CROCCHIALA: Yeah. No, it's not civic because not everybody can go to the civic meetings. The Civic association is great, but it doesn't represent everybody. And the Civic Association doesn't represent our neighbors from Muttontown and everyone else. So if there's something that we can do to have, like I said, twice a year town hall meeting just to kind of hash out some stuff that's going on.

SUPERVISOR SALADINO: As long as it adheres to the law because there are some constraints that we must adhere to. But I

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want to reassure you that we are all for the highest level of transparency.

MS. CROCCHIALA: And I understand, I think we could do a little bit better.

So going back to this proposed development, there are certain codes that this doesn't apply to. One of them is Special Use Permit 9.4.4, "The proposed special permit use, including its design and location on the site, will be compatible with the protection of groundwater resources, especially if such site is located within the Oyster Bay Special Groundwater Protection Area as designated by the State of New York and Nassau County".

And the second ordinance that we believe this violates. The ordinance is 9.4.9, "traffic flow to and from the site, and the operation of street intersections at peak weekday weekend, and appropriate seasonal traffic hours in the vicinity of the site, taking into consideration any proposed or required

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street improvements shall be such that the special permit use shall not create nor increase any vehicular or pedestrian safety hazard to decrease the level of service at any such intersection".

So, essentially, there's going to be a few people that are going to address the environmental stuff, but the carve out is the size of a football field almost on Northern Boulevard. That's not going to help the traffic flow. There are no studies that indicate that.

In the TIR memo that was submitted to you, because there were no environmental studies or no official studies, the traffic study started in March 2020 and went to 2023. That time of Covid is not valid; therefore, the whole application should it shouldn't be accepted because you can't count on traffic studies or clips or ITF generated trips from the shutdown.

And finally, there's some other things that this development doesn't

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address. It's 16, it it's not eight, it's 16. It fits 16 cars, which is way bigger than a previous gas station. That's unacceptable to design. It's not Hamptons like. It looks like Hempstead Turnpike, and we're not Hempstead Turnpike. I find it appalling that that would even be have said to us.

I'm gonna give you a printout of the other codes, the ordinances that we believe this violates. We're gonna leave the rest here. Thank you. My time is up. Sorry I took a long time.

SUPERVISOR SALADINO: Don't apologize. We are thrilled to listen to all your information. You obviously have done a lot of research, and it's greatly appreciated.

MS. CROCCHIALA: A lot in a short period of time when they've had years to get their stuff together. Just put yourself in our shoes.

SUPERVISOR SALADINO: We understand. We represent the public.

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MS. CROCCHIALA: Thank you.

SUPERVISOR SALADINO: Thank you.

Susan Wiley.

COUNCILWOMAN WALSH: Can we see what
the board says?

MS. WILEY: This is 9.4.10.

(Whereupon, board is
displayed and referenced.)

COUNCILWOMAN WALSH: Okay.

MS. WILEY: My name is Susan Wiley.

I live at 12 Linden Lane in Muttontown
and with my other neighbors in the East
Norwich/Muttontown area, I have been
very, very concerned about this proposed
development, and I respectfully request,
Supervisor Saladino, that you and the
Board deny this application of the 62-61
Northern Boulevard Corporation for a
Special Use Permit located at same
address location.

Many of the other residents have
already talked about the different points
within the Special Use Permit points, in
terms of the things that are taken into

1
2 consideration for the acceptance or the
3 denial of this process. The ones that we
4 have really come up with that or the
5 strongest points within the community are
6 the 246-9.4.4, 9.4.9 and 9.4.10. I would
7 like to address the last one, which has
8 to do with roadway improvements, which we
9 consider not to be improvements, but
10 rather modifications. These are things
11 which are necessary and proposed in order
12 to mitigate project related traffic
13 impacts, such that they do not negatively
14 impact the character of the community in
15 which they are located. And we feel very,
16 very strongly that here on the north
17 shore of Long Island, especially north of
18 25A, that this is pretty much sacred area
19 to a lot of people here. There are people
20 within the community that have been here
21 even longer than my family has been here,
22 but nevertheless, we are all very, very
23 adamantly opposed to this kind of a
24 development taking place within our area.

25 Other people have stated the usage

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of the 24/7 situation with the particular opening of the convenience store. Other people have noted the amount of the gas pumps that are going to be available. The traffic in terms of this particular area, the junction of 106 and Route 25A, at this point in time, when you are there during peak rush hour traffic, you will see a backup of a half mile in any direction to the traffic lights. At that particular point, there is major cutting through of the communities on either side of the intersection at this point. We feel that this particular development is going to severely impact the flow of traffic, and it's going to increase the traffic.

In terms of the actual physical esthetics of the 7-Eleven in corporation in terms of what they are offering, in terms of wanting to fit into the community, I have to respectfully disagree with all of their assertions as to the esthetics of this particular

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2 building and the landscaping, which is
3 going to go alongside of it. I do not
4 feel that it meets the bar in terms of
5 what this community is striving for going
6 forward, in terms of what we hope that in
7 future years, this particular area can
8 become. We do not want it to be impacted
9 negatively, and we feel that this
10 particular development will do just that.

11 And I guess in closing, I will just
12 say that the the green strip meridian is
13 a pride to a lot of members of the
14 community in terms of setting us apart
15 from other areas, whether it's even in
16 the Greenvale area or the Roslyn area,
17 there's many, many other parts of 25A
18 that have been heavily developed at this
19 point in time, and we're just hoping not
20 to have that created here within the East
21 Norwich Muttontown area, the Oyster Bay
22 Cove area, all of these areas are highly
23 desirable residential areas. People move
24 here for the quality of lifestyle and we
25 do not want to see that eroded. We don't

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to have some kind of a convenience store with a gas station basically impinging upon what is considered one of the premier communities within Long Island to live in.

And with 25 seconds left to go, I thank you very, very much for your time and for your consideration. I would just respectfully request once again. That you please, all of you, consider very closely this particular developer and make a decision to deny the application. Thank you very much.

SUPERVISOR SALADINO: Thank you for presenting in such a professional manner.

MS. WILEY: You're more than welcome. Thank you.

SUPERVISOR SALADINO: Thank you. The next speaker will be Charles Pietz.

Kindly begin by giving us your full name and address for the record.

MR. PIETZ: Charles Pietz, 2 Muttontown Lane, East Norwich. I am the first house on Muttontown Lane.

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Obviously, very opposed to this.

I have spoken with an environmental attorney, so I would like to just read what he has sent me:

"The 7-Eleven proposal is subject to the State Environmental Quality Review Act, also known as SEQRA. Under SEQRA, the Town must evaluate the environmental impacts associated with the action, including traffic and subsurface contamination. I understand that the Town has designated this proposal as a Type 2, meaning no environmental review or evaluation is required, which is in violation of SEQRA. There are environmental concerns and impacts the Town must evaluate.

There will be increased traffic that must be addressed as an environmental impact on the SEQRA. There are subsurface environmental concerns stemming from a long history of property operating as a gas station. It is very common for properties with this type of history to

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be contaminated.

Proceeding as a Type 2 is a violation of SEQRA given these environmental concerns. If the Town fails to properly proceed under SEQRA, it will be open to legal challenge and an injunction preventing the proposed project from moving forward".

Thank you very much.

SUPERVISOR SALADINO: Our next speaker will be Cathy Nastri.

(Whereupon, no response.)

(Whereupon, interruption from unidentified public member.)

SUPERVISOR SALADINO: The next speaker will be Al Orlando. Would you kindly approach the podium so we can hear you? And which kind of begin by giving us your full name and address for the record?

MR. ORLANDO: Sure. My full name is Alberto Orlando, and I live at 16 Linden Lane for 35 happy years.

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SUPERVISOR SALADINO: Thank you,
sir.

MR. ORLANDO: And and I'm here this morning to say that there's going to be tremendous disruption to all our lives up there on the North Shore. But a lot of my residents have spoken to that already, so I'm not going to repeat what they've said.

But I really want to focus on what this board said about 14 months ago in a meeting that I'm going to read from a meeting of June 27th, 2023.

"Whereas, the town board of the Town of Oyster Bay. Based upon the relevant facts and circumstances presented at the public hearing -- which is what we're doing here today -- and based upon the facts and information within personal knowledge of the members of the Town Board -- all of you -- finds the following:

That because the area, location, nature and character of the subject

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property, the below described premises are not adequate or suitable for requested use."

At this point in time, there's a requested use for a 7-Eleven on Sunnyside Boulevard and the Lee Service Road.

This board goes on to say, "granting this applicant would adversely affect the present character of the area."-- I don't know, but I don't think there's any anybody in this room that could disagree that the service road of the LIE, which which you turned down this application, that that area is as conducive as 25 A where it's full of residential areas. It's a sleepy road. One of the things that I agree with, what the applicant said is that there's really no traffic from 10:00 to 5-6:00 on that road.

So I'll continue to say that you guys -- and you guys turn down the applicant at the time. And what I want to draw is the comparisons of that property, which you declined and correctly

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declined, and this property that's being considered today. That property was 1.7 acres. This property is 1.3 acres. Very comparable. They wanted 16 actual pumps. Today they told us eight. But it's eight stations with 16 pumps. So again the pumps are the same. Also they wanted two diesel pumps, which is what they're asking for also for the Board to consider for the applicant on Northern Boulevard. Two diesel pumps.

Also one of the things that the application on Sunnyside Boulevard and their engineering firm that they hired at the time was made a cogent argument of about 6 or 7 written pages as to why they felt that their premises was going to be safe. They had one egress and one exit. The present project today, I believe, is going to be chaotic at best. It's going to have an egress and an exit next to one another on the east side of the property, and it's also going to have an egress and an entrance and an exit on the west

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side of the property. Okay.

Now, that engineering firm said that they wanted to minimize collisions. And one of the ways in which they wanted to minimize collisions was to keep the flow of traffic in away from the flow out. What they've done here now is they've doubled that. They have two entrances and exits with the traffic in and out right next to one another. So I don't know which engineering firm you want to believe, the one that's currently proposing this, this monstrosity or the one that you you turn down a year and a half ago. I mean, that's a matter of interpretation, which one you want to hear?

I believe that the my biggest objection to this is the traffic. Okay. I lived here 35 years, and I've seen a lot of things come and go. And I believe that the chaos that this is going to cause from 106 heading north -- and you're going to have lots of vehicles making a

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left turn onto 25A to go to this station, which is going to have diesel fuel. We know in the summertime there's a lot of trucks coming up or the cars coming up pulling trailers with boats, they're all going to be making a left going into this facility and then coming back out and looking for ways to go back to 106. It's going to be -- think of a clock, an oval clock. You're going to have that continuous flow of traffic coming off of 106 onto 25A into this mega gas station -- which is what it is. You have to look at this for what it is, okay -- then coming back out again and looking to go back to 106 and going down to Oyster Bay.

My biggest objection is the traffic. I really think that we need to do an intensive traffic study, not one that was done during the peak of Covid and the subsequent year, which traffic was almost negligent at that time.

I think I've said pretty much

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everything that I wanted to say this morning. Obviously I want the Board to consider the application, but definitely deny this application as it stands.

SUPERVISOR SALADINO: Thank you.

Anne Birch, followed by Reed Birch.

MS. BIRCH: Hi, my name is Anne Birch. I live at 6252 Northern Boulevard, which is directly across the street from this parcel, under 200ft from my front door. The first site looking out my front window or walking outside will be this proposed "Super 7-Eleven". That term was given to it by the developer, and the people at the meeting that was held at the community firehouse in June. That was not a term that was given to this development by anyone other than the people involved with the development.

All of the noise, the debris, the sights that emanate from that parcel will be literally at our front door, not to mention our bedroom at night while trying to sleep.

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I would like to quote Paragraph 22 of petitioner's amended verified petition, which people have already brought to your attention, "the petitioners believe that the proposed use of the premises is consistent with the general character of the neighborhood, et al". This statement should be seen for what it is, a blatant insult to this board's sense of propriety. Approval of this application would be completely out of character, with the existing landscape and atmosphere currently present on this portion of 25A. While zoned to allow for business, it still has the unique quaintness that coexists only because of the careful consideration and application by this board of the codes and ordinances that are currently our town laws.

Obviously, something needs to occupy this site as well as other empty sites in our two hamlets, but this proposed use is detrimental to existing neighborhood businesses because of its size and

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ability to compete in an unfair manner.
It would be shortsighted to fill one
space only to have that same business
bankrupt several others. As for devaluing
surrounding properties, which is in the
Paragraph 22, would you buy a house with
this directly across the street from you?

Pursuant to the Board's Resolution
449-2023, which Mr. Orlando made
reference to, which was for the meeting
date of June 27th, 2023, "The application
to build an almost exact replica of this
proposal at 175 Sunnyside Boulevard,
Plainview was denied, in part because,
"the granting of this application would
adversely affect the present character of
the area".

Also by memorandum dated April 12th,
2023, of Harold B. Mayer, Jr., Esq.
Noted in part. "Trucks and tractor
trailers, especially at nighttime, will
certainly create noise disturbances and
nuisances to the surrounding area".

While this was the decision for the

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Plainview petition, this should at the very least set a bare minimum standard for what is and is not acceptable for a project that is so close in proximity to two residential neighborhoods, one being directly adjacent to the parcel and also subject to the restrictions in Town Code 5.50.33.

At the risk of repeating something that has been already said many times, a 24 hour operation of a gasoline service station is contrary to Town Code 5.5.17.6, because of its close proximity to residential areas.

Based on the above alone, this application should be denied. However, in addition, no proper traffic or environmental studies have been done due to its Type 2 designation. Such designation is in violation of SEQRA Type 2 actions list, item nine in particular. Petitioner is indeed requesting a Change of Use Variance and Special Use Permit, thereby designating this project a Type 1

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by default. The document spills by the DEC most recently as 2018, along with its use as a gas station for the past 60 years, and necessitates a full environmental impact study.

Its proximity to Brown's Pond, which leads directly into the Bay, is another reason to demand a full environmental study and, if needed, remediation. As if all the above is not enough for an immediate denial of this application, the DOT. Has already approved a restructuring of this portion of 25A by reducing the median size and creating a left turn lane directly into the parking lot of the proposed site, all without conducting a proper traffic study. There is virtually no justification for this costly expense to taxpayers without a thing to quantify it. Thank you for doing the right thing and denying this application in its entirety.

SUPERVISOR SALADINO: Thank you.
Reed Birch.

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MR. BIRCH: That was my wife. She covered almost everything I was going to say. My name is Reed Birch. I live at 6252 Northern Boulevard. I live right next door. I'm facing this thing day and night. I also wanted to say, good morning, Supervisor and ladies and gentlemen of the board.

I added a little note that what I was going to read is that it's clear that the consultants and the petitioner had no consideration for the South Side of Northern Boulevard. Everything relates to Ross Lane and the other side. This faces us. The cut through everything about it is just extremely detrimental. So I'm just going to read through the rest of this.

My wife and I raised our three kids and lived directly across the street from this parcel. We are greatly opposed to the petitioner's proposed development. There are more than 25 homes within 300ft of this site. The majority of these

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families are also opposed. We have a petition signed with almost 500 signatures that go against this. We can get you that when you need it. But there is a petition with almost 500 signatures saying do not do this.

While everyone does have a right to submit this application for proposal and be heard before the board as we are today, not everyone has the right to have their project approved and destroy a neighborhood. Petitioners state their proposed use is consistent with the general character of the neighborhood. That's far from the truth by anyone's perspective.

The 24 hour use is also wrong on many levels. This area is all residential for the small percentage of neighborhood businesses that actually serve the community, without harm or quality to our life. This location along the Heritage Trail is the gateway to numerous Gold Coast hamlets and villages, not only East

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Norwich and Muttontown. It is unfathomable if you think that the super 7-Eleven will be the welcome sign to so many different affluent communities.

On August 6th of this year, the day before a tropical storm hit, an environmental remediation company began digging up the old underground tanks. All three of these tanks were removed that day and into the next day, with one coming out of the ground already clearly heavily damaged. I have pictures, happy to leave it on the table or give it to whoever, showing the damaged tanks. All the openings were left to fill with rainwater over the next two days. We witnessed this. It was raining. My experience is you don't do environmental remediation, removal of tanks, in the pouring rain and let those 30-40 foot holes filled with water and seep down into the water. It's just not done. It was done this time around.

Once the rain stopped, the workers

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very quickly backfilled the holes with gravel. They are filling up now, as we were already told. Then last week, in the middle of the night, it was a Tuesday night. We were awakened by the sound of concrete being broken up by heavy equipment. I don't know what kind of work was being done, but between the hours of one and 4 a.m., you tell me what was being done. It's disrespectful and unlawful at those hours. When we requested the Town of Oyster Bay Environmental Division for the traffic environmental studies via all the FOILs from the Town of Oyster Bay, we were informed that none exist because this project was designated a Type 2 project under SEQRA. Petitioner was able to squeak by the building size requirement, deleting about one foot. The minimum size building is 4000ft. Surprise! They were going to put up a 3999 square foot building. I'm sorry, but that's kind of a little funny in my mind. However, Type 2

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requires that petitioner not request a change of use, variance or zoning as well. They are asking for all of the above.

After speaking with environmental experts and receiving all the FOIL information possible from the DEC, we've been able to ascertain that this site has had several spills in the past and significant contamination going back to the '90s and heard most recently up till 2018. I have the pictures and the reports from the 2008 that I received from the DEC. What they did remove was 350 yards, there's pictures of it, of contaminated soil. They couldn't say how much soil that was? That would fill up half this room. That's what they took out in 2008 and put new tanks in. They also put in water monitoring systems between 10 and 30ft, because the water table is higher than 120ft we were told. That's all in the record. However, Type 2 requires a petition, not request a change of use

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variance -- I've already done that.

Considering the condition of at least one of the removed tanks from last month, we respectfully request that this be changed from a Type 2 designation to Type 1. The shortcuts afforded by a Type 2 are dangerous for the entire community. The only one to benefit from these shortcuts is a developer, if approved, who isn't required to do a traffic study either and hasn't done one.

If this application is to move forward, at the very least, we citizens deserve to have it done properly. As it stands now, this site is most likely contaminated. The site directly in front of the East Norwich Inn, it has known contamination. Petitioner wants approval to put tanks back in the ground between two contaminated sites, but no environmental studies being done. Tanks that will hold approximately over 100,000 gallons of fuel in an area with a high water table. That just isn't safe with

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the proper studies done first to ensure cleanliness of all the soil in the surrounding area. Obviously, with spills and contaminated soil, why do we want to put more back in? History should tell us something.

We don't want this use in our family's front yard. I'm confident none of you would allow this in your front yard. There are many alternative uses that would better serve the community while also maintain our quaint, welcoming atmosphere, and there has been alternate uses presented in the past and declined.

This just doesn't belong here. It belongs in an area that is already commercialized, like Jericho Turnpike in Huntington, North Broadway, Hicksville. Other areas. We have codes in place to prevent this type of overdevelopment from happening in our small hamlet. Please enforce these codes instead of overriding them all. Thank you.

SUPERVISOR SALADINO: Thank you, Mr.

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Birch.

Our next speaker will be Mathew Meng.

MR. MENG: Good afternoon.

SUPERVISOR SALADINO: Good afternoon.

MR. MENG: My name is Matthew Meng, president of the East Norwich Civic Association. I haven't spoken at one of these hearings for some time. With Covid, I had some private time with very little community issues going on, which after 26 years of representing East Norwich Civic Association, got to like it.

That being said, the East Norwich Civic Association, which was founded some 63 years ago, if my math is right, certainly in 1963. We're well over 60 years old. I'm very proud of having represented the hamlet of East Norwich and to continue doing that.

You have before you have a pamphlet of information we put together. I may say we had two resolutions, if I can use

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2 that word, and if you look on your
3 pamphlet on the left side at the moment,
4 I'd like to speak to that and read a
5 letter of decision into the record. This
6 is regarding the application at 6261 by
7 Northern Boulevard Corporation for a
8 Special Use Permit at the same location:

9 "Dear Supervisor Saladino and
10 members of the board, this filed
11 application, which is currently under
12 review, seeks a 24 hour a day operation
13 of a gas station and convenience store at
14 62-61 Northern Boulevard, which is also
15 known as Route 25A in East Norwich. The
16 East Norwich Civic Association opposes
17 any 24/7 business operation at this
18 location or anywhere else along the 25A
19 east of Cedar Swamp Road, Route 107, to
20 the border of Suffolk County. Route 25A
21 has been designated a Historic and Scenic
22 Corridor by the New York State
23 Legislature since 1998, and is further
24 supported by the following codes -- and I
25 list. Not to read them all to save time,

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there are nine codes that we make reference to, and you all have a copy of that. By the mid 1970s, professional planners, politicians and local active residents have begun to focus on the inescapable reality, that urban life is catching up to us. Increasingly, our voices of concern seem to be coming into conflict. Out of this swirling controversy, a consensus developed among elected officials, local activists, environmentalists, as well as business interests throughout the Long Island north shore that there was more that united us than divides us. From this consensus, Long Island North Shore Heritage Planning Commission was established and their Management Plan developed".

This is my only copy (indicating). I gave my only other copy away, but they spoke about how we have become the Gold Coast representation, we're the 18th selected region in New York state to be

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2 designated Historical Area. Their
3 mission is to preserve, protect, and
4 enhance the cultural, historical, and
5 natural resources which define the north
6 shore and to promote responsible economic
7 development of the area compatible within
8 the historical natural environment.

9 On December the 8th, 2006, the Long
10 Island North Shore Heritage Area became a
11 full fledged member of the New York
12 Heritage Area System with the full
13 acceptance and approval of their
14 Management Plan. By December of 2006, 27
15 municipalities passed a resolution and
16 supported the Management Plan. The Town
17 of Oyster Bay was prominently recognized
18 as a major support.

19 Central to the Management Plan is a
20 consideration and protection of what they
21 refer to as a scenic and historic route,
22 25A corridor. As stated on page 112 of
23 this Management Plan, and I quote they
24 write, "the larger issue that exists is
25 the protection of the designated Historic

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2 and Scenic 25A corridor. Among the land
3 and water routes that link together, the
4 places of the heritage of the north shore
5 of Long Island, perhaps, none is more
6 prominent as the scenic and historic
7 route 25 A, as evidenced by the
8 establishment of the Culper Spy Trail.

9 The future of this road has been a
10 matter of immediate concern for
11 stakeholders and shareholder groups along
12 the historic growth. The Corridor
13 Management Plan process can help build
14 and support to eventually nominate of the
15 road as a New York State Scenic Byway, a
16 National Scenic Byway, and an All
17 American road."

18 The Eastern Norwich Civic
19 Association has unanimously voted to
20 oppose a 24/7 operation, as it would
21 undermine the mission of the LINSHA
22 Management Plan and adversely affect the
23 character and quality of 25A.

24 If I may go a little further, I do
25 represent the community, so if I could be

1
2 afforded a little more time. But if you
3 look on the left aside from the *New York*
4 *Times* on July the 26th, 1998, they speak
5 about the heritage designation. They
6 highlight that George Washington traveled
7 along what is now 25A, originally an
8 Indian trail. The road is the oldest on
9 the north shore and is a main artery to
10 the heritage area. I won't go into
11 detail, but we all know all the wonderful
12 historic areas within our Gold Coast.
13 This artery is a primary artery leading
14 up to all of them. And if you think of
15 the future of 25A and the future of
16 history, I think you don't need to look
17 any further than the Cold Spring Harbor
18 Laboratory as a future recognized
19 historic location that will be on the
20 books at some point with their research
21 in cancer and DNA.

22 Additionally, I have a copy from
23 Sunday, July 26, '98 *New York Times*
24 highlighting the heritage area and once
25 again highlighting 25A is a primary route

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for the Gold Coast of Long Island.

There's a letter from the Civic Association in your pamphlet from March 3, 2004 where the Civic Association, I was representing them at the time, wrote a letter to the Long Island North Shore Heritage Area Planning Commission. Locally, Lori Beinecke (phonetic) of Oyster Bay was a co-chair to this, and in that letter I will not read the whole letter, but it does say, "ENCA, East Norwich Civic, was a supporter of the campaign to save 25A, a project of the Long Island Progressive Coalition to preserve the character of 25A as well as the communities through which it passes".

If you recall, maybe some of you don't, but the DOT was thinking about putting a viaduct type construction of Northern Boulevard down by the fish hatchery. So a lot of citizens rallied to stop that, and from that the Long Island Heritage was born.

I go on to say in that letter of

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2004, "We hope the Management Plan will include designation of protected scenic corridors throughout the LINSHA area, recognize scenic corridor along State Route 25 from the intersection of 106 and Muttontown East Norwich east to the hamlet of Cold Spring Harbor, Huntington, protecting the corridor from tree clearing. Additional curb cuts and development adjacent to the highway preserving the rural ambiance and favorably driving experience along the stretch of this historic road".

So the Civic Association has a history of doing our best to protect what we can of what really is an old indigenous Indian trail. If you look on the cover our brochure shows a picture of the old Indian trail. This fellow was alive when he took this picture (referencing) -- I'm pulling your leg.

But more importantly, we are very proud of our history of the little part

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of the hamlet. We ask that this application be denied.

I do have another letter to refer to, but I'll yield my time if you like to other speakers and speak a little later.

SUPERVISOR SALADINO: Well, we thank you for the presentation.

MR. MENG: I would like to come back.

SUPERVISOR SALADINO: Everybody gets one opportunity to speak and we time that out. Your information is very helpful. The information that you also presented, I've already began looking at it and we'll continue to look at that. We will definitely be keeping the rolls open so that you can send in more information via email and written letter type letter, all of the above, whatever you would like. So as much information as you'd like to give to us, we're happy to accept.

MR. MENG: All right, you do have a copy of everything. You have another resolution we passed where we unanimously

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oppose it based on the town codes and based on additional reasoning that we have not entered into the record formally, but it is in this application.

SUPERVISOR SALADINO: Thank you. Okay.

Our next speaker will Valerie Veagan.

Kindly begin by giving us your full name and address for the record.

MS. VEAGAN: Yes, of course. I'm Valerie Veagan. I live at 21 Ross Lane. Right next to this property, actually.

I would like to express my support in this proposed 7-Eleven by Chris Torken and his team. This site, as we all know, has been a gas station my entire life. It is conveniently located on 25A, a major roadway on Long Island. It stretches all the way from Queens deep into Suffolk County, as you all probably know. It would make logical sense to have a gas station on this kind of roadway.

The issue we are here about is the

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24 hour special permit. And although some might not agree, I do believe that this can be something that benefits our community. Many of our neighbors do not work your typical 9 to 5 job. I'm in that group. We have many nurses, doctors, firefighters, police officers, and come the winter we have our snowplow drivers. This will give us a place to gas up, grab a fresh cup of coffee and be on our way. 25A has been notorious for being a drag strip at all hours of the night. We hear them all night. I look forward to the Nassau County Police sitting at this new 7-Eleven and ticketing and discouraging people from participating in these acts. I believe that this will attract more police presence from our three local police departments Nassau, Brookville and Muttontown, and I think we can all agree that this would be a good thing.

Chris and his team have taken our small town esthetic into consideration when planning this project. I appreciate

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the greenery that will complement our Beautification Committee with our medians in 25A and 106, and their choice in single story architecture will blend right into our community. This 7-Eleven will be a major upgrade from the current lot that we've been so complacent with all these years. Thank you.

SUPERVISOR SALADINO: Thank you very much for the information. Greatly appreciated.

We're going to take a very brief break.

(Whereupon, a brief recess is taken.)

SUPERVISOR SALADINO: Ladies and gentlemen, thank you so much for your patience. If everyone would kindly take their seat, we can jump right back in and. And give the speakers an opportunity to speak. Thank you.

The next speaker will be Paula Fressel.

If everyone else would kindly take

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their seats, that would be so greatly appreciated. Thank you.

MS. FRESSEL: Hello, my name is Paula Fressel. I live at 49 Vernon Avenue, my in-laws at 59 Walnut Avenue. I'm adamantly opposed to the 7-Eleven on 25A, mainly because of the environmental impacts of the 16 pump facility and the diesel and the 24 hours. I don't think it's necessary for any of residents.

That's all I really wanted to say, but I wanted to see if I could give the rest of my time to Matthew Meng so he could complete.

SUPERVISOR SALADINO: We have rules as far as that goes.

MS. FRESSEL: Oh, there are rules.

SUPERVISOR SALADINO: Yes, there are very strict rules. But is there anything else you would like to share with us? You're in opposition?

MS. FRESSEL: Yes. My in-laws live on Walnut Avenue, which is across from Harmony High School. Every time there's

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strong rain, they have to pump. They've already conceded that eight pumps led to some ground contamination at higher level. So a lot of the homes all on Walnut, Locust and I think there was some on Vernon that pump because of the high water table. So if eight pumps contaminated the soil, what is 16 pumps going to do? So I just think that's something that also should be considered. Is there going to be gasoline pumping through my in-laws basement? I don't know. I'd like to see it researched.

And also the school and the traffic. Many times I see the kids standing out there waiting for the bus, and cars just blow through the stop sign. It's dangerous for the children. That's all I'm saying.

SUPERVISOR SALADINO: Thank you for being here. Thank you.

Lorraine Baldwin.

MS. BALDWIN: Good afternoon.

SUPERVISOR SALADINO: Good

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afternoon.

MS. BALDWIN: Lorraine Baldwin, 19, Ross Lane. My property abuts this site. I'm here in support of this application. Did you hear me?

SUPERVISOR SALADINO: I think I did okay; you're in support.

MS. BALDWIN: I grew up in East Norwich. I've spent most of my life here. And as sentimental as anyone can be about our little town, it's location, it's fabulous place to live. It's a nice community.

From Mill River Road to 106 and from the intersection of 25A and 106 to Hawthorne Road, there are approximately 35 commercial businesses. These include a bagel store, a deli, a barber shop, a bakery, a clothing boutique, an architect's office, an animal hospital, photography studio, auto detailer, electrician, optician, grocery market, saddlery, two banks, two dry cleaners, three real estate offices, three spa/nail

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salons and seven restaurants. I'm not counting all of the businesses. With the exception of Rothmans, Joe Vaughn Photography and an office space located setback just south of Hunter Restaurant at the corner, they're all single story buildings. And in my opinion, that's why we still think we live in a small town. This proposal includes the building of a single story building, and that for me is primary reason why I'm supporting it. The site, from what I understand and was explained by the town representative who came to one of the Civic Association meetings, this is zoned for general business use, which would permit up to a three storey building on the site. I would take a 24 hour operation in a one story building over that other potential. However, I would take the 24 hour operation only if it was 7-Eleven because of my experience with that entity.

The proposal is for convenience store and a gas station conjoined one

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business, as opposed to two we've dealt with for decades on Ross Lane. I think it would be a convenience to the community as a whole. I have no concerns about it. You've seen the landscape plan. That's certainly part of what I'm considering, and you will not be seeing that, I'm sure, in any other site plan.

Now to discuss what it's been like living on Ross Lane, dealing with this commercial space and what we are looking at today, where we're standing. The restaurant that was there went through a few iterations. The most recent one closed about ten years ago. The building sat until it was finally raised a few years ago, and now in its place we have an open dirt lot and weeds surrounded by a chain link fence. We've seen the photos today. The people refer to it as The Gulf Station, eventually became a Fuel and Go, which fell into disrepair and has looked distressed for many years. This is not a recent occurrence. We've seen those

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photos as well.

Living aside the restaurant because it's been closed for so long, living adjacent to this property, there have been chronic problems that the immediate neighbors on Ross Lane have dealt with on an isolated basis on our own for many, many years, and these businesses have affected our quality of life. Several of us have made phone calls to the police on several occasions. I have filed a complaint with the Town.

At one point it became -- and I'm not referring to people that worked at the Gulf or Fuel and Go. They're very nice people and they were receptive. I used to call them first before I call the police. There's a problem in the parking lot. If they went out and dealt with it, that was the end of it. But it eventually turned into a space that they used for long term vehicle storage. And if you live on Muttontwn Lane or anywhere else in East Norwich, you drove by a new

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looked, you saw boats, you saw RVs, you stored cars up on jacks that sat there for six weeks at a time -- No one was working on them -- You saw junk cars. They permitted people to bring in their own vehicles and work on them in the back of the lot, as opposed to it being a service center that fixed automobiles and engines itself.

It has been difficult to have these businesses a neighbor. And by contrast, the 7-Eleven proposal would bring us a single, decent, stable, viable, known commercial entity with security cameras and effective lighting, with no parking at the rear of the premises closer to our homes for no one to be hanging out, and cars where people are sitting, talking to each other and suspicious enough that you eventually call the cops because they're coming and going with drug activity. None of this you may be aware of, but this is what we have all been dealing with.

So by contrast to the situation that

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you would see today if you looked at that lot, I don't see this proposal as being at all offensive. We've all, I assume, been in a 7-Eleven. It's not a painful experience. You're in; you're out. It's clean. It's well stocked. There's staff available. You're not looking around for someone. You're not stepping over boxes, and you don't have a problem on your way back and forth to your car. I think it's a decent opportunity before us, and if this is this is not accepted, I don't know what the other proposals would be. That people like to think they can negotiate. I don't know if that's an opportunity with 7-Eleven. So I would rather that you accept this proposal, then leave the neighbors on Ross Lane sitting, waiting for years more to find out what the heck comes next. What we're looking at: Distressed, depressed site. And that site currently reflects on East Norwich and the Town of Oyster Bay at large. Thank you.

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SUPERVISOR SALADINO: Thank you.
Leonard Gero?

MR. GERO: Good afternoon. This was very impressive the way this is being handled, a very democratic, very open. It's the first time I've been to one of these. I've been a resident over 40 years. And I also appreciate the fact that the counsel is so concerned with the health and welfare of the community and mention all these healthy matters at the beginning of this discussion, regarding testing and things like that.

SUPERVISOR SALADINO: Thank you, sir. Would you kindly begin by giving us your full name and address?

MR. GERO: Leonard Gero, 26 South Hollow Court, Muttontown.

SUPERVISOR SALADINO: Thank you.

MR. GERO: So I agree with everything other than this last person. I'm in the development business myself. There are many different uses for property, and they're all over the place.

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It's all dependent on what you're willing to settle for as far as rental. This type of use is a very heavy, intensive use. It doesn't belong here. But it does give the highest amount of revenue. So, therefore, if you're looking for dollars, this is what you're going to go for. But it doesn't belong in this neighborhood.

But let me show you something that hasn't been considered here before. Does anyone know what this is?

(Whereupon, a board is presented and referred to.)

SUPERVISOR SALADINO: Yes.

MR. GERO: This is called the sole source aquifer protected area under the state of New York control. So it's not in your control. It's in the state of New York control. This is the location of the property in the middle of the area that controls our water supply. Are you really going to take a chance of putting in a major refueling station with diesel and other things in the middle of our water

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supply? It doesn't make any sense. This should have been thought of before. This whole hearing shouldn't be happening. We're wasting everybody's time.

The garage that's there now is from '64. That's prior to any of this. It's prior to when people knew about these things. That disease comes from the water. You don't want to kill our population, you want secure our population. This should be a major consideration in considering what to do with the site. There are many uses for the site. It's all a question of dollars, and some of the ones like this one is one of the highest paying uses, and, therefore, that's what they're going after.

I'm in development business. I'm for development. I'd like to see the site developed, but the site developed to serve as the community in a safe and positive manner for the future and the benefit of the children and everybody

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else that lives in the area.

That's my statement.

SUPERVISOR SALADINO: Thank you sir.
Thank you. Wendy and Frank Bianco.

MR. GERO: Here's a copy, by the way.

SUPERVISOR SALADINO: Thank you, sir. You can turn that right into the Town Clerk. We appreciate your statements.

Wendy and Frank Bianco, please.

MS. BIANCO: And I'm sorry I didn't follow the rules.

SUPERVISOR SALADINO: Don't worry. We're here to represent the community and listen to everyone.

So would you kindly begin by giving us your full name and your address for the record?

MS. BIANCO: My name is Wendy Bianco, 69 Vernon Avenue, East Norwich, New York. I've lived there for 48 years.

I am very concerned now for the 24 hours, for the traffic -- my mind is

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going blank. Sorry -- but for the children especially. I so worry when I see the school busses. When cars are parked, we have small roads and when there are activities going on at the church or the school, and the cars park on either side, the traffic cannot pass. One car can get through and the cars cutting through are coming through fast. And I worry about the little ones I see coming off the school busses. There are sometimes grandmothers walking their kids on the block and the dangerous traffic. It's not just traffic, it is dangerous traffic. Their idea is only to cut through and beat the light of the cars turning. They want to make sure they beat that, so they have to not only cut through, but they have to do it fast.

Other than that, I so appreciate everything that they said because I'm not able to maybe express it in the same way, but I shook my head and agreed with all of them.

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SUPERVISOR SALADINO: Thank you.
Robert Lorenc.

MR. LORENC: Yes, sir. Good
afternoon, Supervisor, Esteemed members.
Council members. My name is Rob Lorenc,
62 West 45th Street, New York, New York,
10036. And though I don't live in this
beautiful town, I am quite familiar with
it as I represent a number of residents
who do. They asked me to be here today
to help articulate their concerns and
objections to the development going in as
is.

Unfortunately for me, after
listening to lengthy testimony and so
forth, I think that they have effectively
done my job for me. I think further
expanding upon what I think is a clear
record, would not be beneficial and would
just be a waste of time. But for one
aspect I think needs to be brought on is
that this is not a Type 2 propose
development, is it Type 1. It was not the
intent of the Legislature to let it

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develop, or who clearly is seeking a Type 1 use to skirt the law and regulations by simply reducing the square footage by a *de minimus* amount, which is one square foot? It is ridiculous.

That's all.

SUPERVISOR SALADINO: And that is all the slips I have for this application. Douglas Elliott Gooden? Did Douglas return?

(Whereupon, no response.)

SUPERVISOR SALADINO: Kathy Mastry.

(Whereupon, no response.)

(Whereupon, interruption from unidentified public member.)

SUPERVISOR SALADINO: Is there any other residents or a concerned citizen who would like to be heard on this? Would you please step forward, sir?

I'm going to ask that after you're done speaking, if you would fill out one of these slips, we appreciate it. And if you would kindly please start with your

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full name and address for the record.

MR. CANIZZARO: Sure. I'm Peter Canizzaro. I live at 31 Hawthorne Road in East Norwalk, Norwich, which is actually right outside of this picture.

I didn't plan to come here and speak. I felt very strongly. I was actually watching this live stream.

First, I'll actually start with I've got some neighbors in this room who I love dearly, and even though we don't agree on this I still worship the relationships that we have.

The other thing I'll say is that I feel like nothing good -- obviously, everyone has said things that resonate here. I'm trying to take a little bit of a different angle. I'm a really big car enthusiast, and I happen to know that everyone wants to meet up at a 7-Eleven at night, start and drive through the crazy roads that we've got here at night. They like to speed through it. They've got loud pops, revving, you know,

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burnouts, things like that. It already wakes me up at night. And I feel like having a place for these people to gather is absolutely a 7-Eleven. In fact, if you go to the official 7-Eleven Instagram account, the first photo they have is a car spinning a giant flame, which makes an extremely loud pop. So anyone in the vicinity, or even outside of this vicinity here is going to hear that. And they're going to terrorize the roads around here. And I know this because some of them I know. So they're looking for a spot to meet up.

That's my primary concern is mainly the 24 hours. This is actually beautiful. I love the consideration that was put into this, but I just don't agree with the 24 hours.

Thank you.

SUPERVISOR SALADINO: Thank you.

Sir, would you kindly fill out one of these slips so we can keep a record of everyone who spoke here today?

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Is there anyone else? Please step forward.

MR. PALMA: Steven Palma 14, Walnut. I wasn't going to plan to speak, so I wrote this really brief.

And I'm going to quote a very wise man who said, quote, "we are here to represent the community", end quote. That wise man was you, Superintendent (sic) Joseph Saladino. So I implore you to listen to almost all the people today that spoke before me and vote against this. There are plenty of codes that they mentioned that are in place to prevent this. So there should be no reason that a variance be permitted for this to continue. Something else should be there, not a 24 hour 7-Eleven.

And the traffic that's going to come down on Walnut Avenue and to avoid the light where the school is, Harmony High School, where all the kids are. There are bus stops -- they already fly past all the stop signs. They're not going to

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prevent that by that little cut through.
It's going to increase the amount of
traffic through our little community
there.

So please vote against this and
listen to the wise man. Thank you very
much.

SUPERVISOR SALADINO: Thank you.

Is there anyone else who would like
to be heard on this who has not been
heard yet? Anyone who has not been heard
yet?

SUPERVISOR SALADINO: I see you
chomping at the bit, if you'll take the
expression. Everyone gets a chance to
speak. We're not deciding today. We'll
leave the record open. You can write us.
You can email us. You can call and give
us all the information you would like.
It's obvious we want to hear from all of
you. Okay. Thank you for understanding. I
appreciate the equity we're going to give
to everyone.

And with that, as I said at the

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beginning, if there is no one else who would like to be heard from the public, and I do not see anyone indicate they would like to be heard.

Counselor, would you please summarize?

MS. SIMONCIC: Yes. We've heard a lot of comments, and I would like to have some of my experts come back up and address some of them briefly, if that was okay with the Board.

First I'd like to have Ms. LaRosa address some of the traffic comments that were made.

SUPERVISOR SALADINO: Thank you.

MS. LAROSA: Hello again.

I would just like to clarify a few comments about the date of preparation of the traffic memo. That memo was originally issued in October of 2023. It was revised and resubmitted earlier this year, in the year 2024. That memo did refer to some traffic volumes published by the DOT. The DOT published volumes

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that were conducted in 2019, well before the pandemic, well before remote work. So we would establish those as some existing conditions that are representative of traffic volumes and unaffected by the pandemic.

The roadway, based on those DOT volumes, is carrying between 16-17,000 cars per day along the frontage. That's about 12-1500 cars in an hour. The traffic that we're expecting to enter the 7-Eleven site, that new traffic added to the roadways represents a small percentage of this. We're looking at 2 to 3 percentage of the roadway volumes, an amount that wouldn't be perceptible to motorists passing by.

SUPERVISOR SALADINO: Before we move on, I just would love, at the risk of being repetitive, so it is clear to everyone, the question that has been asked is when was the traffic study done? Not the memo, when was that prepared, but when was the traffic study actually done?

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During what dates?

MS. LAROSA: So the data that we were referring to, which is published by the DOT. So an entirely separate entity of public entity was collected in 2019 before the pandemic.

SUPERVISOR SALADINO: Do you know what months in 2019?

MS. LAROSA: It was in April of 2019. So representative month, not summer, schools were in operation.

SUPERVISOR SALADINO: Okay. Thank you.

MS. LAROSA: And then regarding the overnight hours, during my testimony, I had quoted five percent. I would just like to clarify that that's between the hours of 11:00 p.m. and 5:00 a.m. Five percent of the roadway volumes on 25A are during those hours. If you tack on the six o'clock hour, so from 11 p.m. to 6:00 a.m., that's a total of seven percent of the daily traffic volumes. And again, we're expecting, you know, two to three

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2 percent of those volumes entering the
3 site, largely drawn from traffic that's
4 already on the roadway.

5 And now, if you were coming from
6 either the west, so heading eastbound
7 towards the site or from the north headed
8 south bound to the site. I would like to
9 point out that there are more convenient
10 locations. Should you not want to make a
11 left across the highway, there's the BP
12 and Muttontown. It's about a five minute
13 drive away on the same roadway. Up 106,
14 you have both a convenience store and a
15 Speedway. Those are about 4 or 5 minutes
16 north of the site.

17 Because there are convenient
18 options, we really don't expect people to
19 be going out of their way to get to the
20 7-Eleven. Other towns have their own
21 7-Eleven, so we're not expecting people
22 to leave, say, Hempstead, I heard a
23 reference to, to come up to this
24 7-Eleven.

25 Regarding the left turn bay design,

1
2 I'd like to point out that the costs
3 associated with those improvements will
4 be fully assumed by the applicant, not on
5 the taxpayer side. And again, that was a
6 request by the DOT. The alignment is so
7 that there will be a left turn into the
8 site and a right turn out of the site up
9 the western driveway. And if you were to
10 cross the wrong direction of traffic, you
11 would be crossing oncoming traffic, which
12 is not how drivers are supposed to drive.

13 (Whereupon, interruption
14 from unidentified public
15 member.)

16 MS. LAROSA: The other entrance is
17 also a right turn only driveway. Both
18 will be signed as such. There will be
19 pavement striping and signage at both
20 driveways in accordance with federal
21 standards, the Manual and Uniform Traffic
22 Control Device has standards for proper
23 signage and striping, which are all
24 abided by and have been reviewed by the
25 state DOT.

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SUPERVISOR SALADINO: Thank you.

COUNCILMAN LABRIOLA: Ms. LaRosa, before you go. On the question of whether or not vehicles will be able to go directly across over to Muttontown Lane, in the diagrams that you presented or the traffic flow, that would be prevented by curb cuts or just signs?

MS. LAROSA: It would be prevented by signage first, and then to disobey the signage and striping you would have to cross basically oncoming traffic. So because the median is extended to the point where only incoming traffic could make a left turn pass, if you were to try to cut across the median, you would be essentially going eastbound on the westbound section of the roadway. It would be just blatant disregard of general traffic rules.

(Whereupon, interruption from unidentified public member.)

SUPERVISOR SALADINO: Folks, let's

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do this in a way, rather than going back and forth.

(Whereupon, interruption from unidentified public member.)

(Whereupon, crosstalk.)

COUNCILWOMAN JOHNSON: Any comments right now can't be included on the record.

SUPERVISOR SALADINO: Folks, let's do it this way because it won't get on the record. Let's do this. We've heard from everyone. It doesn't turn into a debate at the end. We've done many, many, many of these hearings. This isn't the first one. I'm sure you have, data. We're going to look at everything. Nothing that you have is going to be ignored. You need to understand that. We have tremendous respect for all of you. We represent you.

Let's do this, rather than turn this into a debate, the attorney, as in all cases, this is not an anomaly, the attorney will come up, address some

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things that were said.

Counsel, will you stay with your experts so that residents can get some of their questions answered from the experts?

MS. SIMONCIC: Of course.

SUPERVISOR SALADINO: Okay, so they will stay. They will listen. You can write us. You can email us and you can call us. Okay. I don't want anybody thinking that a decision is going to be made based on one aspect that is said at the end of of the meeting, it's not like that. We listen to everything and we take it all into consideration. This is the normal process for all hearings. No one is getting shortchanged. That you have to understand and believe, because that's the reality. We're listening. We're not deciding. We're leaving the rolls open. You can contact us with more information. You can contact us to repeat everything you said. Okay. No one will be shortchanged on what you have to tell us.

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Please know that.

Counselor, would you please continue?

MR. CHAPLIN: Zach Chaplin, Stonefield Engineering.

Just to close the loop on what people were talking about. After conferring with the applicant, the eastern curb cut will just be an ingress only. So you will not be able to leave the site from that eastern driveway. So it's just going to be incoming traffic only, and then that westerly driveway will be both incoming and exiting vehicles.

I think just a couple of things I wanted to say after hearing from everybody. I know the Plainview site was mentioned. I also happened to be the engineer on that project as well. I think it is important to note that every site we work on has a different set of circumstances. We look at things in a different way depending on the size, the

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shape, the roadways, the volume of traffic, how the site is laid out.

Two very different sites. That one was accommodating tractor trailer vehicles as the Board may recall. In fact, there were parking spaces for tractor trailers. This site here today does not accommodate tractor trailers, so there is no intention for tractor trailers to use this site or the parking for that. So it's a much different site.

And I think just going back to the flow of traffic by having that ingress only driveway eastern curb cut, I do think that's really good for the flow. It's going to allow cars to just come into the site and then leave in a very counterclockwise type of approach; stop for gas, going inside, and then leaving.

Another thing I want to point out is the curb cuts. I know it was mentioned they're right next to each other. That's actually how they are today. Under the proposed condition, they'd be 120ft

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apart.

From a drainage standpoint, we'd really be cleaning up the site. All the existing drainage that's out there today that's currently abandoned, that would be removed. Instead would be brand new drainage, dry wells that need the three inch storage requirement for the Town. Soils percolation rates are good. So everything would be new and improved. It would meet the Town requirements.

And then lastly, on the tanks, I think it's important to note that gas stations have come a very long way with the technology of tanks. This would be double walled fiberglass tanks. I think you heard from the other consultant that the ones that were from '08 which were similar did not actually have any sort of leaks. Those held up in place. And that's what you're seeing now with the new technology for gas stations compared to what they have installed in the '70s and '80s.

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Everything is monitored. There's a leak detection monitoring system. Again, double walled fiberglass tanks, big improvement compared to what used to out there.

SUPERVISOR SALADINO: Thank you.

MS. SIMONCIC: Just to respond to the comment regarding this being a place for hanging out for cars, etc. If the site doesn't operate 24 hours, it would similarly be an attractive attraction. They can come and go in the parking lot when the place is closed. So when it's open, you more likely have people there to monitor and make sure that that would not happen. So 24 hours, it would actually benefit the situation and the circumstances. It can actually hinder people from coming, because there are people on site, managers that will go out and ask them to quietly leave the premises.

Additionally, historically, the Howard Johnson's that was first built on

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this property, I believe operated 24 hours as well as the IHOP. So there is historic use of this property for 24 hour uses as well.

And again, you know, in terms of the restrictions on the hours within the code, we're talking about seven additional hours. That's it. The code does allow us to operate from 6 to 11. That application, the applicant intends to apply to the Zoning Board for an area variance of that relief. And we believe that we will be able to demonstrate that we need the standards for that request.

In terms of the use itself, the application today is for the gasoline service station, which is a Special Use Permit under the code. That means that the use is permitted with reasonable conditions. And that being in the code as a special permit also is tantamount to a finding by this Board that the use is consistent and compatible with the surrounding uses in the area. So Special

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2 Use Permit does give us an added
3 advantage in that regard. And we're not
4 seeking variances from this Board. This
5 is an actually permitted use in the code
6 with reasonable conditions.

7 I wanted to also address a lot of
8 discussion about the SEQRA review of this
9 application. We submit to the Board that
10 the claims regarding the project not
11 being properly classified as a Type 2
12 action under SEQRA are not legally or
13 factually accurate. The purpose of SEQRA
14 is to incorporate the consideration of
15 environmental factors into the existing
16 planning, review and decision making
17 processes of governmental agencies. The
18 purpose is to consider potential
19 environmental impacts of a proposed
20 project or action. It is not to be used
21 as a procedural framework for the
22 investigation or remediation of possible
23 existing environmental contamination on a
24 property. Those activities, as you heard
25 today from our expert, are handled as

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part of other regulations by the State of New York DEC and are overseen by specific governmental agencies like the Department of Health and the New York State Department of Environmental Conservation. You heard, the work that is being performed, which is outside of the SEQRA analysis that this board needs to make, is being done in accordance with all applicable rules and oversight.

Again, the question for SEQRA is not whether this property is contaminated, but what are the likely environmental impacts of operating a convenience store with a gasoline station. Now, in this case, the scope of review has been predetermined by the state of New York to be what's called the Type 2 action, which means it's exempt from SEQRA under 6NYCRR 617.5 (c) (9). There is a list of predetermined actions that have been legislated by the state, and one of them is -- and I am quoting from the SEQRA regs -- "Construction or expansion of a

1
2 primary nonresidential structure or
3 facility involving less than 4000ft² of
4 gross floor area and not involving a
5 change in zoning or a use variance".

6 Okay, so if it did involve a change
7 of zone or use variance, we would not
8 fall into that Type 2 threshold. This
9 project does not involve a change of zone
10 as this Board knows. That's the
11 legislative request to change the zone of
12 this property from one zone to another.
13 That is not our application. We're
14 seeking a Special Use Permit for
15 permitted use in the code. Similarly, we
16 are not a use variance. We're not seeking
17 a use variance permitting a specific use
18 in zoning district which is not allowed.

19 Again, neither applies to this
20 situation. So we submit to the board that
21 the DER (Department of Environmental
22 Resources) did properly intake the
23 application and by law, the lead agency
24 cannot reclassify a Type 2 action that is
25 a designated list. And this project,

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2 because it is under 4000ft² and there are
3 other thresholds in SEQRA, for example,
4 if you're disturbing more than ten acres,
5 you could be deemed a Type 1 action,
6 there are thresholds. We are under that
7 threshold and it could be by one foot, or
8 it could be by 100ft or 1000ft. But the
9 bottom line is we fit within those
10 parameters. And by law, DER properly made
11 the recommendation that we are a type two
12 action.

13 And again, all that being said, we
14 have shown the environmental conditions
15 of the site are being assessed and
16 mediated in accordance with the
17 Department of Health, and if need to be
18 DEC.

19 I also want to just touch upon Mr.
20 Meng's testimony. And certainly we all
21 respect the historic nature of all the
22 historic areas of the Oyster Bay town,
23 including corridor for 25A. What we are
24 failing to recognize is this is not a
25 pristine site. This is a fully developed

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2 site that essentially exists as entirely
3 asphalt. So we're not disturbing a
4 pristine property that has mature trees
5 all over it or has not been previously
6 developed for the same use that we're
7 seeking approval for.

8 So I don't think -- I actually know.
9 I would submit to this Board, we will not
10 have any adverse impact developing the
11 site as a convenience store with a
12 gasoline station on the items that Mr.
13 Meng indicated. Again, because this is a
14 previously disturbed site and the uses we
15 are seeking are exactly those uses that
16 existed on the site for 60 years.

17 Finally, I just want to touch upon
18 some of the comments with respect to the
19 applicant's burden on this application
20 again. We're a Special Use Permit. We did
21 go through the criteria. Our traffic
22 expert demonstrated that we are not going
23 to have an adverse impact on surrounding
24 traffic. We are compatible with the
25 existing business uses surrounding it.

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We've looked at the gasoline service Special Use Permit criteria. We comply with all of those, and we submit to the board that this is the most appropriate and viable option for this property. And you have heard testimony from people that are in favor of this. And this should not be a popularity contest. This should be based on the merits of the application and the standards, the proper standards that apply and not standards that were put forth to the board that are not relevant to this application.

At this time, I believe Chris Torken would like to address the board as well.

MR. TORKEN: Thank you. Good afternoon, Mr. Supervisor, and members of the board. Chris Torken. I'm the applicant.

Just a few words to add to everyone's presentations. Thank you for your patience. I have been a developer in Long Island for 38 years. I'd like to think I'm very community minded, and I

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approach every development opportunity with a sensitive look at how we are affecting the surrounding and the best use for the property.

In this case, looking at it at first glance, it's an existing gas station with a vacant lot, dilapidated building, desperate need for upgrade, we thought that 7-Eleven with credit worthiness of 80,000 stores would be a safe bet, both from the perspectives of the community and the current zoning. The applicant, on behalf of 7-Eleven, we designed this building with sensitivity to our neighbors. We created all the surrounding buffer and landscaping. We didn't come for a bigger use. We didn't want to just upgrade the existing, which I can do now, and build another building on the vacant site, if that's what the community and the Town wants.

We took a couple of meetings with residents and we took a lot of notes. And I respect everyone's comments. And I just

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want to add some comments to what we heard with regard to the 7-Eleven concept of being open 24/7, this is their business. This is what they serve to the clients that they serve.

And I built the Great Neck 7-Eleven. Someone mentioned that it's not 24 hour use. It is approved for 24 hour use, I built it with similar concerns from the surrounding neighbors, and it is now serving the community with zero trouble in the past, I want to say seven or eight years now, no issue. And all the people that opposed it, or at least many that know me, have come to me and said, we love it. This is after the fact. It is approved for 24/7.

There was some concern at the time raised by the community with regard to loitering and Safety. People hanging out, drug dealers, in the heart of Great Neck. At the time, Sixth Precinct was closed and Nassau County Police Department asked us if we would rebuild an existing police

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booth, which was across the street, and

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we offered it to be rebuilt on the

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7-Eleven site. And it serves the

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community both, three police agencies,

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including Nassau County Police Station,

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police Department, as a relief point

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where they gather and they do the reports

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and they take their breaks. That was

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very welcomed by the community.

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I did a quick review with the Nassau

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County Police Department. They said that

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they would also be interested in a police

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booth at this location or in this area

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because of the distance between the two

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precincts and the demand or requests that

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they heard from the community for a

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larger presence. They said if you build

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it, we would strongly consider it. We

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need a relief point within this area on

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Northern Boulevard.

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So that offer I'm making with

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assumption of them accepting, they have

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given me somewhat of a thumbs up, but it

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has to go through the proper channels and

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2 get approved. If that's something that
3 the board and the community would
4 welcome, we will undertake the cost of it
5 and add that to the site with minimum
6 burden. The police booth is 10 by 10, 10
7 by 12. It's bathroom, changing room and
8 desk for 3 or 4 stations to file the
9 reports and take a break. If it was
10 something that you would consider, it
11 would simply go adjacent to the building.
12 And I would put somewhere here
13 (indicating) so it doesn't affect the
14 stores to the west, and it's visible to
15 the street, and we would screen it
16 further so that the residents on Ross
17 Lane will enjoy the same distance or at
18 least the coverage as we proposing in our
19 project.

20 There was never a conversation, this
21 is the first time I heard the word
22 superstore. There is no superstore. This
23 is a smallest store that they're building
24 today. They generally do closer to
25 5000ft², sometimes even 6000ft². We have

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reduced it to 4000ft², which gives them 2000ft of retail. This is an absolute minimum they can operate on.

The traffic study, our traffic expert mentioned, the median change was done at the request of -- it was is designed at the request of New York State DOT. We have to pay for it. The community doesn't pay for it. They make us pay for it. This is typically done with the DOT when they want to improve the condition that is not safe. This is what they do. They rob the developer. And we have agreed to do the work. It's primarily for safety.

And the last comment regarding the four pumps to eight pumps. Picture four pumps, the demand hasn't changed. The demand is the same. And now you have eight pumps. It's better for safety. You have no stacking. If a car pulls up and the four pumps are busy, where do they go? They have to stack into the property. Here's eight pumps. I've never been to a

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gas station with all eight pumps all full. They're not. They're designed so that they avoid cars stacking. And if someone is almost finished, you'll have to wait for them. You go to the next one. So it's safety as well as the better service. It's really not a significant addition to such a large site.

If there's any questions, I'm happy to answer it. If the police booths is something that you would like to consider, I will pledge to build it as part of the project. Any questions I can answer?

(Whereupon, no verbal response.)

MR. TORKEN: Thank you so much for your time and thank you.

MS. SIMONCIC: We have no further comments and thank you for your time. And that concludes our presentation, unless the Board has any questions of our team.

SUPERVISOR SALADINO: Thank you, Counselor. I only ask that you all stay

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so that any residents who may have questions or comments to give to you, you're available to get those comments and provide them with answers to their questions.

MS. SIMONCIC: Absolutely. We will do that.

SUPERVISOR SALADINO: Yes, sir?

MR. GERO: I just want to say something.

SUPERVISOR SALADINO: So the process for all hearings is to have the applicant come up, provide their testimony, provide the testimony of their experts, show us any visuals, and then to listen to the public and then to go back to the applicant to wrap up. I think there's something beneficial to the residents in any application to stick to the script, if you will; stick to the process that is in place for all hearings. I don't think that anyone wants an anomaly from the normal process. Even though I understand that everyone has the feeling that they

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want to be heard again. And I think I'm safe to say that the order in which we hear everyone's speak, there is no added weight given to someone's statements if they speak in a different position than others, it's all equal. So we will weigh out everything equally. It's not a situation if you speak last, for instance, it gets more weight.

I do want to just take a look in the room and ask, is there anyone who has not been heard on this application who wants to be heard?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Please let the record reflect that. No one has indicated that they would like to be heard on this in addition to those we've already heard from.

All right. And so I hope that satisfies your question and your desire to be heard numerous times. And we greatly appreciate people all adhering to

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the same template as we use for every application. Thank you very, very much.

And I'd like to say something that our residents here today have conducted themselves in a very professional manner. We appreciate that as a board, and you look very good in doing this in the way you have presented your information, you did your research, you acted very professionally, and we would like to thank you for the way in which you presented the information today.

So with that, is there any correspondence?

TOWN CLERK: Supervisor, the attorney for the applicant has filed his affidavit of service and disclosure. Communications are as follows:

We have memos from the Department of Planning and Development, including a review of the required off Street parking;

The Nassau County Land and Tax map indicates the property is Section 24,

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Block B, Lots 948;

According to the Town of Oyster Bay zoning maps, the property is located within a General Business Zone system;

There is a code compliance case and variances on file as well as previous Town Board resolutions;

We have affidavits of posting and publication;

There is correspondence on file that has been distributed to the Town Board.

SUPERVISOR SALADINO: With that, may I have a motion?

COUNCILWOMAN JOHNSON: Supervisor, I make a motion this hearing be closed and the record be kept open for 30 days.

COUNCILMAN HAND: Second.

SUPERVISOR SALADINO: Please take a vote.

TOWN CLERK: Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Aye.

TOWN CLERK: Councilman Hand?

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COUNCILMAN HAND: Aye.

TOWN CLERK: Councilman Labriola?

COUNCILMAN LABRIOLA: Aye.

TOWN CLERK: Councilwoman Maier?

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: The vote passes with
six ayes.

SUPERVISOR SALADINO: So the motion
passes unanimously which means we are not
making a decision today. We are leaving
the record open for 30 days for you to
contact us with anything you would like
us to look at, to read, to listen to. To
submit comments line, you can e-mail us
at publiccomment@oysterbay-NY.gov.
That's publiccomment@oysterbay-NY.gov.
You can mail us at the Office of the Town
Attorney, 54 Audrey Avenue, Oyster Bay,
New York, 11771.

So we have a number of ways you can
continue to provide us with information.
Thank you, again, for the very

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professional way that everyone has
conducted themselves today. It is
greatly appreciated and it makes you look
very, very good. So if you have more to
let us know, please do. We thank you
very, very much.

(Whereupon, above matter
concludes, 2:09 p.m.)

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9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

EXHIBIT	PAGE
RADIUS MAP	45
LETTERS IN SUPPORT	45

(All exhibits handed to clerk and retained by clerk. No marked by reporter.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
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22
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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of September, 2024.

Karen Lorenzo
KAREN LORENZO

#	110:6, 114:4, 117:15, 117:16, 137:13	18th ^[1] - 105:24	2019 ^[5] - 17:14, 135:2, 136:6, 136:9, 136:11
#35 ^[1] - 1:16		19 ^[2] - 45:20, 117:3	2020 ^[1] - 77:18
.	107 ^[1] - 104:19	1960s ^[2] - 11:13, 14:16	2021 ^[2] - 8:3, 11:8
'08 ^[1] - 144:19	10:00 ^[3] - 68:12, 74:5, 87:20	1963 ^[1] - 103:19	2023 ^[5] - 77:18, 86:14, 93:12, 93:20, 134:21
'60s ^[3] - 9:6, 68:17, 69:17	10th ^[1] - 166:13	1964 ^[1] - 8:10	2024 ^[3] - 1:5, 134:23, 166:13
'64 ^[1] - 125:7	11 ^[6] - 32:22, 57:13, 58:22, 59:3, 136:22, 146:10	1966 ^[1] - 7:24	2041ft² ^[1] - 14:21
'70s ^[1] - 144:24	112 ^[1] - 106:22	1970s ^[1] - 105:4	21 ^[2] - 45:21, 112:13
'80s ^[1] - 144:25	11732 ^[1] - 53:13	1994 ^[1] - 35:10	22 ^[2] - 92:2, 93:7
'90s ^[1] - 100:12	11771 ^[1] - 163:22	1998 ^[2] - 104:23, 108:4	23 ^[1] - 45:21
'98 ^[1] - 108:23	11:00 ^[1] - 136:19	2	24 ^[26] - 5:17, 22:17, 32:6, 33:7, 51:17, 51:21, 52:3, 52:25, 94:12, 97:18, 104:12, 113:2, 115:10, 118:19, 118:21, 126:24, 131:17, 131:20, 132:19, 145:11, 145:17, 146:2, 146:4, 154:8, 154:9, 161:25
1	11:06 ^[1] - 1:6	2 ^[17] - 48:20, 83:23, 84:13, 85:3, 94:20, 94:22, 99:18, 99:25, 100:24, 101:6, 101:8, 128:23, 135:15, 147:11, 148:19, 149:8, 149:24	24/7 ^[16] - 33:17, 54:19, 54:25, 55:15, 56:5, 56:15, 56:18, 57:4, 58:4, 58:9, 58:20, 81:2, 104:17, 107:20, 154:4, 154:18
1 ^[7] - 6:16, 67:22, 94:25, 101:7, 128:24, 129:3, 150:5	12 ^[5] - 29:10, 32:13, 58:25, 79:12, 156:7	20 ^[4] - 22:13, 36:9, 43:3, 71:13	246 ^[1] - 55:19
1.3 ^[2] - 16:4, 88:4	12-1500 ^[1] - 135:11	200 ^[1] - 38:12	246-9.4.4 ^[1] - 80:6
1.35 ^[2] - 5:19, 6:21	120ft ^[3] - 36:17, 100:23, 143:25	2000ft ^[1] - 157:3	246.5 ^[1] - 55:5
1.7 ^[1] - 88:3	12th ^[1] - 93:19	2004 ^[2] - 109:5, 110:2	
10 ^[8] - 1:5, 30:10, 57:12, 57:16, 100:21, 156:6	14 ^[3] - 21:17, 86:12, 132:4	2006 ^[2] - 106:9, 106:14	
10% ^[1] - 18:8	16 ^[12] - 18:2, 59:25, 60:3, 78:2, 78:3, 85:24, 88:5, 88:7, 115:9, 116:9	2008 ^[5] - 35:4, 35:10, 38:9, 100:14, 100:19	
10-11:00 ^[1] - 58:2	16-17,000 ^[1] - 135:9	200ft ^[2] - 29:22, 91:11	
100 ^[2] - 38:13, 45:5	161 ^[1] - 22:13	2013 ^[1] - 35:11	
100,000 ^[1] - 101:23	17 ^[1] - 45:20	2018 ^[2] - 95:3, 100:13	
1000ft ^[1] - 150:8	175 ^[1] - 93:14		
10036 ^[1] - 128:8	18 ^[1] - 29:10		
100ft ^[2] - 29:23, 150:8	1800 ^[1] - 8:7		
105 ^[1] - 53:12	18ft ^[1] - 38:24		
106 ^[17] - 7:3, 9:20, 9:25, 10:10, 57:8, 61:24, 72:2, 81:7, 89:24, 90:9, 90:13, 90:17,			

<p>25^[8] - 6:22, 31:13, 45:21, 83:7, 87:15, 96:24, 107:7, 110:6</p> <p>250ft^[1] - 62:23</p> <p>25A^[29] - 7:5, 7:6, 9:20, 55:10, 80:18, 81:7, 82:17, 90:2, 90:13, 92:15, 95:14, 104:15, 104:18, 104:20, 106:22, 107:2, 107:23, 108:7, 108:15, 108:25, 109:14, 109:16, 112:19, 113:12, 114:4, 115:8, 117:16, 136:20, 150:23</p> <p>25ft^[1] - 43:3</p> <p>26^[3] - 103:13, 108:23, 123:18</p> <p>26.6ft^[1] - 18:18</p> <p>26th^[2] - 45:4, 108:4</p> <p>27^[2] - 45:22, 106:14</p> <p>27,000ft²^[2] - 14:2, 47:5</p> <p>27th^[2] - 86:14, 93:12</p> <p>28^[2] - 18:3, 27:12</p> <p>290ft^[1] - 7:5</p> <p>2:09^[1] - 164:11</p>	<p>30^[4] - 31:14, 46:7, 162:17, 163:14</p> <p>30-40^[2] - 29:3, 98:21</p> <p>300ft^[1] - 96:24</p> <p>30ft^[1] - 100:22</p> <p>31^[1] - 130:4</p> <p>333^[1] - 4:14</p> <p>35^[3] - 85:25, 89:21, 117:18</p> <p>350^[1] - 100:15</p> <p>38^[1] - 152:24</p> <p>3999^[1] - 99:23</p> <p>3999ft²^[3] - 13:19, 14:21, 17:24</p>	<p style="text-align: center;">5</p> <p>5^[4] - 30:10, 32:23, 113:6, 137:15</p> <p>5%^[1] - 32:23</p> <p>5-6:00^[1] - 87:20</p> <p>5.5.17.6^[1] - 94:14</p> <p>5.50.33^[1] - 94:9</p> <p>50-60ft^[1] - 18:18</p> <p>500^[2] - 97:3, 97:6</p> <p>5000ft²^[1] - 156:25</p> <p>50ft^[1] - 22:12</p> <p>51^[1] - 70:20</p> <p>51%^[1] - 15:4</p> <p>5300^[1] - 7:23</p> <p>54^[1] - 163:21</p> <p>55^[1] - 7:25</p> <p>59^[1] - 115:6</p> <p>5:00^[1] - 136:19</p>	<p>6261^[1] - 104:6</p> <p>6261-6281^[1] - 5:16</p> <p>63^[1] - 103:18</p> <p>65^[1] - 22:10</p> <p>69^[1] - 126:22</p> <p>6:00^[1] - 136:22</p> <p>6NYCRR^[1] - 148:20</p> <p>6th^[1] - 98:6</p>
<p style="text-align: center;">3</p>	<p style="text-align: center;">4</p>	<p style="text-align: center;">6</p>	<p style="text-align: center;">7</p>
<p>3^[4] - 1:8, 109:5, 135:16, 156:8</p>	<p>4^[3] - 99:10, 137:15, 156:8</p> <p>40^[2] - 22:12, 123:8</p> <p>40-50ft^[1] - 16:24</p> <p>4000ft^[1] - 99:22</p> <p>4000ft²^[6] - 15:3, 15:6, 48:23, 149:3, 150:2, 157:2</p> <p>43%^[1] - 13:18</p> <p>449-2023^[1] - 93:10</p> <p>45^[3] - 71:14, 165:6, 165:8</p> <p>450ft^[1] - 7:2</p> <p>45th^[1] - 128:7</p> <p>46%^[2] - 14:6, 22:8</p> <p>48^[1] - 126:23</p> <p>49^[2] - 4:21, 115:5</p>	<p>6^[5] - 32:13, 51:4, 57:20, 88:17, 146:10</p> <p>6.8%^[1] - 13:23</p> <p>60^[8] - 8:12, 9:3, 47:3, 53:19, 56:17, 95:4, 103:19, 151:16</p> <p>6000ft²^[1] - 156:25</p> <p>617.5^[1] - 148:21</p> <p>62^[1] - 128:7</p> <p>62-61^[7] - 1:12, 1:15, 4:5, 4:8, 4:17, 79:18, 104:14</p> <p>62-81^[1] - 4:17</p> <p>6252^[2] - 91:9, 96:5</p>	<p>7^[2] - 57:9, 88:17</p> <p>7-Eleven^[41] - 4:22, 5:10, 5:24, 12:13, 12:23, 13:11, 17:24, 33:18, 46:14, 52:25, 58:8, 58:19, 60:15, 62:4, 68:24, 69:2, 81:20, 84:6, 87:6, 98:4, 112:16, 113:16, 114:6, 115:7, 118:22, 121:13, 122:5, 122:17, 130:21, 131:5, 131:6, 132:19, 135:13, 137:20, 137:21, 137:24, 153:10, 153:14, 154:3, 154:7, 155:4</p> <p>7-Eleven"^[1] - 91:14</p> <p>7-Elevens^[2] - 23:8, 33:20</p> <p>7.8^[1] - 55:19</p> <p>7092ft²^[1] - 13:17</p>

8	142:11, 146:14 ABSENT ^[1] - 2:7 absolute ^[1] - 157:3 absolutely ^[3] - 70:12, 131:5, 159:7 abundance ^[2] - 28:12 abuts ^[1] - 117:4 abutting ^[1] - 45:17 accept ^[2] - 111:22, 122:18 acceptable ^[1] - 94:4 acceptance ^[2] - 80:2, 106:13 accepted ^[2] - 77:21, 122:13 accepting ^[1] - 155:23 access ^[5] - 19:11, 23:20, 24:21, 25:2, 25:5 accidents ^[1] - 52:11 accommodate ^[1] - 143:9 accommodating ^[1] - 143:5 accordance ^[5] - 33:20, 36:23, 138:20, 148:10, 150:16 according ^[2] - 58:21, 162:3 account ^[2] - 48:7, 131:7 accurate ^[1] - 147:13	acknowledged ^[1] - 6:14 acre ^[1] - 16:4 acres ^[5] - 5:20, 6:21, 88:4, 150:4 Act ^[1] - 84:8 acted ^[1] - 161:10 Action ^[1] - 48:20 action ^[7] - 84:10, 147:12, 147:20, 148:19, 149:24, 150:5, 150:12 actions ^[2] - 94:22, 148:22 active ^[1] - 105:5 activists ^[1] - 105:12 activities ^[3] - 18:23, 127:6, 147:24 activity ^[3] - 19:4, 19:10, 121:22 acts ^[1] - 113:17 actual ^[2] - 81:19, 88:5 adamantly ^[2] - 80:23, 115:7 add ^[7] - 14:2, 19:6, 47:5, 62:9, 152:21, 154:2, 156:5 added ^[4] - 96:10, 135:13, 147:2, 160:4 addendum ^[1] - 26:9 adding ^[2] - 47:20, 60:6 addition ^[7] - 13:4,	25:5, 25:13, 26:6, 94:18, 158:9, 160:20 Additional ^[1] - 110:10 additional ^[4] - 5:11, 60:4, 112:3, 146:9 additionally ^[4] - 14:9, 48:15, 108:22, 145:24 Additionally ^[1] - 13:20 address ^[23] - 14:18, 34:8, 34:13, 47:13, 50:4, 51:2, 67:20, 70:15, 77:8, 78:2, 79:21, 80:7, 83:22, 85:21, 112:11, 123:17, 126:19, 130:2, 134:11, 134:14, 140:25, 147:7, 152:16 addressed ^[3] - 48:12, 64:16, 84:20 addresses ^[1] - 44:19 adequate ^[1] - 87:3 adhere ^[1] - 75:25 adheres ^[1] - 75:24 adhering ^[1] - 160:25 adjacent ^[8] - 14:5, 26:13, 45:12, 57:19, 94:7, 110:11, 120:5,
9			
9 ^[3] - 57:18, 58:23, 113:6 9.4 ^[2] - 59:12, 61:12 9.4.10 ^[2] - 79:7, 80:6 9.4.4 ^[1] - 76:9 9.4.9 ^[2] - 76:20, 80:6 9.46 ^[1] - 60:23 948 ^[2] - 5:18, 162:2 95% ^[1] - 32:25			
A			
a.m ^[8] - 1:6, 32:13, 32:23, 58:25, 99:10, 136:19, 136:23 abandoned ^[2] - 36:13, 144:6 abandoning ^[1] - 35:23 abided ^[1] - 138:24 ability ^[3] - 14:2, 25:16, 93:2 able ^[9] - 21:8, 21:14, 27:10, 99:19, 100:9, 127:23, 139:5,			

156:11
advance ^[1] - 14:10
advantage ^[1] - 147:3
adverse ^[3] - 64:19, 151:10, 151:23
adversely ^[5] - 58:13, 59:5, 87:9, 93:17, 107:22
aerial ^[6] - 6:7, 6:16, 7:23, 8:4, 9:14, 17:14
affect ^[4] - 87:9, 93:17, 107:22, 156:13
affected ^[3] - 45:14, 46:3, 120:10
affecting ^[1] - 153:4
affidavit ^[1] - 161:18
affidavits ^[1] - 162:9
affluent ^[1] - 98:5
afforded ^[2] - 101:7, 108:2
afternoon ^[8] - 52:10, 103:5, 103:7, 116:24, 117:2, 123:4, 128:5, 152:18
afterwards ^[1] - 50:2
age ^[1] - 11:15
agencies ^[3] - 147:17, 148:4, 155:5
agency ^[1] - 149:23
ago ^[5] - 86:12,

89:16, 103:18, 119:16, 119:18
agree ^[6] - 87:18, 113:3, 113:21, 123:21, 130:13, 131:19
agreed ^[2] - 127:24, 157:15
Al ^[1] - 85:18
al" ^[1] - 92:9
Alberto ^[1] - 85:24
alcohol ^[3] - 33:17, 33:19, 52:2
Alessio ^[2] - 67:18, 67:22
ALESSIO ^[2] - 67:21, 70:2
alignment ^[3] - 25:7, 25:16, 138:6
aligns ^[1] - 27:16
alive ^[1] - 110:21
allow ^[7] - 20:14, 39:20, 52:18, 92:15, 102:10, 143:17, 146:10
allowed ^[1] - 149:18
Almost ^[1] - 61:24
almost ^[10] - 16:4, 18:10, 77:11, 90:23, 93:13, 96:3, 97:3, 97:6, 132:12, 158:5
alone ^[3] - 41:23, 59:9, 94:16
alongside ^[1] - 82:3
alternate ^[1] - 102:14

alternative ^[1] - 102:11
alternatives ^[1] - 17:3
Amanda ^[3] - 3:5, 5:3, 24:14
ambiance ^[1] - 110:12
amended ^[1] - 92:3
American ^[1] - 107:17
amount ^[10] - 23:16, 36:6, 38:17, 38:20, 49:23, 81:4, 124:6, 129:5, 133:3, 135:17
analysis ^[1] - 148:9
Angelina's ^[1] - 57:21
angle ^[1] - 130:19
angled ^[1] - 18:15
animal ^[1] - 117:21
Anne ^[2] - 91:7, 91:8
annual ^[1] - 32:18
anomaly ^[2] - 140:24, 159:23
answer ^[6] - 24:9, 43:13, 49:5, 51:8, 158:11, 158:15
answered ^[1] - 141:5
answers ^[1] - 159:5
anticipate ^[1] - 30:24
anticipated ^[1] - 30:5

antiquated ^[1] - 14:15
apart ^[2] - 82:14, 144:2
apologize ^[2] - 60:23, 78:16
appalling ^[1] - 78:8
APPEARED ^[1] - 3:2
appearing ^[1] - 4:15
applicable ^[1] - 148:11
applicant ^[20] - 41:11, 54:21, 54:23, 58:7, 59:10, 60:13, 64:6, 64:18, 87:9, 87:18, 87:23, 88:11, 138:4, 142:9, 146:11, 152:20, 153:13, 159:13, 159:18, 161:17
Applicant ^[1] - 3:7
applicant's ^[3] - 50:3, 60:14, 151:19
applicants ^[3] - 4:16, 12:11, 23:4
application ^[49] - 1:11, 4:5, 5:22, 6:11, 17:2, 24:19, 27:24, 45:24, 47:4, 48:7, 48:19, 49:4, 54:14, 60:12, 64:22, 75:6, 77:20, 79:18, 83:13,

87:14, 88:14,
 91:4, 91:5, 92:12,
 92:18, 93:12,
 93:16, 94:17,
 95:12, 95:22,
 97:9, 101:13,
 104:6, 104:11,
 111:3, 112:5,
 117:5, 129:10,
 146:11, 146:17,
 147:9, 149:13,
 149:23, 151:19,
 152:10, 152:14,
 159:20, 160:13,
 161:3
applications [2] -
 64:14, 74:17
applies [1] - 149:19
apply [3] - 76:8,
 146:12, 152:12
Appreciate [1] -
 44:15
appreciate [11] -
 58:7, 62:12, 64:5,
 113:25, 123:9,
 126:10, 127:21,
 129:24, 133:23,
 160:25, 161:7
appreciated [4] -
 78:19, 114:12,
 115:3, 164:4
approach [4] -
 65:9, 85:19,
 143:19, 153:2
appropriate [5] -
 59:17, 60:7,
 60:21, 76:23,
 152:5
Approval [2] - 47:4,

92:11
approval [5] - 7:10,
 7:13, 101:19,
 106:13, 151:7
approvals [1] -
 34:16
approve [1] - 49:3
approved [8] -
 36:4, 48:16,
 95:13, 97:12,
 101:10, 154:9,
 154:18, 156:2
April [2] - 93:19,
 136:10
aquifer [1] - 124:17
aquifers [1] - 39:2
arbitrary [1] - 54:12
architect's [1] -
 117:21
architectural [1] -
 47:23
Architectural [1] -
 13:8
architecture [5] -
 23:4, 23:10, 24:6,
 48:3, 114:5
area [51] - 6:18,
 9:12, 10:5, 10:16,
 13:14, 19:6, 20:2,
 21:10, 23:7,
 28:18, 42:17,
 47:24, 51:15,
 51:17, 52:21,
 53:5, 53:23, 54:2,
 54:6, 59:19, 60:8,
 61:15, 74:8,
 79:14, 80:18,
 80:24, 81:6, 82:7,
 82:16, 82:21,

82:22, 86:24,
 87:10, 87:15,
 97:19, 101:24,
 102:4, 102:17,
 106:7, 108:10,
 108:24, 110:4,
 124:17, 124:21,
 126:2, 146:12,
 146:25, 149:4,
 155:14, 155:20
Area [5] - 76:15,
 106:2, 106:10,
 106:12, 109:8
area" [2] - 93:18,
 93:24
areas [11] - 15:2,
 22:9, 70:24,
 82:15, 82:22,
 82:23, 87:16,
 94:15, 102:20,
 108:12, 150:22
arguably [2] -
 45:14, 46:2
argument [1] -
 88:16
arrows [1] - 72:7
art [2] - 12:12, 46:14
artery [3] - 108:9,
 108:13
articulate [1] -
 128:12
ascertain [1] -
 100:9
aside [2] - 108:3,
 120:3
aspect [2] - 128:22,
 141:13
aspects [1] - 7:9
asphalt [2] - 11:18,

151:3
assertions [1] -
 81:24
assessed [1] -
 150:15
assessment [1] -
 27:19
ASSISTANT [1] -
 65:17
associated [4] -
 24:22, 26:20,
 84:10, 138:3
association [2] -
 74:14, 75:14
Association [11] -
 44:25, 75:16,
 103:10, 103:15,
 103:17, 104:16,
 107:19, 109:4,
 109:5, 110:15,
 118:15
assume [3] - 6:11,
 47:14, 122:4
assumed [1] -
 138:4
assumption [1] -
 155:23
assured [2] - 40:20,
 41:19
Atlas [1] - 35:21
atmosphere [2] -
 92:14, 102:14
attend [1] - 45:10
attended [2] - 45:3,
 45:6
attention [2] - 72:9,
 92:5
Attorney [1] -
 163:21

ATTORNEY ^[4] - 2:16, 65:17, 66:19, 66:24
attorney ^[6] - 4:12, 50:4, 84:4, 140:23, 140:25, 161:17
attract ^[2] - 26:11, 113:18
attraction ^[1] - 145:12
attractive ^[2] - 53:6, 145:12
Audrey ^[1] - 163:21
August ^[4] - 35:18, 38:5, 45:11, 98:6
authority ^[1] - 33:21
auto ^[4] - 8:8, 8:20, 12:20, 117:22
automobiles ^[1] - 121:9
available ^[4] - 5:10, 81:5, 122:8, 159:4
Avenue ^[8] - 62:3, 70:20, 115:6, 115:24, 126:22, 132:21, 163:21
average ^[1] - 32:18
avoid ^[2] - 132:21, 158:4
awakened ^[1] - 99:6
aware ^[2] - 68:16, 121:23
Aye ^[6] - 162:22, 162:24, 163:2, 163:4, 163:6, 163:8

ayes ^[1] - 163:10

B

backfilled ^[1] - 99:2
backup ^[1] - 81:10
bagel ^[1] - 117:19
bakery ^[1] - 117:20
balance ^[1] - 14:24
Baldwin ^[2] - 116:23, 117:3
BALDWIN ^[3] - 116:24, 117:3, 117:9
ball ^[1] - 69:13
bank ^[2] - 9:23, 9:25
Bank ^[2] - 9:24, 63:12
bankrupt ^[1] - 93:5
banks ^[1] - 117:24
bar ^[1] - 82:4
barber ^[1] - 117:19
bare ^[1] - 94:3
bargain ^[1] - 69:8
Based ^[2] - 86:16, 94:16
based ^[13] - 27:3, 27:17, 30:23, 31:5, 43:4, 48:25, 58:19, 86:19, 112:2, 112:3, 135:8, 141:13, 152:10
basement ^[1] - 116:13
basis ^[2] - 22:25, 120:8
bat ^[1] - 49:13

bathroom ^[1] - 156:7
Bay ^[23] - 1:3, 7:4, 51:16, 52:15, 52:17, 55:4, 55:8, 62:2, 68:15, 70:25, 76:14, 82:21, 86:16, 90:18, 95:8, 99:13, 99:16, 106:17, 109:10, 122:24, 150:22, 162:3, 163:21
bay ^[3] - 25:20, 26:2, 137:25
Bay/East ^[1] - 53:20
beat ^[2] - 127:17, 127:18
Beautification ^[2] - 62:19, 114:3
beautiful ^[4] - 47:9, 51:20, 128:9, 131:17
beautifying ^[1] - 62:22
became ^[3] - 106:10, 119:22, 120:14
become ^[3] - 46:23, 82:8, 105:23
becoming ^[1] - 16:12
bedroom ^[1] - 91:24
bedtime ^[1] - 68:11
began ^[2] - 98:8, 111:15
begin ^[8] - 41:6,

50:25, 70:15, 83:21, 85:20, 112:10, 123:16, 126:18
beginning ^[2] - 123:13, 134:2
begun ^[1] - 105:6
behalf ^[2] - 4:16, 153:14
behind ^[4] - 10:12, 19:5, 39:21, 46:9
Behind ^[1] - 11:2
Beinecke ^[1] - 109:9
belong ^[3] - 102:16, 124:5, 124:9
belongs ^[1] - 102:17
below ^[2] - 43:8, 87:2
beneficial ^[2] - 128:20, 159:19
benefit ^[4] - 64:17, 101:9, 125:25, 145:18
benefits ^[1] - 113:4
best ^[5] - 19:3, 43:3, 88:21, 110:16, 153:4
bet ^[1] - 153:11
better ^[8] - 59:24, 64:13, 72:8, 72:22, 76:5, 102:12, 157:21, 158:7
between ^[9] - 30:10, 31:13, 57:12, 99:9, 100:21, 101:20,

135:9, 136:18,
155:15
beyond^[1] - 43:5
Bianco^[4] - 50:13,
126:5, 126:12,
126:22
BIANCO^[2] -
126:13, 126:21
big^[5] - 15:21,
20:17, 23:13,
130:19, 145:4
bigger^[3] - 69:18,
78:4, 153:18
biggest^[2] - 89:19,
90:19
Birch^[6] - 91:7,
91:9, 95:25, 96:4,
103:2
BIRCH^[2] - 91:8,
96:2
bit^[10] - 18:13,
18:14, 35:2, 35:4,
41:21, 42:5,
74:20, 76:5,
130:18, 133:15
blank^[1] - 127:2
blatant^[2] - 92:10,
139:20
blend^[2] - 23:11,
114:5
Block^[2] - 5:18,
162:2
block^[1] - 127:14
blocks^[1] - 20:5
blow^[1] - 116:18
Blue^[1] - 59:2
board^[31] - 4:11,
5:8, 5:22, 6:5, 9:5,
15:11, 34:8,

46:10, 54:11,
55:20, 69:10,
70:17, 74:2, 79:6,
79:8, 86:12,
86:15, 87:8,
92:19, 96:9,
97:10, 104:10,
124:13, 148:9,
149:20, 152:5,
152:13, 152:16,
152:19, 156:3,
161:7
BOARD^[1] - 1:2
Board^[28] - 8:10,
12:8, 14:19,
29:12, 34:13,
34:15, 44:10,
44:14, 46:13,
49:3, 68:3, 71:7,
73:12, 79:18,
86:22, 88:10,
91:3, 134:12,
143:6, 146:12,
146:23, 147:4,
147:9, 149:10,
151:9, 158:23,
162:8, 162:12
board's^[1] - 92:11
Board's^[1] - 93:9
boat^[1] - 72:20
boats^[2] - 90:6,
121:2
books^[1] - 108:20
booth^[3] - 155:2,
155:14, 156:6
booths^[1] - 158:11
border^[1] - 104:20
born^[1] - 109:24
bottle^[1] - 33:11

bottleneck^[1] -
52:6
bottom^[2] - 43:2,
150:9
Boulevard^[36] -
1:12, 1:15, 4:6,
4:9, 4:15, 4:17,
5:16, 6:23, 10:2,
10:4, 10:24,
18:24, 19:2, 19:9,
24:23, 25:18,
29:14, 30:13,
32:20, 47:19,
53:22, 56:18,
61:23, 77:11,
79:19, 87:7,
88:11, 88:14,
91:10, 93:14,
96:5, 96:14,
104:7, 104:14,
109:21, 155:21
bound^[1] - 137:8
boutique^[1] -
117:20
boxes^[2] - 36:7,
122:9
BP^[1] - 137:11
brand^[1] - 144:7
break^[5] - 19:24,
25:17, 25:23,
114:14, 156:9
breaks^[1] - 155:9
brief^[3] - 114:13,
114:15, 132:6
briefly^[1] - 134:11
bring^[3] - 74:3,
121:6, 121:13
Broadway^[1] -
102:19

brochure^[1] -
110:19
broken^[1] - 99:7
Brookville^[1] -
113:20
brought^[4] - 54:21,
54:25, 92:5,
128:22
Brown's^[1] - 95:7
Brusca^[2] - 53:10,
53:12
BRUSCA^[1] -
53:11
buckets^[1] - 36:14
buffer^[5] - 16:18,
17:12, 18:12,
23:15, 153:17
buffers^[5] - 11:20,
14:3, 14:8, 19:3,
47:10
build^[6] - 23:23,
93:13, 107:13,
153:20, 155:18,
158:13
building^[39] - 7:23,
7:24, 13:14,
13:19, 13:22,
14:20, 14:24,
15:3, 15:4, 17:18,
18:7, 18:17,
18:25, 19:4, 19:5,
23:10, 24:5,
27:11, 43:15,
43:18, 47:21,
48:22, 72:17,
82:2, 99:20,
99:22, 99:24,
118:10, 118:11,
118:18, 118:20,

119:16, 153:8,
 153:15, 153:20,
 156:11, 156:23
buildings [3] -
 13:16, 47:24,
 118:8
built [7] - 7:24, 8:9,
 14:16, 16:14,
 145:25, 154:7,
 154:10
bulk [1] - 13:3
burden [4] - 59:11,
 62:9, 151:19,
 156:6
burdened [1] -
 61:21
burnouts [1] -
 131:2
bus [2] - 116:17,
 132:24
Business [6] -
 5:21, 6:3, 10:19,
 10:20, 12:25,
 162:5
business [26] -
 8:19, 10:12,
 51:18, 57:2, 58:8,
 58:10, 58:11,
 58:12, 58:14,
 59:4, 59:6, 60:15,
 68:2, 69:4, 69:14,
 71:13, 92:16,
 93:4, 104:17,
 105:13, 118:17,
 119:2, 123:23,
 125:20, 151:25,
 154:5
businesses [10] -
 10:3, 47:22,

52:23, 57:7,
 92:25, 97:21,
 117:18, 118:3,
 120:9, 121:12
busses [3] - 52:8,
 127:4, 127:12
busy [1] - 157:23
buy [1] - 93:7
BY [1] - 1:25
Byway [2] - 107:15,
 107:16

C

c(9) [1] - 148:21
calendar [1] - 71:15
cameras [1] -
 121:15
campaign [1] -
 109:14
cancer [1] - 108:21
candidate [1] -
 12:4
CANIZZARO [1] -
 130:3
Canizzaro [1] -
 130:4
cannot [3] - 52:18,
 127:8, 149:24
canopy [3] - 12:14,
 23:10, 43:19
capability [1] -
 29:21
car [7] - 20:15, 62:2,
 122:11, 127:9,
 130:19, 131:8,
 157:22
care [1] - 37:24
careful [1] - 92:18

Caroni [1] - 72:18
carrying [1] - 135:9
cars [16] - 17:21,
 78:3, 90:5,
 116:17, 121:3,
 121:5, 121:19,
 127:4, 127:7,
 127:9, 127:17,
 135:10, 135:11,
 143:17, 145:10,
 158:4
carted [1] - 42:15
carve [1] - 77:9
case [4] - 16:3,
 148:17, 153:6,
 162:6
cases [1] - 140:24
catching [1] - 105:8
cater [1] - 28:23
catering [1] - 29:5
Cathy [1] - 85:12
caused [1] - 44:6
Cedar [3] - 55:12,
 55:13, 104:19
cemetery [1] - 72:5
center [6] - 6:24,
 9:18, 10:6, 25:15,
 57:15, 121:9
Central [1] - 106:19
certain [3] - 41:22,
 52:7, 76:7
certainly [5] -
 46:22, 93:23,
 103:19, 119:7,
 150:20
certify [1] - 166:9
chain [1] - 119:20
chair [1] - 109:10

challenge [1] - 85:7
chance [2] -
 124:23, 133:16
change [9] - 52:4,
 70:5, 100:3,
 100:25, 149:5,
 149:6, 149:9,
 149:11, 157:6
Change [1] - 94:23
changed [2] -
 101:6, 157:19
changing [1] -
 156:7
channels [1] -
 155:25
chaos [1] - 89:23
chaotic [1] - 88:21
CHAPLIN [2] -
 15:14, 142:5
Chaplin [8] - 3:4,
 5:2, 14:18, 15:10,
 15:16, 24:25,
 28:3, 142:5
character [14] -
 46:23, 47:21,
 62:15, 62:25,
 70:6, 80:14,
 86:25, 87:10,
 92:8, 92:13,
 93:17, 97:15,
 107:23, 109:16
characteristics [1]
 - 61:3
characterized [1] -
 13:12
Charles [2] - 83:20,
 83:23
charm [1] - 48:2
Chase [2] - 9:24,

63:12
children ^[3] -
 116:19, 125:25,
 127:3
choice ^[1] - 114:4
chomping ^[1] -
 133:15
Chris ^[6] - 3:7, 41:8,
 112:16, 113:23,
 152:15, 152:19
Christina's ^[2] -
 57:7, 57:16
Chrocciala ^[1] -
 70:20
chronic ^[1] - 120:6
church ^[1] - 127:7
circulation ^[1] -
 47:13
circumstance ^[1] -
 54:17
circumstances ^[6]
 - 53:16, 54:8,
 61:6, 86:17,
 142:24, 145:19
citizen ^[1] - 129:19
citizens ^[2] -
 101:14, 109:22
City ^[1] - 72:25
city ^[1] - 72:25
Civic ^[13] - 44:25,
 75:14, 75:16,
 103:9, 103:14,
 103:17, 104:16,
 107:18, 109:3,
 109:5, 109:13,
 110:15, 118:15
civic ^[7] - 45:9,
 74:14, 75:4, 75:5,
 75:10, 75:13,

75:14
civics ^[1] - 44:21
Civil ^[1] - 13:7
civil ^[4] - 15:17,
 15:23, 18:21, 21:2
claims ^[1] - 147:10
clarify ^[2] - 134:18,
 136:18
classified ^[1] -
 147:11
clay ^[1] - 38:23
clean ^[3] - 36:15,
 43:4, 122:7
cleaned ^[1] - 35:8
cleaners ^[1] -
 117:24
cleaning ^[1] - 144:4
cleanliness ^[1] -
 102:3
clear ^[5] - 53:18,
 53:24, 96:11,
 128:19, 135:21
clearing ^[1] -
 110:10
clearly ^[8] - 8:16,
 8:22, 11:14,
 13:23, 25:14,
 58:2, 98:12, 129:2
Clerk ^[1] - 126:10
CLERK ^[11] - 1:22,
 2:14, 4:4, 161:16,
 162:21, 162:23,
 162:25, 163:3,
 163:5, 163:7,
 163:9
clerk ^[2] - 165:10,
 165:11
clients ^[1] - 154:6
climate ^[1] - 14:10

clips ^[1] - 77:22
clock ^[3] - 74:20,
 90:10, 90:11
close ^[3] - 94:5,
 94:14, 142:7
closed ^[8] - 8:2,
 11:10, 35:11,
 119:16, 120:4,
 145:14, 154:23,
 162:16
closely ^[3] - 22:15,
 33:4, 83:11
closer ^[3] - 63:12,
 121:17, 156:24
closes ^[8] - 57:8,
 57:12, 57:16,
 57:20, 58:22,
 58:23, 58:25, 59:2
closest ^[1] - 55:9
closing ^[2] - 23:13,
 82:11
clothing ^[1] -
 117:20
clustered ^[1] -
 10:18
co ^[1] - 109:10
co-chair ^[1] -
 109:10
Coalition ^[1] -
 109:15
Coast ^[4] - 97:25,
 105:24, 108:12,
 109:2
Code ^[4] - 55:16,
 59:12, 94:8, 94:13
code ^[10] - 13:3,
 13:5, 17:5, 146:8,
 146:9, 146:19,
 146:21, 147:5,

149:15, 162:6
codes ^[9] - 76:7,
 78:11, 92:19,
 102:20, 102:23,
 104:24, 105:2,
 112:2, 132:14
coexists ^[1] - 92:17
coffee ^[1] - 113:11
cogent ^[1] - 88:16
cohesion ^[1] -
 52:21
cold ^[1] - 14:25
Cold ^[2] - 108:17,
 110:8
collected ^[1] -
 136:6
College ^[1] - 55:13
collision ^[1] - 27:25
collisions ^[3] -
 27:22, 89:4, 89:6
color ^[1] - 12:10
combo ^[1] - 16:12
coming ^[14] - 42:7,
 72:12, 90:5, 90:8,
 90:12, 90:16,
 98:12, 105:9,
 121:22, 127:10,
 127:12, 137:5,
 145:20
comment ^[3] -
 73:25, 145:9,
 157:17
comments ^[14] -
 24:10, 48:12,
 64:25, 134:9,
 134:14, 134:19,
 140:8, 151:18,
 153:25, 154:2,
 158:21, 159:3,

159:4, 163:17
commercial ^[8] -
 9:10, 9:13, 9:15,
 10:18, 10:25,
 117:18, 119:12,
 121:15
commercialized
^[1] - 102:18
Commission ^[2] -
 105:18, 109:8
committed ^[1] -
 41:13
Committee ^[2] -
 62:20, 114:3
committing ^[1] -
 41:16
common ^[1] -
 84:24
Commons ^[1] -
 9:17
communicate ^[1] -
 72:22
Communication
s ^[1] - 161:19
communities ^[5] -
 75:11, 81:13,
 83:5, 98:5, 109:17
community ^[51] -
 14:11, 44:19,
 44:22, 44:24,
 48:4, 56:16,
 56:17, 56:19,
 57:4, 58:5, 58:14,
 59:6, 60:22,
 62:15, 62:20,
 63:2, 64:20,
 68:10, 70:6, 80:5,
 80:14, 80:20,
 81:23, 82:5,

82:14, 91:17,
 97:22, 101:8,
 102:12, 103:13,
 107:25, 113:5,
 114:6, 117:14,
 119:4, 123:11,
 125:23, 126:16,
 132:9, 133:4,
 152:25, 153:12,
 153:21, 154:12,
 154:20, 155:5,
 155:10, 155:17,
 156:3, 157:9
company ^[4] -
 34:9, 41:15,
 43:23, 98:8
comparable ^[1] -
 88:5
compare ^[1] -
 30:22
compared ^[3] -
 21:25, 144:23,
 145:5
comparing ^[1] -
 31:10
comparison ^[3] -
 28:25, 30:25, 31:5
comparisons ^[2] -
 28:4, 87:24
compatible ^[4] -
 76:12, 106:7,
 146:24, 151:24
compete ^[1] - 93:2
complacent ^[1] -
 114:8
complaint ^[1] -
 120:13
complement ^[1] -
 114:2

complements ^[1] -
 47:21
complete ^[1] -
 115:15
completed ^[3] -
 36:23, 41:19, 44:2
completely ^[3] -
 54:11, 56:12,
 92:12
compliance ^[1] -
 162:6
compliant ^[1] -
 16:16
complies ^[3] - 13:2,
 18:4, 27:13
comply ^[1] - 152:3
comprehensive
^[1] - 22:14
conceded ^[1] -
 116:3
concept ^[1] - 154:3
concern ^[5] - 48:5,
 105:9, 107:10,
 131:16, 154:19
concerned ^[6] -
 52:4, 70:21,
 79:15, 123:10,
 126:24, 129:19
concerns ^[12] -
 5:23, 19:21,
 44:20, 47:13,
 47:16, 48:13,
 84:17, 84:22,
 85:5, 119:5,
 128:12, 154:10
conclude ^[1] - 56:5
concludes ^[2] -
 158:22, 164:11
conclusion ^[1] -

46:12
concrete ^[2] -
 11:17, 99:7
condition ^[5] -
 19:20, 43:6,
 101:3, 143:25,
 157:12
conditions ^[10] -
 11:16, 17:23,
 19:13, 19:15,
 25:11, 25:22,
 135:5, 146:21,
 147:6, 150:14
conductive ^[1] -
 87:15
conducted ^[3] -
 135:2, 161:5,
 164:3
conducting ^[1] -
 95:17
conferring ^[1] -
 142:9
confident ^[1] -
 102:9
conflict ^[1] - 105:10
confusion ^[2] -
 18:2, 38:22
conjoined ^[1] -
 118:25
connection ^[2] -
 27:8, 27:24
consensus ^[2] -
 105:11, 105:17
consent ^[2] - 45:16,
 46:6
consents ^[2] -
 45:19, 45:23
Conservation ^[3] -
 39:16, 39:19,

148:6
consider ^[13] -
 1:11, 4:5, 38:17,
 38:19, 69:10,
 80:9, 83:11,
 88:10, 91:4,
 147:18, 155:19,
 156:10, 158:13
consideration ^[11]
 - 76:25, 80:2,
 83:9, 92:18,
 96:13, 106:20,
 113:24, 125:13,
 131:18, 141:16,
 147:14
considered ^[4] -
 83:4, 88:3,
 116:11, 124:11
considering ^[3] -
 101:3, 119:7,
 125:13
considers ^[1] -
 68:21
consistent ^[7] -
 8:25, 9:4, 12:6,
 27:14, 92:7,
 97:14, 146:24
consists ^[2] - 9:12,
 14:24
consolidate ^[1] -
 16:7
consolidating ^[5] -
 12:22, 19:12,
 20:18, 23:20, 25:2
consolidation ^[1] -
 25:6
constraints ^[1] -
 75:25
construct ^[1] -

12:12
Construction ^[1] -
 148:25
construction ^[1] -
 109:20
consultant ^[2] -
 35:21, 144:18
consultants ^[1] -
 96:12
Consultants ^[1] -
 13:8
contact ^[9] - 65:10,
 65:12, 67:2, 67:4,
 67:11, 67:13,
 141:22, 141:23,
 163:15
contain ^[1] - 15:4
contained ^[1] -
 13:17
contains ^[2] - 6:21,
 14:20
contaminated ^[10]
 - 38:3, 38:18,
 39:20, 85:2,
 100:16, 101:17,
 101:21, 102:5,
 116:9, 148:13
contaminating ^[1]
 - 41:25
contamination ^[18]
 - 35:7, 35:8,
 35:13, 36:6,
 36:16, 36:18,
 38:2, 38:24, 39:3,
 40:21, 41:18,
 42:14, 43:10,
 84:12, 100:11,
 101:19, 116:4,
 147:23

contest ^[1] - 152:9
continue ^[10] -
 53:17, 69:10,
 69:20, 74:23,
 87:21, 103:22,
 111:16, 132:18,
 142:4, 163:24
continuous ^[1] -
 90:12
contractor ^[1] -
 35:19
contrary ^[2] -
 55:16, 94:13
contrast ^[2] -
 121:12, 121:25
control ^[6] - 29:15,
 29:18, 29:19,
 124:18, 124:19,
 124:20
Control ^[1] - 138:22
controls ^[1] -
 124:22
controversy ^[1] -
 105:11
convenience ^[30] -
 5:24, 5:25, 8:8,
 8:13, 8:17, 8:24,
 11:10, 12:13,
 12:20, 12:23,
 13:16, 14:15,
 22:5, 22:18,
 26:11, 28:13,
 33:15, 46:14,
 46:16, 47:2,
 68:21, 69:11,
 81:3, 83:2,
 104:13, 118:24,
 119:4, 137:14,
 148:15, 151:11

convenient ^[4] -
 26:15, 28:14,
 137:9, 137:17
conveniently ^[1] -
 112:19
conversation ^[1] -
 156:20
cool ^[1] - 14:12
coordinated ^[1] -
 24:19
coordination ^[1] -
 26:6
copies ^[1] - 44:11
cops ^[1] - 121:21
copy ^[7] - 46:5,
 105:3, 105:21,
 105:22, 108:22,
 111:24, 126:6
corner ^[6] - 9:20,
 9:21, 9:25, 10:7,
 20:9, 118:7
corporate ^[1] - 58:9
corporation ^[1] -
 81:20
Corporation ^[5] -
 1:12, 4:6, 4:18,
 79:19, 104:7
correct ^[3] - 25:21,
 39:17, 166:10
correctly ^[1] -
 87:25
correlates ^[1] -
 33:4
correspondence
^[2] - 161:15, 162:11
corresponding ^[1]
 - 71:7
corridor ^[9] - 9:11,
 9:15, 10:19, 68:7,

106:22, 107:2,
110:5, 110:9,
150:23
Corridor [2] -
104:22, 107:12
corridors [1] -
110:4
cost [1] - 156:4
costly [1] - 95:19
costs [1] - 138:2
Council [1] - 128:6
Councilman [2] -
162:25, 163:3
COUNCILMAN [15]
- 2:7, 2:8, 2:9,
29:13, 29:19,
30:4, 30:17,
30:20, 31:24,
32:5, 33:16,
139:3, 162:18,
163:2, 163:4
councilwoman [1]
- 73:2
Councilwoman [3]
- 162:23, 163:5,
163:7
COUNCILWOMA
N [11] - 2:6, 2:10,
2:11, 75:2, 79:5,
79:10, 140:8,
162:15, 162:24,
163:6, 163:8
Counsel [2] - 64:6,
141:3
counsel [6] - 29:12,
53:25, 54:22,
60:14, 67:2,
123:10
Counselor [2] -

142:3, 158:25
counselor [2] -
49:8, 134:6
count [1] - 77:21
counterclockwis
e [1] - 143:19
counting [1] -
118:3
Country [1] - 7:19
COUNTY [1] -
166:5
County [11] - 5:18,
36:21, 36:24,
73:23, 104:20,
112:22, 113:15,
154:24, 155:6,
155:12, 161:24
County" [1] - 76:17
couple [4] - 22:19,
35:16, 142:17,
153:23
course [3] - 64:16,
112:12, 141:7
Court [1] - 123:19
Cove [1] - 82:22
covenants [2] -
69:7, 69:20
cover [2] - 11:18,
110:19
coverage [3] -
13:22, 18:7,
156:18
covered [1] - 96:3
Covid [4] - 51:11,
77:19, 90:22,
103:11
crazy [1] - 130:23
create [10] - 16:20,
23:16, 51:23,

51:25, 52:5, 53:2,
60:19, 63:7, 77:3,
93:23
created [2] - 82:20,
153:16
creates [1] - 53:5
creating [6] -
16:17, 16:25,
17:11, 23:15,
53:4, 95:15
credit [1] - 153:10
crime [1] - 51:25
criteria [2] - 151:21,
152:3
critical [1] - 74:23
critique [1] - 48:6
Crocchiala [1] -
70:14
CROCCHIALA [6] -
70:19, 73:13,
75:12, 76:4,
78:20, 79:2
CROCHIALA [1] -
74:4
cross [2] - 138:10,
139:13
crossed [1] - 72:7
crosses [2] - 58:12,
59:4
crossing [1] -
138:11
crosstalk [1] -
140:7
crying [1] - 11:25
Culper [1] - 107:8
cultural [1] - 106:4
Cumberland [3] -
34:11, 35:19, 44:2

cup [1] - 113:11
curb [10] - 19:12,
19:16, 19:19,
20:18, 23:21,
110:10, 139:9,
142:10, 143:15,
143:22
current [3] - 11:22,
114:7, 153:13
customers [2] -
14:23, 26:12
cut [16] - 19:22,
25:17, 47:17,
61:22, 63:8,
63:19, 63:20,
64:3, 96:16,
127:16, 127:19,
133:2, 139:17,
142:10, 143:15
cuts [8] - 19:12,
19:16, 19:19,
20:18, 23:21,
110:10, 139:9,
143:22
cutting [2] - 81:12,
127:10

D

daily [3] - 32:19,
32:24, 136:24
damaged [2] -
98:13, 98:15
dangerous [5] -
52:6, 101:8,
116:19, 127:14,
127:15
Daniella [2] - 70:13,
70:19
data [3] - 27:17,

136:3, 140:17
date ^[3] - 44:12, 93:12, 134:19
dated ^[1] - 93:19
dates ^[1] - 136:2
days ^[5] - 57:18, 71:14, 98:17, 162:17, 163:14
DC ^[1] - 36:20
de ^[1] - 129:5
dealers ^[1] - 154:22
dealing ^[2] - 119:11, 121:24
dealt ^[3] - 119:2, 120:7, 120:20
Dear ^[1] - 104:9
dearly ^[1] - 130:12
debate ^[2] - 140:15, 140:23
debris ^[1] - 91:21
DEC ^[11] - 35:12, 41:20, 41:21, 42:13, 43:21, 44:3, 95:3, 100:8, 100:15, 148:3, 150:18
decades ^[2] - 46:19, 119:3
December ^[2] - 106:9, 106:14
decent ^[2] - 121:14, 122:12
deciding ^[2] - 133:17, 141:21
deciduous ^[1] - 22:13
decision ^[7] - 64:10, 83:13, 93:25, 104:5,

141:12, 147:16, 163:13
declined ^[3] - 87:25, 88:2, 102:15
decrease ^[3] - 21:25, 22:4, 77:5
dedicated ^[6] - 20:22, 29:24, 63:5, 63:14, 63:22, 63:25
Deegan ^[2] - 3:3, 4:13
deemed ^[1] - 150:5
deep ^[2] - 36:18, 112:21
deepest ^[1] - 42:23
Deer ^[1] - 58:24
default ^[1] - 95:2
define ^[1] - 106:5
defining ^[1] - 13:9
definitely ^[2] - 91:4, 111:17
degrees ^[1] - 42:21
deleting ^[1] - 99:21
deli ^[1] - 117:19
deliveries ^[2] - 20:24, 22:23
demand ^[6] - 21:25, 58:3, 95:9, 155:16, 157:19, 157:20
demands ^[1] - 27:16
democratic ^[1] - 123:6
demolished ^[4] - 8:3, 11:8, 11:12, 43:16

demolition ^[1] - 8:15
demonstrate ^[2] - 44:13, 146:14
demonstrated ^[1] - 151:22
demonstrates ^[1] - 8:16
denial ^[2] - 80:3, 95:12
denied ^[5] - 54:15, 55:17, 93:15, 94:17, 111:3
deny ^[4] - 64:22, 79:18, 83:13, 91:5
denying ^[1] - 95:22
Department ^[14] - 24:20, 36:21, 39:15, 39:19, 48:9, 48:10, 148:4, 148:6, 149:21, 150:17, 154:24, 155:7, 155:12, 161:20
departments ^[1] - 113:20
dependent ^[1] - 124:2
depressed ^[1] - 122:22
depth ^[3] - 39:25, 42:23, 42:25
DEPUTY ^[2] - 66:19, 66:24
DER ^[3] - 48:24, 149:21, 150:10
described ^[1] - 87:2
describing ^[1] -

59:24
description ^[2] - 67:24, 68:3
deserve ^[1] - 101:15
deserves ^[1] - 52:22
design ^[9] - 18:21, 25:7, 44:17, 44:18, 47:23, 48:3, 76:10, 78:5, 137:25
designated ^[8] - 5:17, 76:16, 84:13, 99:18, 104:21, 106:2, 106:25, 149:25
designating ^[1] - 94:25
designation ^[5] - 94:20, 94:21, 101:6, 108:5, 110:3
designed ^[3] - 153:14, 157:8, 158:3
designer ^[1] - 15:23
desirable ^[1] - 82:23
desire ^[1] - 160:23
desk ^[1] - 156:8
desperate ^[1] - 153:9
destination ^[1] - 28:8
destinations ^[1] - 68:13
destroy ^[1] - 97:12

detail ^[3] - 54:9,
71:4, 108:11
detailer ^[1] - 117:22
details ^[2] - 15:11,
64:15
detection ^[1] -
145:3
determine ^[1] -
71:18
detriment ^[2] -
56:13, 64:19
detrimental ^[2] -
92:24, 96:17
devaluing ^[1] -
93:5
develop ^[1] - 129:2
developed ^[9] -
7:17, 8:6, 42:4,
82:18, 105:11,
125:22, 150:25,
151:6
developed" ^[1] -
105:20
developer ^[6] -
71:5, 83:12,
91:15, 101:10,
152:23, 157:14
developing ^[1] -
151:10
Development ^[3] -
48:9, 48:11,
161:21
development ^[23] -
8:23, 47:10,
59:18, 60:7,
72:10, 73:6, 76:7,
77:25, 79:16,
80:24, 81:15,
82:10, 91:19,

91:20, 96:23,
106:7, 110:11,
123:23, 125:20,
125:21, 128:13,
128:24, 153:2
developments ^[2]
- 12:5, 72:10
Device ^[1] - 138:22
Devonshire ^[1] -
53:12
devoted ^[1] - 14:21
diagrams ^[1] -
139:7
dictated ^[1] - 39:14
diesel ^[11] - 28:21,
28:22, 28:23,
28:25, 29:3, 60:5,
88:9, 88:12, 90:3,
115:10, 124:24
different ^[12] - 23:7,
28:22, 42:21,
79:23, 98:5,
123:24, 130:19,
142:23, 142:25,
143:4, 143:12,
160:6
difficult ^[1] -
121:11
digging ^[1] - 98:9
dilapidated ^[1] -
153:8
dire ^[1] - 12:2
direct ^[1] - 67:5
direction ^[3] - 30:9,
81:11, 138:10
directly ^[17] - 11:23,
45:25, 46:8, 56:6,
56:8, 57:19,
61:17, 62:18,

65:13, 91:10,
93:8, 94:7, 95:8,
95:16, 96:21,
101:17, 139:6
dirt ^[2] - 7:22,
119:19
disagree ^[2] -
81:24, 87:12
discarded ^[1] -
42:7
disclosure ^[1] -
161:18
discouraging ^[1] -
113:16
discover ^[1] - 41:18
discovered ^[1] -
42:3
discretion ^[1] -
55:21
discuss ^[1] -
119:10
discussed ^[2] -
47:11, 61:25
discussing ^[1] -
6:6
discussion ^[3] -
74:11, 123:13,
147:8
disease ^[1] - 125:9
disingenuous ^[1] -
70:7
disobey ^[1] -
139:11
dispensers ^[1] -
17:25
displayed ^[3] -
5:12, 70:17, 79:9
disregard ^[1] -
139:20

disrepair ^[1] -
119:23
disrespectful ^[1] -
99:11
disruption ^[1] -
86:6
distance ^[2] -
155:15, 156:17
distressed ^[2] -
119:24, 122:22
distributed ^[1] -
162:12
district ^[2] - 13:22,
149:18
District ^[2] - 6:3,
12:25
disturbances ^[1] -
93:23
disturbed ^[1] -
151:14
disturbing ^[2] -
150:4, 151:3
divider ^[1] - 6:25
divides ^[1] - 105:16
Division ^[1] - 99:14
DNA ^[1] - 108:21
doctors ^[1] - 113:7
document ^[2] -
31:4, 95:2
documentation ^[1]
- 44:11
dollars ^[3] - 62:22,
124:7, 125:15
done ^[30] - 7:10,
23:18, 34:16,
34:18, 37:2, 37:5,
42:19, 44:12,
44:23, 78:18,
89:8, 90:22,

94:19, 98:23,
 98:24, 99:9,
 99:11, 101:2,
 101:12, 101:15,
 101:22, 102:2,
 128:18, 129:23,
 135:23, 135:25,
 140:15, 148:10,
 157:7, 157:11
door^[5] - 72:5,
 72:17, 91:12,
 91:23, 96:6
DOT^[19] - 7:7,
 20:13, 25:4,
 25:19, 26:6,
 32:20, 48:16,
 62:24, 95:13,
 109:19, 134:25,
 135:8, 136:5,
 138:6, 138:25,
 157:9, 157:11
Dot^[1] - 25:6
DOT's^[1] - 7:13
double^[3] - 36:8,
 144:17, 145:4
doubled^[1] - 89:9
Douglas^[4] -
 65:18, 67:6,
 129:10, 129:11
down^[16] - 20:2,
 25:3, 52:9, 57:9,
 57:12, 57:16,
 63:20, 64:4,
 72:12, 87:14,
 87:22, 89:15,
 90:17, 98:22,
 109:21, 132:21
dozen^[1] - 10:3
dozens^[1] - 15:19

drag^[1] - 113:12
drainage^[3] -
 144:3, 144:5,
 144:8
dramatically^[1] -
 70:5
draw^[2] - 30:15,
 87:24
drawn^[1] - 137:3
drive^[6] - 19:25,
 20:2, 20:21,
 130:22, 137:13,
 138:12
Drive^[1] - 53:12
drivers^[2] - 113:9,
 138:12
driveway^[9] - 20:9,
 20:11, 25:7,
 25:10, 138:9,
 138:17, 142:12,
 142:14, 143:15
driveways^[5] -
 20:6, 25:3, 25:4,
 25:8, 138:20
driving^[1] - 110:13
drove^[1] - 120:25
drug^[2] - 121:22,
 154:22
dry^[6] - 14:25,
 35:23, 36:13,
 43:18, 117:24,
 144:8
due^[2] - 60:13,
 94:19
During^[1] - 136:2
during^[16] - 28:16,
 30:7, 30:10, 32:8,
 32:12, 32:24,
 33:17, 50:9,

51:11, 52:10,
 52:11, 74:6, 81:9,
 90:22, 136:16,
 136:21

E

e-mail^[1] - 163:17
Earl^[1] - 4:14
early^[3] - 9:6,
 32:12, 54:23
easier^[1] - 30:13
East^[47] - 1:15, 4:9,
 5:16, 9:10, 9:17,
 9:21, 10:5, 10:6,
 23:12, 44:24,
 51:5, 51:15,
 52:17, 53:12,
 53:22, 56:15,
 56:19, 56:20,
 57:3, 57:7, 60:18,
 60:21, 62:19,
 62:20, 67:22,
 68:14, 70:20,
 70:22, 72:6,
 79:13, 82:20,
 83:24, 97:25,
 101:18, 103:9,
 103:14, 103:16,
 103:21, 104:15,
 104:16, 109:12,
 110:7, 117:9,
 120:25, 122:23,
 126:22, 130:5
east^[13] - 9:14,
 9:24, 18:19, 20:7,
 20:9, 57:11,
 60:18, 63:5,
 63:11, 63:17,
 88:23, 104:19,
 110:7

eastbound^[6] -
 25:20, 26:3,
 29:15, 31:12,
 137:6, 139:18
eastern^[4] - 7:21,
 142:10, 142:12,
 143:15
Eastern^[2] - 44:25,
 107:18
economic^[1] -
 106:6
effect^[2] - 29:17,
 48:24
effective^[1] -
 121:16
effectively^[4] -
 55:2, 61:13,
 63:24, 128:17
efficiency^[1] -
 14:13
efficient^[2] - 21:13,
 24:8
egress^[8] - 63:4,
 63:14, 63:17,
 63:22, 64:2,
 88:19, 88:22,
 88:24
eight^[18] - 12:13,
 12:17, 17:25,
 18:3, 29:2, 59:20,
 59:21, 59:23,
 78:2, 88:6, 116:3,
 116:8, 154:13,
 157:18, 157:21,
 157:25, 158:2
either^[9] - 25:24,
 25:25, 66:11,
 67:4, 70:6, 81:13,
 101:12, 127:8,

137:6
Either ^[1] - 38:6
elected ^[1] - 105:12
electrician ^[1] - 117:23
element ^[1] - 23:12
eliminate ^[1] - 25:16
Elliot ^[1] - 67:6
Elliott ^[1] - 129:10
email ^[5] - 65:15, 67:4, 111:19, 133:19, 141:10
emanate ^[1] - 91:22
employees ^[1] - 22:21
empty ^[1] - 92:22
ENCA ^[1] - 109:12
enclosure ^[1] - 20:23
end ^[6] - 44:9, 74:2, 120:21, 132:9, 140:15, 141:14
endorsed ^[1] - 48:14
energy ^[1] - 14:13
enforce ^[2] - 69:20, 102:23
engineer ^[11] - 5:2, 5:4, 7:12, 15:17, 15:18, 15:23, 21:3, 24:10, 24:15, 62:17, 142:21
engineering ^[5] - 24:17, 71:6, 88:15, 89:3, 89:12
Engineering ^[6] - 3:4, 3:5, 5:3,

15:16, 24:16, 142:6
engines ^[1] - 121:10
enhance ^[2] - 24:3, 106:4
enhancement ^[1] - 48:4
enjoy ^[1] - 156:17
ensure ^[1] - 102:2
enter ^[2] - 27:11, 135:12
entered ^[1] - 112:4
entering ^[3] - 26:5, 26:15, 137:2
entertain ^[1] - 64:13
enthusiast ^[1] - 130:20
entire ^[6] - 11:17, 13:2, 17:18, 35:24, 101:8, 112:18
entirely ^[2] - 136:5, 151:2
entirety ^[1] - 95:23
entity ^[4] - 118:23, 121:15, 136:5, 136:6
entrance ^[4] - 51:15, 51:19, 88:25, 138:16
entrances ^[1] - 89:9
environment ^[1] - 106:8
Environmental ^[11] - 3:6, 5:7, 34:8, 34:22, 39:16,

39:19, 43:24, 84:7, 99:14, 148:6, 149:21
environmental ^[28] - 34:12, 35:20, 41:14, 41:24, 48:18, 77:9, 77:16, 84:3, 84:9, 84:14, 84:17, 84:20, 84:22, 85:5, 94:19, 95:6, 95:9, 98:8, 98:19, 99:15, 100:6, 101:22, 115:8, 147:15, 147:19, 147:23, 148:14, 150:14
environmentalists ^[1] - 105:13
Epicure ^[1] - 57:8
equal ^[1] - 160:7
equally ^[1] - 160:8
equipment ^[1] - 99:8
equity ^[1] - 133:23
eroded ^[1] - 82:25
especially ^[7] - 16:20, 21:10, 52:9, 76:13, 80:17, 93:22, 127:3
ESQ ^[1] - 2:16
Esq ^[2] - 3:3, 93:20
essentially ^[9] - 11:17, 19:9, 20:14, 20:24, 21:20, 29:25, 77:7, 139:18, 151:2

establish ^[1] - 135:4
established ^[2] - 46:25, 105:19
establishment ^[3] - 55:6, 57:3, 107:8
estate ^[1] - 117:25
Esteemed ^[1] - 128:5
esthetic ^[1] - 113:24
esthetically ^[1] - 24:4
esthetics ^[2] - 81:20, 81:25
estimate ^[1] - 38:11
estimation ^[2] - 32:7, 32:10
et ^[1] - 92:8
etc ^[4] - 22:6, 24:2, 59:17, 145:10
evaluate ^[2] - 84:9, 84:18
evaluation ^[1] - 84:15
evening ^[1] - 74:9
eventually ^[4] - 107:14, 119:22, 120:21, 121:21
evergreen ^[2] - 22:10, 22:13
evidenced ^[2] - 53:25, 107:7
exact ^[1] - 93:13
exactly ^[2] - 38:8, 151:15
example ^[1] - 150:3
excavated ^[2] -

42:15, 42:24
exception ^[1] - 118:4
Excuse ^[1] - 41:3
exempt ^[2] - 48:21, 148:20
EXHIBIT ^[1] - 165:4
exhibit ^[3] - 6:15, 9:8, 14:17
Exhibit ^[1] - 6:16
exhibits ^[1] - 165:10
exist ^[4] - 16:18, 19:17, 23:17, 99:17
existed ^[9] - 7:18, 7:25, 8:12, 8:15, 13:14, 17:15, 32:9, 46:25, 151:16
existence ^[1] - 69:11
existing ^[24] - 10:16, 11:5, 11:16, 19:13, 19:15, 25:11, 25:21, 30:22, 30:23, 31:6, 31:25, 35:9, 46:16, 47:22, 92:13, 92:24, 135:5, 144:5, 147:15, 147:23, 151:25, 153:7, 153:19, 154:25
exists ^[5] - 14:14, 20:20, 47:6, 106:24, 151:2
exit ^[4] - 19:25,

88:19, 88:22, 88:25
exiting ^[3] - 25:9, 25:18, 142:15
exits ^[1] - 89:10
expand ^[1] - 74:24
expanded ^[1] - 68:17
expanding ^[1] - 128:19
expands ^[1] - 18:18
expansion ^[1] - 148:25
expect ^[3] - 31:21, 33:3, 137:18
expectation ^[1] - 58:4
expected ^[5] - 27:6, 27:16, 28:13, 33:7, 56:2
expecting ^[7] - 26:23, 27:25, 30:8, 30:15, 135:12, 136:25, 137:21
expense ^[1] - 95:19
experience ^[5] - 43:5, 98:19, 110:13, 118:23, 122:6
expert ^[3] - 147:25, 151:22, 157:6
experts ^[6] - 45:4, 100:7, 134:10, 141:4, 141:6, 159:15
explain ^[1] - 34:17
explained ^[1] - 118:14

express ^[2] - 112:15, 127:23
expressed ^[1] - 47:14
expression ^[1] - 133:16
extended ^[1] - 139:14
extent ^[1] - 23:18
extra ^[1] - 62:12
extremely ^[2] - 96:17, 131:9
eye ^[1] - 69:13

F

fabulous ^[1] - 117:13
face ^[1] - 19:8
Facebook ^[1] - 71:22
faces ^[1] - 96:15
facility ^[9] - 12:17, 30:6, 42:8, 42:20, 56:11, 57:15, 90:8, 115:9, 149:3
facing ^[3] - 18:25, 50:22, 96:6
fact ^[5] - 11:21, 123:9, 131:5, 143:7, 154:17
factors ^[1] - 147:15
facts ^[3] - 71:23, 86:17, 86:20
factually ^[1] - 147:13
failing ^[1] - 150:24
fails ^[1] - 85:5
fair ^[1] - 31:10

fall ^[3] - 64:21, 149:8
familiar ^[3] - 57:23, 70:8, 128:9
families ^[1] - 97:2
family ^[2] - 10:13, 80:21
family's ^[1] - 102:9
far ^[4] - 56:15, 97:16, 115:17, 124:3
Farmingdale ^[1] - 58:21
Farms ^[1] - 35:19
fashion ^[1] - 54:13
fast ^[2] - 127:10, 127:20
faster ^[1] - 29:5
favor ^[2] - 25:4, 152:8
favorably ^[1] - 110:13
features ^[2] - 13:9, 14:12
federal ^[2] - 42:11, 138:20
fee ^[2] - 1:12, 4:6
feed ^[1] - 28:10
feeds ^[2] - 32:16, 39:2
feet ^[1] - 17:9
fell ^[1] - 119:23
fellow ^[1] - 110:20
felt ^[2] - 88:18, 130:8
fence ^[1] - 119:20
fencing ^[1] - 19:7
few ^[7] - 37:15,

49:9, 77:8,
 119:15, 119:17,
 134:18, 152:21
fiberglass [3] -
 36:9, 144:17,
 145:4
field [1] - 77:10
figure [2] - 72:21,
 72:22
file [3] - 156:8,
 162:7, 162:11
filed [4] - 35:21,
 104:10, 120:12,
 161:17
fill [6] - 50:10, 93:3,
 98:16, 100:18,
 129:23, 131:23
filled [3] - 49:18,
 49:20, 98:22
filling [1] - 99:3
Finally [3] - 48:17,
 59:8, 151:17
finally [4] - 4:22,
 25:19, 77:24,
 119:17
fine [1] - 71:9
finished [1] - 158:5
Fire [1] - 36:22
firefighters [1] -
 113:8
firehouse [1] -
 91:17
firm [5] - 4:13, 71:6,
 88:15, 89:3, 89:12
first [20] - 6:15,
 50:12, 50:21,
 54:24, 54:25,
 69:9, 83:25,
 91:12, 102:2,

120:18, 123:7,
 130:10, 131:7,
 134:13, 139:11,
 140:17, 145:25,
 153:6, 156:21
First [1] - 71:2
fish [1] - 109:21
fit [4] - 16:2, 48:2,
 81:22, 150:9
fits [1] - 78:3
five [2] - 136:17,
 137:12
Five [1] - 136:19
fixed [1] - 121:9
fixtures [1] - 14:14
flame [1] - 131:8
fledged [1] - 106:11
flipped [1] - 23:2
flooded [1] - 72:11
floor [2] - 14:19,
 149:4
flow [19] - 26:3,
 28:21, 28:23,
 28:25, 29:3, 30:5,
 30:16, 31:23,
 61:12, 74:24,
 76:20, 77:12,
 81:16, 89:6, 89:7,
 90:12, 139:8,
 143:14, 143:16
flowing [2] - 29:3,
 30:12
fly [1] - 132:24
focus [2] - 86:11,
 105:6
FOIL [3] - 71:12,
 71:17, 100:7
FOILs [2] - 71:13,
 99:15

folks [11] - 49:9,
 61:20, 62:3, 62:5,
 63:18, 63:24,
 64:3, 64:8, 64:12,
 67:16, 139:25
Folks [1] - 140:11
follow [1] - 126:14
followed [1] - 91:7
following [3] -
 36:3, 86:23,
 104:24
Following [1] -
 45:7
follows [1] - 161:19
foot [9] - 7:24, 8:7,
 17:5, 21:17,
 98:21, 99:21,
 99:23, 129:6,
 150:7
footage [1] - 129:4
football [1] - 77:10
force [1] - 33:9
Forcelli [2] - 3:3,
 4:13
forgiveness [1] -
 41:21
form [3] - 49:18,
 49:20, 50:10
formally [1] - 112:5
former [2] - 11:6,
 59:22
formerly [1] - 11:5
forth [5] - 50:6,
 122:11, 128:17,
 140:3, 152:13
forward [5] - 82:6,
 101:14, 113:14,
 129:21, 132:3
forward" [1] - 85:9

founded [1] -
 103:17
four [15] - 6:24,
 7:17, 8:6, 12:22,
 16:7, 19:12,
 19:16, 19:17,
 20:18, 25:3, 29:4,
 59:23, 157:18,
 157:23
framework [1] -
 147:21
FRANK [1] - 2:16
Frank [3] - 50:13,
 126:5, 126:12
frankly [1] - 58:16
fresh [1] - 113:11
Fressel [2] -
 114:24, 115:5
FRESSEL [3] -
 115:4, 115:18,
 115:23
Friday [1] - 57:14
Fridays [1] - 57:17
friends [1] - 71:22
front [7] - 49:22,
 91:12, 91:13,
 91:23, 101:17,
 102:9, 102:10
frontage [5] - 7:5,
 27:20, 27:23,
 32:21, 135:10
fronting [1] - 10:3
fronts [1] - 41:13
Fuel [2] - 119:22,
 120:16
fuel [6] - 40:8,
 43:17, 55:6,
 55:14, 90:3,
 101:24

fueling ^[6] - 12:14,
 18:2, 22:23,
 28:20, 28:21,
 28:25
full ^[16] - 50:25,
 51:2, 55:3, 83:21,
 85:21, 85:23,
 87:16, 95:5, 95:9,
 106:11, 106:12,
 112:10, 123:17,
 126:19, 130:2,
 158:3
fully ^[7] - 13:2,
 16:16, 17:18,
 42:14, 44:2,
 138:4, 150:25
funny ^[1] - 99:25
future ^[9] - 52:16,
 56:25, 60:10,
 82:7, 107:9,
 108:15, 108:18,
 125:24

G

gallon ^[1] - 29:10
gallons ^[3] - 29:2,
 29:4, 101:24
garage ^[6] - 8:7,
 11:9, 11:14,
 12:19, 43:20,
 125:6
gas ^[41] - 5:24, 6:4,
 8:14, 8:17, 11:5,
 11:9, 11:14,
 12:21, 14:16,
 16:10, 16:13,
 21:21, 22:4, 27:2,
 27:4, 28:12, 31:6,
 32:2, 46:15,

46:16, 47:2, 60:2,
 68:25, 69:2, 69:9,
 78:4, 81:4, 83:3,
 84:24, 90:13,
 95:4, 104:13,
 112:18, 112:23,
 113:10, 118:25,
 143:20, 144:14,
 144:23, 153:7,
 158:2
gasoline ^[11] - 8:6,
 8:24, 26:10,
 26:19, 31:11,
 94:12, 116:12,
 146:17, 148:16,
 151:12, 152:2
gateway ^[1] - 97:24
gather ^[2] - 131:4,
 155:8
GB ^[1] - 13:22
general ^[6] - 30:13,
 42:25, 92:8,
 97:15, 118:16,
 139:21
General ^[4] - 5:20,
 6:3, 10:19, 162:5
generally ^[2] -
 7:22, 156:24
generate ^[2] - 28:6,
 28:15
generated ^[1] -
 77:22
generation ^[4] -
 30:21, 30:23,
 32:8, 32:11
generously ^[1] -
 54:23
gentlemen ^[2] -
 96:9, 114:18

geologist ^[2] - 5:6,
 34:23
George ^[1] - 108:6
Gero ^[2] - 123:3,
 123:18
GERO ^[6] - 123:4,
 123:18, 123:21,
 124:16, 126:6,
 159:10
giant ^[1] - 131:8
Gino's ^[1] - 57:14
given ^[8] - 54:7,
 61:6, 66:17, 85:4,
 91:15, 91:18,
 155:24, 160:5
glacier ^[2] - 39:8,
 39:10
glance ^[1] - 153:7
Gold ^[4] - 97:24,
 105:23, 108:12,
 109:2
gonna ^[3] - 10:15,
 78:10, 78:12
Gooden ^[1] -
 129:10
Goodman ^[1] -
 67:6
Google ^[1] - 58:16
governmental ^[2] -
 147:17, 148:4
grab ^[1] - 113:10
grandmothers ^[1]
 - 127:13
granted ^[2] - 8:10,
 9:5
granting ^[2] - 87:8,
 93:16
gravel ^[1] - 99:3

gray ^[1] - 52:22
Great ^[3] - 58:23,
 154:7, 154:22
great ^[5] - 44:18,
 63:15, 72:13,
 74:5, 75:15
greatest ^[1] - 72:13
Greatly ^[1] - 114:11
greatly ^[5] - 78:18,
 96:22, 115:2,
 160:25, 164:4
green ^[5] - 14:3,
 14:7, 47:5, 53:21,
 82:12
greenery ^[1] -
 114:2
Greens ^[1] - 56:7
Greenvale ^[1] -
 82:16
grew ^[1] - 117:9
grocery ^[5] - 13:10,
 17:8, 23:25, 28:5,
 117:23
gross ^[1] - 149:4
ground ^[10] - 4:20,
 4:21, 11:18, 34:9,
 36:16, 37:17,
 41:10, 98:12,
 101:20, 116:4
groundwater ^[6] -
 36:17, 36:19,
 38:25, 42:2, 43:6,
 76:13
Groundwater ^[1] -
 76:15
group ^[4] - 34:12,
 45:9, 70:21, 113:7
groups ^[1] - 107:11
grow ^[1] - 22:11

growth ^[1] - 107:12
guess ^[3] - 59:23,
 63:12, 82:11
guidance ^[1] -
 43:21
guidelines ^[1] -
 42:10
Gulf ^[3] - 59:22,
 119:22, 120:16
guys ^[2] - 87:22

H

half ^[6] - 15:6, 16:4,
 18:10, 81:10,
 89:16, 100:18
hall ^[5] - 73:2, 73:8,
 73:13, 74:10,
 75:20
Hall ^[1] - 73:14
hamlet ^[6] - 10:5,
 51:20, 102:22,
 103:21, 110:8,
 111:2
hamlets ^[2] - 92:23,
 97:25
Hamptons ^[2] -
 47:20, 78:6
hand ^[5] - 15:9,
 20:11, 30:6, 49:5,
 166:13
HAND ^[7] - 2:8,
 29:13, 29:19,
 30:4, 30:17,
 162:18, 163:2
Hand ^[1] - 162:25
handed ^[1] - 165:10
handing ^[1] -
 46:10
handled ^[2] - 123:6,

147:25
handwriting ^[1] -
 65:15
hanging ^[3] -
 121:18, 145:10,
 154:21
happy ^[9] - 24:9,
 49:4, 65:15, 72:2,
 74:23, 85:25,
 98:13, 111:22,
 158:10
Harbor ^[2] - 108:17,
 110:8
harm ^[1] - 97:22
harmony ^[2] -
 46:21, 59:16
Harmony ^[6] -
 56:11, 61:19,
 63:8, 70:22,
 115:25, 132:22
Harold ^[1] - 93:20
hash ^[1] - 75:21
hatchery ^[1] -
 109:22
hauler ^[1] - 22:20
Hawthorne ^[2] -
 117:17, 130:4
hazard ^[2] - 61:14,
 77:5
head ^[1] - 127:24
headed ^[1] - 137:7
heading ^[2] - 89:24,
 137:6
health ^[2] - 66:8,
 123:11
Health ^[3] - 36:21,
 148:5, 150:17
healthy ^[1] - 123:12
hear ^[15] - 7:11,

47:15, 50:23,
 53:17, 54:10,
 64:8, 65:23, 68:3,
 85:19, 89:18,
 113:13, 117:6,
 131:11, 133:21,
 160:4
heard ^[32] - 49:2,
 50:5, 50:8, 50:11,
 53:16, 54:18,
 65:24, 67:24,
 97:10, 100:12,
 129:20, 133:11,
 133:12, 134:3,
 134:5, 134:8,
 137:22, 140:13,
 144:18, 147:24,
 148:7, 152:7,
 154:3, 155:17,
 156:21, 160:2,
 160:13, 160:14,
 160:19, 160:20,
 160:24
Hearing ^[1] - 1:8
hearing ^[7] - 4:3,
 4:4, 50:9, 86:18,
 125:4, 142:18,
 162:16
HEARING ^[1] - 1:10
hearings ^[5] -
 103:11, 140:16,
 141:17, 159:13,
 159:22
heart ^[1] - 154:22
heavily ^[3] - 57:6,
 82:18, 98:13
heavy ^[2] - 99:7,
 124:4
heck ^[1] - 122:21

height ^[3] - 16:24,
 21:17, 22:12
Heights ^[4] - 56:11,
 61:19, 63:9, 70:23
held ^[2] - 91:17,
 144:21
hello ^[1] - 134:17
Hello ^[1] - 115:4
help ^[3] - 77:12,
 107:13, 128:12
helpful ^[1] - 111:13
Hempstead ^[4] -
 55:10, 78:6, 78:7,
 137:22
hereby ^[1] - 166:8
hereunto ^[1] -
 166:12
heritage ^[4] -
 107:4, 108:5,
 108:10, 108:24
Heritage ^[7] - 68:7,
 97:23, 105:18,
 106:10, 106:12,
 109:8, 109:24
Hi ^[1] - 91:8
Hicksville ^[1] -
 102:19
high ^[5] - 28:22,
 29:3, 29:7,
 101:24, 116:7
High ^[3] - 62:3,
 115:25, 132:22
higher ^[3] - 28:6,
 100:22, 116:4
highest ^[3] - 76:3,
 124:6, 125:17
highlight ^[1] -
 108:6
highlighted ^[2] -

6:19, 9:16
highlighting ^[2] - 108:24, 108:25
highly ^[2] - 6:10, 82:22
highway ^[9] - 24:24, 25:25, 26:4, 27:9, 27:10, 27:20, 27:23, 110:11, 137:11
hinder ^[1] - 145:19
hired ^[4] - 35:15, 41:14, 43:22, 88:15
historic ^[15] - 8:25, 46:21, 51:16, 52:21, 53:5, 57:9, 106:21, 107:6, 107:12, 108:12, 108:19, 110:14, 146:4, 150:21, 150:22
Historic ^[2] - 104:21, 106:25
historical ^[3] - 68:7, 106:4, 106:8
Historical ^[1] - 106:2
historically ^[3] - 12:19, 26:18, 145:24
history ^[7] - 6:10, 7:15, 84:23, 84:25, 108:16, 110:16, 110:25
History ^[1] - 102:6
hit ^[1] - 98:7
hold ^[2] - 40:13, 101:23

holes ^[2] - 98:22, 99:2
Hollis ^[1] - 67:22
Hollow ^[1] - 123:19
homes ^[6] - 10:13, 11:21, 11:23, 96:24, 116:5, 121:18
hope ^[4] - 72:21, 82:6, 110:2, 160:22
hopefully ^[1] - 44:20
Hopefully ^[1] - 10:15
hoping ^[1] - 82:19
hoses ^[1] - 59:23
hospital ^[2] - 33:9, 117:21
hour ^[19] - 22:17, 32:6, 33:7, 51:17, 52:10, 52:25, 81:9, 94:12, 97:18, 104:12, 113:2, 118:19, 118:21, 132:19, 135:11, 136:22, 146:4, 154:8, 154:9
hours ^[31] - 28:16, 30:11, 31:25, 32:8, 32:12, 32:22, 33:2, 33:6, 33:17, 51:21, 52:3, 55:21, 55:23, 56:4, 57:24, 76:23, 99:9, 99:12, 113:13, 115:10,

126:25, 131:17, 131:20, 136:16, 136:19, 136:21, 145:11, 145:17, 146:3, 146:7, 146:9
House ^[4] - 7:20, 8:19, 11:6, 13:16
house ^[4] - 28:7, 33:14, 83:25, 93:7
houses ^[1] - 72:3
Howard ^[1] - 145:25
Hunter ^[2] - 10:9, 118:6
Huntington ^[2] - 102:19, 110:8
hydraulic ^[3] - 40:11, 40:12, 40:13

I

idea ^[3] - 23:3, 53:3, 127:16
ideal ^[1] - 21:4
identified ^[2] - 9:23, 10:8
identifying ^[1] - 41:6
ignored ^[1] - 140:19
IHOP ^[1] - 146:3
IMBROTO ^[1] - 2:7
immediate ^[4] - 9:12, 95:12, 107:10, 120:6
immediately ^[2] - 54:5, 57:11
impact ^[13] - 41:24,

41:25, 56:2, 56:13, 62:15, 62:25, 64:19, 80:14, 81:16, 84:21, 95:6, 151:10, 151:23
impacted ^[1] - 82:8
impacting ^[1] - 58:13
impacts ^[10] - 26:3, 27:25, 31:22, 59:5, 80:13, 84:10, 84:17, 115:9, 147:19, 148:15
impervious ^[1] - 17:19
impinging ^[1] - 83:3
implementation ^[1] - 14:12
implore ^[1] - 132:11
important ^[6] - 9:3, 18:20, 49:21, 69:22, 142:22, 144:14
importantly ^[1] - 110:24
impressive ^[2] - 53:19, 123:5
improve ^[2] - 47:12, 157:12
improved ^[3] - 7:17, 25:15, 144:11
improvement ^[3] - 25:10, 46:20, 145:5

improvements ^[6]
 - 24:23, 62:14,
 77:2, 80:8, 80:9,
 138:3
IN ^[2] - 165:8,
 166:12
in-laws ^[3] - 115:6,
 115:23, 116:13
inappropriate ^[1] -
 51:19
Inc ^[1] - 4:22
incentive ^[1] - 63:8
inch ^[1] - 144:9
inclined ^[1] - 58:18
include ^[3] - 65:16,
 110:3, 117:18
included ^[1] -
 140:9
includes ^[2] -
 29:23, 118:10
including ^[5] -
 76:10, 84:11,
 150:23, 155:6,
 161:21
incoming ^[3] -
 139:15, 142:13,
 142:15
incorporate ^[2] -
 31:8, 147:14
increase ^[6] - 22:9,
 26:24, 32:10,
 77:4, 81:17, 133:3
increased ^[1] -
 84:19
Increasingly ^[1] -
 105:8
incredible ^[1] -
 54:20
indeed ^[1] - 94:23

INDEX ^[1] - 165:2
Indian ^[3] - 108:8,
 110:18, 110:20
indicate ^[2] - 77:13,
 134:4
indicated ^[7] -
 6:20, 9:2, 35:12,
 44:14, 48:15,
 151:13, 160:18
indicates ^[1] -
 161:25
indicating ^[3] -
 12:16, 34:15,
 156:13
indicating) ^[1] -
 105:21
indigenous ^[1] -
 110:18
industry ^[1] - 27:17
inescapable ^[1] -
 105:7
Information ^[1] -
 26:9
information ^[20] -
 66:22, 67:3,
 67:15, 71:18,
 74:21, 74:25,
 78:17, 86:20,
 100:8, 103:24,
 111:13, 111:14,
 111:18, 111:21,
 114:11, 133:20,
 141:22, 161:9,
 161:13, 163:24
informative ^[1] -
 74:15
informed ^[1] -
 99:17
ingress ^[6] - 63:4,

63:11, 63:13,
 63:15, 142:10,
 143:14
inherit ^[1] - 44:5
injunction ^[1] -
 85:8
Inn ^[4] - 9:21, 56:21,
 60:18, 101:18
inside ^[2] - 43:19,
 143:20
insignificant ^[1] -
 36:5
inspectors ^[1] -
 36:24
Instagram ^[1] -
 131:6
install ^[1] - 25:20
installed ^[3] -
 21:17, 22:10,
 144:24
installing ^[1] -
 25:13
instance ^[1] -
 160:10
instead ^[2] -
 102:23, 144:7
insult ^[1] - 92:10
intake ^[1] - 149:22
intended ^[4] -
 28:10, 33:12,
 54:13, 60:20
intends ^[1] - 146:11
intense ^[3] - 60:16,
 60:19, 61:8
intensity ^[1] - 59:15
intensive ^[2] -
 90:21, 124:4
intent ^[2] - 60:14,
 128:25

intention ^[2] - 29:6,
 143:10
intentional ^[1] -
 47:25
interested ^[1] -
 155:13
interests ^[1] -
 105:14
internet ^[1] - 58:22
interpretation ^[1] -
 89:17
interrupt ^[1] - 12:9
interruption ^[9] -
 65:5, 66:2, 66:13,
 67:8, 85:14,
 129:15, 138:13,
 139:22, 140:4
intersection ^[3] -
 81:14, 110:6,
 117:16
intersection" ^[1] -
 77:6
intersections ^[1] -
 76:22
invalid ^[1] - 51:12
investigation ^[1] -
 147:22
invited ^[2] - 45:9,
 75:10
involve ^[2] - 149:6,
 149:9
involved ^[4] -
 41:11, 59:15,
 75:7, 91:20
involvement ^[2] -
 24:16, 24:18
involving ^[2] -
 149:3, 149:4
Island ^[13] - 58:19,

80:17, 83:5,
 105:14, 105:17,
 106:10, 107:5,
 109:2, 109:7,
 109:15, 109:23,
 112:20, 152:24
isolated ^[1] - 120:8
issue ^[5] - 61:16,
 69:18, 106:24,
 112:25, 154:14
issued ^[2] - 7:10,
 134:21
issues ^[4] - 50:5,
 66:8, 74:3, 103:13
item ^[1] - 94:22
items ^[2] - 14:23,
 151:12
iterations ^[1] -
 119:15
ITF ^[1] - 77:22
itself ^[5] - 12:23,
 19:3, 56:21,
 121:10, 146:16

J

jacks ^[1] - 121:3
JEFFREY ^[1] - 2:15
Jericho ^[2] - 7:4,
 102:18
job ^[2] - 113:6,
 128:18
Joe ^[1] - 118:4
Johnson ^[1] -
 162:23
JOHNSON ^[4] -
 2:6, 140:8,
 162:15, 162:24
Johnson's ^[1] -
 145:25

Joseph ^[1] - 132:11
JOSEPH ^[2] - 1:18,
 2:5
Jr ^[1] - 93:20
Judy ^[2] - 3:3, 4:12
July ^[3] - 45:10,
 108:4, 108:23
jump ^[2] - 63:18,
 114:20
junction ^[1] - 81:7
June ^[8] - 44:25,
 45:4, 54:23, 64:7,
 86:14, 91:17,
 93:12
junk ^[1] - 121:5
jurisdiction ^[1] -
 7:6
justification ^[1] -
 95:19

K

Karen ^[1] - 166:15
KAREN ^[3] - 1:25,
 166:7, 166:16
Kathy ^[1] - 129:13
keep ^[2] - 89:6,
 131:24
keeping ^[1] -
 111:17
kept ^[1] - 162:17
kid ^[1] - 33:10
kids ^[4] - 96:20,
 116:16, 127:13,
 132:23
kill ^[1] - 125:10
kind ^[16] - 19:14,
 19:24, 20:5,
 23:11, 37:25,

71:15, 71:16,
 72:6, 75:21,
 80:23, 83:2,
 85:20, 99:8,
 99:24, 112:24
kindly ^[8] - 50:21,
 85:19, 114:19,
 114:25, 123:16,
 126:18, 129:25,
 131:23
Kindly ^[2] - 83:21,
 112:10
Kitchen ^[1] - 7:19
knowledge ^[1] -
 86:21
known ^[9] - 5:15,
 6:23, 7:3, 68:7,
 72:19, 84:8,
 101:18, 104:15,
 121:14
knows ^[2] - 55:3,
 149:10

L

Laboratory ^[1] -
 108:18
Labriola ^[1] - 163:3
LABRIOLA ^[7] -
 2:9, 30:20, 31:24,
 32:5, 33:16,
 139:3, 163:4
lack ^[2] - 27:4,
 59:23
ladies ^[2] - 96:8,
 114:17
laid ^[3] - 18:22,
 19:8, 143:3
LaMARCA ^[2] -
 1:21, 2:14

land ^[5] - 27:3,
 68:6, 70:4, 70:8,
 107:2
Land ^[2] - 5:19,
 161:24
landowner ^[1] -
 68:18
landscape ^[7] -
 14:3, 18:12, 22:8,
 22:9, 22:14,
 92:13, 119:6
landscaped ^[2] -
 16:5, 18:11
landscaping ^[9] -
 11:19, 17:20,
 19:7, 21:7, 24:5,
 47:6, 47:10, 82:2,
 153:17
Lane ^[26] - 19:23,
 45:20, 45:21,
 45:22, 56:10,
 61:17, 63:9,
 63:20, 64:4,
 79:12, 83:24,
 83:25, 85:25,
 96:15, 112:13,
 117:4, 119:3,
 119:11, 120:7,
 120:24, 122:19,
 139:7, 156:17
lane ^[7] - 6:24,
 20:15, 29:14,
 29:21, 29:24,
 30:6, 95:15
Lane's ^[1] - 62:6
large ^[11] - 9:12,
 9:15, 23:24,
 38:17, 38:20,
 72:3, 72:16,

73:22, 122:25,
158:9
largely^[1] - 137:3
larger^[2] - 106:24,
155:18
LAROSA^[13] -
24:13, 29:18,
29:22, 30:8, 31:3,
32:3, 32:14,
134:17, 136:3,
136:10, 136:15,
138:16, 139:10
LaRosa^[5] - 5:3,
24:14, 30:20,
134:13, 139:3
last^[11] - 4:4, 35:16,
54:18, 63:3, 75:9,
80:7, 99:4, 101:4,
123:22, 157:17,
160:9
lastly^[1] - 144:13
late^[1] - 57:25
latest^[1] - 57:17
latter^[1] - 64:22
LAURA^[1] - 2:10
Laurel^[5] - 3:6, 5:6,
34:7, 34:22, 43:24
law^[5] - 42:11,
75:24, 129:3,
149:23, 150:10
laws^[4] - 92:20,
115:6, 115:23,
116:13
lawyer's^[1] - 67:25
lay^[1] - 21:12
layer^[1] - 38:23
layout^[2] - 21:13,
24:8
lays^[1] - 60:17

lead^[3] - 35:13,
42:5, 149:23
leading^[1] - 108:13
leads^[2] - 61:18,
95:8
leak^[1] - 145:3
leaked^[2] - 36:8,
40:17
leaks^[1] - 144:21
lease^[2] - 4:21,
41:12
least^[7] - 10:3,
69:21, 94:3,
101:4, 101:14,
154:15, 156:18
leave^[10] - 33:13,
67:12, 78:12,
98:14, 122:19,
133:18, 137:22,
142:11, 143:18,
145:22
leaving^[5] - 28:7,
65:12, 141:21,
143:20, 163:13
LED^[1] - 21:15
led^[1] - 116:3
Lee^[1] - 87:7
left^[21] - 20:11,
20:15, 20:16,
25:9, 26:2, 29:14,
30:6, 39:20,
41:23, 63:25,
83:7, 90:2, 90:7,
95:15, 98:16,
104:3, 108:3,
137:11, 137:25,
138:7, 139:16
leg^[1] - 110:23
legal^[1] - 85:7

legally^[1] - 147:12
legislated^[1] -
148:23
legislative^[1] -
149:11
legislator^[2] -
73:14, 73:15
legislators^[1] -
73:24
Legislature^[2] -
104:23, 128:25
length^[1] - 62:23
lengths^[1] - 44:18
lengthy^[1] - 128:16
Leonard^[2] -
123:3, 123:18
less^[6] - 30:12,
36:9, 37:7, 48:22,
69:17, 149:3
lessee^[4] - 4:20,
4:23, 34:9, 41:10
letter^[9] - 104:5,
109:3, 109:7,
109:11, 109:12,
109:25, 111:4,
111:19
letters^[4] - 12:15,
34:14, 45:16, 46:6
LETTERS^[1] -
165:8
level^[4] - 31:22,
76:3, 77:5, 116:5
levels^[2] - 43:10,
97:19
liability^[1] - 44:6
licensed^[6] -
15:18, 24:14,
34:23, 42:8,
42:16, 42:20

LIE^[1] - 87:13
life^[5] - 97:23,
105:7, 112:18,
117:10, 120:10
lifestyle^[1] - 82:24
lifts^[4] - 40:11,
40:12, 43:14,
43:19
light^[5] - 21:16,
51:24, 63:23,
127:17, 132:22
lighting^[2] - 21:15,
121:16
lights^[1] - 81:11
likely^[5] - 39:23,
56:24, 101:16,
145:15, 148:14
limit^[1] - 55:21
limitations^[1] -
55:23
limited^[1] - 33:23
Linden^[2] - 79:12,
85:24
line^[9] - 16:23,
17:10, 17:22,
18:16, 21:19,
58:12, 59:5,
150:9, 163:17
link^[2] - 107:3,
119:20
LINSHA^[2] -
107:21, 110:4
list^[5] - 49:17,
94:22, 104:25,
148:21, 149:25
listen^[12] - 49:11,
49:24, 50:7, 66:7,
78:16, 126:17,
132:12, 133:7,

141:9, 141:15,
159:16, 163:16
listening [3] - 53:8,
128:16, 141:20
lit [1] - 21:20
literally [1] - 91:23
LIU [1] - 55:12
live [19] - 45:13,
51:4, 52:25,
67:22, 79:12,
83:6, 85:24, 91:9,
96:4, 96:5,
112:13, 115:5,
115:23, 117:13,
118:9, 120:24,
128:8, 130:4,
130:9
lived [5] - 56:16,
72:25, 89:21,
96:21, 126:23
lives [2] - 86:6,
126:2
living [3] - 119:11,
120:3, 120:4
LLC [2] - 4:19,
41:10
loading [4] - 17:9,
20:22, 21:6, 23:25
local [4] - 44:22,
105:5, 105:12,
113:19
Locally [1] - 109:9
located [17] - 1:14,
4:8, 6:21, 9:10,
10:10, 20:6, 55:7,
55:11, 56:12,
57:16, 62:16,
76:14, 79:20,
80:15, 112:19,

118:5, 162:4
location [22] - 55:9,
55:11, 55:15,
55:25, 57:11,
57:20, 59:14,
60:3, 60:11,
61:18, 62:18,
63:19, 76:11,
79:21, 86:24,
97:23, 104:8,
104:18, 108:19,
117:12, 124:20,
155:14
locations [2] -
60:5, 137:10
Locust [1] - 116:6
logical [1] - 112:23
loitering [1] -
154:21
look [16] - 38:14,
71:21, 90:15,
104:2, 108:3,
108:16, 110:18,
111:16, 113:14,
140:18, 142:24,
153:3, 160:11,
161:8, 163:16,
164:4
looked [5] - 28:5,
119:24, 121:2,
122:2, 152:2
looking [15] - 9:13,
44:22, 63:10,
69:13, 90:9,
90:16, 91:12,
111:15, 119:12,
122:8, 122:22,
124:7, 131:14,
135:15, 153:6

looks [2] - 70:3,
78:6
loop [1] - 142:7
Lorenc [2] - 128:3,
128:6
LORENC [1] -
128:4
LORENZO [3] -
1:25, 166:7,
166:16
Lorenzo [1] -
166:15
Lori [1] - 109:9
Lorraine [1] - 117:3
lorraine [1] -
116:23
lost [1] - 69:24
loud [2] - 130:25,
131:9
LOUIS [1] - 2:7
love [4] - 130:12,
131:18, 135:20,
154:17
low [2] - 28:21,
28:25
luck [1] - 64:9

M

M.D [1] - 1:16
magnetite [1] -
39:6
Maier [1] - 163:5
MAIER [2] - 2:10,
163:6
mail [3] - 67:5,
163:17, 163:20
main [1] - 108:9
maintain [1] -

102:13
major [6] - 81:12,
106:18, 112:19,
114:7, 124:24,
125:12
majority [2] -
40:21, 96:25
man [3] - 132:8,
132:10, 133:7
Management [8] -
105:19, 106:14,
106:16, 106:19,
106:23, 107:13,
107:22, 110:2
managers [1] -
145:21
managing [1] -
41:9
mandates [1] -
42:13
maneuver [1] -
25:23
maneuverability
[1] - 21:5
manner [4] - 83:16,
93:2, 125:24,
161:6
Manual [1] - 138:21
MAP [1] - 165:6
Map [1] - 5:19
map [5] - 9:9, 10:15,
10:16, 46:5,
161:24
maps [1] - 162:4
March [2] - 77:18,
109:4
Marissa [2] - 65:2,
65:10
marked [2] - 46:5,

165:11
market^[1] - 117:23
Market^[1] - 57:18
Marshal^[1] - 36:22
Massapequa^[1] - 74:8
Massena^[1] - 57:18
Mastry^[1] - 129:13
material^[1] - 36:12
math^[1] - 103:18
Mathew^[1] - 103:3
Matt^[1] - 54:21
matter^[4] - 64:17, 89:16, 107:10, 164:10
matters^[1] - 123:12
Matthew^[2] - 103:8, 115:14
mature^[3] - 16:24, 22:12, 151:4
maximum^[1] - 13:21
Mayer^[1] - 93:20
McCabe^[2] - 65:8, 66:18
MCNEIL^[1] - 51:3
McNeil^[1] - 51:4
MCNEIL-RIND^[1] - 51:3
McNeil-Rind^[1] - 51:4
mean^[2] - 39:7, 89:16
meaning^[2] - 63:11, 84:14
Meaning^[1] - 39:5
means^[3] - 146:19,

148:20, 163:12
median^[13] - 19:24, 20:4, 20:14, 25:17, 25:24, 52:5, 62:17, 63:19, 64:3, 95:15, 139:14, 139:17, 157:6
medians^[1] - 114:3
mediated^[1] - 150:16
medicine^[1] - 33:11
meet^[4] - 21:22, 130:21, 131:15, 144:12
MEETING^[1] - 1:4
meeting^[10] - 45:3, 45:7, 74:2, 75:9, 75:21, 86:13, 86:14, 91:16, 93:11, 141:14
meetings^[14] - 45:8, 64:7, 73:3, 73:8, 73:12, 73:14, 74:14, 74:18, 75:5, 75:10, 75:14, 118:16, 153:23
meets^[1] - 82:4
mega^[1] - 90:13
member^[13] - 49:15, 50:17, 65:7, 65:20, 66:4, 66:15, 67:10, 85:16, 106:11, 129:17, 138:15, 139:24, 140:6
members^[7] -

4:11, 82:13, 86:21, 104:10, 128:5, 128:6, 152:18
memo^[7] - 26:10, 31:8, 77:14, 134:20, 134:23, 135:24
memorandum^[2] - 26:7, 93:19
memos^[1] - 161:20
MENG^[4] - 103:5, 103:8, 111:9, 111:23
Meng^[5] - 54:22, 103:4, 103:8, 115:14, 151:13
Meng's^[1] - 150:20
mention^[2] - 91:24, 123:12
mentioned^[13] - 10:25, 11:6, 18:6, 22:11, 24:25, 28:3, 32:15, 62:10, 132:15, 142:20, 143:22, 154:8, 157:6
meridian^[1] - 82:12
merits^[1] - 152:10
met^[2] - 44:24, 59:10
Metro^[2] - 35:20, 36:5
MICHELE^[1] - 2:6
microphone^[2] - 15:9, 50:22
mid^[1] - 105:4
middle^[4] - 20:2,

99:5, 124:21, 124:25
midnight^[1] - 33:14
might^[3] - 18:2, 23:8, 113:3
mile^[2] - 68:25, 81:10
milk^[1] - 33:11
Mill^[3] - 51:4, 63:23, 117:15
mind^[2] - 99:25, 126:25
minded^[1] - 152:25
minimize^[2] - 89:4, 89:6
minimum^[4] - 94:3, 99:21, 156:5, 157:4
minimus^[1] - 129:5
minute^[3] - 29:2, 29:4, 137:12
minutes^[1] - 137:15
missed^[2] - 44:4, 72:19
misses^[1] - 43:22
mission^[2] - 106:3, 107:21
mitigate^[1] - 80:12
model^[9] - 50:2, 58:8, 58:10, 58:11, 58:12, 58:14, 59:4, 59:6, 60:15
models^[1] - 29:25
modern^[1] - 16:14
modest^[1] - 21:17

modifications ^[1] - 80:10
modify ^[1] - 20:14
moment ^[4] - 13:6, 62:11, 73:17, 104:3
Monday ^[3] - 33:22, 57:12, 57:20
monitor ^[1] - 145:16
monitored ^[1] - 145:2
monitoring ^[2] - 100:21, 145:3
monstrosity ^[1] - 89:14
month ^[2] - 101:5, 136:11
monthly ^[1] - 75:10
months ^[3] - 35:17, 86:12, 136:9
morning ^[15] - 4:10, 4:16, 4:25, 15:13, 15:14, 24:13, 34:20, 34:21, 36:2, 52:8, 53:11, 74:6, 86:5, 91:3, 96:8
mornings ^[1] - 32:12
most ^[11] - 39:22, 45:14, 46:3, 53:18, 57:5, 95:3, 100:12, 101:16, 117:10, 119:15, 152:5
motion ^[4] - 71:17, 162:14, 162:16, 163:11

motor ^[1] - 55:5
motorists ^[1] - 135:18
move ^[4] - 72:20, 82:23, 101:13, 135:19
moved ^[1] - 68:14
movement ^[1] - 63:16
moving ^[1] - 85:9
MR ^[46] - 15:14, 34:21, 37:18, 37:22, 38:4, 38:7, 38:12, 38:19, 39:7, 39:11, 39:17, 39:22, 40:3, 40:10, 40:18, 40:23, 41:3, 41:8, 42:10, 42:17, 42:25, 43:9, 43:13, 44:8, 46:12, 53:11, 67:21, 70:2, 85:23, 86:4, 96:2, 103:5, 103:8, 111:9, 111:23, 123:4, 123:18, 123:21, 124:16, 126:6, 128:4, 132:4, 142:5, 152:17, 158:18, 159:10
MS ^[46] - 4:10, 5:15, 6:15, 24:13, 29:18, 29:22, 30:8, 31:3, 32:3, 32:14, 33:18, 34:6, 44:9, 44:16, 51:3, 70:19, 73:13, 74:4,

75:12, 76:4, 78:20, 79:2, 79:7, 79:11, 83:17, 91:8, 112:12, 115:4, 115:18, 115:23, 116:24, 117:3, 117:9, 126:13, 126:21, 134:8, 134:17, 136:3, 136:10, 136:15, 138:16, 139:10, 141:7, 145:8, 158:20, 159:7
mud ^[1] - 72:12
multipurpose ^[1] - 17:25
municipalities ^[1] - 106:15
must ^[5] - 42:14, 75:25, 84:9, 84:18, 84:20
Muttontown ^[22] - 19:23, 20:3, 20:21, 47:18, 56:9, 61:17, 62:6, 63:9, 63:20, 70:23, 72:4, 75:18, 79:12, 82:21, 83:24, 83:25, 98:2, 110:7, 113:21, 123:19, 137:12, 139:6
Muttontwn ^[1] - 120:24
Muttotown ^[1] - 64:4

N

name ^[23] - 4:12, 15:15, 24:13, 41:8, 50:25, 51:3, 67:20, 67:21, 70:15, 79:11, 83:22, 85:21, 85:23, 91:8, 96:4, 103:8, 112:11, 115:4, 123:17, 126:19, 126:21, 128:6, 130:2
NASSAU ^[1] - 166:5
Nassau ^[11] - 5:18, 36:20, 36:24, 73:23, 76:17, 113:15, 113:20, 154:24, 155:6, 155:11, 161:24
Nastri ^[1] - 85:12
National ^[1] - 107:16
natural ^[2] - 106:5, 106:8
nature ^[5] - 55:25, 59:14, 63:5, 86:25, 150:21
near ^[2] - 56:25, 60:10
nearby ^[2] - 27:4, 60:25
necessarily ^[1] - 33:13
necessary ^[2] - 80:11, 115:11
necessitates ^[1] - 95:5
Neck ^[3] - 58:23,

154:7, 154:22
need ^[15] - 5:11, 8:16, 12:2, 43:4, 58:10, 62:4, 90:20, 97:5, 108:16, 140:19, 144:8, 146:15, 150:17, 153:9, 155:20
needed ^[3] - 12:7, 22:25, 95:10
needs ^[7] - 12:7, 33:10, 33:11, 37:6, 92:21, 128:22, 148:9
negative ^[1] - 41:24
negatively ^[3] - 62:14, 80:13, 82:9
negligent ^[1] - 90:24
negotiate ^[1] - 122:16
neighbor ^[1] - 121:12
neighborhood ^[13] - 46:24, 56:6, 61:20, 61:23, 63:9, 63:21, 92:8, 92:24, 97:13, 97:15, 97:20, 124:9
Neighborhood ^[1] - 10:20
neighborhoods ^[1] - 94:6
neighboring ^[1] - 56:3
neighbors ^[11] - 45:13, 45:17,

47:9, 75:17, 79:13, 113:5, 120:7, 122:19, 130:11, 153:16, 154:11
never ^[3] - 53:21, 156:20, 157:25
nevertheless ^[1] - 80:22
New ^[26] - 6:22, 7:2, 7:7, 24:20, 34:24, 39:15, 53:13, 72:25, 76:16, 104:22, 105:25, 106:11, 107:15, 108:3, 108:23, 124:18, 124:19, 126:23, 128:7, 148:3, 148:5, 148:18, 157:8, 163:22, 166:8
new ^[14] - 5:23, 12:12, 21:15, 28:6, 31:14, 31:20, 46:14, 100:20, 113:15, 120:25, 135:13, 144:7, 144:11, 144:23
NEW ^[1] - 166:4
newer ^[1] - 26:25
next ^[25] - 9:7, 9:8, 20:25, 50:20, 65:2, 65:18, 67:16, 70:13, 72:5, 72:17, 83:20, 85:11, 85:17, 88:22, 89:11, 96:6, 98:11, 98:17,

103:3, 112:8, 112:14, 114:23, 122:21, 143:23, 158:6
nice ^[3] - 23:6, 117:13, 120:17
night ^[11] - 68:12, 74:6, 91:24, 96:7, 99:5, 99:6, 113:13, 113:14, 130:22, 130:23, 131:3
nighttime ^[1] - 93:22
nilly ^[1] - 52:19
nine ^[2] - 94:22, 105:2
nobody ^[1] - 43:22
noise ^[3] - 51:24, 91:21, 93:23
nominate ^[1] - 107:14
non ^[2] - 15:2, 61:9
non-retail ^[1] - 15:2
None ^[1] - 121:22
none ^[4] - 14:8, 99:17, 102:9, 107:5
nonetheless ^[1] - 54:14
nonresidential ^[1] - 149:2
nonresidents ^[1] - 55:24
nonstarter ^[1] - 55:2
normal ^[2] - 141:17, 159:24
north ^[19] - 6:22,

10:10, 10:22, 11:21, 11:24, 19:10, 45:13, 54:4, 56:8, 70:24, 80:16, 80:17, 89:24, 105:15, 106:5, 107:4, 108:9, 137:7, 137:16
North ^[10] - 16:21, 55:9, 67:22, 73:9, 74:7, 86:7, 102:19, 105:17, 106:10, 109:7
northeast ^[1] - 9:19
northerly ^[2] - 18:16, 21:19
Northern ^[32] - 1:12, 1:15, 4:6, 4:8, 4:17, 5:16, 6:23, 10:2, 10:4, 10:24, 18:24, 19:2, 19:9, 24:23, 25:18, 29:14, 30:12, 32:20, 47:19, 53:22, 56:18, 61:22, 77:11, 79:19, 88:11, 91:9, 96:5, 96:14, 104:7, 104:14, 109:21, 155:21
Norwalk ^[1] - 130:5
Norwich ^[52] - 1:15, 4:9, 4:19, 5:17, 9:10, 9:17, 9:21, 10:5, 10:6, 23:12, 41:10, 44:24, 51:5, 51:15, 52:17, 53:13,

53:20, 53:22,
56:7, 56:16,
56:19, 56:21,
57:3, 57:7, 58:5,
60:18, 60:21,
62:19, 62:20,
67:23, 68:14,
70:21, 70:22,
72:6, 82:21,
83:24, 98:2,
101:18, 103:9,
103:14, 103:16,
103:21, 104:15,
104:16, 107:18,
109:13, 110:7,
117:10, 120:25,
122:24, 126:22,
130:5
Norwich/
Muttontown ^[1] -
79:14
Notary ^[1] - 166:7
note ^[6] - 26:17,
27:7, 71:16,
96:10, 142:22,
144:14
noted ^[3] - 26:9,
81:4, 93:21
notes ^[2] - 153:24,
166:11
nothing ^[3] - 44:4,
62:5, 130:16
Nothing ^[2] - 39:9,
140:18
notorious ^[1] -
113:12
nuisances ^[1] -
93:24
number ^[12] - 9:12,

10:24, 13:18,
27:22, 28:6, 55:7,
58:19, 64:13,
67:13, 71:24,
128:10, 163:23
numbers ^[1] - 31:2
numerous ^[2] -
97:24, 160:24
nurses ^[1] - 113:7
NY.gov ^[2] -
163:18, 163:19

O

o'clock ^[1] - 136:22
objection ^[2] -
89:20, 90:19
objectionable ^[2] -
60:25, 61:8
objections ^[1] -
128:13
objective ^[1] - 75:7
objectives ^[1] -
14:11
obvious ^[1] -
133:21
Obviously ^[2] -
92:21, 102:4
obviously ^[6] -
19:6, 47:25,
78:17, 84:2, 91:3,
130:16
occasions ^[1] -
120:12
occupy ^[1] - 92:21
occur ^[3] - 22:19,
22:23, 22:24
occurred ^[1] -
45:10
occurrence ^[1] -

119:25
October ^[1] -
134:21
OF ^[3] - 2:15, 166:4,
166:5
offensive ^[1] -
122:4
offer ^[2] - 68:24,
155:22
offered ^[1] - 155:3
offering ^[1] - 81:21
office ^[5] - 10:8,
26:7, 72:17,
117:21, 118:5
Office ^[2] - 72:18,
163:20
officers ^[1] - 113:8
offices ^[4] - 4:14,
14:25, 58:9,
117:25
official ^[2] - 77:16,
131:6
officials ^[1] -
105:12
oil ^[1] - 40:13
old ^[5] - 36:10, 98:9,
103:20, 110:17,
110:20
oldest ^[1] - 108:8
Once ^[1] - 98:25
once ^[2] - 83:10,
108:24
oncoming ^[2] -
138:11, 139:13
One ^[3] - 63:3, 76:8,
87:17
one ^[69] - 14:17,
15:20, 19:2,
19:20, 23:2,

29:13, 36:11,
37:7, 41:15,
49:12, 52:12,
55:9, 57:5, 58:20,
58:22, 58:24,
59:2, 66:11,
73:12, 74:6, 75:4,
80:7, 83:4, 88:13,
88:19, 88:22,
89:5, 89:11,
89:13, 89:15,
89:17, 90:21,
93:3, 94:6, 98:11,
99:10, 99:21,
101:4, 101:9,
101:12, 103:10,
111:12, 118:15,
118:19, 118:25,
119:15, 120:14,
121:4, 121:18,
123:7, 125:16,
127:9, 128:21,
129:5, 129:23,
131:23, 134:2,
140:17, 141:13,
141:17, 141:24,
143:4, 148:23,
149:12, 150:7,
158:6, 160:18
ones ^[4] - 80:3,
125:16, 127:11,
144:19
open ^[15] - 33:12,
57:13, 58:9,
58:20, 65:12,
85:7, 111:17,
119:19, 123:6,
133:18, 141:21,
145:15, 154:4,
162:17, 163:14

opening ^[1] - 81:3
openings ^[1] - 98:16
operate ^[3] - 145:11, 146:10, 157:4
operated ^[2] - 26:19, 146:2
operating ^[2] - 84:23, 148:15
operation ^[13] - 32:2, 55:5, 55:15, 55:22, 57:24, 76:21, 94:12, 104:12, 104:17, 107:20, 118:19, 118:22, 136:12
operational ^[1] - 31:7
operationally ^[1] - 22:17
operations ^[4] - 28:20, 31:22, 55:3, 59:15
operator's ^[1] - 27:15
opinion ^[2] - 52:16, 118:8
opportunities ^[1] - 60:2
opportunity ^[16] - 16:6, 21:14, 24:3, 47:7, 49:13, 49:19, 53:6, 53:14, 55:20, 63:24, 64:2, 111:12, 114:21, 122:12, 122:17, 153:2

oppose ^[2] - 107:20, 112:2
opposed ^[8] - 80:23, 84:2, 96:22, 97:2, 115:7, 119:2, 121:8, 154:15
opposes ^[1] - 104:16
opposite ^[1] - 30:2
opposition ^[1] - 115:22
optician ^[1] - 117:23
option ^[1] - 152:6
options ^[1] - 137:18
order ^[2] - 80:11, 160:3
orderly ^[2] - 59:17, 60:7
ordinance ^[2] - 76:18, 76:19
ordinances ^[2] - 78:11, 92:19
originally ^[2] - 108:7, 134:21
Orlando ^[3] - 85:18, 85:24, 93:10
ORLANDO ^[2] - 85:23, 86:4
otherwise ^[1] - 61:3
Otherwise ^[1] - 8:18
outlined ^[1] - 6:19
outreach ^[2] - 44:23, 64:5
outside ^[5] - 33:2,

91:13, 130:6, 131:10, 148:8
oval ^[1] - 90:10
overall ^[2] - 30:14, 47:18
overdevelopme nt ^[2] - 13:24, 102:21
overlay ^[1] - 19:14
overnight ^[5] - 32:22, 33:2, 33:6, 33:8, 136:16
overriding ^[1] - 102:23
oversee ^[2] - 34:10, 35:15
overseen ^[1] - 148:3
oversight ^[2] - 34:18, 148:11
Ovington ^[1] - 4:14
own ^[5] - 56:16, 58:11, 120:8, 121:7, 137:20
owner ^[4] - 1:13, 4:7, 4:18, 5:10
owners ^[3] - 45:15, 45:19, 45:23
Oyster ^[23] - 1:3, 7:4, 51:16, 52:15, 52:17, 53:20, 55:4, 55:8, 62:2, 68:14, 70:25, 76:14, 82:21, 86:16, 90:17, 99:13, 99:16, 106:17, 109:10, 122:24, 150:22, 162:3, 163:21

P

P-9-24 ^[1] - 1:10
p.m ^[10] - 32:22, 57:12, 57:13, 57:17, 57:18, 57:20, 58:22, 136:19, 136:22, 164:11
p.m. ^[3] - 57:9, 58:23, 59:3
PAGE ^[1] - 165:4
page ^[1] - 106:22
pages ^[1] - 88:17
painful ^[1] - 122:5
PALMA ^[1] - 132:4
Palma ^[1] - 132:4
pamphlet ^[3] - 103:23, 104:3, 109:4
Pancake ^[4] - 7:20, 8:19, 11:6, 13:15
pandemic ^[3] - 135:3, 135:7, 136:7
paperwork ^[2] - 35:21, 36:20
Paragraph ^[2] - 92:2, 93:7
parameters ^[2] - 27:15, 150:10
paramount ^[1] - 74:22
parcel ^[10] - 18:9, 26:18, 31:12, 68:6, 70:4, 70:8, 91:11, 91:22, 94:7, 96:22
parent ^[1] - 33:10

Park^[2] - 58:24,
62:3
park^[1] - 127:7
parked^[2] - 17:21,
127:5
parking^[12] - 13:4,
18:4, 21:4, 27:12,
27:16, 95:16,
120:19, 121:16,
143:7, 143:11,
145:13, 161:23
part^[13] - 16:25,
24:18, 27:18,
46:23, 58:17,
68:9, 72:6, 93:15,
93:21, 110:25,
119:7, 148:2,
158:14
partially^[1] - 25:21
participating^[1] -
113:17
particular^[9] -
81:2, 81:6, 81:12,
81:15, 81:25,
82:7, 82:10,
83:12, 94:22
partner^[1] - 41:9
parts^[1] - 82:17
pass^[2] - 127:8,
139:16
passed^[2] -
106:15, 111:25
passes^[2] - 163:9,
163:12
passes"^[1] -
109:17
passing^[6] - 26:14,
28:11, 31:17,
31:19, 32:20,

135:18
past^[8] - 43:4, 58:2,
72:20, 95:4,
100:10, 102:15,
132:24, 154:13
pathway^[1] - 20:20
patience^[4] -
49:11, 67:17,
114:19, 152:23
patronage^[1] -
27:5
Paula^[2] - 114:23,
115:5
paved^[1] - 17:18
pavement^[4] -
11:22, 16:22,
47:6, 138:19
pay^[3] - 157:9,
157:10
paying^[2] - 72:8,
125:17
peak^[6] - 28:16,
30:7, 30:11,
76:22, 81:9, 90:22
pedestrian^[3] -
27:8, 61:14, 77:4
pedestrians^[1] -
27:9
people^[41] - 19:22,
19:25, 25:22,
28:7, 28:17,
31:14, 31:16,
45:5, 46:3, 46:7,
49:10, 60:2, 74:3,
74:17, 77:8,
80:19, 80:25,
81:4, 91:16,
91:20, 92:4,
113:17, 119:21,

120:15, 120:17,
121:6, 121:19,
122:15, 125:8,
131:4, 132:12,
137:18, 137:21,
142:8, 145:15,
145:20, 145:21,
152:7, 154:14,
160:25
People^[2] - 82:23,
154:21
per^[4] - 29:2, 29:4,
42:9, 135:10
percent^[4] -
136:17, 136:20,
136:23, 137:2
percentage^[3] -
97:20, 135:15,
135:16
perceptible^[1] -
135:17
percolation^[1] -
144:10
performance^[1] -
29:7
performed^[3] -
34:11, 42:18,
148:8
perhaps^[2] -
54:14, 107:5
perimeter^[1] -
22:11
period^[1] - 78:21
Permit^[19] - 1:13,
4:7, 6:4, 9:5, 59:9,
59:13, 60:24,
61:7, 61:9, 76:9,
79:20, 79:24,
94:24, 104:8,

146:19, 147:2,
149:14, 151:20,
152:3
permit^[8] - 8:10,
17:7, 61:4, 76:10,
77:3, 113:2,
118:17, 146:22
permitted^[8] - 6:2,
12:24, 13:21,
121:6, 132:17,
146:20, 147:5,
149:15
permitting^[3] -
63:16, 63:18,
149:17
Perry^[2] - 65:3,
65:10
person^[3] - 49:12,
49:25, 123:22
person's^[1] - 68:2
personal^[1] -
86:20
perspective^[6] -
67:25, 68:2, 68:4,
68:5, 68:8, 97:17
perspectives^[1] -
153:12
Peter^[3] - 67:18,
67:21, 130:3
petition^[5] - 92:4,
94:2, 97:3, 97:6,
100:25
Petitioner^[2] -
99:19, 101:19
petitioner^[4] -
69:6, 94:23,
96:12, 100:2
petitioner's^[2] -
92:3, 96:23

Petitioners ^[1] - 97:13
petitioners ^[1] - 92:6
phase ^[2] - 41:15
phone ^[3] - 67:12, 74:16, 120:11
phonetic ^[1] - 109:9
photo ^[3] - 6:16, 11:4, 131:7
photography ^[1] - 117:22
Photography ^[1] - 118:5
photos ^[3] - 11:9, 119:20, 120:2
physical ^[1] - 81:19
pick ^[1] - 22:19
picture ^[6] - 15:21, 20:17, 110:19, 110:22, 130:6, 157:18
pictures ^[3] - 98:13, 100:13, 100:16
Pietz ^[2] - 83:20, 83:23
PIETZ ^[1] - 83:23
pile ^[1] - 37:6
pinch ^[1] - 18:17
pizza ^[1] - 57:14
Pizzeta ^[1] - 57:22
place ^[18] - 35:16, 36:2, 65:22, 69:21, 73:22, 74:19, 80:24, 102:20, 113:10, 117:13, 119:18,

123:25, 131:4, 132:15, 144:21, 145:9, 145:14, 159:22
places ^[1] - 107:4
Plainview ^[3] - 93:15, 94:2, 142:19
plan ^[15] - 13:20, 14:19, 15:10, 21:9, 22:8, 22:14, 24:21, 52:16, 53:18, 63:10, 71:21, 119:6, 119:9, 130:7, 132:5
Plan ^[8] - 105:19, 106:14, 106:16, 106:19, 106:23, 107:13, 107:22, 110:2
planners ^[1] - 105:5
Planning ^[8] - 22:15, 23:5, 48:9, 48:10, 71:7, 105:18, 109:8, 161:21
planning ^[2] - 113:25, 147:16
plans ^[5] - 36:3, 36:24, 45:7, 48:12, 72:23
pledge ^[1] - 158:13
plenty ^[2] - 21:7, 132:14
Plus ^[1] - 60:4
podium ^[3] - 65:22, 67:19, 85:19

point ^[21] - 15:8, 17:16, 18:17, 21:2, 37:5, 50:9, 69:23, 70:2, 81:8, 81:12, 81:14, 82:19, 87:5, 108:20, 120:14, 137:9, 138:2, 139:15, 143:21, 155:7, 155:20
Point ^[1] - 59:2
points ^[4] - 62:13, 79:23, 79:24, 80:5
poles ^[1] - 21:16
Police ^[4] - 113:15, 154:24, 155:6, 155:12
police ^[12] - 33:8, 113:8, 113:19, 113:20, 120:11, 120:19, 154:25, 155:5, 155:7, 155:13, 156:6, 158:11
politicians ^[1] - 105:5
pollution ^[1] - 51:24
Pond ^[1] - 95:7
pop ^[1] - 131:9
pops ^[1] - 130:25
popular ^[1] - 57:5
popularity ^[1] - 152:9
population ^[2] - 125:11, 125:12
portion ^[8] - 7:21, 8:4, 8:5, 8:11, 8:21, 26:18,

92:15, 95:14
pose ^[1] - 61:13
position ^[1] - 160:6
positions ^[1] - 18:3
positive ^[2] - 46:20, 125:24
possible ^[3] - 20:4, 100:8, 147:22
Post ^[1] - 55:13
posting ^[1] - 162:9
potential ^[6] - 51:25, 56:22, 60:6, 64:18, 118:20, 147:18
pouring ^[1] - 98:21
practically ^[1] - 62:7
PRAVATO ^[1] - 2:15
precedent ^[1] - 60:17
Precinct ^[1] - 154:23
precincts ^[1] - 155:16
predetermined ^[3] - 48:20, 148:18, 148:22
predominant ^[1] - 10:18
premier ^[1] - 83:5
premises ^[11] - 1:13, 4:8, 4:19, 5:15, 6:25, 10:22, 87:2, 88:18, 92:7, 121:17, 145:23
preparation ^[1] - 134:19
prepare ^[1] - 22:16

prepared^[4] - 26:7,
27:19, 31:2,
135:24

presence^[2] -
113:19, 155:18

present^[5] - 26:21,
87:10, 88:20,
92:14, 93:17

presentation^[8] -
5:14, 13:7, 43:25,
47:12, 49:2,
53:25, 111:8,
158:22

presentations^[2] -
5:8, 152:22

presented^[8] -
45:6, 86:17,
102:15, 111:14,
124:14, 139:7,
161:9, 161:13

presenting^[1] -
83:16

preserve^[2] -
106:3, 109:16

preserving^[1] -
110:12

president^[2] - 5:6,
103:9

pretty^[4] - 36:15,
37:4, 80:18, 90:25

prevent^[4] - 26:3,
102:21, 132:15,
133:2

prevented^[2] -
139:9, 139:10

preventing^[1] -
85:8

previous^[3] -
41:18, 78:4, 162:7

previously^[7] -
13:15, 37:25,
44:6, 45:3, 62:10,
151:5, 151:14

pride^[1] - 82:13

primarily^[3] - 27:6,
30:15, 157:15

primary^[6] - 54:16,
108:13, 108:25,
118:12, 131:16,
149:2

prime^[1] - 12:4

principal^[1] - 7:18

printout^[1] - 78:10

pristine^[2] -
150:25, 151:4

private^[2] - 22:20,
103:12

problem^[4] -
60:11, 62:6,
120:19, 122:10

problematic^[1] -
41:17

problems^[1] -
120:6

procedural^[1] -
147:21

proceed^[3] -
30:19, 34:5, 85:6

Proceeding^[1] -
85:3

process^[7] - 11:11,
80:3, 107:13,
141:17, 159:12,
159:21, 159:24

processes^[1] -
147:17

professional^[10] -
10:8, 15:18,

24:15, 34:23,
70:11, 70:12,
83:16, 105:4,
161:6, 164:2

professionally^[1]
- 161:11

Progressive^[1] -
109:15

prohibited^[1] -
55:6

prohibiting^[1] -
25:9

project^[33] - 5:2,
7:8, 13:2, 13:7,
14:9, 15:17,
15:22, 23:14,
41:11, 41:14,
44:17, 44:19,
46:4, 48:18, 71:5,
71:12, 80:12,
85:9, 88:20, 94:5,
94:25, 97:12,
99:18, 109:14,
113:25, 142:21,
147:10, 147:20,
149:9, 149:25,
156:19, 158:14

projects^[3] -
15:19, 17:6, 71:25

prominent^[3] -
16:12, 46:19,
107:6

prominently^[1] -
106:17

promote^[1] - 106:6

proper^[6] - 94:18,
95:18, 102:2,
138:22, 152:11,
155:25

properly^[5] - 85:6,
101:15, 147:11,
149:22, 150:10

properties^[9] -
10:13, 10:21,
11:3, 14:5, 45:20,
59:18, 61:2,
84:25, 93:6

property^[66] - 4:22,
4:24, 5:20, 6:9,
6:17, 6:18, 7:4,
7:14, 7:16, 8:12,
8:21, 8:23, 9:2,
9:9, 9:14, 9:22,
10:17, 11:7,
11:16, 11:19,
13:15, 14:6,
16:23, 17:10,
17:13, 17:22,
18:16, 20:7,
21:19, 45:15,
45:23, 46:2, 46:9,
46:18, 46:22,
47:8, 47:17, 63:6,
67:25, 68:4,
68:19, 84:23,
87:2, 87:24, 88:2,
88:3, 88:4, 88:23,
89:2, 112:14,
117:4, 120:5,
123:25, 124:21,
146:2, 146:4,
147:24, 148:13,
149:12, 151:4,
152:6, 153:5,
157:24, 161:25,
162:4

proposal^[17] -
5:23, 6:6, 7:11,
13:10, 15:12,

48:5, 48:14,
 48:16, 84:6,
 84:13, 93:14,
 97:9, 118:10,
 118:24, 121:13,
 122:3, 122:18
proposals ^[1] -
 122:14
propose ^[1] -
 128:23
proposed ^[27] - 6:3,
 8:22, 12:5, 17:23,
 19:20, 21:16,
 22:7, 27:3, 30:25,
 49:4, 54:19,
 59:21, 76:6, 76:9,
 76:25, 79:15,
 80:11, 85:8,
 91:14, 92:6,
 92:23, 95:17,
 96:23, 97:14,
 112:16, 143:25,
 147:19
proposes ^[1] -
 27:12
proposing ^[8] -
 12:11, 13:13,
 17:24, 19:16,
 23:19, 28:9,
 89:14, 156:18
propriety ^[1] -
 92:11
protect ^[2] - 106:3,
 110:16
protected ^[2] -
 110:3, 124:17
protecting ^[1] -
 110:9
protection ^[3] -

76:12, 106:20,
 106:25
Protection ^[1] -
 76:15
protects ^[1] - 53:5
proud ^[2] - 103:20,
 110:25
provide ^[7] - 23:6,
 25:8, 67:14,
 159:5, 159:14,
 163:24
providing ^[2] -
 13:25, 27:8
proximity ^[3] -
 94:5, 94:14, 95:7
Public ^[1] - 166:7
public ^[24] - 8:7,
 11:9, 12:19,
 19:21, 48:6, 49:6,
 49:15, 50:17,
 65:6, 65:20, 66:3,
 66:14, 67:9,
 73:25, 78:25,
 85:15, 86:18,
 129:16, 134:3,
 136:6, 138:14,
 139:23, 140:5,
 159:17
publication ^[1] -
 162:10
publiccomment
@oysterbay ^[2] -
 163:18, 163:19
publiccomment
@oysterbay-NY
.gov ^[2] - 163:18,
 163:19
published ^[4] -
 32:19, 134:24,

134:25, 136:4
pulling ^[2] - 90:6,
 110:22
pulls ^[1] - 157:22
pump ^[7] - 8:6,
 8:24, 12:14,
 12:17, 115:9,
 116:2, 116:7
pumping ^[1] -
 116:12
pumps ^[24] - 18:3,
 18:25, 21:21,
 32:2, 59:20,
 59:21, 59:23,
 59:25, 81:5, 88:5,
 88:7, 88:8, 88:9,
 88:12, 116:3,
 116:8, 116:9,
 157:18, 157:19,
 157:21, 157:23,
 157:25, 158:2
purchase ^[1] -
 14:23
purpose ^[2] -
 147:13, 147:18
purposes ^[1] -
 28:19
Pursuant ^[1] - 93:9
pursuant ^[2] - 8:9,
 55:4
pushback ^[1] -
 66:9
put ^[14] - 18:23,
 69:8, 69:20,
 71:14, 78:22,
 99:23, 100:20,
 101:20, 102:6,
 103:24, 131:18,
 152:13, 156:12

putting ^[2] -
 109:20, 124:23

Q

quaint ^[1] - 102:13
quaintness ^[1] -
 92:17
quality ^[4] - 82:24,
 97:22, 107:23,
 120:10
Quality ^[1] - 84:7
quantify ^[1] - 95:20
quarter ^[1] - 68:25
Queens ^[1] -
 112:21
questions ^[17] -
 5:11, 12:8, 24:9,
 24:12, 29:11,
 33:25, 37:10,
 37:11, 41:2, 49:5,
 52:12, 141:5,
 158:10, 158:14,
 158:23, 159:3,
 159:6
quick ^[2] - 58:16,
 155:11
quickly ^[1] - 99:2
quietly ^[1] - 145:22
quite ^[2] - 49:9,
 128:9
quote ^[5] - 92:2,
 106:23, 132:7,
 132:8, 132:9
quoted ^[1] - 136:17
quoting ^[1] -
 148:24

R

R17 ^[1] - 10:23

radius ^[1] - 46:5
RADIUS ^[1] - 165:6
rain ^[3] - 98:21,
 98:25, 116:2
raining ^[1] - 98:18
rainwater ^[1] -
 98:17
raised ^[3] - 96:20,
 119:17, 154:20
rallied ^[1] - 109:22
range ^[1] - 29:10
rates ^[2] - 28:2,
 144:10
rather ^[4] - 80:10,
 122:18, 140:2,
 140:22
read ^[8] - 84:4,
 86:13, 96:11,
 96:18, 104:4,
 104:25, 109:11,
 163:16
real ^[1] - 117:25
reality ^[2] - 105:7,
 141:20
realize ^[1] - 74:13
really ^[31] - 6:8,
 16:3, 16:11, 17:4,
 19:7, 21:3, 21:12,
 21:24, 22:14,
 23:4, 23:22, 24:8,
 32:15, 33:3, 33:6,
 44:17, 44:20,
 47:7, 80:4, 86:11,
 87:19, 90:20,
 110:17, 115:12,
 124:22, 130:19,
 132:6, 137:18,
 143:16, 144:4,
 158:8

rear ^[4] - 11:23,
 17:12, 18:12,
 121:17
reason ^[5] - 61:2,
 74:19, 95:9,
 118:12, 132:16
reasonable ^[4] -
 55:22, 58:3,
 146:20, 147:6
reasonably ^[1] -
 55:25
reasoning ^[1] -
 112:3
reasons ^[1] - 26:22
reassure ^[1] - 76:2
rebuild ^[1] - 154:25
rebuilt ^[1] - 155:3
received ^[1] -
 100:14
RECEIVER ^[1] -
 2:15
receiving ^[1] -
 100:7
recent ^[2] - 119:15,
 119:25
recently ^[6] - 35:3,
 35:17, 52:20,
 56:22, 95:3,
 100:12
receptive ^[1] -
 120:17
recess ^[1] - 114:15
recipient ^[1] -
 42:16
reclassify ^[1] -
 149:24
recognize ^[2] -
 110:5, 150:24
recognized ^[2] -

106:17, 108:18
recommendatio
n ^[2] - 48:23,
 150:11
record ^[22] - 15:15,
 41:7, 45:18, 51:2,
 65:12, 70:16,
 83:22, 85:22,
 100:24, 104:5,
 112:4, 112:11,
 126:20, 128:20,
 130:2, 131:24,
 133:18, 140:10,
 140:13, 160:18,
 162:17, 163:14
recreational ^[2] -
 28:19, 29:8
Recycling ^[1] -
 22:18
red ^[2] - 6:19, 9:16
redeveloped ^[1] -
 26:25
redevelopment ^[6]
 - 12:2, 12:3, 16:6,
 56:23, 56:25,
 60:10
reduced ^[1] - 157:2
reducing ^[3] -
 13:18, 95:14,
 129:4
reduction ^[1] -
 13:13
Reed ^[3] - 91:7,
 95:25, 96:4
refer ^[4] - 106:21,
 111:4, 119:21,
 134:24
reference ^[4] -
 62:13, 93:11,

105:3, 137:23
referenced ^[6] -
 54:18, 59:19,
 60:8, 62:16, 63:4,
 79:9
references ^[4] -
 59:13, 60:24,
 61:11, 68:20
referencing ^[1] -
 110:22
referred ^[3] - 5:13,
 70:18, 124:14
referring ^[3] - 31:4,
 120:15, 136:4
reflect ^[1] - 160:18
reflects ^[1] - 122:23
refueling ^[1] -
 124:24
regard ^[4] - 60:13,
 147:3, 154:3,
 154:20
regarding ^[10] -
 24:21, 28:20,
 43:14, 104:6,
 123:13, 136:15,
 137:25, 145:9,
 147:10, 157:17
regards ^[2] - 58:11,
 59:8
region ^[1] - 105:25
regional ^[2] -
 36:19, 38:25
regs ^[1] - 148:25
REGULAR ^[1] - 1:4
regulations ^[3] -
 16:17, 129:3,
 148:2
related ^[2] - 24:16,
 80:12

relates ^[3] - 7:8,
37:15, 96:14
relationships ^[1] -
130:14
relative ^[2] - 59:12,
61:25
relatively ^[1] -
57:25
relevant ^[3] - 6:11,
86:16, 152:14
reliable ^[2] - 33:7,
33:12
relief ^[5] - 62:4,
69:16, 146:13,
155:7, 155:20
remainder ^[1] -
31:16
remained ^[1] -
11:13
remaining ^[1] -
32:25
remarks ^[1] - 49:15
remediated ^[1] -
41:20
remediation ^[4] -
95:10, 98:8,
98:20, 147:22
remember ^[2] -
18:21, 38:7
remote ^[1] - 135:3
removal ^[3] - 8:20,
34:10, 98:20
remove ^[2] - 16:8,
100:15
removed ^[19] -
35:5, 36:5, 36:15,
37:7, 37:19,
37:21, 38:8,
39:13, 39:14,

40:2, 40:11,
40:14, 40:22,
42:20, 43:11,
43:20, 98:10,
101:4, 144:7
removing ^[2] -
35:22, 43:17
rendering ^[1] -
12:10
rental ^[1] - 124:3
repair ^[5] - 8:8,
8:20, 12:20, 16:9,
46:17
repeat ^[2] - 86:9,
141:23
repeating ^[1] -
94:10
repetitive ^[1] -
135:21
replace ^[1] - 46:15
replaced ^[1] - 35:6
replica ^[1] - 93:13
reporter ^[1] -
165:11
reports ^[4] - 38:14,
100:13, 155:8,
156:9
represent ^[8] -
75:15, 75:17,
78:25, 107:25,
126:16, 128:10,
132:9, 140:21
representation ^[1]
- 105:24
representative ^[3]
- 118:14, 135:6,
136:11
representatives
^[2] - 5:9, 73:23

represented ^[2] -
31:18, 103:21
representing ^[2] -
103:14, 109:6
represents ^[3] -
43:23, 73:8,
135:14
request ^[15] -
25:19, 26:2, 49:3,
50:14, 50:16,
79:16, 83:10,
100:2, 100:25,
101:5, 138:6,
146:15, 149:11,
157:7, 157:8
Request ^[1] - 26:9
requested ^[4] -
61:7, 87:4, 87:6,
99:13
requesting ^[1] -
94:23
requests ^[1] -
155:16
require ^[2] - 43:11,
61:5
required ^[4] -
76:25, 84:15,
101:11, 161:22
requirement ^[5] -
17:5, 18:5, 18:7,
99:20, 144:9
requirements ^[6] -
13:3, 13:4, 21:22,
27:14, 33:22,
144:12
requires ^[3] - 6:4,
100:2, 100:24
research ^[3] -
78:18, 108:20,

161:10
researched ^[1] -
116:14
residences ^[3] -
10:22, 56:3, 56:9
resident ^[2] -
66:23, 123:8
resident's ^[2] -
68:4, 68:5
residential ^[11] -
11:2, 11:21, 14:4,
54:3, 56:14,
61:19, 82:23,
87:16, 94:6,
94:15, 97:19
residents ^[24] -
16:21, 40:20,
47:16, 53:7,
66:10, 68:13,
68:20, 68:22,
69:12, 70:22,
71:11, 74:21,
79:22, 86:8,
105:6, 115:11,
128:10, 129:19,
141:4, 153:24,
156:16, 159:2,
159:19, 161:5
residents' ^[1] -
68:8
residing ^[1] - 53:20
Resolution ^[1] -
93:9
resolution ^[4] -
68:17, 68:19,
106:15, 111:25
resolutions ^[2] -
103:25, 162:8
resonate ^[1] -

130:17
Resources ^[1] - 149:22
resources ^[2] - 76:13, 106:5
respect ^[7] - 7:15, 48:17, 58:10, 140:21, 150:21, 151:18, 153:25
respectful ^[1] - 59:3
respectfully ^[8] - 46:13, 49:3, 49:25, 50:7, 79:16, 81:23, 83:10, 101:5
respond ^[1] - 145:8
responded ^[1] - 44:21
response ^[12] - 26:8, 27:18, 32:17, 34:3, 37:13, 65:4, 67:7, 85:13, 129:12, 129:14, 158:17, 160:16
responsible ^[1] - 106:6
rest ^[4] - 60:8, 78:13, 96:18, 115:14
restaurant ^[11] - 10:9, 12:20, 16:10, 17:8, 19:18, 22:6, 28:15, 46:17, 57:10, 119:14, 120:3
Restaurant ^[2] -

11:7, 118:6
restaurants ^[3] - 24:2, 57:22, 118:2
restriction ^[1] - 69:7
restrictions ^[3] - 68:23, 94:8, 146:7
restructuring ^[1] - 95:13
resubmitted ^[1] - 134:22
result ^[1] - 13:25
retail ^[8] - 14:22, 15:2, 15:5, 15:6, 57:2, 61:10, 157:3
retained ^[2] - 34:9, 165:10
return ^[2] - 74:16, 129:11
revenue ^[1] - 124:6
reverse ^[1] - 61:24
review ^[13] - 7:8, 7:13, 32:18, 48:8, 48:18, 48:21, 84:14, 104:12, 147:8, 147:16, 148:17, 155:11, 161:22
Review ^[1] - 84:7
reviewed ^[2] - 25:6, 138:24
revised ^[1] - 134:22
revitalize ^[1] - 47:8
revoked ^[1] - 68:23
revving ^[1] - 130:25
Rich ^[1] - 75:4
RICHARD ^[2] - 1:21, 2:14

ridiculous ^[1] - 129:6
rights ^[1] - 68:18
rigorous ^[1] - 48:8
RIND ^[1] - 51:3
Rind ^[1] - 51:4
risk ^[2] - 94:10, 135:20
River ^[3] - 51:4, 63:23, 117:15
road ^[12] - 6:24, 7:2, 46:19, 52:9, 52:12, 87:13, 87:17, 87:20, 107:9, 107:15, 107:17, 108:8
Road ^[11] - 7:4, 47:18, 51:5, 55:12, 55:14, 63:23, 87:7, 104:19, 117:15, 117:17, 130:4
road" ^[1] - 110:14
roads ^[3] - 127:5, 130:23, 131:12
roadway ^[18] - 26:13, 26:21, 31:15, 31:20, 32:17, 32:24, 33:5, 61:18, 62:14, 80:8, 112:20, 112:24, 135:8, 135:16, 136:20, 137:4, 137:13, 139:19
roadways ^[3] - 55:7, 135:14, 143:2
rob ^[1] - 157:14

Rob ^[3] - 53:10, 53:12, 128:6
Robert ^[1] - 128:3
rolls ^[2] - 111:17, 141:21
roofs ^[1] - 14:13
room ^[11] - 21:4, 21:5, 21:6, 52:24, 87:12, 100:19, 130:11, 156:7, 160:12
Rosa ^[1] - 3:5
Roslyn ^[1] - 82:16
Ross ^[14] - 45:20, 45:21, 45:22, 96:15, 112:13, 117:4, 119:3, 119:11, 120:7, 122:19, 156:16
rostrum ^[1] - 65:9
Rothman's ^[1] - 9:19
Rothmans ^[2] - 57:9, 118:4
roughly ^[2] - 32:22, 36:17
route ^[3] - 106:21, 107:7, 108:25
Route ^[10] - 6:22, 7:3, 7:5, 9:20, 81:7, 104:15, 104:19, 104:20, 110:6
routes ^[1] - 107:3
rules ^[6] - 115:16, 115:18, 115:20, 126:14, 139:21, 148:11
rundown ^[1] - 35:2

<p>rural^[1] - 110:12 rush^[2] - 52:10, 81:9 rushed^[1] - 34:17 RVs^[1] - 121:2</p>	<p>43:7, 43:12, 44:7, 44:15, 46:11, 49:7, 49:16, 50:19, 53:9, 64:24, 65:8, 65:21, 66:5, 66:16, 66:21, 66:25, 67:11, 69:25, 70:9, 73:11, 73:16, 73:21, 74:12, 75:23, 78:15, 78:24, 79:3, 83:15, 83:19, 85:11, 85:17, 86:2, 91:6, 95:24, 102:25, 103:6, 111:7, 111:11, 112:6, 114:10, 114:17, 115:16, 115:19, 116:21, 116:25, 117:7, 123:2, 123:15, 123:20, 124:15, 126:4, 126:8, 126:15, 128:2, 129:8, 129:13, 129:18, 131:22, 133:9, 133:14, 134:16, 135:19, 136:8, 136:13, 139:2, 139:25, 140:11, 141:8, 145:7, 158:24, 159:9, 159:12, 160:17, 162:13, 162:19, 162:22, 163:11 sales^[2] - 55:6, 55:14</p>	<p>Sally^[3] - 50:19, 50:21, 51:3 salons^[1] - 118:2 sampling^[1] - 37:3 sat^[2] - 119:17, 121:3 satisfaction^[2] - 35:14, 41:20 satisfies^[1] - 160:23 Saturday^[3] - 33:22, 57:14, 57:21 Saturdays^[1] - 57:17 save^[2] - 104:25, 109:14 saving^[1] - 14:13 saw^[3] - 121:2, 121:5 SCALERA^[1] - 2:16 scenic^[4] - 106:21, 107:6, 110:3, 110:5 Scenic^[4] - 104:21, 107:2, 107:15, 107:16 school^[5] - 116:15, 127:4, 127:7, 127:12, 132:22 School^[3] - 56:11, 115:25, 132:23 schools^[1] - 136:12 scope^[1] - 148:17 Scott^[4] - 3:6, 5:5, 34:7, 34:22 screen^[1] - 156:15</p>	<p>screens^[1] - 6:12 script^[1] - 159:20 scrutinizing^[1] - 42:6 search^[1] - 58:16 seasonal^[1] - 76:23 seat^[2] - 59:7, 114:20 seats^[1] - 115:2 Second^[1] - 162:18 second^[2] - 71:24, 76:18 seconds^[1] - 83:7 section^[4] - 55:4, 70:23, 74:7, 139:19 Section^[4] - 5:17, 55:18, 59:12, 161:25 secure^[2] - 20:25, 125:11 secured^[1] - 45:19 security^[1] - 121:15 see^[28] - 6:18, 9:11, 9:22, 10:11, 10:17, 11:15, 16:11, 16:14, 17:17, 17:21, 19:14, 23:8, 40:16, 44:16, 72:6, 79:5, 81:10, 82:25, 115:13, 116:14, 116:16, 122:2, 122:3, 125:21, 127:4, 127:11, 133:14,</p>
<p>S</p>			
<p>sacred^[1] - 80:18 saddlery^[1] - 117:24 safe^[9] - 21:13, 24:7, 53:6, 88:19, 101:25, 125:23, 153:11, 157:13, 160:3 safely^[1] - 27:11 Safety^[1] - 154:21 safety^[8] - 27:19, 42:10, 47:18, 61:14, 77:5, 157:16, 157:21, 158:7 Saladino^[4] - 79:17, 104:9, 132:11, 162:21 SALADINO^[106] - 1:18, 2:5, 4:2, 15:13, 24:11, 30:18, 33:24, 34:4, 34:19, 37:11, 37:14, 37:20, 37:23, 38:6, 38:10, 38:16, 39:5, 39:9, 39:12, 39:18, 39:24, 40:5, 40:15, 40:19, 40:24, 41:5, 42:9, 42:12, 42:22,</p>			

134:4
seeing ^[3] - 52:20, 119:8, 144:22
seeking ^[7] - 17:7, 129:2, 147:4, 149:14, 149:16, 151:7, 151:15
seeks ^[1] - 104:12
seem ^[1] - 105:9
seep ^[1] - 98:22
select ^[1] - 73:15
selected ^[1] - 105:25
sell ^[1] - 33:19
selling ^[2] - 33:17, 52:2
send ^[1] - 111:18
sense ^[3] - 92:11, 112:23, 125:2
sensitive ^[2] - 66:8, 153:3
sensitivity ^[1] - 153:15
sent ^[1] - 84:5
sentimental ^[1] - 117:11
separate ^[3] - 43:23, 61:16, 136:5
September ^[2] - 1:5, 166:13
SEQRA ^[18] - 48:19, 48:21, 84:8, 84:16, 84:21, 85:4, 85:6, 94:21, 99:19, 147:8, 147:12, 147:13, 148:8, 148:12, 148:20, 148:24,

150:3
seriousness ^[1] - 64:11
serve ^[5] - 97:21, 102:12, 125:23, 154:5, 154:6
serves ^[1] - 155:4
Service ^[1] - 87:7
service ^[11] - 16:8, 31:22, 32:7, 77:6, 87:13, 94:12, 121:9, 146:18, 152:2, 158:8, 161:18
serving ^[2] - 47:17, 154:12
set ^[8] - 55:21, 55:22, 61:4, 68:23, 74:17, 94:3, 142:23, 166:12
setback ^[1] - 118:6
setbacks ^[1] - 14:4
setting ^[2] - 6:9, 82:14
settle ^[1] - 124:3
seven ^[4] - 118:2, 136:23, 146:8, 154:13
several ^[4] - 93:5, 100:10, 120:10, 120:12
severely ^[1] - 81:16
sewer ^[2] - 21:24, 22:3
shall ^[4] - 59:16, 60:25, 77:2, 77:3
shallower ^[1] - 38:22

Shame ^[1] - 72:7
shape ^[2] - 18:15, 143:2
share ^[1] - 115:21
shareholder ^[1] - 107:11
shoes ^[1] - 78:23
shook ^[1] - 127:24
shop ^[2] - 46:17, 117:19
shopping ^[4] - 9:18, 10:6, 28:17, 57:15
shore ^[6] - 70:24, 80:17, 105:15, 106:6, 107:4, 108:9
Shore ^[7] - 73:9, 74:7, 74:8, 86:7, 105:17, 106:10, 109:7
short ^[1] - 78:20
shortchanged ^[2] - 141:18, 141:25
shortcuts ^[2] - 101:7, 101:10
shortsighted ^[1] - 93:3
show ^[2] - 124:10, 159:15
showing ^[3] - 11:15, 44:11, 98:15
shown ^[4] - 7:22, 11:8, 13:20, 150:14
shows ^[4] - 17:15, 58:18, 63:10, 110:19

shrubs ^[1] - 22:13
shut ^[1] - 62:11
shutdown ^[1] - 77:23
sic ^[1] - 132:10
sick ^[1] - 33:10
Side ^[1] - 96:13
side ^[17] - 6:22, 20:12, 30:3, 31:12, 63:6, 63:11, 63:17, 63:22, 64:2, 81:13, 88:23, 89:2, 96:15, 104:3, 127:8, 138:5
sights ^[1] - 91:22
sign ^[3] - 29:16, 98:4, 116:18
signage ^[6] - 25:9, 25:14, 138:19, 138:23, 139:11, 139:12
signal ^[1] - 29:16
signatures ^[2] - 97:4, 97:6
signed ^[6] - 41:12, 45:23, 46:7, 68:15, 97:3, 138:18
significant ^[5] - 13:13, 27:21, 56:2, 100:11, 158:8
significantly ^[1] - 25:2
signs ^[2] - 132:25, 139:9
similar ^[4] - 15:19,

61:24, 144:20,
154:10
similarly ^[2] -
145:12, 149:15
Similarly ^[1] -
63:21
Simoncic ^[2] - 3:3,
4:12
SIMONCIC ^[11] -
5:15, 6:15, 33:18,
34:6, 44:9, 44:16,
134:8, 141:7,
145:8, 158:20,
159:7
SIMONCIC ^[1] -
4:10
simply ^[2] - 129:4,
156:11
single ^[8] - 6:20,
10:13, 49:12,
74:2, 114:5,
118:7, 118:11,
121:14
sit ^[1] - 54:22
site ^[120] - 7:21,
7:25, 8:5, 9:17,
11:12, 11:17,
11:25, 12:5,
12:19, 13:24,
14:7, 14:15,
15:10, 15:25,
16:4, 17:4, 17:15,
17:18, 18:14,
18:22, 19:8,
19:25, 20:9,
20:12, 20:16,
20:23, 20:25,
21:4, 21:8, 21:9,
21:15, 21:20,

22:21, 23:22,
24:4, 24:22,
25:18, 26:5,
26:14, 26:25,
27:5, 27:12,
27:23, 28:11,
28:15, 29:7, 31:9,
31:17, 31:19,
32:21, 33:4, 35:3,
35:5, 35:17,
35:23, 36:15,
36:17, 36:25,
37:17, 40:7,
42:15, 43:17,
44:12, 45:15,
46:18, 47:19,
53:18, 55:11,
61:13, 63:10,
76:11, 76:14,
76:21, 76:24,
91:12, 92:22,
95:17, 96:25,
100:9, 101:16,
101:17, 112:17,
117:4, 118:13,
118:18, 119:9,
122:22, 122:23,
125:14, 125:15,
125:21, 125:22,
135:13, 137:3,
137:7, 137:8,
137:16, 138:8,
142:12, 142:19,
142:23, 143:3,
143:8, 143:11,
143:12, 143:18,
144:4, 145:11,
145:21, 150:15,
150:25, 151:2,
151:11, 151:14,

151:16, 153:21,
155:4, 156:5,
158:9
site's ^[1] - 27:20
sites ^[5] - 21:11,
42:3, 92:22,
101:21, 143:4
sits ^[1] - 38:23
sitting ^[3] - 113:15,
121:19, 122:20
situated ^[1] - 58:4
situation ^[7] - 52:6,
61:25, 81:2,
121:25, 145:18,
149:20, 160:9
six ^[4] - 46:8, 121:4,
136:22, 163:10
Sixth ^[1] - 154:23
sizable ^[2] - 21:7,
23:22
size ^[9] - 5:19,
21:12, 59:14,
77:10, 92:25,
95:15, 99:20,
99:21, 142:25
skirt ^[1] - 129:3
sleep ^[1] - 91:25
sleepy ^[4] - 68:6,
68:9, 68:10, 87:17
slide ^[1] - 9:7
slides ^[1] - 5:12
slips ^[3] - 129:9,
129:24, 131:24
small ^[9] - 8:8, 37:6,
40:12, 97:20,
102:22, 113:24,
118:9, 127:5,
135:14
smaller ^[1] - 29:9

smallest ^[1] -
156:23
smart ^[1] - 14:10
snowplow ^[1] -
113:9
soil ^[14] - 37:6, 38:3,
38:8, 38:18,
38:21, 39:20,
42:7, 42:14,
42:19, 100:17,
102:3, 102:5,
116:9
soils ^[2] - 39:13,
144:10
sole ^[2] - 7:6,
124:16
solely ^[1] - 31:5
solid ^[1] - 22:18
someone ^[3] -
122:9, 154:8,
158:5
something's ^[1] -
71:14
sometimes ^[2] -
127:13, 156:25
somewhat ^[1] -
155:24
somewhere ^[2] -
29:10, 156:12
Somewhere ^[1] -
30:10
sorely ^[1] - 12:6
Sorry ^[2] - 78:14,
127:2
sorry ^[2] - 99:24,
126:13
sort ^[2] - 16:13,
144:20
sound ^[1] - 99:6

sounds ^[1] - 63:15
source ^[1] - 124:17
South ^[3] - 74:8,
 96:13, 123:18
south ^[8] - 10:23,
 54:4, 56:6, 56:10,
 61:17, 62:18,
 118:6, 137:8
spa/nail ^[1] -
 117:25
space ^[12] - 14:3,
 14:6, 14:7, 14:22,
 15:6, 29:24, 47:5,
 53:21, 93:4,
 118:5, 119:12,
 120:22
spaces ^[4] - 18:4,
 27:12, 52:22,
 143:7
speaker ^[11] -
 54:19, 65:2,
 65:18, 67:16,
 70:13, 83:20,
 85:12, 85:18,
 103:3, 112:8,
 114:23
speakers ^[3] -
 50:12, 111:6,
 114:21
speaking ^[5] - 12:8,
 49:10, 65:22,
 100:6, 129:23
speaks ^[1] - 50:6
Special ^[20] - 1:13,
 4:7, 6:4, 9:4, 59:8,
 59:13, 60:24,
 61:7, 61:9, 76:9,
 76:15, 79:20,
 79:24, 94:24,

104:8, 146:18,
 146:25, 149:14,
 151:20, 152:3
special ^[7] - 8:9,
 17:7, 61:5, 76:10,
 77:3, 113:2,
 146:22
specific ^[5] - 18:13,
 20:5, 23:12,
 148:3, 149:17
specifically ^[3] -
 28:8, 55:22, 64:12
specifics ^[2] -
 15:22, 64:15
speed ^[1] - 130:24
Speedway ^[1] -
 137:15
spent ^[4] - 23:5,
 23:9, 62:21,
 117:10
spill ^[3] - 35:10,
 38:20
spillage ^[1] - 21:18
spilling ^[1] - 25:24
spills ^[4] - 35:9,
 95:2, 100:10,
 102:4
spinning ^[1] -
 131:8
spoken ^[3] - 84:3,
 86:8, 103:10
spot ^[2] - 20:5,
 131:15
Spring ^[2] - 108:17,
 110:8
Spy ^[1] - 107:8
square ^[5] - 7:24,
 8:7, 99:23, 129:4,
 129:5

squeak ^[1] - 99:20
squeeze ^[1] - 15:25
SS ^[1] - 166:4
stable ^[1] - 121:14
stack ^[1] - 157:24
stacking ^[2] -
 157:22, 158:4
staff ^[2] - 48:13,
 122:7
stage ^[1] - 29:20
stake ^[1] - 73:7
stakeholders ^[1] -
 107:11
standard ^[4] -
 27:17, 39:14,
 61:9, 94:3
standards ^[7] -
 59:9, 138:21,
 138:22, 146:15,
 152:11, 152:12
standing ^[3] -
 17:12, 116:16,
 119:13
standpoint ^[5] -
 18:21, 19:11,
 21:3, 21:23, 144:3
stands ^[2] - 91:5,
 101:16
start ^[6] - 50:24,
 51:7, 67:19,
 129:25, 130:10,
 130:22
started ^[1] - 77:17
STATE ^[1] - 166:4
State ^[14] - 6:22,
 7:3, 7:7, 24:20,
 39:15, 76:16,
 84:7, 104:22,
 107:15, 110:5,

148:2, 148:5,
 157:8, 166:8
state ^[19] - 7:2,
 12:12, 24:24,
 25:25, 26:4, 27:9,
 27:20, 27:22,
 33:21, 34:24,
 42:11, 46:14,
 97:13, 105:25,
 124:18, 124:19,
 138:25, 148:18,
 148:23
statement ^[2] -
 92:9, 126:3
statements ^[2] -
 126:11, 160:5
static ^[1] - 29:20
Station ^[2] -
 119:22, 155:6
station ^[44] - 5:25,
 6:4, 8:6, 8:14,
 8:17, 11:5, 11:9,
 11:14, 12:21,
 14:16, 16:11,
 16:13, 22:4,
 26:19, 27:2, 27:4,
 31:6, 31:11,
 46:15, 46:16,
 47:2, 59:20,
 59:21, 59:22,
 68:25, 69:3, 69:9,
 78:4, 83:3, 84:24,
 90:2, 90:14,
 94:13, 95:4,
 104:13, 112:18,
 112:24, 118:25,
 124:24, 146:18,
 148:16, 151:12,
 153:7, 158:2
stations ^[7] - 12:14,

26:10, 28:12,
88:7, 144:15,
144:23, 156:8
stay^[3] - 141:3,
141:9, 158:25
Steakhouse^[1] -
9:19
stemming^[1] -
84:22
STENOGRAPHE
R^[1] - 1:25
stenographic^[1] -
166:11
step^[2] - 129:21,
132:2
stepped^[1] - 66:19
stepping^[1] -
122:9
STEVE^[1] - 2:9
Steven^[1] - 132:4
stick^[2] - 159:20,
159:21
still^[7] - 43:15,
50:10, 58:25,
65:11, 92:16,
118:9, 130:13
stocked^[1] - 122:7
Stonefield^[7] - 3:4,
3:5, 5:3, 5:5,
15:16, 24:15,
142:6
Stonefield's^[1] -
24:18
stop^[7] - 29:16,
73:16, 74:20,
109:23, 116:18,
132:25, 143:19
stopped^[2] -
73:20, 98:25

stops^[1] - 132:24
storage^[6] - 14:25,
37:16, 40:6,
120:23, 144:9
store^[30] - 5:24,
5:25, 8:9, 8:13,
8:17, 8:24, 11:10,
12:13, 12:21,
12:23, 13:11,
13:16, 14:16,
17:8, 22:5, 22:18,
23:25, 28:5,
46:15, 46:16,
47:2, 81:3, 83:2,
104:13, 117:19,
118:25, 137:14,
148:15, 151:11,
156:23
store"^[1] - 33:15
stored^[1] - 121:3
stores^[4] - 26:11,
28:13, 153:11,
156:14
storey^[1] - 118:18
storm^[1] - 98:7
story^[5] - 72:16,
114:5, 118:7,
118:11, 118:20
straight^[1] - 20:21
stream^[1] - 130:9
Street^[3] - 62:3,
128:7, 161:22
street^[9] - 54:5,
56:10, 76:21,
77:2, 91:11, 93:8,
96:21, 155:2,
156:15
stress^[1] - 74:19
stretch^[3] - 10:4,

68:12, 110:14
stretches^[1] -
112:20
strict^[1] - 115:20
strip^[2] - 82:12,
113:13
striping^[5] - 25:8,
25:14, 138:19,
138:23, 139:12
stripped^[1] - 62:22
striving^[1] - 82:5
strong^[1] - 116:2
strongest^[1] - 80:5
strongly^[3] -
80:16, 130:8,
155:19
structure^[1] -
149:2
studies^[10] - 51:9,
52:14, 77:13,
77:16, 77:17,
77:22, 94:19,
99:15, 101:22,
102:2
studio^[1] - 117:22
study^[11] - 30:21,
41:16, 77:17,
90:21, 95:6,
95:10, 95:18,
101:11, 135:23,
135:25, 157:5
stuff^[4] - 29:8,
75:22, 77:9, 78:22
style^[1] - 47:20
subdivision^[1] -
55:19
subject^[11] - 4:19,
6:9, 6:17, 9:9,
9:16, 54:6, 56:22,

56:24, 84:6,
86:25, 94:8
submit^[12] - 44:10,
45:18, 46:4,
46:10, 46:13,
65:14, 97:9,
147:9, 149:20,
151:9, 152:4,
163:17
submitted^[4] -
12:15, 34:14,
36:20, 77:14
subsequent^[1] -
90:23
substantial^[6] -
14:4, 26:24, 56:9,
56:22, 56:24, 64:7
substantially^[1] -
54:2
subsurface^[2] -
84:11, 84:21
successful^[1] -
57:6
Suffolk^[2] -
104:20, 112:21
suggesting^[1] -
69:5
suitable^[1] - 87:3
sum^[1] - 14:6
summarize^[1] -
134:7
summer^[1] -
136:12
summertime^[1] -
90:4
Sunday^[3] - 33:23,
58:17, 108:23
Sunnyside^[3] -
87:6, 88:14, 93:14

super ^[2] - 13:11, 98:3
Super ^[1] - 91:14
Superintendent ^[1] - 132:10
supermarket ^[1] - 57:8
superstore ^[2] - 156:22
supervision ^[1] - 44:3
SUPERVISOR ^[106]
 - 1:19, 2:5, 4:2, 15:13, 24:11, 30:18, 33:24, 34:4, 34:19, 37:11, 37:14, 37:20, 37:23, 38:6, 38:10, 38:16, 39:5, 39:9, 39:12, 39:18, 39:24, 40:5, 40:15, 40:19, 40:24, 41:5, 42:9, 42:12, 42:22, 43:7, 43:12, 44:7, 44:15, 46:11, 49:7, 49:16, 50:19, 53:9, 64:24, 65:8, 65:21, 66:5, 66:16, 66:21, 66:25, 67:11, 69:25, 70:9, 73:11, 73:16, 73:21, 74:12, 75:23, 78:15, 78:24, 79:3, 83:15, 83:19, 85:11, 85:17,

86:2, 91:6, 95:24, 102:25, 103:6, 111:7, 111:11, 112:6, 114:10, 114:17, 115:16, 115:19, 116:21, 116:25, 117:7, 123:2, 123:15, 123:20, 124:15, 126:4, 126:8, 126:15, 128:2, 129:8, 129:13, 129:18, 131:22, 133:9, 133:14, 134:16, 135:19, 136:8, 136:13, 139:2, 139:25, 140:11, 141:8, 145:7, 158:24, 159:9, 159:12, 160:17, 162:13, 162:19, 162:22, 163:11
Supervisor ^[10] - 4:11, 41:4, 79:17, 96:8, 104:9, 128:5, 152:18, 161:16, 162:15, 162:21
supply ^[2] - 124:22, 125:2
support ^[8] - 45:24, 46:8, 71:19, 106:18, 107:14, 112:15, 117:5, 117:8
SUPPORT ^[1] - 165:8
supported ^[2] - 104:24, 106:16

supporter ^[1] - 109:13
supporting ^[1] - 118:12
supposed ^[1] - 138:12
Surprise ^[1] - 99:22
surrounded ^[2] - 54:3, 119:19
surrounding ^[15] - 6:17, 56:14, 58:14, 59:6, 64:20, 70:24, 93:6, 93:24, 102:4, 146:25, 151:23, 151:25, 153:4, 153:16, 154:11
Susan ^[2] - 79:4, 79:11
suspicious ^[1] - 121:20
Swamp ^[3] - 55:12, 55:14, 104:19
swirling ^[1] - 105:10
System ^[1] - 106:12
system ^[3] - 73:22, 145:3, 162:5
systems ^[1] - 100:21

T

table ^[4] - 98:14, 100:22, 101:25, 116:8
tack ^[1] - 136:21
TAKEN ^[1] - 1:25
tank ^[1] - 43:2

tanks ^[24] - 29:9, 34:10, 35:5, 35:22, 36:4, 36:7, 36:14, 37:5, 37:16, 37:18, 40:12, 43:18, 98:9, 98:10, 98:15, 98:20, 100:20, 101:4, 101:20, 101:22, 144:13, 144:16, 144:17, 145:4
tantamount ^[1] - 146:22
taper ^[1] - 29:24
tax ^[1] - 6:20
Tax ^[2] - 5:19, 161:24
TAXES ^[1] - 2:15
taxpayer ^[1] - 138:5
taxpayers ^[1] - 95:20
TD ^[1] - 9:24
team ^[3] - 112:17, 113:23, 158:23
technically ^[2] - 58:18, 62:7
technology ^[2] - 144:16, 144:23
teed ^[1] - 60:9
template ^[1] - 161:2
ten ^[5] - 17:5, 17:9, 37:8, 119:16, 150:4
tend ^[1] - 26:11
term ^[5] - 4:20, 41:24, 91:15, 91:18, 120:23
terms ^[13] - 7:12,

12:18, 22:3,
 79:25, 81:6,
 81:19, 81:21,
 81:22, 82:4, 82:6,
 82:14, 146:6,
 146:16
Terrana [2] - 3:3,
 4:13
terrorize [1] -
 131:12
test [2] - 43:7, 43:9
testimony [8] -
 48:25, 65:14,
 128:16, 136:16,
 150:20, 152:7,
 159:14, 159:15
testing [4] - 37:24,
 37:25, 40:16,
 123:14
themselves [2] -
 161:6, 164:3
there'd [1] - 22:9
There'll [1] - 21:18
thereafter [1] - 64:8
thereby [1] - 94:25
therefore [4] -
 55:14, 77:19,
 124:6, 125:18
they've [4] - 78:21,
 86:9, 89:8
They've [2] - 116:2,
 130:24
thinking [2] -
 109:19, 141:12
third [1] - 4:3
THOMAS [1] - 2:8
thousands [1] -
 62:21
three [12] - 22:21,

22:24, 73:3,
 96:20, 98:10,
 113:19, 117:25,
 118:18, 136:25,
 144:8, 155:5
Three [1] - 45:22
threshold [2] -
 149:8, 150:7
thresholds [2] -
 150:3, 150:6
thrilled [1] - 78:16
throughout [4] -
 5:13, 47:11,
 105:14, 110:4
thumbs [1] -
 155:24
Thursday [1] -
 57:13
ticketing [1] -
 113:16
timer [1] - 73:19
TIR [1] - 77:14
Today [1] - 8:13
today [36] - 5:23,
 14:8, 14:14,
 16:18, 19:17,
 20:20, 23:17,
 25:12, 45:25,
 47:7, 48:15,
 53:14, 53:17,
 64:9, 86:19, 88:3,
 88:6, 88:20,
 97:11, 119:13,
 119:21, 122:2,
 128:11, 131:25,
 132:12, 133:17,
 143:8, 143:24,
 144:5, 146:17,
 147:25, 156:24,

161:5, 161:13,
 163:13, 164:3
Today's [1] - 4:4
together [3] -
 78:22, 103:24,
 107:3
tons [1] - 38:13
took [6] - 37:24,
 78:14, 100:19,
 110:21, 153:23,
 153:24
top [1] - 38:23
Torken [5] - 3:7,
 41:9, 112:16,
 152:15, 152:19
TORKEN [11] -
 41:3, 41:8, 42:10,
 42:17, 42:25,
 43:9, 43:13, 44:8,
 46:12, 152:17,
 158:18
total [9] - 13:17,
 29:23, 32:23,
 36:11, 46:7, 54:7,
 64:5, 64:11,
 136:23
touch [4] - 13:9,
 42:18, 150:19,
 151:17
touched [1] - 61:15
tough [1] - 21:11
towards [7] - 18:16,
 18:24, 19:10,
 21:20, 21:21,
 63:22, 137:7
Towers [1] - 72:18
town [22] - 4:11,
 6:9, 23:9, 33:20,
 46:19, 50:3,

55:20, 73:2, 73:7,
 73:13, 74:2,
 74:10, 75:20,
 86:15, 92:20,
 112:2, 113:24,
 117:12, 118:9,
 118:14, 128:9,
 150:22
TOWN [16] - 1:2,
 1:22, 2:14, 2:16,
 4:4, 65:17, 66:19,
 66:24, 161:16,
 162:21, 162:23,
 162:25, 163:3,
 163:5, 163:7,
 163:9
Town [37] - 1:3,
 12:16, 18:5,
 21:22, 23:5, 47:8,
 48:6, 52:15, 55:2,
 55:4, 55:8, 55:16,
 59:12, 70:25,
 73:12, 73:14,
 84:9, 84:12,
 84:18, 85:5,
 86:15, 86:21,
 94:8, 94:13,
 99:13, 99:16,
 106:16, 120:13,
 122:24, 126:10,
 144:9, 144:12,
 153:22, 162:3,
 162:8, 162:12,
 163:20
Town's [3] - 14:10,
 26:8, 27:13
towns [1] - 137:20
tractor [7] - 28:24,
 29:5, 93:21,
 143:5, 143:8,

143:9, 143:10
traditional ^[1] - 61:10
traffic ^[91] - 5:4, 7:9, 7:12, 24:10, 24:17, 25:15, 26:20, 26:24, 27:7, 28:6, 28:10, 28:16, 29:15, 30:2, 30:5, 30:9, 30:12, 30:16, 31:16, 31:18, 31:23, 32:10, 32:16, 32:19, 32:24, 33:3, 47:12, 51:9, 51:24, 52:13, 53:2, 61:12, 61:22, 62:6, 69:17, 76:20, 76:23, 77:12, 77:17, 77:22, 80:12, 81:6, 81:9, 81:11, 81:17, 81:18, 84:11, 84:19, 87:19, 89:7, 89:10, 89:20, 90:12, 90:19, 90:21, 90:23, 94:18, 95:18, 99:14, 101:11, 116:15, 126:25, 127:8, 127:14, 127:15, 127:16, 132:20, 133:4, 134:14, 134:20, 134:24, 135:6, 135:12, 135:13, 135:23, 135:25, 136:24,

137:3, 138:10, 138:11, 139:8, 139:13, 139:15, 139:21, 142:13, 143:3, 143:14, 151:21, 151:24, 157:5
Traffic ^[2] - 69:18, 138:21
trail ^[3] - 108:8, 110:18, 110:20
Trail ^[3] - 68:8, 97:24, 107:8
trailer ^[2] - 28:24, 143:5
trailers ^[6] - 29:6, 90:6, 93:22, 143:8, 143:9, 143:11
train ^[1] - 69:24
transcription ^[1] - 166:10
transit ^[1] - 27:5
transparency ^[2] - 74:24, 76:3
transpired ^[1] - 35:18
Transportation ^[2] - 24:21, 26:8
trash ^[2] - 20:23, 21:6
traveled ^[2] - 57:6, 108:6
traveling ^[2] - 26:13, 28:18
tree ^[1] - 110:9
trees ^[4] - 16:23, 22:10, 22:13, 151:4

tremendous ^[3] - 23:16, 86:6, 140:20
triangular ^[1] - 18:15
trip ^[4] - 30:21, 30:22, 32:8, 32:11
trips ^[1] - 77:23
tropical ^[1] - 98:7
trouble ^[1] - 154:12
truckload ^[2] - 36:11, 37:8
Trucks ^[1] - 93:21
trucks ^[1] - 90:5
true ^[1] - 14:22
truly ^[3] - 12:2, 15:5, 16:6
truth ^[1] - 97:16
try ^[4] - 16:2, 67:13, 72:14, 139:16
trying ^[3] - 71:10, 91:24, 130:18
Tuesday ^[2] - 74:5, 99:5
turn ^[26] - 9:7, 10:14, 13:6, 20:15, 20:16, 25:20, 25:23, 26:2, 29:12, 29:14, 30:14, 60:17, 65:24, 66:6, 87:22, 89:15, 90:2, 95:15, 126:9, 137:25, 138:7, 138:8, 138:17, 139:16, 140:14, 140:22
turned ^[2] - 87:14,

120:22
turning ^[2] - 30:6, 127:18
Turnpike ^[4] - 55:10, 78:7, 78:8, 102:18
turns ^[1] - 25:9
twice ^[3] - 73:3, 74:9, 75:20
two ^[30] - 9:6, 12:22, 16:8, 19:12, 19:19, 20:19, 22:21, 22:24, 23:20, 25:3, 36:13, 41:15, 53:15, 60:5, 62:12, 72:3, 72:16, 88:8, 89:9, 92:23, 94:6, 98:17, 101:21, 103:25, 117:24, 119:2, 136:25, 150:11, 155:15
Two ^[2] - 88:12, 143:4
Type ^[20] - 48:20, 84:13, 85:3, 94:20, 94:21, 94:25, 99:18, 99:25, 100:24, 101:6, 101:7, 128:23, 128:24, 129:2, 147:11, 148:19, 149:8, 149:24, 150:5
type ^[11] - 21:11, 26:20, 40:8, 51:18, 84:25, 102:21, 109:20, 111:19, 124:3,

143:19, 150:11
types ^[2] - 17:6,
 37:16
typical ^[2] - 27:15,
 113:6
typically ^[1] -
 157:11

U

U-turn ^[1] - 25:23
ultimate ^[1] - 4:23
ultimately ^[3] - 8:2,
 48:13, 64:14
unacceptable ^[1] -
 78:5
unaffected ^[1] -
 135:7
unanimously ^[3] -
 107:19, 111:25,
 163:12
unattractive ^[1] -
 46:18
unchanged ^[1] -
 11:13
under ^[27] - 4:21,
 8:14, 13:4, 17:23,
 18:8, 18:9, 19:13,
 30:24, 36:11,
 43:21, 44:3,
 48:19, 48:21,
 55:19, 61:11,
 84:8, 85:6, 91:11,
 99:19, 104:11,
 124:17, 143:24,
 146:19, 147:12,
 148:20, 150:2,
 150:6
underdeveloped
^[2] - 18:9, 23:23

undergone ^[1] -
 48:8
underground ^[2] -
 40:7, 98:9
undermine ^[1] -
 107:21
Understood ^[1] -
 32:14
undertake ^[1] -
 156:4
unfair ^[1] - 93:2
unfathomable ^[1] -
 98:3
Unfortunately ^[1] -
 128:15
unidentified ^[11] -
 49:14, 65:6,
 65:20, 66:3,
 66:14, 67:9,
 85:15, 129:16,
 138:14, 139:23,
 140:5
Uniform ^[1] -
 138:21
Uniondale ^[1] -
 4:15
unique ^[2] - 23:6,
 92:16
united ^[1] - 105:16
unlawful ^[1] - 99:12
unless ^[2] - 55:7,
 158:22
unreasonable ^[2] -
 56:3, 56:13
up ^[62] - 11:22,
 17:22, 22:12,
 22:19, 35:8,
 35:13, 44:13,
 46:6, 49:22, 50:4,

51:13, 52:8,
 52:15, 52:23,
 54:21, 54:25,
 55:12, 60:2, 60:9,
 62:11, 62:23,
 62:24, 63:9,
 67:18, 68:15,
 71:14, 72:4, 73:6,
 73:18, 74:3,
 74:17, 78:13,
 80:4, 86:6, 90:5,
 98:9, 99:3, 99:7,
 99:23, 100:12,
 100:18, 105:8,
 108:14, 113:10,
 117:9, 118:17,
 121:3, 130:21,
 131:3, 131:15,
 134:10, 137:13,
 137:23, 138:8,
 140:25, 144:4,
 144:21, 155:24,
 157:22, 159:14,
 159:18
upgrade ^[5] - 12:3,
 12:7, 114:7,
 153:9, 153:19
upper ^[2] - 39:7,
 39:10
urban ^[1] - 105:7
usage ^[1] - 80:25
uses ^[26] - 7:18,
 8:11, 9:6, 9:13,
 10:25, 12:18,
 12:22, 16:7,
 28:14, 31:9,
 46:20, 54:3,
 56:14, 56:15,
 60:19, 102:11,
 102:15, 123:24,

125:14, 125:17,
 146:5, 146:25,
 151:14, 151:15,
 151:25
utilities ^[1] - 15:2
utility ^[1] - 21:23
utilized ^[2] - 18:9,
 19:18

V

vacant ^[4] - 8:3,
 31:12, 153:8,
 153:20
Valerie ^[2] - 112:8,
 112:13
valid ^[1] - 77:19
value ^[2] - 16:20,
 23:16
Variance ^[1] -
 94:24
variance ^[7] -
 100:3, 101:2,
 132:17, 146:13,
 149:7, 149:16,
 149:17
variance" ^[1] -
 149:5
variances ^[2] -
 147:4, 162:7
varies ^[1] - 18:14
vast ^[1] - 40:21
Vaughn ^[1] - 118:4
Veagan ^[2] - 112:9,
 112:13
VEAGAN ^[1] -
 112:12
vehicle ^[3] - 46:17,
 55:5, 120:23
vehicles ^[13] - 26:4,

26:12, 29:8, 29:9,
30:10, 31:14,
31:21, 89:25,
121:7, 139:5,
142:16, 143:6
vehicular ^[4] -
27:6, 61:14,
63:16, 77:4
verbal ^[4] - 34:2,
37:12, 158:16,
160:15
verified ^[1] - 92:3
Vernon ^[3] - 115:5,
116:7, 126:22
versus ^[2] - 14:14,
64:18
vessels ^[2] - 40:7,
40:17
via ^[2] - 99:15,
111:18
viable ^[2] - 121:14,
152:6
viaduct ^[1] - 109:20
vicinity ^[3] - 76:24,
131:10, 131:11
VICKI ^[1] - 2:11
view ^[2] - 59:25,
63:13
village ^[1] - 51:20
villages ^[1] - 97:25
violates ^[2] - 76:19,
78:12
violation ^[3] -
84:16, 85:4, 94:21
virtually ^[3] - 11:20,
50:3, 95:18
visible ^[1] - 156:14
visuals ^[1] - 159:16
voices ^[1] - 105:9

volume ^[2] - 38:3,
143:2
volumes ^[11] -
31:19, 32:19,
33:4, 134:24,
134:25, 135:6,
135:9, 135:16,
136:20, 136:24,
137:2
vote ^[4] - 132:13,
133:6, 162:20,
163:9
voted ^[1] - 107:19
voting ^[1] - 74:10

W

wait ^[1] - 158:6
waiting ^[2] -
116:17, 122:20
wakes ^[1] - 131:3
walking ^[3] - 27:10,
91:13, 127:13
wall ^[1] - 36:8
walled ^[2] - 144:17,
145:4
Walnut ^[6] - 70:20,
115:6, 115:24,
116:6, 132:4,
132:21
Walsh ^[1] - 163:7
WALSH ^[5] - 2:11,
75:2, 79:5, 79:10,
163:8
wants ^[5] - 101:19,
130:21, 153:22,
159:23, 160:13
wash ^[1] - 62:2
Washington ^[1] -
108:6

waste ^[2] - 22:19,
128:21
wasting ^[1] - 125:5
watching ^[1] -
130:9
water ^[14] - 14:13,
21:24, 22:3,
38:22, 98:22,
98:23, 100:21,
100:22, 101:25,
107:3, 116:8,
124:22, 124:25,
125:10
ways ^[3] - 89:5,
90:9, 163:23
weeds ^[1] - 119:19
week ^[4] - 22:20,
22:24, 74:7, 99:4
weekday ^[1] -
76:22
weekend ^[2] -
28:16, 76:22
weeks ^[1] - 121:4
weigh ^[1] - 160:7
weighing ^[1] -
64:17
weight ^[2] - 160:5,
160:10
welcome ^[3] -
83:18, 98:4, 156:4
welcomed ^[1] -
155:10
welcoming ^[1] -
102:13
welfare ^[1] - 123:11
wells ^[4] - 35:23,
36:13, 43:18,
144:8
Wendy ^[5] - 50:13,

126:5, 126:12,
126:21
West ^[1] - 128:7
west ^[13] - 7:2, 9:18,
18:19, 20:7,
55:12, 55:13,
57:19, 63:6,
63:21, 63:25,
88:25, 137:6,
156:14
westbound ^[4] -
25:15, 30:2,
30:16, 139:19
westerly ^[1] -
142:14
western ^[4] - 8:5,
20:12, 26:17,
138:9
whatsoever ^[1] -
17:20
wheels ^[1] - 71:17
whereas ^[1] - 28:9
Whereas ^[1] -
86:15
WHEREOF ^[1] -
166:12
whereupon,
interruption ^[1] -
65:19
whole ^[7] - 19:8,
71:4, 74:20,
77:19, 109:11,
119:5, 125:4
wife ^[2] - 96:2,
96:20
Wiley ^[2] - 79:4,
79:11
WILEY ^[3] - 79:7,
79:11, 83:17

<p>willing ^[1] - 124:2 willy ^[1] - 52:19 window ^[1] - 91:13 winter ^[1] - 113:9 wise ^[3] - 132:7, 132:10, 133:7 wish ^[2] - 64:9, 72:18 WITNESS ^[1] - 166:12 witnessed ^[2] - 37:2, 98:18 wonderful ^[2] - 67:17, 108:11 wonderfully ^[1] - 70:12 word ^[2] - 104:2, 156:21 words ^[1] - 152:21 workers ^[3] - 33:8, 33:9, 98:25 works ^[2] - 24:8, 71:8 worry ^[3] - 126:15, 127:3, 127:11 worship ^[1] - 130:13 worthiness ^[1] - 153:10 wrap ^[1] - 159:18 write ^[4] - 66:16, 106:24, 133:18, 141:10 writing ^[1] - 65:14 written ^[2] - 88:17, 111:19 wrote ^[3] - 31:7, 109:6, 132:6</p>	<p style="text-align: center;">Y</p> <p>YANUCK ^[15] - 34:21, 37:18, 37:22, 38:4, 38:7, 38:12, 38:19, 39:7, 39:11, 39:17, 39:22, 40:3, 40:10, 40:18, 40:23 Yanuck ^[4] - 3:6, 5:5, 34:7, 34:22 Yanuk ^[1] - 44:13 yard ^[2] - 102:9, 102:11 yards ^[2] - 37:8, 100:15 year ^[10] - 48:11, 73:3, 73:4, 74:9, 75:20, 89:15, 90:23, 98:6, 134:23 years ^[33] - 4:21, 7:19, 8:2, 8:12, 9:3, 36:9, 47:3, 53:19, 56:17, 61:21, 71:8, 71:9, 78:21, 82:7, 85:25, 89:21, 95:5, 103:14, 103:18, 103:20, 114:9, 119:16, 119:18, 119:24, 120:9, 122:20, 123:9, 126:23, 151:16, 152:24, 154:14 yield ^[2] - 29:18, 111:5 Yield ^[1] - 29:19</p>	<p>York ^[26] - 6:22, 7:3, 7:7, 24:20, 34:24, 39:15, 53:13, 72:25, 76:16, 104:22, 105:25, 106:11, 107:15, 108:3, 108:23, 124:18, 124:20, 126:23, 128:7, 148:3, 148:5, 148:18, 157:8, 163:22, 166:8 YORK ^[1] - 166:4 yourself ^[2] - 41:6, 78:23</p> <p style="text-align: center;">Z</p> <p>Zach ^[5] - 3:4, 4:25, 15:9, 15:15, 142:5 zero ^[3] - 19:10, 21:18, 154:12 zone ^[6] - 10:12, 20:22, 149:7, 149:9, 149:11, 149:12 Zone ^[2] - 10:20, 162:5 zoned ^[4] - 5:20, 10:23, 92:15, 118:16 zoning ^[11] - 9:9, 10:14, 10:16, 16:17, 64:11, 64:14, 100:3, 149:5, 149:18, 153:13, 162:4 Zoning ^[2] - 10:20, 146:12</p>	<p style="text-align: center;">-</p> <p>-^[1] - 1:10</p>
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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING

September 10, 2024
2:09p.m.

ACTION CALENDAR

JOSEPH SALADINO
SUPERVISOR

**

RICHARD LaMARCA
TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

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A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.,	TOWN ATTORNEY

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SUPERVISOR SALADINO: Will the Town Clerk now call the Regular Action Calendar?

TOWN CLERK: May I have a motion to suspend the Rules and add Resolution 719 through 723-2024?

On the motion?

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: Motion made by Councilwoman Johnson, seconded by Councilman Hand.

On the vote, Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilman Labriola?

COUNCILMAN LABRIOLA: Aye.

TOWN CLERK: Councilwoman Maier.

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

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COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to suspend to suspend the Rules and add Resolution 719 through 723-2024 passes with six ayes and zero nays.

May I have a motion to resuspend the Rules and add the following walk on Resolution 724-2024, which is a resolution granting request Oyster Bay Chamber of Commerce to extend their annual Cruise Night event for two more weeks until Tuesday, September 24th, 2024; and Resolution 725-2024, which is a resolution pertaining to settlement of negligence claim, James Normile versus the Town of Oyster Bay, Nassau County Index Number 606108/2019, Matter 2018-6696.

On the motion?

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: Motion made by Councilwoman Johnson, seconded by Councilman Hand.

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On the vote, Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilman Labriola?

COUNCILMAN LABRIOLA: Aye.

TOWN CLERK: Councilwoman Maier.

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to resuspend the Rules and add walk on Resolution 724 and 725-2024 passes with six ayes and zero nays.

TOWN CLERK: Motion to adopt Resolution P-14-24 through 725-2024?

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: I don't think we have any speakers.

SUPERVISOR SALADINO: We don't have anyone that has alerted us by filling out

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a slip that they would like to be heard on the Calendar that we are about to vote on.

Does anyone want to be heard on the specific issues that we are voting on on this Calendar right now?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Please let the record reflect that no one in the room would like to be heard.

Is there any correspondence?

TOWN CLERK: There is no further correspondence.

SUPERVISOR SALADINO: Being no one would like to be heard on this, please continue with the vote.

TOWN CLERK: Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: No on 708, aye on the rest.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

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TOWN CLERK: Councilman Labriola?

COUNCILMAN LABRIOLA: Aye.

TOWN CLERK: Councilwoman Maier.

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to adopt
Resolution P-14-2024 through 707-2024
passes with six ayes and zero nays.

Resolution 708-20204 passes with
five ayes and one nay.

Resolutions 709-725-2024 passes with
six ayes and zero nays.

The Calendar is complete.

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SUPERVISOR SALADINO: We are now going to break for Executive Session and then come out for public comment.

With that, may I have a motion?

COUNCILWOMAN JOHNSON: Supervisor, I'll make a motion that this board break for Executive Session for the purpose of discussing proposed and pending litigation.

COUNCILMAN HAND: Second.

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

(Whereupon, all members of the Town Board present respond in favor with, "Aye".)

(Whereupon, Executive Session, 2:14-3:00 p.m.)

SUPERVISOR SALADINO: May I have a motion, please?

COUNCILWOMAN JOHNSON: Supervisor, I make a motion to close the Executive Session, no action was taken.

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COUNCILMAN HAND: Second.

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

(Whereupon, all members of
the Town Board present respond
in favor with, "Aye".)

SUPERVISOR SALADINO: Those opposed,
"Nay".

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The Ayes have
it. Thank you.

At this time, may I have a motion to
close the meeting?

COUNCILWOMAN JOHNSON: Supervisor, I
make a motion this meeting be closed.

COUNCILMAN HAND: Second.

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

(Whereupon, all members of
the Town Board present respond
in favor with, "Aye.")

SUPERVISOR SALADINO: Those opposed,
"Nay".

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(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The ayes have
it.

(Whereupon, above matter
concludes, 3:02 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, KAREN LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 10th day of September, 2024.

Karen Lorenzo
KAREN LORENZO

1	A	BY ^[1] - 1:22	C
10 ^[1] - 1:6 10th ^[1] - 11:14	ABSENT ^[1] - 2:7 action ^[1] - 8:25 ACTION ^[1] - 1:9 Action ^[1] - 3:4 add ^[4] - 3:7, 4:4, 4:8, 5:15 adopt ^[2] - 5:18, 7:8 alerted ^[1] - 5:25 annual ^[1] - 4:12 ATTORNEY ^[1] - 2:16 Aye ^[18] - 3:16, 3:18, 3:20, 3:22, 3:24, 4:2, 5:3, 5:5, 5:7, 5:9, 5:11, 5:13, 6:20, 6:25, 7:3, 7:5, 7:7, 9:23 aye ^[1] - 6:23 Aye" ^[5] - 8:13, 8:16, 9:4, 9:7, 9:20 eyes ^[6] - 4:5, 5:16, 7:10, 7:12, 7:14, 10:4 Ayes ^[1] - 9:12	CALENDAR ^[1] - 1:9 Calendar ^[4] - 3:5, 6:3, 6:7, 7:15 certify ^[1] - 11:10 Chamber ^[1] - 4:11 claim ^[1] - 4:16 CLERK ^[27] - 1:18, 2:14, 3:6, 3:12, 3:17, 3:19, 3:21, 3:23, 3:25, 4:3, 4:23, 5:4, 5:6, 5:8, 5:10, 5:12, 5:14, 5:18, 5:22, 6:14, 6:19, 6:21, 6:24, 7:2, 7:4, 7:6, 7:8 Clerk ^[1] - 3:4 close ^[2] - 8:24, 9:15 closed ^[1] - 9:17 comment ^[1] - 8:4 Commerce ^[1] - 4:11 complete ^[1] - 7:15 concludes ^[1] - 10:8 continue ^[1] - 6:18 correct ^[1] - 11:11 correspondenc e ^[2] - 6:13, 6:15 COUNCILMAN ^[15] - 2:7, 2:8, 2:9,	3:11, 3:20, 3:22, 4:22, 5:7, 5:9, 5:21, 6:25, 7:3, 8:11, 9:2, 9:18 Councilman ^[8] - 3:14, 3:19, 3:21, 4:25, 5:6, 5:8, 6:24, 7:2 COUNCILWOMAN AN ^[18] - 2:6, 2:10, 2:11, 3:10, 3:18, 3:24, 4:2, 4:21, 5:5, 5:11, 5:13, 5:20, 6:22, 7:5, 7:7, 8:6, 8:23, 9:16 Councilwoman ^[11] - 3:13, 3:17, 3:23, 3:25, 4:24, 5:4, 5:10, 5:12, 6:21, 7:4, 7:6 COUNTY ^[1] - 11:6 County ^[1] - 4:17 Cruise ^[1] - 4:12
2			
2018-6696 ^[1] - 4:19 2024 ^[3] - 1:6, 4:14, 11:14 24th ^[1] - 4:13 2:09p.m ^[1] - 1:7 2:14-3:00 ^[1] - 8:19			
3			
3:02 ^[1] - 10:8			
6			
606108/2019 ^[1] - 4:18			
7	B		
707-2024 ^[1] - 7:9 708 ^[1] - 6:22 708-20204 ^[1] - 7:11 709-725-2024 ^[1] - 7:13 719 ^[2] - 3:7, 4:4 723-2024 ^[2] - 3:8, 4:5 724 ^[1] - 5:15 724-2024 ^[1] - 4:9 725-2024 ^[3] - 4:14, 5:16, 5:19	BAY ^[1] - 1:3 Bay ^[2] - 4:10, 4:17 board ^[1] - 8:7 BOARD ^[1] - 1:2 Board ^[3] - 8:15, 9:6, 9:22 break ^[2] - 8:3, 8:7		
			D
			discussing ^[1] - 8:9
			E
			ESQ ^[1] - 2:16 event ^[1] - 4:12 Executive ^[4] - 8:3, 8:8, 8:18, 8:24 extend ^[1] - 4:11

F	2:15 JOHNSON ^[10] - 2:6, 3:10, 3:18, 4:21, 5:5, 5:20, 6:22, 8:6, 8:23, 9:16 Johnson ^[5] - 3:13, 3:17, 4:24, 5:4, 6:21 JOSEPH ^[2] - 1:12, 2:5	matter ^[1] - 10:7 Matter ^[1] - 4:18 MEETING ^[1] - 1:4 meeting ^[2] - 9:15, 9:17 members ^[3] - 8:14, 9:5, 9:21 MICHELE ^[1] - 2:6 motion ^[10] - 3:6, 3:9, 4:7, 4:20, 8:5, 8:7, 8:22, 8:24, 9:14, 9:17 Motion ^[6] - 3:12, 4:3, 4:23, 5:14, 5:18, 7:8 moved ^[3] - 3:10, 4:21, 5:20	O
favor ^[6] - 8:12, 8:16, 9:3, 9:7, 9:19, 9:23 filling ^[1] - 5:25 five ^[1] - 7:12 following ^[1] - 4:8 FRANK ^[1] - 2:16	K	matter ^[1] - 10:7 Matter ^[1] - 4:18 MEETING ^[1] - 1:4 meeting ^[2] - 9:15, 9:17 members ^[3] - 8:14, 9:5, 9:21 MICHELE ^[1] - 2:6 motion ^[10] - 3:6, 3:9, 4:7, 4:20, 8:5, 8:7, 8:22, 8:24, 9:14, 9:17 Motion ^[6] - 3:12, 4:3, 4:23, 5:14, 5:18, 7:8 moved ^[3] - 3:10, 4:21, 5:20	OF ^[4] - 1:3, 2:15, 11:5, 11:6 one ^[3] - 6:11, 6:16, 7:12 opposed ^[2] - 9:8, 9:24 Oyster ^[2] - 4:10, 4:17 OYSTER ^[1] - 1:3
G			P
granting ^[1] - 4:10	L		P-14-2024 ^[1] - 7:9 P-14-24 ^[1] - 5:19 p.m ^[2] - 8:19, 10:8 passes ^[5] - 4:5, 5:16, 7:10, 7:11, 7:13 pending ^[1] - 8:9 pertaining ^[1] - 4:15 PRAVATO ^[1] - 2:15 present ^[3] - 8:15, 9:6, 9:22 proposed ^[1] - 8:9 public ^[1] - 8:4 Public ^[1] - 11:8 purpose ^[1] - 8:8
H	Karen ^[1] - 11:17 KAREN ^[3] - 1:22, 11:8, 11:18	N	
hand ^[1] - 11:14 Hand ^[5] - 3:14, 3:19, 4:25, 5:6, 6:24 HAND ^[10] - 2:8, 3:11, 3:20, 4:22, 5:7, 5:21, 6:25, 8:11, 9:2, 9:18 heard ^[4] - 6:2, 6:5, 6:12, 6:17 hereby ^[1] - 11:9 hereunto ^[1] - 11:13	Labriola ^[3] - 3:21, 5:8, 7:2 LABRIOLA ^[4] - 2:9, 3:22, 5:9, 7:3 LaMARCA ^[2] - 1:17, 2:14 LAURA ^[1] - 2:10 litigation ^[1] - 8:10 Lorenzo ^[1] - 11:17 LORENZO ^[3] - 1:22, 11:8, 11:18 LOUIS ^[1] - 2:7	Nassau ^[1] - 4:17 NASSAU ^[1] - 11:6 nay ^[1] - 7:12 Nay" ^[2] - 9:9, 9:25 nays ^[4] - 4:6, 5:17, 7:10, 7:14 negligence ^[1] - 4:16 NEW ^[1] - 11:5 New ^[1] - 11:9 Night ^[1] - 4:12 Normile ^[1] - 4:16 Notary ^[1] - 11:8 notes ^[1] - 11:12 Number ^[1] - 4:18	
I	M		R
IMBROTO ^[1] - 2:7 IN ^[1] - 11:13 Index ^[1] - 4:18 issues ^[1] - 6:6	Maier ^[3] - 3:23, 5:10, 7:4 MAIER ^[4] - 2:10, 3:24, 5:11, 7:5		RECEIVER ^[1] - 2:15 record ^[1] - 6:11 reflect ^[1] - 6:11 REGULAR ^[1] -
J			
James ^[1] - 4:16 JEFFREY ^[1] -			

<p>1:4 Regular ^[1] - 3:4 request ^[1] - 4:10 Resolution ^[8] - 3:7, 4:4, 4:9, 4:14, 5:15, 5:19, 7:9, 7:11 resolution ^[2] - 4:10, 4:15 Resolutions ^[1] - 7:13 respond ^[3] - 8:15, 9:6, 9:22 response ^[3] - 6:9, 9:11, 10:3 rest ^[1] - 6:23 resuspend ^[2] - 4:7, 5:14 RICHARD ^[2] - 1:17, 2:14 room ^[1] - 6:11 Rules ^[4] - 3:7, 4:4, 4:8, 5:15</p>	<p>Second ^[5] - 3:11, 4:22, 5:21, 8:11, 9:18 seconded ^[2] - 3:13, 4:24 September ^[3] - 1:6, 4:13, 11:14 Session ^[4] - 8:3, 8:8, 8:19, 8:25 set ^[1] - 11:13 settlement ^[1] - 4:15 signify ^[3] - 8:13, 9:4, 9:20 six ^[4] - 4:5, 5:16, 7:10, 7:14 slip ^[1] - 6:2 speakers ^[1] - 5:23 specific ^[1] - 6:6 SS ^[1] - 11:5 STATE ^[1] - 11:5 State ^[1] - 11:9 STENOGRAPH ER ^[1] - 1:22 stenographic ^[1] - 11:12 STEVE ^[1] - 2:9 Supervisor ^[6] - 3:15, 5:2, 6:19, 8:6, 8:23, 9:16 SUPERVISOR ^[18] - 1:13, 2:5, 3:3, 3:16, 5:3, 5:24, 6:10, 6:16, 6:20, 8:2, 8:12, 8:21, 9:3, 9:8, 9:12,</p>	<p>9:19, 9:24, 10:4 suspend ^[3] - 3:7, 4:3, 4:4</p> <p style="text-align: center;">T</p> <p>TAKEN ^[1] - 1:22 TAXES ^[1] - 2:15 THOMAS ^[1] - 2:8 TOWN ^[30] - 1:2, 1:3, 1:18, 2:14, 2:16, 3:6, 3:12, 3:17, 3:19, 3:21, 3:23, 3:25, 4:3, 4:23, 5:4, 5:6, 5:8, 5:10, 5:12, 5:14, 5:18, 5:22, 6:14, 6:19, 6:21, 6:24, 7:2, 7:4, 7:6, 7:8 Town ^[5] - 3:3, 4:17, 8:15, 9:6, 9:22 transcription ^[1] - 11:11 Tuesday ^[1] - 4:13 two ^[1] - 4:12</p>	<p>WALSH ^[4] - 2:11, 4:2, 5:13, 7:7 Walsh ^[3] - 3:25, 5:12, 7:6 weeks ^[1] - 4:13 WHEREOF ^[1] - 11:13 WITNESS ^[1] - 11:13</p> <p style="text-align: center;">Y</p> <p>YORK ^[1] - 11:5 York ^[1] - 11:9</p> <p style="text-align: center;">Z</p> <p>zero ^[4] - 4:6, 5:16, 7:10, 7:14</p>
<p>S</p>			
<p>Saladino ^[3] - 3:15, 5:2, 6:19 SALADINO ^[18] - 1:12, 2:5, 3:3, 3:16, 5:3, 5:24, 6:10, 6:16, 6:20, 8:2, 8:12, 8:21, 9:3, 9:8, 9:12, 9:19, 9:24, 10:4 SCALERA ^[1] - 2:16 second ^[1] - 9:2</p>	<p>stenographic ^[1] - 11:12 STEVE ^[1] - 2:9 Supervisor ^[6] - 3:15, 5:2, 6:19, 8:6, 8:23, 9:16 SUPERVISOR ^[18] - 1:13, 2:5, 3:3, 3:16, 5:3, 5:24, 6:10, 6:16, 6:20, 8:2, 8:12, 8:21, 9:3, 9:8, 9:12,</p>	<p style="text-align: center;">V</p> <p>verbal ^[3] - 6:8, 9:10, 10:2 versus ^[1] - 4:16 VICKI ^[1] - 2:11 vote ^[4] - 3:15, 5:2, 6:3, 6:18 voting ^[1] - 6:6</p> <p style="text-align: center;">W</p> <p>walk ^[2] - 4:8, 5:15</p>	