

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
December 13, 2022
10:28 a.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning,
2 ladies and gentlemen, and welcome to the Town Board
3 meeting for Tuesday, December 13, 2022.

4 I'd like to take this opportunity to
5 wish everyone a healthy and happy holiday season.
6 This is that time of year everybody is rushing
7 around, and our last minute information is always
8 helpful.

9 For those joining us this morning,
10 you'll have the opportunity to be heard on matters
11 brought before the Town Board as well as during the
12 Public Comment period at the end of the meeting.

13 As always, this meeting is being
14 live-streamed on social media and on the Town's
15 website, which is oysterbaytown.com. These
16 proceedings are recorded and later transcribed,
17 and, of course, as always, your voice is very
18 important to us.

19 I'd like you all to know that
20 statements and comments and input from the public,
21 relative to our meetings, is always welcomed,
22 respected, and appreciated as part of the record,
23 and, of course, we always handle things with
24 decorum here, and we respect when each other is
25 speaking.

1 To submit comments online, you can
2 e-mail publiccomment@oysterbay-ny.gov or mail us at
3 the Office of the Town Attorney, 54 Audrey Avenue,
4 Oyster Bay, New York 11771.

5 Folks, if you're just here for the
6 first time or don't come here on a regular basis,
7 you may not be aware that when this administration
8 took over, we introduced prayer at the beginning of
9 each of our meetings.

10 What time is more important for prayer
11 than at holiday time when we are very thankful for
12 good health, thankful for our families, thankful
13 for the collaboration with friends and the
14 community, so it's very important that as we pray
15 together today, we recognize how successful the
16 Town has been because we work together, in fact.

17 Leading us in prayer, is our good
18 friend -- by the way, we did invite folks of all
19 denominations to lead us in prayer at different
20 weeks, different Board meetings, to bring an
21 ecumenical side to embracing and learning about all
22 the cultures that we're so lucky to have in this
23 Town -- leading us in prayer today is a good
24 friend, Reverend Dr. Marjorie Nunes, the Pastor of
25 the United Methodist Church in Hicksville.

1 Great to see you, Reverend, and if
2 you'd step up to the microphone, and if everyone
3 would kindly rise.

4 REVEREND DR. NUNES: Good morning,
5 everyone.

6 Let us pray.

7 Gracious and Loving God, in a world
8 where worry, not peace, prevails, steer up that
9 good news again. This Christmas, make a dream in
10 our hearts. Never have we needed your joy and
11 peace more than now. We are Christians.

12 Thank you for the gift of Jesus,
13 Emmanuel, the word made flesh.

14 Forgive us for forgetting that your
15 love never changes, never fades, and that you never
16 abandoned the purpose for which you came to save us
17 from our sinful condition and to give us life
18 eternal; the joy of a relationship with a holy God.

19 And during this season of Hanukkah, the
20 Festival of Lights, as the Jewish community
21 celebrates their history, we pray for special
22 blessing and protection as they gather together.

23 Lord, God, I pray for all people during
24 this season and always. Today, you have gathered
25 your servant leaders here so that this assembly may

1 not simply be an arena of legislative work, but
2 also a beacon of hope, truth, justice, unity and
3 community for our Town, County and State.

4 As they enter this new session, give
5 each of these legislators the ability not only to
6 develop practical answers to today's problems, but
7 also bestow upon them the prophetic vision and
8 faithful imagination needed to create long-term
9 solutions that will benefit all people.

10 Therefore, I pray for the Oyster Bay
11 Town Supervisor, Joseph Saladino; for the various
12 levels of city officials; and, in particular, for
13 those assembled for the Board meeting today. I
14 pray for the agenda set before them today. Please
15 give them an assurance of what would please you,
16 and what would benefit those who live and work in
17 and around our beloved Town and County as they
18 tackle the various issues facing our Town and
19 County.

20 Inspire in these leaders great courage
21 and vision to look beyond themselves to higher
22 purposes and even greater horizon.

23 Gracious and loving God, may you always
24 bless the United States of America, its people, and
25 those who lead and stand for justice and liberty

1 for all its citizens.

2 Let your light shine brightly in us and
3 through us always and forever. It is in the
4 name -- it is in your most blessed name I pray.

5 Amen.

6 ALL: Amen.

7 REVEREND DR. NUNES: God bless you all,
8 and happy holidays.

9 Merry Christmas.

10 SUPERVISOR SALADINO: Reverend?

11 REVEREND DR. NUNES: Yes, sir.

12 SUPERVISOR SALADINO: I have to thank
13 you, specifically, for those words. They were
14 beautiful, but they were very, very poignant.

15 REVEREND DR. NUNES: Thank you.

16 SUPERVISOR SALADINO: Those were the
17 words all of us should live by, and, I believe, by
18 living by those words and conducting business in
19 the spirit of what you just said is a fine example
20 for the rest of the towns across this country and
21 for all the people because we do have differences,
22 but we have far more commonality, and we have a
23 system of government, and living by the words you
24 just said, will make it the best system anywhere.

25 REVEREND DR. NUNES: Amen.

1 SUPERVISOR SALADINO: Amen.

2 God bless you, and thank you for your
3 spiritual and humanitarian leadership, and thanks
4 for your friendship.

5 REVEREND DR. NUNES: Thank you.

6 Same here.

7 SUPERVISOR SALADINO: God bless you.

8 REVEREND DR. NUNES: And it's my
9 privilege to come.

10 Thank you.

11 SUPERVISOR SALADINO: Thank you.

12 REVEREND DR. NUNES: God bless you all.

13 SUPERVISOR SALADINO: Merry Christmas
14 to you and your congregants.

15 REVEREND DR. NUNES: Merry Christmas.

16 SUPERVISOR SALADINO: God bless you.

17 Folks, at a time when there's war
18 between nations in this world, unrest between
19 groups in every country -- including our own --
20 it's so important that we follow that very poignant
21 example that Reverend Nunes brought forth.

22 And now, as we always do, we begin our
23 meetings with the Pledge of Allegiance, and we
24 recognize distinguished heroes of our military at
25 the same time.

1 We have Vietnam War-era Veterans from
2 the Bayville American Legion, including United
3 States Marine Corps Corporal 4E Joseph Hili, and
4 United States Marine Corps Sergeant Joseph
5 DiLorenzo.

6 Gentlemen, it's an honor for all of us
7 if you would kindly lead us in the Pledge.

8 (Whereupon, the Pledge of Allegiance
9 was recited by Veterans from the Bayville American
10 Legion.)

11 SUPERVISOR SALADINO: Thank you very
12 much.

13 And, at this time, it's important that
14 we keep in mind all of the women and the men
15 serving us in the United States military, our Armed
16 Forces, and for the men and women in law
17 enforcement, all of our first responders and
18 firematics, public safety, and, of course, all of
19 our health care heroes, may God protect all of
20 them.

21 Folks, before we sit down, we, as a
22 Town Board and a family in the Town of Oyster Bay,
23 have to inform you that it is with great sadness
24 that we remember the passing of a distinguished
25 United States Army Vietnam combat Veteran, a

1 retired Town of Oyster Bay employee, and a dear,
2 dear friend to all of us, and that being Joe
3 Ingino.

4 He was, personally, larger than life
5 with his big and warm generous heart that earned
6 him the nickname, "Big Joe." He was a
7 one-of-a-kind friend to this Town.

8 Joe was in Vietnam from 1969 to '70 and
9 earned many ribbons and medals for his courage and
10 his meritorious service. He gave back to all, and
11 he served as President of Chapter 82 Vietnam
12 Veterans of America and dedicated countless hours
13 to establishing the Nation's first visible legacy
14 to more than 300,000 Vietnam Veterans chemically
15 wounded or killed by Agent Orange dioxanes.

16 Joe was extremely active in numerous
17 Veterans organizations and was heavily involved in
18 Veteran initiatives and causes. He was an
19 incredible advocate for our Veterans, and his
20 legacy of service will long be remembered.

21 Joe was our friend, and he and the
22 Veterans he worked with continue to serve us and
23 remind us how privileged we are to live in this
24 Nation.

25 With that in mind, we ask you all for a

1 moment of silence in memory of the passing of our
2 dear, dear friend, Joe Ingino.

3 (Whereupon, a moment of silence was
4 observed by the assemblage.)

5 SUPERVISOR SALADINO: Thank you.

6 Please be seated.

7 Folks, we have a busy day. This is the
8 last Board meeting of calendar year 2022. We have
9 four -- I believe it's four hearings. We ask you
10 all to be patient through those four hearings, and
11 then after that, we're going to break for an
12 Executive Session -- and it should go quickly, but
13 we, again, appreciate the patience -- and then
14 after that, we're going to come out for the Regular
15 Action Calendar of the day.

16 Before we begin with all of that,
17 though, we have some special presentations, and,
18 first, I ask you to join us in welcoming Plainview
19 resident Joel Rauch, a retired elementary school
20 teacher who, in his later years, has become a noted
21 author of children's books and has donated proceeds
22 to the Mid-Island Y JCC.

23 Joel met an early goal when he had to
24 write a children's book. Not only did he achieve
25 that goal, he has written several popular books,

1 the most recent one entitled, "The Wise Old Owl."

2 He then made good on another goal -- to
3 give back to the community, and do it in a
4 substantial way. The Mid-Island Y JCC was the
5 beneficiary of Joel's generosity, as the
6 organization provided a renewed special purpose for
7 him and his wife, Fran, both happily married for
8 fifty years.

9 Joel, in honor of your vast
10 accomplishments and generosity, the Town of Oyster
11 Bay is proud to recognize you this morning, so if
12 you'd kindly come forward, we have a very special
13 presentation for you.

14 Councilman Steve Labriola, would you
15 help us all to make this presentation?

16 Come on, folks. Let's give Joel a
17 hand.

18 (Whereupon, a round of applause
19 ensued.)

20 (Whereupon, a Town Citation was
21 presented to Mr. Joel Rauch followed by a photo
22 opportunity and a round of applause.)

23 SUPERVISOR SALADINO: Folks, for our
24 next presentation, we are very happy to recognize
25 some incredible people who continue to make a

1 difference in a very special community in this
2 Town.

3 Hicksville is the most diversified
4 community in all of Long Island. It has the number
5 one railroad station in terms of ridership in all
6 of Long Island, and there is an enormous amount of
7 community participation, which was proven during
8 our DRI where the Town won a \$10 million grant to
9 reform the downtown of Hicksville, and that
10 happened, in part, because of the work of our
11 Board, but make no mistake, the work of these next
12 individuals has been phenomenal, and they are
13 clearly community leaders in Hicksville.

14 So we're proud to introduce to you
15 Harry Single, Charlie Montana, Charlie Razenson and
16 James Madden.

17 If you could all, please, come up,
18 gentlemen.

19 So, folks, these outstanding citizens
20 are lifelong Hicksville residents and Board members
21 of the Hicksville Chamber of Commerce. Each was
22 heavily involved with COVID response during the
23 height of the pandemic, distributing masks and
24 COVID tests to residents and local organizations.
25 They also joined forces with our Town Board to

1 beautify Broadway by raising charitable funds for
2 decorative wreaths, American flags, planters,
3 flower baskets and much, much more.

4 These honorees are passionate about
5 coming together, taking actions, and making
6 positive changes within the community. What we
7 have mentioned are only some of the ways that their
8 leadership has made for a better Hicksville for the
9 business community, but also for the residents at
10 large. Their example is one that should be modeled
11 by all of us in this Town, and, frankly, the people
12 in every community, so we're very, very proud to
13 recognize them and thank them.

14 I'm going to ask Vicki Walsh and Laura
15 Maier and Jeff Pravato and Rich LaMarca to help us
16 in making these presentations to these incredible
17 individuals.

18 And I thank, once again, we have an
19 enormous debt of gratitude for Harry Single,
20 Charlie Montana, Charlie Razenson, and James
21 Madden, the epitome of leadership.

22 Thank you, guys.

23 (Whereupon, a round of applause
24 ensued.)

25 (Whereupon, Town Citations were

1 presented to Harry Single, Charlie Montana, Charlie
2 Razenson, and James Madden followed by a photo
3 opportunity and a round of applause.)

4 SUPERVISOR SALADINO: Folks, just a few
5 announcements that our residents would be happy to
6 hear about, and then we'll get to our hearings --
7 as I mentioned, four hearings -- and then we break
8 for Executive Session, and then we come back out
9 for our Action Calendar at this very busy Board
10 meeting.

11 So a quick reminder, the Town of Oyster
12 Bay has been very successful with its Toys for Tots
13 program, and it's still ongoing with collection
14 boxes at Town Hall South, here at Town Hall North,
15 and at the Town's Ice Skating Center in Bethpage.

16 So a week ago this weekend -- you
17 remember a very, very rainy weekend -- our staff
18 from the Parks Department and Public Safety and
19 others went to John J. Burns Park in Massapequa for
20 a drive-thru toy drive toy collection. It was
21 amazing. More than 30,000 toys were collected.

22 The first time we did this -- the first
23 year of the pandemic -- we collected about 1,600
24 toys. The next year -- last year -- we collected
25 about 16,000 toys. And this year, just about

1 30,000 toys and gifts for girls, boys and
2 teenagers.

3 I want to thank our -- the generosity
4 of our -- we really appreciate the generosity of
5 our residents. Many of your Town Board members,
6 who may have the sniffles now, were standing out in
7 the rain all day collecting those toys. It was a
8 nasty day.

9 Because of that, we, then, made it a
10 two-day toy collection and brought everyone back
11 out. If you remember, the day after the rain was a
12 very cold, cold Sunday, and our residents came out
13 again, and, of course, our employees.

14 We want to thank our employees very
15 much. This is a busy time of year. When you think
16 about all the responsibilities we have for the
17 holidays, our employees took up two full days that
18 they dedicated to the toy drive, and we appreciate
19 that just like we appreciate the work of Public
20 Safety and the Department of Community and Youth
21 Services for not holding one, but two different
22 holiday events.

23 So we've had for, oh, I guess, 25
24 years, our very successful holiday concert at the
25 Tilles Center, which is free to our residents, and

1 we thank our sponsors for that. So the Department
2 of Community and Youth Services and the Public
3 Safety work very hard all year round, quite
4 frankly, to provide for that show.

5 During the pandemic, you couldn't all
6 fill the seats at the Tilles Center, so we had to
7 cancel the show, but we didn't want to cancel the
8 holiday celebration. So they came up with this
9 very creative drive-thru at John Burns -- I'm
10 sorry, at Marjorie Post Park -- with the holiday
11 lights, a play for children that you can watch
12 through your car -- you turn on the car radio and
13 you can hear the sound -- there was a movie, and
14 even a holiday village that families could safely
15 walk through, take photos. The Chiefettes Kickline
16 performed. It was really special.

17 So Maureen Fitzgerald and the
18 Department of Community and Youth Services this
19 year, normally, would have dropped the drive-thru
20 and gotten back to the Tilles Center. They did
21 both. They did both. Think of the hours and the
22 time the staff -- who have their own families at
23 night and on the weekends -- dedicated to serving
24 you, the public, when they have all these
25 responsibilities for the holidays with their own

1 families.

2 So it really speaks to who the Town of
3 Oyster Bay is. It speaks to the motivation and
4 commitment of our workforce to serve your needs.

5 We're exceptionally proud of them, and
6 we're so happy that everyone enjoyed not one, but
7 three shows at the Tilles Center, which were all
8 free, and the holiday drive-thru -- I think it was
9 five nights in all -- also free. Let's give them a
10 hand.

11 (Whereupon, a round of applause
12 ensued.)

13 SUPERVISOR SALADINO: We also want to
14 thank our partners on the toy drive -- the United
15 States Marine Corps and Optimum.

16 Thank you, Optimum, for all your
17 generosity.

18 And to extend a tremendous thanks to
19 our generous residents as well as, as I mentioned,
20 the Town of Oyster Bay employees.

21 On another note, there is an enormous
22 need for blood, and the demand is higher during the
23 holidays, I guess, because folks are so busy. It's
24 difficult to make the time to donate blood.

25 With this in mind, the Town is hosting

1 another blood drive, and it's this Thursday,
2 December 15th, from 1:00 to 7:00 p.m., at the
3 Hicksville Athletic Center, and you can make your
4 appointments to donate to the New York Blood Center
5 by calling our Public Information Office at
6 516-624-6380. That number again is, 516-624-6380.
7 Give the gift of life this holiday season, and
8 donate blood.

9 (TIME NOTED: 10:54 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
December 13, 2022
10:55 a.m.

HEARING - Finance

To consider the application of the Oyster Bay Water District for the issuance of serial bonds for improvements to the Water District. (M.D. 11/1/22 #38).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: And with that, I
2 ask our Town Clerk, Rich LaMarca, to poll the
3 Board.

4 MR. LaMARCA: Supervisor Saladino?

5 SUPERVISOR SALADINO: Present.

6 MR. LaMARCA: Councilwoman Johnson is
7 absent.

8 Councilman Imbroto?

9 COUNCILMAN IMBROTO: Here.

10 MR. LaMARCA: Councilman Hand?

11 COUNCILMAN HAND: Present.

12 MR. LaMARCA: Councilman Labriola?

13 COUNCILMAN LABRIOLA: Present.

14 MR. LaMARCA: Councilwoman Maier?

15 COUNCILWOMAN MAIER: Present.

16 MR. LaMARCA: Councilwoman Walsh?

17 COUNCILWOMAN WALSH: Present.

18 MR. LaMARCA: We have a quorum,
19 Supervisor.

20 SUPERVISOR SALADINO: Thank you very
21 much.

22 So with that, we're ready to get
23 started with the first of our four hearings.

24 Would you please call the first
25 hearing?

1 MR. LaMARCA: Today's first hearing is
2 to consider the application of the Oyster Bay Water
3 District for the issuance of serial bonds for
4 improvements to the Water District.

5 MR. RIGOS: Good morning.

6 My name is Dustin Rigos. I'm a senior
7 project engineer at H2M Architects and Engineers.
8 We are the consulting engineers for the Oyster Bay
9 Water District.

10 Today, I am here before the Town Board
11 to request additional bonding for one of two
12 District projects currently being financed, in
13 part, by an existing Town bond issue.

14 In May of this year, the Oyster Bay
15 Water District received bids for the construction
16 of a new AOP treatment plant at their Plant 2 well
17 site.

18 Plant 2 houses two critical water
19 supply wells for the District, and the project was
20 initiated in response to a New York State Health
21 Department regulation that was established in
22 August of 2021, for the removal of 1,4 dioxane.

23 The District has detected low levels of
24 1,4 dioxane at Plant 2, and to be proactive to
25 ensure the drinking water supply meets current and

1 future regulatory requirements, the AOP treatment
2 project was initiated.

3 Due to material cost increases and
4 supply chain effects, the construction costs for
5 the AOP has increased since the initial planning
6 and initial cost estimate.

7 The District requests their current
8 bond be increased by \$720,000 for a total amount of
9 \$3,931,780.

10 I'll note that the balance of the
11 project is being funded through a New York State
12 EFC grant. The District has the opportunity to
13 obtain \$3.2 million from the grant program, which
14 was really helpful for the District to finance this
15 project.

16 The Oyster Bay Water District, as you
17 know, is a Special District and is required under
18 New York State Law to obtain bonding from
19 (inaudible) from the Town of Oyster Bay. The
20 District's residents and property owners will be
21 assessed the cost of this bond. It will not be
22 assessed to the entire Town of Oyster Bay.

23 I will open it up to any questions that
24 the Board or the Supervisor might have for this
25 request.

1 COUNCILMAN HAND: Just a quick question
2 in regards to the 1,4 dioxane.

3 Is the District going to seek recovery
4 from a principal responsible party, and, if so,
5 could you name that party?

6 MR. RIGOS: The District, right now, is
7 currently in part of an overall lawsuit from
8 various water suppliers. The name of that
9 particular recovery I'm not able to speak to today.

10 COUNCILMAN HAND: Okay.

11 Thank you.

12 SUPERVISOR SALADINO: But your answer
13 is, yes, you're going forward with an attempt to
14 fully recover all of these costs from that party?

15 MR. RIGOS: Correct.

16 SUPERVISOR SALADINO: Can you speak to
17 why you're here before this Board when you have a
18 governing Board, and, if passed, if these bonds are
19 taken out, who, specifically, will be responsible
20 for paying them back?

21 MR. RIGOS: Sure.

22 I'm before the Town Board under
23 Municipal Law. The Oyster Bay Water District is a
24 Special District. It's required to obtain bond
25 financing through the Town Board. They're

1 prohibited to obtain bonds through the open market.

2 SUPERVISOR SALADINO: You mean New York
3 State Municipal Law mandates that we approve the
4 bonding for another municipality with its own
5 elected officials?

6 MR. RIGOS: That is correct.

7 SUPERVISOR SALADINO: And if we approve
8 this, who, specifically, will pay back these bonds?

9 MR. RIGOS: The residents and property
10 owners within the Oyster Bay Water District.

11 SUPERVISOR SALADINO: Only.

12 And not the Town of Oyster Bay
13 residents at large?

14 MR. RIGOS: Correct.

15 SUPERVISOR SALADINO: How many years
16 will the bonds be for?

17 MR. RIGOS: Let me just check my notes
18 here.

19 SUPERVISOR SALADINO: If you can't
20 readily find that, it's okay.

21 I would imagine it would be similar to
22 the bonding the Town takes.

23 MR. RIGOS: Yes. It's typically twenty
24 years. I just wanted to confirm that.

25 SUPERVISOR SALADINO: Typically,

1 twenty, okay.

2 And do you happen to know what the
3 annual financial impact would be, if passed, and
4 these monies borrowed -- how much more the average
5 water ratepayer would be paying?

6 MR. RIGOS: I don't have that
7 assessment with me today.

8 MS. TESTA: As of right now, we're not
9 raising water rates, and they're not looking to
10 raise the water rates.

11 SUPERVISOR SALADINO: So if you're able
12 to absorb the cost of these --

13 MS. TESTA: As of right now, yeah. For
14 the next year or two, they're not looking to raise
15 the water rates.

16 SUPERVISOR SALADINO: Does anyone have
17 any other questions?

18 (Whereupon, there was no response from
19 the Board.)

20 SUPERVISOR SALADINO: All right.

21 Would you like to sum up?

22 MR. RIGOS: Sure.

23 In summary, as part of New York State
24 Health Department Regulations, the Oyster Bay Water
25 District is continuing with the construction of an

1 AOP treatment plant, and under New York State
2 Municipal Law, we are petitioning the Board for the
3 increase in our existing Town bond issue.

4 Thank you.

5 COUNCILWOMAN MAIER: I just have a
6 quick question.

7 You did indicate that you're not
8 raising the water rates for the next one to two
9 years.

10 Do you know, approximately, how much
11 per household that equates to?

12 MS. TESTA: I do not know because we
13 don't know what the costs are going to be as far as
14 running the treatment plant yet. It's going to be
15 a costly project once the treatment plant goes
16 online.

17 We do not know yet because the
18 treatment plant is not going to be done for at
19 least the end of 2023 into 2024, so we do not know,
20 right now, what the cost of running the plant is
21 going to be.

22 COUNCILWOMAN MAIER: So how do you know
23 to basing the assessment of not raising rates?

24 MS. TESTA: Well, we're not going to
25 raise them within the next year. They've already

1 made a decision not to raise the rates.

2 SUPERVISOR SALADINO: I get what the
3 Councilwoman is asking, and can we be assured that
4 in your communications with your ratepayers, you
5 will be informing them, on a regular basis, of
6 where you're at, and what the expectation in an
7 increase in their rates to cover the cost of the
8 bond?

9 MS. TESTA: Absolutely.

10 SUPERVISOR SALADINO: Will you be
11 communicating that with them in a transparent way?

12 MS. TESTA: Yes. Yes.

13 MR. RIGOS: Yes.

14 MS. TESTA: If we were going to raise
15 the rates, it wouldn't be where we raise them right
16 away. We would let people know a year or so in
17 advance that the rates were going to go up.

18 SUPERVISOR SALADINO: Can we assume
19 that that means there will be a phase-in of the
20 rate increases over a number of years?

21 MS. TESTA: Yes.

22 MR. RIGOS: Correct.

23 SUPERVISOR SALADINO: Does that satisfy
24 your question?

25 COUNCILWOMAN MAIER: Yes.

1 COUNCILMAN LABRIOLA: For the record,
2 who is that speaking?

3 SUPERVISOR SALADINO: Yeah.

4 For the record, could you please
5 identify yourself.

6 MS. TESTA: I'm Karen Testa. I'm the
7 Office Manager of the Oyster Bay Water District.

8 SUPERVISOR SALADINO: Okay.

9 And the address of the Oyster Bay Water
10 District is?

11 MS. TESTA: 45 Audrey Avenue.

12 SUPERVISOR SALADINO: Thank you.

13 I believe that's sufficient.

14 MR. McEVOY: If you have any other
15 questions, Supervisor, I'd be happy to answer them.

16 SUPERVISOR SALADINO: If you would like
17 to come to the podium, if you have the answer just
18 to questions that we've asked. I don't think
19 there's any others.

20 MR. McEVOY: Robert McEvoy, Chairman of
21 the Oyster Bay Water District.

22 The question being, how much per
23 household: If we are successful in our lawsuit and
24 recouping the money from the polluters, there will
25 be no cost.

1 The Town -- we've asked for to issue
2 these in BANs. The first year you only pay
3 interest, so it's not expensive. We have surplus
4 on the books of the Oyster Bay Water District in
5 order to pay, at least, that. And then as we go
6 forward, we'll adjust our finances accordingly.

7 SUPERVISOR SALADINO: Okay.

8 And you confirm what we heard earlier
9 that as you find the need to adjust those, you'll
10 be transparent and inform the public in your
11 communications?

12 MR. McEVOY: Absolutely.

13 We do all our proper reports, we put
14 our budget online, it goes through the Town of
15 Oyster Bay, we have a public hearing before the
16 Board before our budget is adopted and the funds
17 are assessed to the Water District.

18 SUPERVISOR SALADINO: Thank you,
19 Commissioner.

20 Are there any other questions?

21 COUNCILMAN LABRIOLA: Mr. McEvoy, if
22 you could just answer the additional question that
23 was asked, it was the term of the bond.

24 MR. McEVOY: The term of the bond
25 should be in the paperwork prepared by the Town of

1 Oyster Bays's Bond Council. It's usually twenty
2 years. It can be issued for lower if an
3 arrangement is made. It's a maximum amount of
4 years for a construction like this -- probably
5 thirty -- because a building is involved, equipment
6 is, usually, generally less.

7 So if the Water District confers with
8 the Town of Oyster Bay Director of Finance and
9 says, you know what, we want to accelerate that
10 payment so we're not paying that much more on the
11 interest end of it, and we want to pay it off in
12 fifteen, that arrangement can be made. You can't
13 extend beyond the New York State Local Finance Law
14 designated period of probable usefulness, but you
15 can always pay it off faster. Okay?

16 COUNCILMAN LABRIOLA: Thank you.

17 SUPERVISOR SALADINO: Commissioner,
18 your experience is very obvious, and your answers
19 are much appreciated.

20 MR. McEVOY: Thank you very much,
21 Mr. Supervisor.

22 SUPERVISOR SALADINO: With that, if
23 there are no other questions, may I have a motion,
24 please?

25 COUNCILMAN IMBROTO: Supervisor, I make

1 a motion to close the hearing and to be voted on
2 today.

3 COUNCILMAN HAND: Second.

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

6 ALL: "Aye."

7 SUPERVISOR SALADINO: Those opposed,
8 "Nay."

9 (Whereupon, there were no "Nay"
10 responses from the Board.)

11 SUPERVISOR SALADINO: The "Ayes" have
12 it.

13 Thank you.

14 Would you please -- actually, before we
15 close the hearing, I failed to ask if there is
16 anyone who would like to speak.

17 We don't have to reopen the hearing if
18 there is no one, but this, of course, is your
19 opportunity to be heard.

20 So, is there anyone present who would
21 like to be heard on this hearing?

22 (Whereupon, there was no response from
23 the assemblage.)

24 SUPERVISOR SALADINO: Please let the
25 record reflect that no one has indicated they would

1 like to speak, and, therefore, we're going to
2 assume that there is no reason to reopen the
3 hearing.

4 COUNCILMAN IMBROTO: Is there any
5 correspondence?

6 MR. LaMARCA: Supervisor, we have
7 Affidavits of Posting and Publication.

8 There is no other correspondence.

9 SUPERVISOR SALADINO: Okay.

10 So with that, may I re-have that motion
11 again?

12 COUNCILMAN IMBROTO: Motion to close
13 the hearing with the Resolution to be voted on
14 today.

15 COUNCILMAN HAND: Second.

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

18 ALL: "Aye."

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

21 (Whereupon, there were no "Nay"
22 responses from the Board.)

23 SUPERVISOR SALADINO: The "Ayes" have it.
24 Thank you very, very much.

25 (TIME NOTED: 11:05 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
December 13, 2022
11:06 a.m.

HEARING - P-12-22

To consider the application of 7-Eleven Inc., lessee and Sunnyside Corner, LLC, fee owner, for Modification of existing Declaration of Restrictive Covenants, Special Use Permit and Site Plan Approval for premises located at 175 Sunnyside Boulevard, Plainview, New York. Hearing adjourned from November 15, 2022. (M.D. 10/11/22 #33).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: May we call the
2 next hearing, please?

3 MR. LaMARCA: The second hearing today
4 is to consider the application of 7-Eleven, Inc.,
5 lessee, and Sunnyside Corner, LLC, fee owner, for
6 modification of existing Declaration of Restrictive
7 Covenants, Special Use Permit and Site Plan
8 Approval for premises located at 175 Sunnyside
9 Boulevard, Plainview, New York. Hearing adjourned
10 from November 15, 2022.

11 MR. BROWN: Good morning,
12 Mr. Supervisor.

13 SUPERVISOR SALADINO: Good morning.

14 MR. BROWN: How is everyone on the
15 Board today?

16 SUPERVISOR SALADINO: Very good.

17 MR. BROWN: Good morning, Honorable
18 members of the Town Board.

19 For the applicant, Keith Brown of
20 Brown, Altman & DiLeo, 538 Broadhollow Road, Suite
21 301 West, Melville, New York, 11747.

22 First, I'd like to thank you for
23 hearing our application today.

24 We're here on behalf of 7-Eleven, Inc.
25 to redevelop the property located at 175 Sunnyside

1 Boulevard in Plainview, New York, with a brand-new
2 state-of-the-art gasoline fueling station with an
3 accessory convenience store.

4 As a matter of housekeeping, all Public
5 Notice mailings and posting were performed in
6 accordance with the Town Code, and proof of Public
7 Notice of today's hearing was submitted to the Town
8 Clerk's Office.

9 If I may, I'd just like to point out,
10 for the record, that we just received a letter from
11 the Town Attorney. The letter is from one
12 McLaughlin & Stern, dated yesterday, the 12th.

13 The letter is a little disturbing since
14 the matter -- McLaughlin & Stern represents that
15 they represent 45 Owners, LLC, who's the property
16 owner just to the east of our site. It's
17 disturbing because they have been on notice since
18 October of this application -- you heard the Clerk
19 when he called the case say that the matter has
20 been adjourned since November.

21 Presumably, McLaughlin & Stern, with
22 its six offices, has other attorneys who are
23 available, and they can send someone else to be
24 here today, but my client is here, we have six
25 witnesses, we are ready to go.

1 We understand it's the policy of this
2 Town Board to leave the record open for 30 days
3 following a Public Hearing for any additional
4 comment from the public. They will have an
5 opportunity to be heard at that time.

6 And what's even more disturbing is that
7 they represented to the property owner -- who I
8 have been in contact -- that over the weekend, they
9 had no issues with the application, that they were
10 not appearing today, and that the issues that they
11 raised back in the April letter have all been
12 resolved.

13 So, with that, we would like to
14 proceed, Mr. Supervisor.

15 COUNCILMAN IMBROTO: Proceed,
16 Mr. Brown.

17 SUPERVISOR SALADINO: Please do.

18 MR. BROWN: Thank you.

19 So with me today to speak in support of
20 the application, if I could introduce everyone:

21 We have Luann Viglione, who is the
22 franchisee. She's been the franchisee for the
23 existing 7-Eleven across the street at
24 160 Sunnyside Boulevard for the past fifteen years;
25 behind her is Mr. Ken Bordieri of 7-Eleven, Inc.,

1 the Long Island area real estate representative; in
2 front of them, Mr. Zachary Chaplin, a professional
3 engineer from Stonefield Engineering, our project
4 civil engineer; next to him is Mr. Matthew Seckler,
5 a professional engineer from Stonefield
6 Engineering, our project traffic safety engineer;
7 we also have, across the aisle, Ms. Rebecca Morrow
8 from PW Grosser, our environmental planning expert;
9 and following her, the esteemed Mr. John Breslin,
10 attorney, and our real estate expert.

11 So, in addition, the applicant has
12 submitted a memorandum in support of the
13 application, prepared by our office, dated
14 December 13th of this year, which includes the
15 following documents and expert reports for the
16 record:

17 An aerial exhibit prepared by
18 Stonefield Engineering, dated November 9th -- by
19 the way, we submitted binders to the Clerk's
20 office. You should all have all of these documents
21 in that packet -- second, is photographic
22 simulations of the property; third, is a planning
23 analysis prepared by PW Grosser Consulting, dated
24 November of 2022; a traffic impact study prepared
25 by Stonefield Engineering, dated February 11th of

1 '21, and updated and revised as of November 4th of
2 this year; an appraisal report prepared by Breslin
3 Appraisal Co., Inc., dated November 11th of this
4 year; a letter of support from the neighboring
5 Somerset Gardens senior living facility; a colored
6 rendering Site Plan drawn by Stonefield
7 Engineering, last revised December 20th of last
8 year; a color landscape plan prepared by Stonefield
9 Engineering, last revised December 20th of last
10 year; as well as over one thousand signatures of
11 local businesses, customers and residents.

12 I have a copy up here. Luann has been
13 collecting these for the last several months
14 (indicating). It's signatures of local businesses,
15 customers, and residents from the Plainview area,
16 the customers of the existing 7-Eleven convenience
17 store, located at 160 Sunnyside Boulevard, in
18 support of the application.

19 So in terms of background, the property
20 is located at 175 Sunnyside Boulevard, directly
21 across the street from the existing 7-Eleven. It's
22 approximately 75,458 square feet or 1.73-acre and
23 is located on the southeast corner of the
24 intersection of Executive Drive and Sunnyside
25 Boulevard.

1 The property currently consists of a
2 two-story office building with two parking lots --
3 one in the rear and one in the front. The
4 surrounding area is commercial in nature and is
5 surrounded by commercial and office buildings.

6 To the north of the property is
7 Executive Drive and the Long Island Expressway; to
8 the east of the property is an office building
9 along with a vacant lot; to the south of the
10 property is a self-storage facility; to the west of
11 the property, on the southwest corner of Executive
12 Drive and Sunnyside Boulevard, is the
13 aforementioned 7-Eleven convenience store.

14 That property has been a 7-Eleven
15 convenience store since circa 2004, and it is
16 0.44-acres. The existing 7-Eleven is only a
17 convenience store. It has no gasoline fueling
18 station.

19 So as I mentioned, the existing
20 7-Eleven, due to its diminutive size, delivery
21 trucks and customers often park on the street,
22 blocking traffic and neighboring properties'
23 driveways. The existing parking lot is extremely
24 difficult to maneuver for any sedan, let alone an
25 SUV, pickup or delivery truck.

1 Contained in the files are the letters
2 of support for the application from the neighboring
3 Somerset Gardens senior living facility, which
4 noted some of the issues at the existing 7-Eleven
5 at 160 Sunnyside. Specifically, the letters of
6 support state that trucks cannot park and load
7 on-site, which forces trucks to park along
8 Executive Drive, which blocks the senior living
9 facility driveway.

10 These problems currently being
11 experienced by the community will be eliminated as
12 the plan is to have 7-Eleven close the operation of
13 that convenience store at 160 Sunnyside and move
14 the 7-Eleven convenience store to this property,
15 which is much larger and much more suitable for a
16 gasoline service station and convenience store.

17 COUNCILMAN IMBROTO: Mr. Brown, when
18 you say Executive Drive, that's the LIE service
19 road, right?

20 MR. BROWN: Correct.

21 COUNCILMAN IMBROTO: And that's the
22 service road where the exit for Sunnyside Boulevard
23 is where you would have to get off if you wanted to
24 enter Sunnyside Boulevard?

25 MR. BROWN: That's correct.

1 COUNCILMAN IMBROTO: They're parking in
2 the exit lane for Sunnyside Boulevard.

3 MR. BROWN: That's right.

4 In comparison to Sunnyside Boulevard,
5 this property is 1.73-acre, which is far in excess
6 of the one-acre minimum lot size for the L1 Zoning
7 District in which the property is located.

8 As such, 175 Sunnyside will be able to
9 accommodate the gasoline service and convenience
10 store use and, at the same time, provide for a safe
11 on-site circulation for both vehicles and patrons
12 alike.

13 Specifically, this application will
14 raze the existing office building at 175 Sunnyside
15 and develop it with a gasoline service station with
16 eight fuel islands for a total of 16 fueling
17 positions and -- rounding up one square foot -- a
18 4,000 square foot ADA-compliant 7-Eleven
19 convenience store with full ADA-compliant
20 handicapped bathrooms.

21 So I'd just like to make one thing
22 perfectly clear to the Town Board right from the
23 outset. I know there's been some discussion about
24 this application, and I would just like to set the
25 record straight. This is not a truck stop.

1 For starters, we will only sell and are
2 prepared to condition the approval by using diesel
3 that is low-flow -- low-flow dispensed. So what
4 that means is that low-flow diesel pumps are
5 designed to sell to diesel-powered passenger
6 vehicles and trucks and not for tractor-trailers.

7 For those who are not aware, truck
8 stops sell diesel fuel by using high-flow
9 dispensers. It would, literally, take hours for a
10 tractor-trailer to fill up its tanks by using a
11 low-flow diesel dispenser, which neither drivers,
12 nor dispatchers, nor their operating companies are
13 prepared to have them sit idle and do.

14 They want to get on the Island, they
15 want to make their deliveries and get off of Long
16 Island as fast as possible. That's based on the
17 conversations we've had -- and I see the Receiver
18 of Taxes is laughing -- yes, they want to get in
19 and out, they want to get off the Island before,
20 actually, before traffic builds up in the afternoon
21 rush.

22 SUPERVISOR SALADINO: Mr. Brown?

23 MR. BROWN: Yes.

24 SUPERVISOR SALADINO: By that comment,
25 are you suggesting that trucks won't be filling

1 fuel at this location?

2 MR. BROWN: That is correct.

3 Tractor-trailers won't be.

4 SUPERVISOR SALADINO: Please proceed.

5 MR. BROWN: So based on the
6 conversations we've had with several trucking
7 companies in preparation for today's hearing, they
8 told us that they fill up at their place of origin
9 or in New Jersey where diesel fuel is much cheaper,
10 and where they have, actually, high-flow diesel
11 dispensers.

12 In addition, we do not provide any
13 showers like you would find at a truck stop. We do
14 not allow for any repairs like you would find at a
15 truck stop, and, most importantly, tractor-trailers
16 will not be permitted to loiter or idle on the
17 property, and signs will be posted conspicuously on
18 the property telling drivers of the same.

19 Just a little overview about the site
20 design that we worked very hard to refine. In
21 fact, in regard to the site design, 7-Eleven and
22 the civil engineers have taken great pains to
23 address the various traffic issues being
24 experienced across the street, which have been
25 articulated by the owners of 45 Owners, LLC -- the

1 owners of 45 Executive Drive.

2 The project plan will improve the
3 existing, dangerous traffic conditions like
4 tractor-trailers parking on the service road,
5 impairing drivers' sight distance -- which
6 Councilman Imbroto just brought up -- and will
7 improve the overall site landscaping and buffering,
8 a point our engineers will testify to you shortly.

9 For instance, we will be more than
10 doubling the amount of available on-site parking.
11 The new store is designed to accommodate 30
12 off-street stalls, which includes six oversized
13 vehicle stalls that can be utilized by both box
14 trucks and tractor-trailers, and this does not
15 include vehicles at the dispensers; whereas, the
16 current site, at 160 Sunnyside Boulevard, provides
17 only 15 off-street parking stalls, and if you, like
18 me, went to that site, you experienced just how
19 difficult it is to maneuver into that parking lot,
20 and the fact that left-turn lanes out of that site
21 are prohibited by the signage that's there.

22 The new store --

23 COUNCILMAN IMBROTO: Which doesn't stop
24 people from constantly making illegal left turns to
25 get back to the LIE from the existing site, which

1 they would not have to make on the new site.

2 MR. BROWN: That's correct.

3 So the new store will also have a
4 designated loading area behind the new 7-Eleven
5 convenience store, which makes it far superior
6 without any conflict between vehicular parking and
7 loading area. This will be a significant
8 improvement to the existing conditions as delivery
9 trucks will not be forced to park off-site and
10 block the entrance to the existing store.

11 The new site will have multiple points
12 of access as well. The site design calls for
13 removing the northerly driveway along Sunnyside
14 Boulevard, and the site will have a right in/right
15 out driveway on Sunnyside and a right in/right out
16 driveway on Executive Drive.

17 The removal of the northerly driveway
18 will reduce potential collision points, and, in
19 addition, this site, as opposed to the existing
20 7-Eleven at 160 Sunnyside Boulevard, will provide
21 direct access onto Executive Drive.

22 Just for those who don't know, even
23 though the lot at 160 fronts on Executive Drive
24 further to the west, you can't go out that way.
25 It's completely blocked. It was designed that way.

1 This will provide a benefit to the area and allow
2 vehicles to easily re-access the Long Island
3 Expressway.

4 The new store at 175 Sunnyside
5 Boulevard will be set back further from Executive
6 Drive and further from the neighboring parcel to
7 the east. With respect to Executive Drive, the
8 existing building is located approximately 20.6
9 feet from the property line. In comparison, the
10 fuel and canopy will be located 34.9 feet and the
11 convenience store will be setback 133 feet from
12 Executive Drive. This is an improvement of
13 approximately 14.3 feet.

14 In addition, the existing building is
15 setback approximately 64 feet from the neighboring
16 parcel to the east. In comparison, the new canopy
17 will be set back approximately 98 feet from the
18 parcel to the east and the convenience store will
19 be setback approximately 113 feet from the parcel
20 to the east. This will improve existing conditions
21 by 34 feet.

22 In addition, the applicant will be
23 including a landscape buffer along its side yard
24 and rear yard and completely beefing up
25 landscaping that currently exists.

1 As I mentioned, there will be no
2 automotive repairs or servicing of vehicles or
3 outdoor storage of automobile parts, dismantled
4 vehicles, or any other similar items on the
5 property.

6 As this Board is aware, a Special
7 Permit is tantamount to a legislative finding that
8 the use is in harmony with the general zoning plan
9 and will not adversely affect the neighborhood.
10 That's Case Law cited in "Retail Property Trust
11 versus the Board of Zoning Appeals of the Town of
12 Hempstead." The citation is 98 NY2d 190, and it's
13 a 2002 case.

14 We submit that this application will
15 not adversely affect the neighborhood. We
16 recognize the concerns of some of the neighbors;
17 particularly, the neighbor to the east. We have
18 had many conversations with that neighbor to
19 assuage their fears and will address each of them
20 during the presentation and during the testimony.

21 In addition, we just received the
22 letter from an adjacent neighbor to the west on the
23 other side of Sunnyside Boulevard on Summit Court,
24 and, respectfully, it appears that they're
25 confused, and that they believe that we're

1 attempting to redevelop the existing 7-Eleven at
2 160.

3 As you can see by the letter, and I can
4 just tell you, the house is located behind Somerset
5 Gardens and the 7-Eleven that is the subject of the
6 Public Notice, dated October 18th of 2022, the
7 notice states that the owner and the lessee are
8 hoping to demolish the structure and build a new
9 store and gas station on the property, so, I
10 believe, that it's -- Ms. Barbara Tetenbaum
11 (phonetic) believes that we're redeveloping the
12 site at 160, so I'd just like to point that out for
13 the record.

14 With respect to the Special Use Permit
15 criteria, specifically, the property is large
16 enough to accommodate gasoline fueling and
17 convenience store uses such that there is safe
18 on-site circulation for vehicles and patrons.

19 There will be significant landscaping
20 along Executive Drive and Sunnyside Boulevard as
21 well as the property's side and rear yards. A
22 six-foot tall fence will line the property
23 screening on-site activities from disrupting the
24 surrounding properties, and in regard to parking,
25 there'll be surplus of off-street parking where 28

1 stalls are required by the Town Code and 30 are
2 proposed, including the six stalls for oversized
3 vehicles.

4 Also this property will have designated
5 loading areas, as I mentioned, and it should also
6 be noted that the application will comply with all
7 the conditions listed in Town Code Sections
8 246-5.5.17 for motor vehicle fueling sale uses.

9 One of those is Town Code Section
10 246-5.2, which authorizes the Town Board to grant
11 Special Permit for a use that it determines, "is of
12 same general character as other permitted uses in
13 the District and that such use will not be
14 detrimental to that District."

15 The new gasoline station complies with
16 the individual standards and requirements for
17 gasoline station uses with an accessory convenience
18 store including the off-street parking
19 requirements, and it is respectfully submitted that
20 an accessory convenience store use is similar to a
21 retail store use, which is permitted, under the L1
22 Zoning District.

23 The new gasoline fueling station with
24 accessory convenience store will not be detrimental
25 to the existing L1 Zoning District as the use of

1 the property is consistent with the general
2 character of the surrounding neighborhood.

3 And since the property has frontage on
4 Executive Drive and provides direct access to the
5 Long Island Expressway, the gas station will
6 provide a much needed gasoline station and
7 convenience store services to those travelling on
8 the LIE, as well as the industrial park in the
9 area.

10 Additionally, the project plan includes
11 site improvements that will make this property far
12 more attractive to the surrounding neighborhood.

13 As such, we respectfully request that
14 this Board grant Site Plan and Special Use Permit
15 approval, as it is a vast improvement over the
16 existing 7-Eleven -- that 7-Eleven would never be
17 allowed to be constructed under today's Town Code
18 and today's engineering design and construction
19 standards -- and that we've met each and every
20 criteria set forth in the Town Code to grant
21 Special Use Permits for gas fueling stations and
22 convenience stores as well as Site Plan Approval
23 pursuant to Section 246-6.

24 So, with that as an overview, we would
25 like the Board to hear from the franchisee herself,

1 Ms. Luann Viglione.

2 Luann.

3 Thank you.

4 MS. VIGLIONE: Thank you.

5 My name is Luann Viglione --

6 COUNCILMAN IMBROTO: Could you just
7 pull the microphone down a little?

8 Thank you.

9 MS. VIGLIONE: Is that better?

10 COUNCILMAN IMBROTO: Yes.

11 SUPERVISOR SALADINO: Yes, it is.

12 MS. VIGLIONE: I'm a little nervous.

13 SUPERVISOR SALADINO: Don't be.

14 MS. VIGLIONE: My name is Luann
15 Viglione. I'm the franchisee at 7-Eleven at
16 160 Sunnyside Boulevard, and I took over the store
17 in December of 2007. I have 12 employees, almost
18 all of whom live in the Town of Oyster Bay, but
19 just after a few weeks in the store, it was evident
20 that there was a huge traffic issue.

21 With only one way in and out of the
22 parking lot, the cars would converge at the
23 entrance and, kind of, line up to get into the
24 parking lot.

25 In addition, on the service road,

1 traffic -- especially, the large trucks -- would
2 park along the service road so that the truckers
3 could jump out of their trucks, come into the
4 store, go back into the trucks, and get right back
5 onto the LIE.

6 This was and is a very dangerous
7 situation especially because the neighbor to my
8 south is a senior living center, and they have a
9 lot of seniors and a lot of visitors that come and
10 go on a daily basis.

11 We tried everything. The assisted
12 living facility and I met with the police, the
13 community police, to see if there was something we
14 could do. I met with Legislator Drucker's staff
15 because, you know, there were concerns from
16 customers because of the traffic in the area, and
17 even the Town helped by putting up a sign to try to
18 avoid people from making the left, which as someone
19 mentioned, still happens, and the police department
20 has staffed cars in the parking lot of the senior
21 living place to make sure to, kind of, like, ask
22 the truck drivers not to park there.

23 Unfortunately, nothing's worked. We've
24 been trying to resolve the situation for years, and
25 we've always been searching for a nearby location

1 to relocate to, so I was really excited when we
2 were able to lease the space across the street.

3 I knew that the new site would not only
4 prevent the trucks from parking along the assisted
5 living facility but, now, we'll, actually, have
6 parking spaces so that these large trucks can come
7 in and park, leave the parking lot, and get right
8 back onto the LIE without disturbing any of our
9 neighbors.

10 We'd also be able to accept deliveries.
11 Right now, if you have a large Coke truck come into
12 the parking lot, that's it. The parking lot is,
13 basically, closed down, so it's a very difficult
14 situation.

15 So if you are familiar with the area,
16 it's, basically, industrial, and the only really
17 close residence is the assisted living facility,
18 and, as was mentioned, you know, we've met several
19 times over the years to try and resolve it, and
20 they've given us a letter. It's so important for
21 the safety of their seniors to be able to make this
22 change.

23 So, also in addition to preparing for
24 today, I put out petitions for our customers. I,
25 kind of, informed them that there was the potential

1 of us relocating across the street, and our
2 customers were really excited about it because
3 they'll have a place where they can pull in and
4 pull out of the parking lot without worrying about
5 getting hit from another car.

6 We have it here today, and we have over
7 one thousand signatures from our customers.

8 SUPERVISOR SALADINO: Would you happen
9 to know if any of those customers are the operators
10 of 18-wheel vehicles?

11 MS. VIGLIONE: No, I wouldn't know,
12 specifically, if they were. No.

13 SUPERVISOR SALADINO: Okay.

14 MS. VIGLIONE: We, actually, just have
15 it down on the counter with a sign explaining to
16 everyone what's going on.

17 During the pandemic -- just to give you
18 a little bit of what went on -- we remained open
19 except for about four weeks where I just didn't
20 have anyone to work the overnight. Our revenues
21 were down double-digits, and my payroll was up
22 significantly because the few staff that I did
23 have, I had to give them a ton of overtime to be
24 able to keep the store going.

25 Truthfully, if it wasn't for the PPP

1 loan, I probably wouldn't be here today. So I'm
2 just starting to get back to pre-COVID numbers
3 again, but as we all know, our expenses, even
4 though our revenues are coming back, the expenses
5 are ridiculously higher than the revenues that
6 we're getting back, so moving across the street
7 would not only create a beautiful and safe
8 environment, but it would really give me the
9 opportunity to build my business like I know that I
10 can.

11 I would really want to do right by the
12 Town. I want to do right by my customers, and the
13 people that live in Plainview, and I would really
14 appreciate this opportunity to relocate the
15 business.

16 I thank you for your time.

17 COUNCILMAN IMBROTO: Thank you.

18 I just have a couple of questions.

19 MS. VIGLIONE: Sure.

20 COUNCILMAN IMBROTO: I, actually, grew
21 up around the block from here, so I know this
22 location better than anyone.

23 It is a very dangerous situation the
24 way it currently is. You have tractor-trailer
25 trucks that are parking, literally, on the exit

1 ramp from the LIE. It's almost impossible if
2 you're trying to get to Plainview to not risk
3 hitting, rear ending one of these trucks that are,
4 literally, parked on the service road in the exit
5 ramp.

6 Are you aware of any accidents that
7 have happened over the years.

8 MS. VIGLIONE: Oh, my God, yes.

9 COUNCILMAN IMBROTO: It's a lot, right?

10 MS. VIGLIONE: Yes. A lot. A lot.

11 COUNCILMAN IMBROTO: Including fatal
12 accidents?

13 MS. VIGLIONE: Yes. And even when you
14 think of -- think of the people pulling out of the
15 assisted living. When those trucks are parked,
16 they can't see when they have to make a turn, so
17 it's really very dangerous.

18 COUNCILMAN IMBROTO: So you have two
19 major traffic issues: You've got the tractor-
20 trailers parking on the exit ramp of the LIE --

21 MS. VIGLIONE: Correct.

22 COUNCILMAN IMBROTO: -- and then you
23 have all of the people --

24 MS. VIGLIONE: Lining up to get into
25 the store.

1 COUNCILMAN IMBROTO: -- lining up to
2 get in and out of the store, and all of the illegal
3 lefts being made to get back to the LIE.

4 MS. VIGLIONE: Correct.

5 COUNCILMAN IMBROTO: Would this
6 application address all of those issues?

7 MS. VIGLIONE: It would address
8 everything because the tractor-trailers that park
9 along the side of the service road, now, will have
10 parking spaces, so that will resolve that
11 situation.

12 COUNCILMAN IMBROTO: Let's just talk
13 about that -- the parking spaces.

14 How are you going to prevent or what
15 measures will you have in place to prevent
16 tractor-trailers from idling in those parking
17 spaces, from staying there overnight, to prevent it
18 from becoming -- developing a truck stop
19 atmosphere.

20 MS. VIGLIONE: Right. We, obviously,
21 don't want that. So what we would do, obviously,
22 we would put up signage, but we're there -- we're a
23 24-hour business, so it would be our
24 responsibility, especially on the overnight, for my
25 employees to go out, kind of, knock on the door and

1 say, hey, you can't be staying here, and if need
2 be, we always have the police to back us up.

3 I mean, that's the one great thing
4 about having a 7-Eleven, especially there. On the
5 overnight, we really don't have a ton of customers,
6 but we have a ton of police, so they're all coming
7 in for coffee, whether it be on the LIE or the
8 local police, and, so, we do have a lot of support
9 from the police in our area.

10 COUNCILMAN IMBROTO: But will you have
11 procedures in place to prevent people from idling
12 in those spots?

13 MS. VIGLIONE: Absolutely. Absolutely.
14 Absolutely.

15 We'll be able to see from the store,
16 like, just sticking our head out -- because the
17 parking spaces are along the side -- to see if
18 anyone is idling. And you would know if they're
19 not in the store, and you see a truck there, so we
20 would just very nicely --

21 COUNCILMAN IMBROTO: So you can see
22 from inside the store?

23 MS. VIGLIONE: Yes. Well, not right
24 from inside.

25 There is no window to that side, but

1 where the door is, you can see where the trucks
2 are.

3 COUNCILMAN IMBROTO: Are there cameras?

4 MS. VIGLIONE: Yes. We have cameras
5 now, and we'll have a very sophisticated system
6 there as well, so you'll be able to see on the
7 screen.

8 COUNCILMAN IMBROTO: So somebody inside
9 the store will be able to monitor a videocamera
10 whether there's anyone idling?

11 MS. VIGLIONE: Absolutely. Yes.

12 COUNCILMAN IMBROTO: How many spots are
13 there for tractor-trailers?

14 MS. VIGLIONE: I think that there's six
15 spots.

16 COUNCILMAN IMBROTO: Do you have to
17 have six?

18 MS. VIGLIONE: I think the more that we
19 have, the better, so in case -- I've never seen six
20 tractor-trailers. I don't know if I've never seen
21 them because there's only, maybe, three or four
22 that there's room for on the side of the LIE.

23 I think that six is maybe a little bit
24 more than we need, but I'd rather be safe than
25 sorry. I don't want them parking on the LIE, I

1 don't want them disturbing the neighbors parking
2 along the service road. We want to give them the
3 opportunity to come in.

4 And even our deliveries, you know, to
5 give the delivery trucks an opportunity to come in
6 and not block the parking lot.

7 COUNCILMAN IMBROTO: Okay.

8 Do you ever have tractor-trailers
9 parking at the new proposed site and walking across
10 Sunnyside Boulevard.

11 MS. VIGLIONE: No. No. We don't.
12 Because even right now the parking lot is empty
13 across the street. Every once in a while, there'll
14 be, like, a FedEx truck that's parked in there. I
15 don't know if he's eating his lunch, but for the
16 most part, I'm surprised that it hasn't happened,
17 but it really hasn't happened. I mean, we -- I've
18 been parking there, and I've seen a FedEx truck.
19 That's about it.

20 COUNCILMAN IMBROTO: Can you just
21 explain for people who don't know the area exactly
22 why the location on the eastern side of Sunnyside
23 Boulevard is safer than on the western side where
24 it currently is?

25 MS. VIGLIONE: Yeah, sure.

1 Because one of the things is --

2 COUNCILMAN IMBROTO: Or do you have an
3 expert that's going to explain it --

4 MS. VIGLIONE: I know, we do have an
5 expert --

6 COUNCILMAN IMBROTO: -- in layman's
7 terms for a person who's dumb like me.

8 MS. VIGLIONE: In layman's terms, you
9 know, just as a customer, it will be safer. It
10 will be easy to get in and out of the parking lot.
11 There'll be more spots. I wouldn't be waiting
12 along Sunnyside Boulevard, which is so dangerous,
13 to be able to get access into the parking lot.

14 And then for the area, the tractor-
15 trailers will now have a place where they can park,
16 and they would want to park there because they can
17 still get right back to the LIE without going down
18 the service road. So it's very convenient for
19 everyone.

20 COUNCILMAN IMBROTO: And they wouldn't
21 be on the exit ramp --

22 MS. VIGLIONE: They would not be on the
23 exit ramp.

24 COUNCILMAN IMBROTO: -- because the
25 exit ramp is on the western side of Sunnyside

1 Boulevard, not the eastern side.

2 MS. VIGLIONE: Correct.

3 COUNCILMAN IMBROTO: It's a one-way
4 service road --

5 MS. VIGLIONE: It's safer for everyone.

6 COUNCILMAN IMBROTO: -- past the exit
7 ramp.

8 MS. VIGLIONE: Yes. Yes.

9 COUNCILMAN IMBROTO: All right.
10 Thank you.

11 MS. VIGLIONE: Thank you very much.

12 COUNCILWOMAN WALSH: I, actually, have
13 a question.

14 MS. VIGLIONE: Sure.

15 COUNCILWOMAN WALSH: So, after looking
16 on this map, and you probably know better than I
17 would, it looks like if you are travelling east on
18 the LIE, on the service road -- because you're
19 travelling east, right -- this is probably the only
20 gas station within miles on the service road,
21 correct; is that right?

22 If I look at this, you have to go --

23 COUNCILMAN IMBROTO: No. There's a gas
24 station at the very next exit.

25 MS. VIGLIONE: At the very next exit.

1 COUNCILWOMAN WALSH: Is there?

2 MR. BROWN: There's Mobil on Round
3 Swamp.

4 COUNCILWOMAN WALSH: Right past it on
5 Round Swamp, okay.

6 MR. BROWN: Which is a big Mobil.

7 COUNCILWOMAN WALSH: Okay.

8 I was just wondering -- because I was
9 just going to say it's a benefit to have gas
10 stations right along the service road --

11 MR. BROWN: We're a better place to put
12 them.

13 COUNCILWOMAN WALSH: -- because
14 otherwise we're cutting through -- I don't fill up
15 my tank all the time, so I do have to stop off the
16 highway, and it's nice to just have it on the
17 service road as opposed to going through, getting
18 over to Manetto Hill. Also I didn't see that one
19 on the corner, so thank you.

20 MR. BROWN: From a planning
21 perspective, it makes a tremendous amount of sense.

22 COUNCILWOMAN WALSH: Right. Yup.
23 Thank you.

24 MR. BROWN: Thank you.

25 MS. VIGLIONE: Thank you very much.

1 COUNCILMAN HAND: I've got two quick
2 questions, please.

3 MR. BROWN: Sure.

4 COUNCILMAN HAND: How are you going to
5 address the idling over five minutes?

6 MS. VIGLIONE: The only way that we can
7 address it is to, actually, go out there and knock
8 on the window.

9 SUPERVISOR SALADINO: Would you turn
10 the microphone towards you?

11 MS. VIGLIONE: I'm sorry.

12 The only way that we can, actually,
13 address it is to go out there, and just knock on
14 the window, and ask them to politely leave, and
15 then if they don't politely leave, then, I guess,
16 we would have to call the police.

17 COUNCILMAN HAND: To shut down the rig.
18 You can't let it idle for more than five minutes.

19 MR. BROWN: Right.

20 COUNCILMAN HAND: The other thing is my
21 question regarding electrical charging stations.

22 Going forward, do you see any
23 opportunity with electric charging stations at your
24 location.

25 MR. BROWN: I'm going to defer to Zach

1 on that. We, actually, did talk about it when we
2 were preparing for today, and, that is, we are
3 going to run the electrical lines to it but not
4 necessarily install them; is that right, Zach?

5 AUDIENCE MEMBER: Probably not.

6 Because the way it's -- the way that
7 PSE&G --

8 SUPERVISOR SALADINO: Why don't we do
9 this?

10 If you'd kindly come up, identify
11 yourself, and then proceed to answer the question,
12 it would be greatly appreciated.

13 MR. BORDIERI: How you doing?

14 Ken Bordieri, real estate rep for
15 Long Island for 7-Eleven.

16 We are rolling out EV stations
17 nationwide. We have started with, I think, 100, we
18 have another 250 planned. It's, basically, based
19 on the utility companies' availability and
20 preparation for it.

21 There are a ton of these stations on
22 Long Island already, but in terms of how it works
23 with our business, we want to prepare for them
24 where they can, but the utility rates aren't such
25 that it's economically feasible at the moment, so

1 we are hoping that happens.

2 I do look at it periodically, I do make
3 sure I'm sending the most current information over,
4 but, certainly, in the future, I think it will be
5 part of it, but right at this moment, it's not
6 happening on Long Island.

7 MR. BROWN: I just talked to Zachary
8 Chaplin for a moment, and he informs me that we
9 want to make sure that customers will be able to
10 get on and off the site. So it would have to be a
11 tier three charger, so that's what they're looking
12 into. Tier two chargers take much longer, and tier
13 ones take an eternity. So, that's some of the
14 issues that come up with it.

15 Does that answer your question.

16 COUNCILMAN HAND: Yes.

17 Thank you.

18 MR. BROWN: You bet.

19 SUPERVISOR SALADINO: Are there other
20 questions?

21 COUNCILMAN LABRIOLA: I don't know if
22 we talked about this -- the hours of operation?

23 MR. BROWN: 24/7.

24 MS. VIGLIONE: It's 24 hours.

25 COUNCILMAN LABRIOLA: And your sale of

1 alcoholic beverages?

2 MS. VIGLIONE: We follow the law. It's
3 24 hours with the exception of Sunday mornings.

4 COUNCILMAN IMBROTO: Which is the
5 existing use?

6 MS. VIGLIONE: Yes.

7 MR. BROWN: And controlled by the State
8 Liquor Authority.

9 SUPERVISOR SALADINO: Other questions?
10 (Whereupon, there was no response from
11 the Board.)

12 SUPERVISOR SALADINO: Okay.

13 I've been listening to your comments,
14 and you told us that one of the problems you've
15 been experiencing is a labor problem with a
16 shortage of employees. And that's a big challenge
17 for you, and I'm sure many other business owners.

18 It's been difficult to have enough
19 employees to cover the cash register, stock the
20 shelves, make sure that everything going on inside
21 the store is according to 7-Eleven rules and safe
22 and so forth.

23 That's been a big issue, right.

24 MS. VIGLIONE: Yes.

25 SUPERVISOR SALADINO: And you perceive

1 that will continue to be a big issue?

2 MS. VIGLIONE: Unfortunately, yes.

3 And, especially, in this particular
4 area because there's no mass transit to the store
5 and a lot of --

6 SUPERVISOR SALADINO: Would you just
7 move the microphone towards you?

8 MS. VIGLIONE: There isn't mass transit
9 to that location. There's no buses or anything.

10 So, typically, our employees either
11 live right near the store so they can walk to the
12 store, or they drive. So that, kind of, gives us a
13 disadvantage where if there was mass transit, it
14 would be a little bit easier, but it's very
15 difficult getting people. It's lightened up a
16 little bit, if you compare it to last year, but
17 it's still very difficult in getting qualified
18 people.

19 SUPERVISOR SALADINO: So this will be a
20 long-term problem. There's no pandemic over and
21 the solution is that people will come in. Like so
22 many other stores, this is going to be a long-term
23 issue.

24 MS. VIGLIONE: I think that it will. I
25 think that it will. But the good news is, when we

1 find someone good, we're able to keep them. So
2 that's really important.

3 And, you know, I find in my stores, at
4 least -- I have two stores -- in my stores, we have
5 a group of people that have been with me forever,
6 you know, and then we'll have some ancillary
7 people -- college students in and out like that --
8 and if they enjoy working there, then they tend to
9 refer their friends. The college kids ask the
10 other college kids or the high school kids, so that
11 helps, but, overall, I think it's going to be
12 difficult, yes.

13 SUPERVISOR SALADINO: So, and, quite
14 frankly, we meet with Chambers of Commerce all the
15 time. We gave some recognition to some Chamber of
16 Commerce members just today, and we hear that over
17 and over -- very difficult to find people --
18 sometimes it's very difficult just to cover the
19 basic responsibilities of the store hours, so that
20 there's someone at the cash register at all times.

21 MS. VIGLIONE: Yes.

22 SUPERVISOR SALADINO: And this is an
23 enormous challenge and will continue to be going
24 forward for every business owner.

25 MS. VIGLIONE: Yes.

1 SUPERVISOR SALADINO: So having said
2 that, how would you have the employees needed to go
3 outside, continue to patrol the parking lot, to
4 make sure that trucks are not idling, to take care
5 of all of these additional responsibilities that
6 the neighbors need when there's not even enough
7 employees to manage the store?

8 MS. VIGLIONE: That's a great question.

9 If you look at the infrastructure that
10 I have in that store, in addition to the employees,
11 I have a manager there. He's not really at the
12 register or whatever, so it will really fall on his
13 shoulders during the course of the day to make sure
14 that the trucks aren't idling.

15 And then what you find -- because it's
16 an industrial park -- we're very busy during the
17 day, you know, from, like, 6:00 in the morning
18 until about 6:00 at night, and then it quiets down.
19 So the people do have -- that's the time, like,
20 during the day, like, the parking lot -- we can't
21 even get out there to clean the parking lot because
22 there's so many cars, and there's another car
23 waiting to get in that you can't even get out there
24 with a broom to clean it.

25 SUPERVISOR SALADINO: And a line of

1 people waiting to pay for their purchases.

2 MR. VIGLIONE: It's so tight. It's so
3 tight. But during the course of the day when the
4 manager is there, he can take responsibility for
5 that. And then later on, during the day when it's
6 less busy, that's when the employees do the
7 cleaning of the equipment, the cleaning of the
8 store. They will have the time to be able to do
9 that.

10 SUPERVISOR SALADINO: Okay.

11 Just a couple of other questions --

12 COUNCILMAN IMBROTO: The neighbor
13 directly next door is a self-storage facility,
14 right?

15 MS. VIGLIONE: No. Directly next door
16 is the assisted living.

17 COUNCILMAN IMBROTO: No, no, no. Of
18 the proposed site.

19 MS. VIGLIONE: Of the new -- yes. It's
20 a storage facility. Yes.

21 SUPERVISOR SALADINO: You will be
22 selling diesel fuel, is that your proposal?

23 MR. BROWN: Low-flow diesel.

24 MS. VIGLIONE: Yeah, it's low-flow
25 diesel fuel, so the tractor-trailers wouldn't be

1 able to use it.

2 SUPERVISOR SALADINO: But they'd be
3 able to use the type of fuel you're selling. It
4 just would take them longer to fuel their tank, but
5 they can burn -- their vehicle operates on the type
6 of fuel you're selling.

7 MS. VIGLIONE: It does. They would
8 have to sit there for hours to pump it.

9 SUPERVISOR SALADINO: And the canopy
10 height, is it such that it would fit an 18-wheeler?

11 MS. VIGLIONE: That, I'm not aware of.

12 (Whereupon, a side bar conversation
13 between Ms. Viglione and Mr. Brown took place.)

14 MS. VIGLIONE: Yes.

15 SUPERVISOR SALADINO: It is. Okay.
16 Thank you.

17 MS. VIGLIONE: You're welcome.

18 SUPERVISOR SALADINO: Are there any
19 other questions?

20 COUNCILWOMAN WALSH: Your manager --
21 will you ever have a manager working overnight,
22 maybe on the weekends or -- because I heard you say
23 the manager during the daytime --

24 MS. VIGLIONE: My manager works six
25 days a week --

1 COUNCILWOMAN WALSH: Okay.

2 MS. VIGLIONE: -- and you'll find in
3 that store on the weekends also, it's just the
4 community, like, the baseball team that will come.
5 It's very slow on the weekends, but the manager is
6 there six days a week, and there's a supervisor on
7 the overnights.

8 COUNCILWOMAN WALSH: Okay. Great.

9 MS. VIGLIONE: So, yes, we have
10 supervisors throughout, and what I'm really hoping
11 is that this will give me enough business that I
12 can have more supervisors, so that's what I'm
13 hoping for.

14 COUNCILWOMAN WALSH: Great.

15 MS. VIGLIONE: Thank you.

16 MR. BROWN: Thank you.

17 SUPERVISOR SALADINO: Thank you.

18 MR. BROWN: Next up, I'd like to call
19 Mr. Zachary Chaplin from Stonefield Engineering.

20 MR. CHAPLIN: Good morning.

21 SUPERVISOR SALADINO: Good morning.

22 MR. CHAPLIN: Just for the record, my
23 name is Zachary Chaplin. Last name, C-H-A-P-L-I-N.
24 I'm with Stonefield Engineering and Design. Our
25 office is located at 584 Broadway, Suite 310,

1 New York, New York.

2 I'm a licensed professional engineer in
3 the State of New York. I've been working on
4 7-Eleven developments over the past ten years, and
5 I've been accepted as an expert witness by multiple
6 boards throughout Long Island.

7 So before I jump in to some of the
8 specific details, just from a site civil
9 standpoint, this really is an ideal site for a
10 convenience store and gas station.

11 It's quite sizeable at 1.73-acres.
12 It's rectangular in shape, which gives us a lot of
13 flexibility in the layout in and of itself.
14 There's good maneuverability. There's a safety
15 component to that with oversized drive aisles,
16 360-degree circulation around the building, and, of
17 course, a balance of being able to landscape the
18 site as well, especially around the perimeter.
19 It's not tight -- like you'll see across the
20 street -- it really is the ideal location right,
21 obviously, next to the LIE service road for a site
22 like this.

23 I do, just quickly, want to pull the
24 aerial exhibit just to, kind of, look through the
25 area and the neighboring site.

1 (Whereupon, documentation was displayed
2 on an easel as well as on the video monitors for
3 the assemblage to view.)

4 MR. CHAPLIN: This is Sheet A-2 aerial
5 exhibit, and it's, essentially, Google aerial over
6 the site.

7 But I really want to focus on --
8 obviously, the site you can see today is an office
9 building, the southeast corner of the service road.
10 Across the street is the 7-Eleven that's in current
11 operation today.

12 What you'll find is that it's dead end
13 parking, so, essentially, once you get in, there's
14 really no way to get out. It has a limited parking
15 supply, there's no loading facility, all the issues
16 that you've heard exist on the site today.

17 Of course, there's some challenging
18 maneuvers from the access standpoint, so, really,
19 this is an application to solve a lot of issues,
20 move it over across the street to a much more
21 sizeable site, a well-designed layout that's going
22 to operate a lot more efficiently than what's
23 currently across the street.

24 In addition, I think the truck parking
25 spaces will be extremely helpful because these

1 trucks -- they're not coming here to fuel. They're
2 coming here to go inside the store, get a coffee,
3 get a beverage, and then they're going back on the
4 LIE.

5 I, personally, designed truck fueling
6 stations previously. This is not the intent of
7 this site. When you design a truck fueling
8 facility, it's a separate type of a design and
9 layout that anticipates the amount of trucks that
10 would come to the site, the length of those types
11 of vehicles, the circulation for those types of
12 vehicles.

13 If trucks tried to fuel on this site,
14 they're going to create obvious conflicts
15 internally, and, again, they would have to wait a
16 very long time to, actually, fuel their trucks.

17 SUPERVISOR SALADINO: Sir, if I may
18 just interrupt for a question.

19 So, what you're saying is this site has
20 not been designed with the radiuses needed for
21 18-wheelers, and if an 18-wheeler does come onto
22 the site, it could create a jackknife situation and
23 stop traffic altogether in the premises?

24 MR. CHAPLIN: No, not necessarily.

25 So going back to the site plan, what

1 the site's been designed to do is accommodate
2 tractor-trailer vehicles for the purposes solely of
3 being able to park in those six spaces that were
4 mentioned.

5 So what we've done is we've designed
6 the site so that the perimeter -- the outside
7 perimeter -- can accommodate the tractor-trailers
8 that are already coming to 7-Eleven today but,
9 specifically, just the outer perimeter to be able
10 to reverse back into those six spaces, go into the
11 store, and then drive around the back of the site
12 to leave off Sunnyside Boulevard.

13 If they try and enter into the site,
14 into where the fueling islands are, that's where
15 there would be a lot of difficulties for them,
16 where there'd be some challenging with maneuvering
17 and trying to fuel up.

18 The site really has been designed so
19 that passenger vehicles are able to utilize that
20 fueling area. It's right in front of the store,
21 that's, kind of, the ideal layout scenario where
22 you park your car, fuel up your car, and you walk
23 right into the store. Those tractor-trailers are
24 coming around the perimeter solely to park, and
25 come into the store.

1 COUNCILMAN IMBROTO: And they wouldn't
2 utilize those fueling stations anyway because
3 they're not for tractor-trailer trucks?

4 MR. CHAPLIN: Correct.

5 For a tractor-trailer fueling site, you
6 would have --

7 COUNCILMAN IMBROTO: They wouldn't be
8 able to fuel up there?

9 MR. CHAPLIN: Theoretically, could
10 they, yes, but, normally, if you go to an actual
11 fueling facility for tractor-trailers, they have
12 dual pumps, so you get, actually, fuel from both
13 sides of the vehicle. That's the way we design
14 them, and, like I said, it's low-flow diesel, so
15 it's not flowing fast enough where it would make
16 sense for them to do that.

17 SUPERVISOR SALADINO: But in a jam, if
18 someone is very low on fuel and risking running
19 out, that would be one of the motivations for them
20 to fuel there?

21 MR. CHAPLIN: It would, but in our
22 experience, truck drivers plan out their day. They
23 don't, typically, get into those situations because
24 they've got an agenda, they know where their
25 deliveries need to be, they know where they're

1 getting their fuel. It's not typical for them to
2 fall into that situation.

3 COUNCILMAN IMBROTO: We wouldn't need
4 to speculate because there's a gas station at the
5 very next exit on the LIE.

6 Do we ever have filling up there, do
7 you know?

8 MR. CHAPLIN: Not to my knowledge, but
9 I can't speak to that confidently.

10 COUNCILMAN IMBROTO: Do you know if
11 that gas station has high-flow diesel?

12 MR. CHAPLIN: No, it does not.

13 COUNCILMAN IMBROTO: Okay.

14 And, to your knowledge -- to my
15 knowledge, there's never been an issue with
16 tractor-trailer traffic at that other gas station,
17 but, to your knowledge, has there ever been?

18 MR. CHAPLIN: Not to my knowledge.

19 COUNCILMAN IMBROTO: And that one is
20 less than half a mile away.

21 MR. CHAPLIN: Yeah, it's about a half
22 mile.

23 MR. BROWN: Just in terms of the
24 question of the high-flow diesel, we investigated
25 it, and there's only one, and it's out at Exit 52.

1 It's that USA that's right next to the Lowe's on
2 the north service road.

3 COUNCILMAN IMBROTO: Okay, so it's a
4 few exits away from here, so if somebody were
5 running out of gas, they could make it to that
6 high-flow fueling station?

7 MR. CHAPLIN: Yes. If they needed to.

8 So just jumping in on a couple other --
9 do you have another question?

10 COUNCILMAN IMBROTO: Well, I wanted to
11 ask you about the existing site.

12 Are you going to address the conditions
13 at the existing site or are you done with that?

14 MR. CHAPLIN: I'm happy to answer a
15 question on that before I move on, sure.

16 COUNCILMAN IMBROTO: Would you consider
17 the existing site a danger to life safety?

18 MR. CHAPLIN: I think it's tough for me
19 to answer yes or no to that. I think the site has
20 challenges that -- we would not design a site like
21 that today from scratch. It's hard for me to put
22 it in those types of terms.

23 COUNCILMAN IMBROTO: Have any of the
24 witnesses for this application conducted a traffic
25 study of what's going on at the existing site?

1 MR. CHAPLIN: We have a traffic expert
2 who will be testifying shortly.

3 COUNCILMAN IMBROTO: Okay. So we'll
4 ask him about that then.

5 MR. CHAPLIN: Sure.

6 So just a little bit more about the
7 Site Plan. As mentioned, there's 30 parking spaces
8 provided. That doesn't include the 16 fueling
9 positions, so, really, there's 46 vehicle spots for
10 parking, which is a substantial increase compared
11 to what's across the street, there's the six truck
12 spaces that we talked about, and, really, when we
13 designed the truck spaces, we wanted to make sure
14 that trucks were able to back in and get out very
15 efficiently without making any sort of K-turn
16 maneuvers and are able to get in and out of this
17 site around the perimeter.

18 COUNCILMAN IMBROTO: Which they can't
19 do at the existing site, correct?

20 MR. CHAPLIN: Correct.

21 We have pedestrian access, including
22 bike racks and a connection to Sunnyside Boulevard.

23 From a landscaping standpoint, and, I
24 think, this is important to note, we really are
25 putting a very robust, enhanced landscaping

1 plan -- there's 45 evergreen trees, 165 evergreen
2 shrubs, 94 other types of shrubs, three deciduous
3 trees -- so this site is large enough where we're
4 able to accommodate these trucks around the
5 perimeter, oversized drive aisles, but also a
6 substantial amount of landscaping that's been
7 pretty much focused around the perimeter of the
8 site.

9 And I want to point out that our
10 eastern neighbor, what we've done there is we've,
11 actually, proposed a board-on-board privacy fence
12 along with a row of evergreen trees that will grow
13 as high as 20 to 25 feet high.

14 And then that neighbor, actually,
15 adjacent to us has a drive-in ramp, and that wall
16 really blocks a lot of our site, so from a visual
17 standpoint, it's a really good buffer, so to speak,
18 between our two sites.

19 COUNCILMAN IMBROTO: And there's
20 currently no existing privacy wall between this
21 site and the eastern neighbor, correct?

22 MR. CHAPLIN: No. Aside from that wall
23 on their property.

24 COUNCILMAN IMBROTO: The eastern
25 neighbor is an office building, right?

1 MR. CHAPLIN: Correct.

2 COUNCILMAN IMBROTO: And the existing
3 site is currently improved by -- the proposed site
4 is currently improved by an office building,
5 correct?

6 MR. CHAPLIN: Correct.

7 COUNCILMAN IMBROTO: How many stories
8 is that?

9 MR. CHAPLIN: I don't know offhand.

10 COUNCILMAN IMBROTO: Okay.

11 It's taller than the 7-Eleven, right?

12 MR. CHAPLIN: Correct.

13 COUNCILMAN IMBROTO: And the neighbor
14 to the south is a self-storage facility, correct?

15 MR. CHAPLIN: Correct.

16 And then, just speaking to drainage, we
17 are reducing impervious surfaces, so there's a
18 natural enhancement from a water quality
19 standpoint. Decrease in peak flow rates; we're
20 providing five inches of storage via dry wells,
21 there's good sandy soil here, so it's an
22 improvement from a drainage standpoint compared to
23 the existing condition.

24 From a lighting standpoint, we're
25 dark-sky compliant. The light poles are only at 14

1 feet high -- very, very minimal spillage -- we meet
2 all the Town requirements, everything is shielded,
3 downlit, and, again minimal spillage, but at the
4 same time, I do want to point out being a gas
5 station, there is enough lighting for it to be
6 safe. We don't want it to be too dark, obviously,
7 with a 24-hour operation.

8 New utility connection to the mains
9 within the right-of-way, we are connected to public
10 sewer for this site. And then we want to point out
11 this, essentially, is a clean application. Aside
12 from the setback variance for the canopy,
13 everything else is at -- of course, we're here
14 today for the gas station use, but there are no
15 other bulk variances being sought.

16 Just in summary, I think, it's, again,
17 from a civil engineering standpoint, this really is
18 that ideal site, that ideal layout that we can
19 speak to that has that dedicated loading area, a
20 trash enclosure that's in the rear of the site,
21 sufficient parking, good maneuverability. It's a
22 safe and effective layout, we have access plan that
23 moves the curb cuts furthest away from the
24 intersection, it's restricted access to right
25 in/right out only, which our traffic expert will

1 speak to a little bit more.

2 Everything is going to be modern. The
3 actual 7-Eleven itself will, actually, be able to
4 have a bigger offering than it has today, so the
5 size of the store is increasing, which means
6 there's more offering for its customers, and,
7 overall, we're fixing a lot of issues that are
8 across the street. A lot of issues that everyone
9 is aware of, that are somewhat dangerous at times,
10 that can be resolved with this application.

11 COUNCILMAN IMBROTO: Thank you.

12 SUPERVISOR SALADINO: Any questions?

13 (Whereupon, there was no response from
14 the Board.)

15 SUPERVISOR SALADINO: I have a couple
16 of questions, please.

17 You spoke to the issue of tractor-
18 trailers. If one was to wander onto the site, it,
19 potentially, could cause -- wreak havoc in terms of
20 the design because I assume that means there's not
21 enough room for it to easily maneuver, but you said
22 it can maneuver, and it could get to the pump,
23 correct?

24 COUNCILMAN IMBROTO: The site is
25 designed for tractor-trailers to enter and leave

1 the site, correct?

2 MR. CHAPLIN: Around the perimeter,
3 so --

4 SUPERVISOR SALADINO: Only around the
5 perimeter.

6 MR. CHAPLIN: Yeah. If you could go
7 back to the Site Plan.

8 (Whereupon, documentation was displayed
9 on an easel as well as on the video monitors for
10 the assemblage to view.)

11 MR. CHAPLIN: What you see is that on
12 the service road, when you enter into the site, you
13 would, basically, go straight towards the south,
14 and there are those six angled spaces that you'd
15 back into. The site has been designed to
16 accommodate tractor-trailers coming in, backing in
17 to those spaces and then leaving out onto Sunnyside
18 Boulevard. So we're separating the truck traffic
19 and the passenger vehicle traffic.

20 SUPERVISOR SALADINO: Larger trucks --
21 not only tractor-trailers -- but larger vehicles
22 that would utilize those, have to back out in order
23 to leave the site, correct?

24 MR. CHAPLIN: When you say, have to
25 back out --

1 SUPERVISOR SALADINO: So they'll come
2 in -- you spoke about them backing either into the
3 site or out of the parking space. The larger
4 vehicles have to go in reverse in order to either
5 utilize the spot or leave the site.

6 MR. CHAPLIN: Well, they would only be
7 backing up to back into the space. They wouldn't
8 be backing out of the site. They would be able to
9 drive forward and leave the site.

10 SUPERVISOR SALADINO: And the site is
11 also used by passenger vehicles?

12 MR. CHAPLIN: Yeah. The passenger
13 vehicles are the predominant users of the site,
14 and, again, it's the front and center of the site,
15 so, essentially, where the gas pumps are -- in
16 front of the site -- that's intended for the
17 passenger vehicles.

18 COUNCILMAN IMBROTO: The tractor-
19 trailer spaces are segregated from the rest of the
20 site with separate egress and ingress so that the
21 tractor-trailers can, without interfering with any
22 other traffic, enter the site, back into a spot,
23 and leave the site, correct?

24 MR. CHAPLIN: Exactly.

25 COUNCILMAN IMBROTO: Okay.

1 SUPERVISOR SALADINO: So to answer my
2 question, you've designed this site for passenger
3 vehicles, smaller trucks, but you've made sure that
4 tractor-trailers are also -- can be accommodated
5 here.

6 What about something like a full-size
7 Coach bus?

8 MR. CHAPLIN: A Coach bus could come to
9 this site and fuel.

10 Again, I don't think it happens very
11 often, but it could.

12 SUPERVISOR SALADINO: Other vehicles
13 that size certainly could. A commercial dump
14 truck, a commercial -- those very, very large
15 commercial construction vehicles, they could all
16 utilize this site, and it's been designed in a way
17 to accommodate them as well?

18 MR. CHAPLIN: Yeah.

19 You remember I'm talking about specific
20 types of trucks like construction vehicles that are
21 very large would, typically, go somewhere else, but
22 it has been sized and laid out to accommodate a
23 variety of different types of trucks. I think what
24 we're talking about is tractor-trailers that would
25 have the challenges.

1 SUPERVISOR SALADINO: Tractor-trailers,
2 in my experience, are not the only type of vehicle
3 that is a large vehicle, and I'm curious, what did
4 you design into the plan to protect families and
5 children who might utilize for fuel, for just
6 stopping for purchases that tells me that -- you'll
7 have children, unfortunately, they run through the
8 parking lot -- what process, policy by the
9 employees or design have you instituted to protect
10 people, especially children, in those
11 circumstances?

12 MR. CHAPLIN: So I think the layout in
13 and of itself makes it extremely challenging for
14 larger vehicles to enter that central area of the
15 site, so it's tighter to make a turn.

16 If you're coming in off the service
17 road, you, essentially, have to make a 180-degree
18 turn to get into the gas station area. They're
19 going to have a really tough time trying to do
20 that. The trucks are really going to head down
21 straight and use these parking spaces if they're
22 looking to come into the store. They're not --
23 they're going to have a lot of difficulty entering
24 the site and using the main gas area.

25 MR. BROWN: They'll have a hard time

1 swinging the turns, Mr. Supervisor.

2 With the trailer, you know, it's
3 60-feet long, 55-feet long, you won't be able to
4 maneuver around to get back around, so that's why
5 it's designed to come straight down, (indicating)
6 back in, and then proceed back out this way
7 (indicating).

8 COUNCILMAN IMBROTO: In other words,
9 all of these issues are anticipated directly by the
10 design of this site to prevent tractor-trailers
11 from interfering with the passenger traffic that's
12 using the fueling area in the site?

13 MR. BROWN: Correct. It's segregated.

14 MR. CHAPLIN: And, for example, the
15 drive aisle at the northern end is 25 feet, the
16 drive aisle by the trucks is 47 feet, so, clearly,
17 a much smaller drive aisle by the fueling pumps
18 compared to where the trucks are going. We've
19 specifically designed the site to segregate the
20 two.

21 COUNCILMAN IMBROTO: Would you say it
22 was designed to make is nearly impossible for
23 tractor-trailers to enter the fueling area of the
24 site?

25 MR. CHAPLIN: Yes.

1 SUPERVISOR SALADINO: So as you
2 designed in a number of ways -- you mentioned this
3 has been part of your design -- what other major
4 problems did you anticipate that you took into
5 consideration in designing a difficulty or a hurdle
6 or design for the safety at this site?

7 You must have had a list of problems
8 you anticipated.

9 MR. CHAPLIN: Yes, certainly.

10 So like I said, just working on a lot
11 of these types of applications, there's a lot of
12 things that come to mind, and you're going to hear
13 a lot more from our traffic expert, who, I think,
14 is an important witness to weigh in on this, but,
15 specifically, the dedicated loading area.

16 So the back of the site has a striped
17 area that's dedicated to loading so that the
18 delivery vehicles aren't utilizing the front of the
19 site or interfering with the passenger vehicles.
20 It's just a dedicated area behind the site.

21 SUPERVISOR SALADINO: And those are for
22 7-Eleven purposes, that's always a tractor-trailer?

23 MR. CHAPLIN: No, not necessarily.

24 So, from an operation standpoint,
25 7-Eleven has about one to two box truck deliveries

1 per day, so that's more of, like, a 30- to 40-foot
2 box truck. Those would utilize that striped area
3 there.

4 The tractor-trailer deliveries for
5 7-Eleven only happen about one to two times a week,
6 typically, off hours, but, again, they can also use
7 that area for the unloading purposes.

8 SUPERVISOR SALADINO: If memory serves
9 me correct, I normally see the big name McLean on
10 the truck. And it's a very large 18-wheeler for
11 that purpose, and, usually, they're -- from the
12 ones I've seen -- they're normally wherever it's
13 most convenient for them, but I also see them in
14 the late night hours.

15 MR. CHAPLIN: 100 percent.

16 I think, just to give credit to the
17 Planning Department, we've been working on this
18 project for quite some time. Actually, the service
19 road is dual jurisdiction between DOT and Nassau
20 County DPW, so we've had a lot of people weigh in
21 on this design, the access plan, and one of the big
22 proponents of this Town is a dedicated loading area
23 that we've spoken about.

24 So, that was a very important part of
25 this project to be able to provide that in the back

1 of the site.

2 And then also the trash enclosure. So
3 the trash vehicles are going to do the same thing.
4 It has a dedicated area in the back of the site
5 away from the general public area.

6 COUNCILMAN IMBROTO: And at the
7 existing site across the street, there's no
8 dedicated loading area, there's no dedicated trash
9 container area, none of that exists?

10 MR. CHAPLIN: No.

11 COUNCILMAN IMBROTO: Where do the
12 trucks that are making deliveries to the 7-Eleven
13 at the existing site currently park?

14 MR. CHAPLIN: I think they park in the
15 drive aisle or on the street.

16 MS. VIGLIONE: They park in the parking
17 lot blocking whatever cars are there.

18 COUNCILMAN IMBROTO: Creating a very
19 dangerous situation?

20 MR. CHAPLIN: Yeah.

21 SUPERVISOR SALADINO: Please continue
22 with that list you were telling me about of
23 problems you perceived at this site that you've
24 tried to engineer solutions for.

25 MR. CHAPLIN: I think the other thing

1 is the abundance of parking spaces.

2 So, at times, across the street when
3 you have a limited parking supply, that creates
4 issues from just cars coming in and not being able
5 to park, or parking on the street. This not only
6 meets the parking requirement, but this is an
7 abundance of parking, more than what 7-Eleven
8 typically requires, so we know that people coming
9 into this site will have a place to park, and
10 safely access the site.

11 Like I mentioned previously, we do have
12 a dedicated pedestrian pathway. For anybody
13 looking to walk to the site, there's a dedicated
14 sidewalk, crosswalk, bike racks in order to enter
15 the site, and ADA compliance, of course, with two
16 ADA spaces right in front of the store.

17 And, again, I think our traffic expert
18 is going to be able to speak a lot more from a
19 safety standpoint of some of the design elements.

20 SUPERVISOR SALADINO: Thank you.

21 Are there any other questions?

22 (Whereupon, there was no response from
23 the Board.)

24 SUPERVISOR SALADINO: Thank you very
25 much.

1 MR. CHAPLIN: Thank you.

2 MR. BROWN: We're going to move on to
3 Mr. Matt Seckler, also from Stonefield.

4 MR. SECKLER: Good morning.

5 Again, Matt Seckler. That's
6 S-E-C-K-L-E-R. I'm with Stonefield Engineering
7 Design, same office as the last witness.

8 I am a licensed engineer and considered
9 a certified professional traffic engineer. I've
10 testified before dozens of villages and towns
11 within Long Island as part of applications similar
12 to this.

13 SUPERVISOR SALADINO: Thank you.

14 MR. SECKLER: So for this project, I
15 think, there's, actually, a couple of traffic
16 aspects.

17 Typically, when we jump into a project,
18 we do traffic counts, we do analysis, and we jump
19 right into the numbers, but, I think, what you
20 heard from the previous two witnesses is that this
21 also has a compare/contrast aspect, anecdotal
22 evidence, and, actually, on-the-ground evidence of
23 how an existing 7-Eleven site operates currently
24 that's been designed, obviously, to different
25 standards versus what I would consider a modern,

1 properly designed 7-Eleven here.

2 So I'm going to go into both aspects,
3 the numbers, and talk about that briefly, and then
4 get into, again, that, kind of, compare and
5 contrast between the existing site and the proposed
6 site.

7 For traffic analysis, we did prepare a
8 traffic impact study. It included counts performed
9 this October, so beyond what I could consider the
10 effects of the pandemic. Those counts included not
11 only counts of the nearby signalized intersection,
12 but also at the existing 7-Eleven.

13 It's interesting to note, I think one
14 of the Councilmen or, perhaps, the Supervisor
15 mentioned the illegal turns that happen, I mean, we
16 were counting almost 30 an hour coming out of that
17 existing 7-Eleven driveway, making a left turn to
18 return back onto the LIE or service road, or any
19 points north of the site.

20 COUNCILMAN IMBROTO: There's no other
21 way to do it. If you're leaving the site and your
22 destination is the LIE, it's the only way to do it.
23 It's very dangerous.

24 MR. SECKLER: Exactly. So, again, in
25 addition to, you know, what we, typically, would do

1 is count traffic, estimate projected traffic, and
2 lay it on the roads. We have an existing site
3 right next door that lets us know where people are
4 coming from now, where do they want to go to, the
5 type of vehicles that use the site, which is one of
6 the reasons why tractor-trailer parking is provided
7 on the site.

8 Most 7-Elevens on the Island don't have
9 tractor-trailer parking. This one does because
10 there was a clear need for it because there's a
11 demand, there's a demand right now that you can see
12 from the tractor-trailers that park on the shoulder
13 of the service road and walk on in.

14 COUNCILMAN IMBROTO: Is it fair to say
15 that this proposed site is not going to be drawing
16 additional tractor-trailers? The tractor-trailers
17 are already there. They're parking dangerously and
18 illegally on the LIE service road, in the exit lane
19 for Sunnyside Boulevard, and people have, actually,
20 been killed because of this?

21 MR. SECKLER: Correct.

22 And, again, I think, you're getting to
23 two points that I really want to hit on is that
24 this additional traffic.

25 Again, I don't see any additional

1 tractor-trailer traffic coming to this site versus
2 what the existing site except, now, we're giving
3 them a place to park safely.

4 Secondly, vehicle traffic being added.
5 Obviously, there's a customer base already in the
6 area for this 7-Eleven. Obviously, adding the fuel
7 portion, we're going to be adding a little bit of
8 extra traffic, but, I think, I heard another one of
9 the Council people speak earlier that people pick
10 this type of site for a gas station because it's
11 convenient for them.

12 Most people are not going out of their
13 way to get to a gas station on Long Island.
14 They're picking a gas station because it's already
15 on their way home, already on their way to work,
16 picking their kids up from school, so, really,
17 these type of uses they live off of the existing
18 volume on the road. They don't necessarily bring
19 in new traffic to the area.

20 So, overall, from a traffic engineering
21 standpoint, this development does not significantly
22 change delays at the nearby intersections. In
23 fact, as I'm going to get to next, it extremely
24 enhances the safety for traffic in the area.

25 One aspect that I don't know if spoken

1 to yet was just the angle of the existing driveway.
2 The existing driveway comes out at a very acute
3 angle, which makes it difficult if you're coming
4 southbound to make a turn into this driveway at any
5 type of speed whatsoever.

6 When you're coming down, you,
7 basically, almost have to come to a stop to make a
8 right turn in, so any cars behind you have to slow
9 down to that same stop, and then your right turn in
10 is very difficult, and it ends up swinging very
11 wide, which is why it's sometimes difficult for a
12 car to be trying to leave and enter that driveway
13 at the same time in the existing site.

14 The proposed site, again, which is on
15 the screen above, I don't know if the Council
16 people have it, but the existing site has been
17 designed with driveways that are relatively 90
18 degree angles, which is the easiest form of ingress
19 and egress.

20 As part of work with the DOT, the
21 driveway on Executive Drive will have a striped --
22 what I'll call deceleration lane -- so right now,
23 we're going to be taking the shoulder and creating,
24 basically, a right-turn only lane into the site so
25 that vehicles have the ability to slow down safely,

1 turn into the site comfortably, and enter the site
2 whether they're a delivery vehicle or a
3 tractor-trailer, which they would stay going
4 southbound as they enter the site, or if they're a
5 passenger car, they'll do that more 180 degree
6 turn, head to the fueling canopy or the parking
7 spaces depending on what their purpose on the site
8 is.

9 So, overall, I think that's an
10 enhancement between the existing site and the
11 propose site from a traffic engineering standpoint
12 from a roadway accessibility.

13 Internal to the site, you've heard it
14 from every witness so far, the existing site, 15
15 spaces, dead-end aisle with no loading area, very
16 different than the total 30 spaces we have on this
17 site with complete circulation around the site.

18 So if a passenger car misses an empty
19 parking stall, they can figure out their way to get
20 back there versus, in this case, where they just,
21 kind of, hang out in the parking lot hoping for
22 someone to get out of a space, so they can pull in.

23 And, again, the loading area in the
24 rear, which you heard from the last witness, was
25 one of the key design components for this site so

1 that any box trucks or tractor-trailer McLean
2 deliveries come to the site, they have the ability
3 to park and not conflict with the passenger
4 vehicles or any of the customers coming in and out
5 of the site.

6 As was mentioned, this site is --
7 Executive Drive is under review and under
8 jurisdiction of both the County and the State DOT.
9 We've worked with them extensively to come up with
10 the design that you see here before you. The
11 design has right in/right out driveways. As a
12 traffic engineer, those are the safest, easiest
13 movements you can have at a driveway is right
14 in/right out.

15 As opposed to the existing site, where
16 left turns are prohibited just, generally, by a
17 sign, our Sunnyside Boulevard driveway has a large,
18 concrete island helping prevent vehicles from
19 making any type of legal turns -- whether it's left
20 turns in or left turns out -- but, again, one of
21 the key aspects of this site is that the traffic
22 that wants to get back to the LIE can get back to
23 the LIE very easily using the Executive Drive
24 driveway, basically, right in/right out and they're
25 on their way without entering any of, I would say,

1 the neighborhoods trying to work themselves back
2 around.

3 COUNCILMAN IMBROTO: Have you done
4 studies of how many -- what percentage of the
5 traffic is going towards the LIE versus the
6 opposite direction?

7 MR. SECKLER: Yeah, so, again,
8 obviously, it's time of day based.

9 Obviously, in the evening, you have a
10 lot more people heading east than you have heading
11 west, but, yes, there is significantly more traffic
12 going to the LIE than going southbound from this
13 site.

14 Overall, again, we did an extensive
15 traffic impact study. I'll definitely get into
16 details if there's questions about it, but, again,
17 I think this site both works from a traffic
18 engineering standpoint in terms that it will not
19 negatively affect delays on the road, but also as
20 an extreme safety enhancement compared to the
21 existing site, and it's been designed to the State
22 and County standards as well.

23 COUNCILMAN IMBROTO: Do you have any
24 data on the number of accidents that have taken
25 place at the existing site?

1 MR. SECKLER: I don't have on-site,
2 like, fender/bender person backs-up type of thing.
3 We do have data, and it was included in our traffic
4 study, at the intersection of Sunnyside Boulevard
5 and Executive Drive -- that signalized
6 intersection -- which, then, has some spill back to
7 the driveway itself, but there are left-turn
8 accidents coming in and out of the driveway,
9 obviously, because it's illegal, it's tough sight
10 distance, you have a tough angle.

11 There are the occasional rear-end
12 accidents when someone is trying to pull in to the
13 site today. Again, they have to almost come to a
14 complete stop and turn in. Accidents that occur
15 there and then -- again, I believe you were
16 referring to earlier -- accidents that occur along
17 the service road as well, again, because of the
18 unforeseen case of a tractor-trailer stopped on the
19 shoulder that's unexpected to drivers on the
20 service road.

21 COUNCILMAN IMBROTO: Would you consider
22 the existing site to be a danger to life safety?

23 MR. SECKLER: I mean, I think there's,
24 obviously, different thresholds of life safety.

25 Yes, I would say that that site is not

1 designed to current standards, which, inherently,
2 may lead to more accidents than if it was designed
3 to standards.

4 I can't -- I'm not going to say it's
5 going to internally combust and that's of a
6 hazardous situation at that level, but, yes, it is
7 not designed to current standards, so you will see
8 more instances of a potential customer that may get
9 hit because there's a car that's backing in the
10 drive aisle because they're trying to find a
11 parking space. You may see a delivery vehicle
12 scraping up against a car because the drive aisles
13 aren't wide enough for them to really get into a
14 spot where they can deliver from.

15 So those types of accidents are
16 occurring in addition to the fatalities that you
17 alluded to on the service road.

18 SUPERVISOR SALADINO: Other questions?

19 COUNCILMAN IMBROTO: So, in other
20 words, people have been killed because of the
21 traffic flow at the existing site, and it's likely
22 that, in the future, people may be killed if the
23 proposed site is not approved?

24 MR. SECKLER: Again, there have been
25 people that were killed, I assume, that they were

1 going to the site. I didn't read every instance of
2 the accident report, but, yes, I believe there's
3 issues with the --

4 COUNCILMAN IMBROTO: Whether they were
5 going to the site or not, it was because of the
6 tractor-trailers that were parked on the service
7 road who were servicing the site?

8 MR. SECKLER: Yes. Assuming they were
9 servicing the site. I didn't read their -- any
10 type of history of where they were specifically
11 going, but, yes.

12 I see tractor-trailers now parking on
13 that area that go to the site, so I would just
14 assume that's the case, but I can't speak for
15 certain where that individual was going.

16 COUNCILMAN IMBROTO: Got it.

17 SUPERVISOR SALADINO: Anything else?

18 (Whereupon, there was no response from
19 the Board.)

20 SUPERVISOR SALADINO: My question that
21 I asked earlier, what is site specific here that
22 you see as hurdles and dangers, and what have you
23 designed in, specifically, to minimize or to deal
24 with those inherent dangers and complications that
25 this site brings?

1 MR. SECKLER: And, again, I think the
2 last witness hit on a number of them: One, is
3 tractor-trailer circulation in general. They need
4 more space. Getting into parking spaces, they need
5 a lot of room to get into parking spaces.

6 The drive aisles that we've designed
7 here -- this is not the greatest pointer -- the
8 drive aisles that we've designed here was a major
9 hurdle. You could only get this type of design on
10 a site of this size, so it was one of those things
11 where, again, I'm not part of the 7-Eleven real
12 estate team, but if 7-Eleven was trying to check
13 off the boxes to pick a site, you needed one that
14 was this size in order to accommodate those
15 hurdles, which was -- how do we get tractor-trailer
16 parking, how do we get tractor-trailer backing
17 maneuvers, how do we get a loading zone, how do we
18 get pedestrian accessibility into the site.

19 One of the other hurdles, again, as
20 Mr. Chaplin may have mentioned earlier, is the
21 prohibitive left turns on Sunnyside Boulevard.
22 Left turns, again, are a more difficult maneuver.
23 We've seen that at the other site, so being able to
24 design a site with an appropriately sized island to
25 help prevent people from making left turns

1 illegally was, actually, a key aspect of the design
2 of this site. That was a hurdle.

3 Trying to prevent people from doing
4 things they shouldn't be doing. Because the sign
5 that's out there today certainly isn't preventing
6 that from a safety standpoint, that was something
7 that we went in here. We could have just, again,
8 put the sign and said, you know, let people follow
9 the rules, but we wanted to enhance the safety by
10 putting in that island along Sunnyside.

11 MR. BROWN: So it's channelled.

12 MR. SECKLER: It's a channelled
13 driveway.

14 SUPERVISOR SALADINO: What other issues
15 or dangers or complicated situations did you
16 consider and account for?

17 MR. SECKLER: Again, car circulation,
18 truck circulation.

19 Obviously, operationally -- the traffic
20 issue -- but the idea of having a gas station. The
21 whole idea of spill cleanups, spill retention, that
22 type of stuff was, obviously, designed with the
23 latest standards, you know, the shut-off ability,
24 so if someone was fueling their car, and they
25 decide to drive away with it still attached, that

1 way that whole operation has been worked out.

2 Again, my office at Stonefield
3 Engineering and working with Zach, all of those
4 state-of-the-art designs have been accounted for on
5 this along with the double walled tanks that are
6 constantly monitored in the ground, all those type
7 of unforeseen safety issues that come with gas
8 stations have been designed appropriately here.

9 SUPERVISOR SALADINO: Any other
10 complicated situations?

11 MR. SECKLER: Those are what come to
12 mind at this point, yes.

13 SUPERVISOR SALADINO: So then one last
14 question.

15 In addition to trucks of any size,
16 passenger vehicles, motorcycles and bicycles, what
17 other type of user did you take into consideration
18 in the design of this site as it relates to
19 fueling?

20 MR. SECKLER: As it relates to under
21 the canopy itself?

22 SUPERVISOR SALADINO: What other type
23 of user besides trucks of any size, passenger
24 vehicles, motorcycles or bicycles at this site did
25 you take into consideration?

1 MR. SECKLER: So we do have the
2 pedestrian accessibility -- and, again, my red dot
3 is not quite working -- but we have the pedestrian
4 accessibility from Sunnyside to the store itself so
5 that any pedestrians that happen to be in the area
6 do have a safe access point to the store as well.

7 SUPERVISOR SALADINO: And any other
8 user?

9 MR. SECKLER: That would be, generally,
10 the users that we have in mind for this design,
11 yes.

12 SUPERVISOR SALADINO: No other type of
13 user that would go there to fuel or to buy their --

14 MR. SECKLER: I mean, landscape
15 vehicles --

16 COUNCILWOMAN WALSH: Maybe a boat
17 trailer, maybe a boat?

18 SUPERVISOR SALADINO: That's exactly --

19 COUNCILWOMAN WALSH: Is that what you
20 were waiting for?

21 SUPERVISOR SALADINO: We're a Long
22 Island community, there are very large boats on
23 trailers that people fuel before taking them to a
24 ramp, for instance.

25 How would someone with a large boat on

1 a trailer utilize this site?

2 MR. SECKLER: So, again, the boat on
3 the trailer could access around the outside. They
4 may also be able to access the two gas locations
5 furthest to the east because those are a straight
6 shot on your way in.

7 Depending on the size of the trailer,
8 the size of the boat, the remainder of the canopy
9 would be difficult for them to circle around.
10 Again, it depends on what size boat you have.

11 SUPERVISOR SALADINO: Let's just say --
12 I'll pick a number out of the air -- did you
13 account for, say, a 25-foot boat on a trailer to
14 use this site for fuelling?

15 MR. SECKLER: Right. So assuming a
16 25-foot boat would be behind, let's say, a typical
17 pickup truck, which could be 23 feet plus the
18 difference in -- they could likely utilize both of
19 the end fueling positions on either side.

20 The center, I would say, set would
21 likely be very difficult for them to maneuver, but
22 the two outer ones -- the east and west-most outer
23 ones, they'd be able to circulate through.

24 SUPERVISOR SALADINO: Would they be
25 able to enter and exit the entire site in a safe

1 manner?

2 MR. SECKLER: Yes, they would.

3 SUPERVISOR SALADINO: Thank you.

4 Anyone have any other questions for the
5 witness?

6 (Whereupon, there was no response from
7 the Board.)

8 SUPERVISOR SALADINO: Thank you very
9 much.

10 MR. SECKLER: Thank you.

11 MR. BROWN: Thank you, Mr. Supervisor.

12 We have Rebecca Morrow from PW Grosser
13 just to, kind of, round out the record.

14 She's going to gloss over -- you have
15 her report, so she's going to give a quick summary
16 of it.

17 SUPERVISOR SALADINO: Thank you,
18 Mr. Brown.

19 MS. MORROW: Supervisor Saladino and
20 Members of the Town Board, good afternoon.

21 My name is Rebecca Morrow, and I'm a
22 senior environmental planner and project manager
23 for PW Grosser Consulting, Inc. Our office address
24 is 630 Johnson Avenue, Suite 7, Bohemia, New York
25 11716.

1 Our firm was retained by land use
2 counsel to evaluate the proposed convenience store
3 with fuel services. The proposed actions
4 consistency with the Special Use Permit standards,
5 performance standards, and motor vehicle fuel sales
6 and services standards set forth at Section
7 246-9.4; 246-10; and 246-5.5.17, respectively, of
8 the Town of Oyster Bay Zoning Code.

9 A planning report, including this
10 evaluation, was prepared by our firm and submitted
11 by land use counsel as part of the record.

12 Our analysis was based upon the Site
13 Plan and Traffic Study prepared by Stonefield
14 Engineering as well as the New York State
15 Department of Environmental Conservation short
16 environmental assessment form part one, the Town of
17 Oyster Bay short environmental assessment form
18 addendum, the appraisal report prepared by John
19 Breslin, renderings prepared by Michael Berardesco
20 Studios, and visual inspections of the site and
21 surrounding area.

22 The proposed action is consistent with
23 the environmental settings and the community
24 character of the existing area.

25 As all witnesses have stated before,

1 this is an existing use within the area for the
2 convenience store, and due to the location of the
3 subject property as well, the fueling hours would
4 be restricted between 6:30 a.m. and 10:30 p.m.
5 There would be a dedicated ADA fueling space as
6 well.

7 The petroleum tanks are going to be
8 located 40.9 feet from Executive Drive, and the
9 fuel tanks will be buried at least 16 to 17 feet
10 below grade.

11 There is significant economic benefits
12 to the Town from the proposed action with regards
13 to taxes as well as jobs generated, and the
14 appraisal report also concluded that the proposed
15 building would be consistent with the surrounding
16 area, and the proposed action also includes green
17 technologies such as cool roofs and LED lights that
18 are in line with the Town of Oyster Bay Climate
19 Smart Community Legacy actions.

20 In conclusion, the proposed action is
21 consistent with all standards and that there are no
22 safety concerns and that no existing operations in
23 the surrounding area would be negatively impacted.

24 And if there are any questions, I am
25 happy to take them.

1 Thank you for your time.

2 SUPERVISOR SALADINO: Anyone?

3 (Whereupon, there was no response from
4 the Board.)

5 SUPERVISOR SALADINO: Thank you very
6 much.

7 No questions at this time.

8 MS. MORROW: Thank you.

9 MR. BROWN: Thank you, Rebecca.

10 Last, but certainly not least, Mr. John
11 Breslin.

12 MR. BRESLIN: Good afternoon,
13 everybody.

14 John Breslin, 44 Elm Street,
15 Huntington, New York.

16 Before I forget, Happy Holidays to all
17 of you.

18 SUPERVISOR SALADINO: Thank you. Same
19 to you.

20 MR. BRESLIN: May the New Year bring us
21 all good health and prosperity, and may the words
22 of the Reverend earlier today echo throughout our
23 Long Island, down to Washington, and, hopefully,
24 throughout the rest of the world.

25 The words were very inspiring and

1 something that we all need to be mindful of.

2 My role in this is to study the impacts
3 on real property values and the character of the
4 community under the Special Permit standards.

5 Much of what I would have said has been
6 said by others earlier today, and I've listened
7 intently to what everybody else said, and, I think,
8 it's pretty clear that the location on the
9 Expressway service road and Sunnyside Boulevard is
10 clearly an appropriate location for a gas station
11 and convenience store combination.

12 What we learn in the land use community
13 is that it's always evolving. Uses evolve. From
14 the mom and pop service station to the canopy gas
15 facility to the convenience store on the existing
16 older service station properties to, now, learning
17 that we need bigger, wider service station
18 properties in order to satisfy both gas deliveries
19 and customers as well as the convenience store
20 combination, and this is a perfect example of this,
21 both from the need for the evolution, as well as
22 the ability to provide it.

23 You have the old version of the
24 convenience store next door; now you're providing
25 the new version on 1.73-acres. You have a history

1 of the operation of the existing convenience store
2 and the problems associated with it both from the
3 complaints that you've received and then the
4 ability to solve those complaints by virtue of the
5 new site that's proposed next door.

6 One of the other things that had been
7 brought up and discussed a few times was the idea
8 of the possibility of tractor-trailers fueling at
9 this site.

10 Now, as I was listening to that, I was
11 thinking, have I ever seen a tractor-trailer
12 fueling at a gas station, a regular gas station --
13 a Hess, a Mobil -- in my lifetime, and the answer
14 is no. Think about it.

15 Have you ever seen it?

16 Probably not. Even those with diesel.

17 And then I remembered recently, I was
18 involved in a zoning case for a new gasoline
19 service station in Huntington on 110 -- right just
20 south of COSTCO -- and the plan for that is that it
21 was on a three-acre site, and that facility will
22 have a truck fueling situation as well.

23 And what I learned during the course of
24 the preparation for that is, they will have two
25 separate sets of pump islands -- one for the

1 trucks, one for the passenger cars -- the
2 convenience store will be closer to the passenger
3 cars, not unlike the setup here.

4 And this will have a perimeter access
5 for the parking area in the back, very similar to
6 what's proposed here for the trucks, but then
7 around on the other side will be the fueling area
8 for the trucks. And the reason it's separate is
9 somewhat what was alluded to earlier, they fuel at
10 a different pace they said. They didn't use the
11 same term that Mr. Brown did, but they also fuel on
12 both sides because the tanks are a minimum of 125
13 gallons on a truck.

14 So there will be a new one in
15 Huntington on 110, but it also points out how those
16 are the types of facilities that these trucks fuel
17 at as opposed to a regular gas station.

18 But looking at this proposal and the
19 appropriateness under the Special Permit criteria,
20 it clearly is a great site because normally you
21 wrestle with putting commercial uses under Special
22 Permits where you're backing up to residential and
23 you have residential all around it.

24 In this case, you don't have that. You
25 have industrial around it or commercial.

1 So what they did here is they found a
2 site that's a great location on the corner of the
3 LIE and Sunnyside Boulevard that backs up to
4 industrial and is next to commercial replacing the
5 existing.

6 They also prepared photo simulations,
7 which, I think, show exactly what it will look like
8 after it's constructed, and, I think, you'll agree
9 that will be a tremendous improvement over the
10 existing conditions.

11 Mr. Brown is going to play Vanna White
12 over here and --

13 (Whereupon, documentation was displayed
14 on an easel for the assemblage to view.)

15 MR. BROWN: This is 1A (indicating).

16 MR. BRESLIN: That's the before.

17 MR. BROWN: This is 1B (indicating).

18 MR. BRESLIN: That's the after.

19 1A and 1B.

20 MR. BROWN: 2A.

21 View of intersection from Sunnyside
22 Boulevard looking south (indicating).

23 2A, 2B (indicating).

24 The next one is Executive Drive looking
25 west. This is 3A and 3B (indicating).

1 And, finally, view from Executive Drive
2 looking more southeast. This is 4A, 4B
3 (indicating).

4 MR. BRESLIN: And that one, you can
5 see, shows a tractor-trailer in a parking space.

6 So, in conclusion, by granting the
7 release, I think you have the opportunity to
8 provide a necessary service to the residents of the
9 Town and not have any adverse impact on real
10 property values but also have something that's very
11 appropriate on this location and in this community.

12 I'd be happy to answer any questions.

13 Thank you very much.

14 SUPERVISOR SALADINO: Thank you, sir.

15 MR. BROWN: Thank you, Mr. Supervisor.

16 That concludes our presentation. If
17 you have any questions from the general public,
18 we'd be happy to address them.

19 SUPERVISOR SALADINO: First of all, any
20 last questions from the Board for anyone?

21 (Whereupon, there was no response from
22 the Board.)

23 SUPERVISOR SALADINO: Okay.

24 At this time, we'll open the floor up
25 to the public who may have some questions or

1 statements as it relates to this application.

2 Anyone?

3 (Whereupon, there was no response from
4 the assemblage.)

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

8 With that, is there a summation?

9 MR. BROWN: Yes, sir.

10 Thank you, Mr. Supervisor, Members of
11 the Board for your patience and your consideration.

12 We respectfully request that the Board
13 grant the requested Special Use Permits and
14 concurrent Site Plan Approval.

15 We submit that the instant application
16 will not unduly benefit one particular land owner
17 at the expense of the general community.

18 The proposed gasoline service station
19 and convenience store across Sunnyside Boulevard,
20 on a much larger lot with multiple means of access,
21 will be a great improvement over the existing site
22 and to the community as a whole.

23 Moreover, the new location will address
24 many of the shortcomings of the current 7-Eleven
25 site. The larger site, with a designated loading

1 area and parking fit for tractor-trailers, will
2 eliminate the need for vehicles parking on the
3 street and reduce hazardous and dangerous
4 conditions. There will also be significantly more
5 parking available and much better on-site traffic
6 circulation.

7 On behalf of my client and my expert
8 team, I want to thank you very much.

9 SUPERVISOR SALADINO: Thank you,
10 Mr. Brown.

11 Is there any correspondence?

12 MR. LaMARCA: The attorney for the
13 applicant has filed the Affidavit of Service and
14 Disclosure.

15 The communications are as follows:

16 We have Memos from the Department of
17 Planning and Development including a review of the
18 required off-street parking.

19 The Nassau County Land and Tax Map
20 indicates the property is Section 13, Block 98, Lot
21 24.

22 According to the Town of Oyster Bay
23 Zoning Maps, the property is located within an "LI"
24 Light Industry Zone.

25 There are no open prior Code

1 Enforcement Bureau cases; however, there are
2 variances on file.

3 We have Affidavits of Postings and
4 Publication.

5 There is correspondence on file, which
6 have been distributed to the Town Board.

7 SUPERVISOR SALADINO: Thank you.

8 May I have a motion?

9 COUNCILMAN IMBROTO: Supervisor, I move
10 that this hearing be closed and that the record be
11 left open for 30 days.

12 COUNCILMAN HAND: Second.

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

15 ALL: "Aye."

16 SUPERVISOR SALADINO: Those opposed,
17 "Nay."

18 (Whereupon, there were no "Nay"
19 responses from the Board.)

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

22 Thank you very much.

23 (TIME NOTED: 12:31 P.M.)

24 MR. BROWN: Thank you, and a wonderful
25 holiday to all of you.

1 SUPERVISOR SALADINO: Same to you, and,
2 Counselor, we congratulate you on your recent
3 accomplishment.

4 MR. BROWN: Thank you. I appreciate
5 that.

6 SUPERVISOR SALADINO: Meaning last
7 month.

8 MR. BROWN: Yes. Yes.

9 SUPERVISOR SALADINO: Not as it relates
10 to today.

11 MR. BROWN: And I can appreciate --
12 it's the same District that Councilman Labriola sat
13 in at one point, so, thank you.

14 Take care.

15 SUPERVISOR SALADINO: We are now going
16 to take a ten-minute break to allow the
17 stenographer a chance to recuperate.

18 (TIME NOTED: 12:32 P.M.)

19 (Whereupon, the proceedings were
20 briefly halted at 12:32 p.m. and the proceedings
21 resumed at 12:57 p.m. with the third hearing.)
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23
24
25

	20.6 ^[1] - 14:8 2002 ^[1] - 15:13 2004 ^[1] - 7:15 2007 ^[1] - 19:17 2022 ^[5] - 1:2, 1:9, 2:10, 5:24, 16:6 20th ^[2] - 6:7, 6:9 23 ^[1] - 78:17 24 ^[3] - 34:24, 35:3, 89:21 24-hour ^[2] - 25:23, 52:7 24/7 ^[1] - 34:23 246-10 ^[1] - 80:7 246-5.2 ^[1] - 17:10 246-5.5.17 ^[2] - 17:8, 80:7 246-6 ^[1] - 18:23 246-9.4 ^[1] - 80:7 25 ^[2] - 50:13, 58:15 25-foot ^[2] - 78:13, 78:16 250 ^[1] - 33:18 28 ^[1] - 16:25 2A ^[2] - 86:20, 86:23 2B ^[1] - 86:23	6	accessibility ^[4] - 68:12, 74:18, 77:2, 77:4 accessory ^[4] - 3:3, 17:17, 17:20, 17:24 accident ^[1] - 73:2 accidents ^[9] - 24:6, 24:12, 70:24, 71:8, 71:12, 71:14, 71:16, 72:2, 72:15 accommodate ^[10] - 9:9, 12:11, 16:16, 45:1, 45:7, 50:4, 54:16, 56:17, 56:22, 74:14 accommodated ^[1] - 56:4 accomplishment ^[1] - 91:3 accordance ^[1] - 3:6 according ^[1] - 35:21 According ^[1] - 89:22 account ^[2] - 75:16, 78:13 accounted ^[1] - 76:4 acre ^[2] - 9:6, 84:21 action ^[4] - 80:22, 81:12, 81:16, 81:20 actions ^[2] - 80:3, 81:19 activities ^[1] - 16:23 actual ^[2] - 46:10, 53:3 acute ^[1] - 67:2 ADA ^[5] - 9:18, 9:19, 62:15, 62:16, 81:5 ADA-compliant ^[2] - 9:18, 9:19 added ^[1] - 66:4 addendum ^[1] - 80:18 adding ^[2] - 66:6, 66:7 addition ^[13] - 5:11, 11:12, 13:19, 14:14, 14:22, 15:21, 19:25, 21:23, 38:10, 43:24, 64:25, 72:16, 76:15 additional ^[5] - 4:3, 38:5, 65:16, 65:24, 65:25 Additionally ^[1] - 18:10 address ^[11] - 11:23, 15:19, 25:6, 25:7, 32:5, 32:7, 32:13, 48:12, 79:23, 87:18, 88:23 adjacent ^[2] - 15:22, 50:15 adjourned ^[3] - 1:8, 2:9, 3:20 adverse ^[1] - 87:9 adversely ^[2] - 15:9, 15:15 aerial ^[4] - 5:17, 42:24, 43:4, 43:5 affect ^[3] - 15:9, 15:15, 70:19 Affidavit ^[1] - 89:13 Affidavits ^[1] - 90:3 aforementioned ^[1] - 7:13 afternoon ^[3] - 10:20, 79:20, 82:12 agenda ^[1] - 46:24 agree ^[1] - 86:8 air ^[1] - 78:12
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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
December 13, 2022
12:57 p.m.

HEARING - P-14-22

To consider the application of 1099 Old Country LLC, fee owner, for a Special Use Permit and Site Plan Approval on premises located at 1099 Old Country Road, Plainview, New York. (M.D. 11/8/22 #12).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would the Town
2 Clerk please call the next hearing?

3 MR. LaMARCA: Today's third hearing is
4 to consider the application of 1099 Old Country,
5 LLC, fee owner, for a Special Use Permit and Site
6 Plan Approval on premises located at 1099 Old
7 Country Road, Plainview, New York.

8 MR. ALTMAN: Good afternoon,
9 Mr. Supervisor, fellow Board members. Happy
10 Holidays to everybody.

11 I, sort of, feel like the second hand
12 after the prior presentation, but I'll thank my
13 partner when I get back to the office for warming
14 the Board up, so I'll try to be a little more brief
15 and a little more succinct.

16 Contrast of two different applications
17 where you have what the prior application sort of
18 reflects the gas station industry in terms of what
19 you'd like to see -- acre-and-a-half, two-acre
20 sites -- this sight is indicative of what I refer
21 to as a legacy site. It is a gas station that is
22 emblematic of what we saw developed following World
23 War II on Long Island up and through the 1970s.

24 Sites anywhere from 10 to 15, 20,000
25 square feet on busy intersections, and that's

1 exactly what we have here in front of us today.

2 The property is 1099 Old Country Road
3 in Plainview. It bears Nassau County Tax Map
4 Section 47, Block G, Lot 753. It is currently
5 zoned "GB" General Business, and by way of history,
6 there was a Zone change application before this
7 Board going back into the late '60s -- May 4th of
8 '68 under Resolution No. 493-68, which changed the
9 Zoning at that time from Business F, which, I
10 guess, translates to "NB" under the current Code,
11 Neighborhood Business, to Business G, which is now
12 General Business.

13 What you see there today in the top
14 half of the picture on the easel to my left, albeit
15 with cars in front of it -- Chris, if you wouldn't
16 mind with the laser pointer, great -- that's the
17 structure that's there today. There are no cars on
18 that site today. The site has been shut down for
19 the better part of two years now.

20 My understanding was that a Certificate
21 of Completion was issued in 2017 to allow for an
22 automotive repair use on the site. That didn't
23 work, and as the Board is, I think, fairly well
24 aware at this point, local neighborhood automotive
25 repairs, generally, don't exist anymore. It's

1 primarily done by the dealerships, and making a go
2 at automotive repairs at a local station, such as
3 this, particularly on a smaller site, just doesn't
4 work from an economic perspective.

5 So, today --

6 COUNCILMAN IMBROTO: Isn't there one
7 across the street?

8 MR. ALTMAN: There is, but that is
9 repair only where this was gas, so a little
10 different.

11 COUNCILMAN IMBROTO: That one was gas,
12 too.

13 MR. ALTMAN: Does it still have gas?

14 COUNCILMAN IMBROTO: They don't
15 anymore.

16 MR. ALTMAN: Yeah, I didn't think so,
17 but this one did not work, so right now you have an
18 empty site. It looks rather unappealing as we say.

19 So the applicant proposes to raze and
20 rebuild the site, and, I think, the maximum picture
21 is worth a thousand words. If you look at the
22 photo simulation in the lower portion -- or up on
23 the screen -- that's what the applicant proposes to
24 build, and should this Board, in its infinite
25 wisdom, grant the application, that is what you

1 see. And that is the view from Old Country Road
2 looking southward towards the site.

3 The site itself is at the southwest
4 corner of Old Country and Plainview Road. It is
5 approximately 13,313 square feet or 0.3 acres. It
6 has lot frontage of approximately 89.6 feet on Old
7 Country Road and 88.10 feet on Plainview Road.

8 This is, as the Board, I know, is well
9 aware, a busy, signalized intersection, but, in
10 fact, it is signalized and under the jurisdiction
11 of the Nassau County DPW.

12 The applicant had obtained sign off
13 from DPW on the Site Access Management Plan -- and,
14 Chris, if we can pull up the Site Plan -- I'll just
15 take a quick run through the Site Plan so the Board
16 can get a better idea and sense of the improvements
17 that we're proposing.

18 So if you look on the easel, again, to
19 my right -- and that's the noncolorized plan up on
20 the screen -- but, nonetheless, the same, just
21 without the color.

22 Right now, the site has Zero in the way
23 of vegetation. It is a sea of asphalt. The
24 applicant will be, in fact, planting, installing
25 green space on the site. You'll have planting

1 along the entire western lot line, the southeast
2 portion of the south lot line, and then along the
3 northeast corner along the radius where Plainview
4 Road and Old Country Road meet, so where there is
5 no green space today, we will, in fact, have
6 year-round green space on-site.

7 The rectangular orange box that's, sort
8 of, on the north portion of the site, parallel to
9 Old Country Road, that is the pump island canopy.
10 The pump island canopy will be 76 feet by 24 feet
11 or 1,824 square feet in area.

12 Beneath the canopy, you will see three
13 multiproduct dispensers providing six fueling
14 positions. They will be perpendicular to Old
15 Country Road with the bulk of the -- probably all
16 vehicles, essentially, entering, generally
17 speaking, from Old Country Road -- or the bulk of
18 them anyway.

19 One thing that is different about the
20 site from what you see today, where the existing
21 building tends to sit center of the site and takes
22 up and affects site circulation, that building is
23 going to come down, and we are moving the new
24 building and developing it up against the southwest
25 corner providing for enhanced site circulation.

1 The new building will be just under
2 1,500 square feet in area, whereas the existing
3 building is 1,880 square feet in area, so you're
4 going to have an, actually, smaller building on
5 site, less visually obtrusive. There will be no
6 food prep at this particular building. This will
7 be a traditional convenience store with dried goods
8 and coffee, prepackaged products, et cetera. The
9 building is simply not big enough to accommodate
10 food service.

11 The applicant does propose to operate
12 the site on a 24/7 basis. In terms of employees at
13 the site, there are two per shift and three shifts
14 per day.

15 One of the things that the applicant
16 has done -- in conjunction with discussions with
17 this Town as well as with the Nassau County DPW --
18 where the site, historically, has had four curb
19 cuts, two on Old Country and two on Plainview Road,
20 there is going to be a consolidation of site access
21 making for greater safety.

22 We'll have one site access point at the
23 northwest corner on Old Country Road. It is right
24 in/right out only. There will be signage installed
25 on site regarding the prohibition of left turns.

1 Similar, the same thing will happen on Plainview
2 Road, right in/right out only, and, again, no left
3 turns, and, of course, on Plainview Road, it's even
4 more difficult because there's, actually, a median
5 in between.

6 In terms of signage, and I'll just
7 touch on that briefly, there will be two signs, one
8 on each corner -- ground signs, that is -- one on
9 the northwest corner and then one mid-block on
10 Plainview Road.

11 The pseudo-monument style sign, it will
12 be Code compliant in terms of height -- it will be
13 less than 20 feet in height -- there will be
14 variance relief requested in terms of sign area.
15 The sign itself will be about 60 64 square feet in
16 area -- each one -- and, I think, that's highly
17 recommended as, I think, our traffic engineer, Matt
18 Seckler, who spoke on the prior application, could
19 tell you given the busy aspects of this particular
20 intersection.

21 The surrounding area, which is entirely
22 commercial -- and if we could just, sort of, pull
23 up the aerial, that would be, sort of, helpful to
24 take a quick peek at -- there we go.

25 So, this is a heavily commercial area

1 in terms of mixed retail service uses as well as
2 other repair facilities and gas stations.

3 The site was, historically, as I
4 mentioned, a gas station having first received a
5 C of O and Town Board approval for a Special Permit
6 going back to '55, so we are not changing the
7 character of the area as a commercial area. The
8 commercial character is well established, and, as
9 such, we're proposing no changes in that regard.

10 In terms of departmental review by the
11 Town, which, again, this was thoroughly reviewed by
12 various departments in the Town, including Planning
13 and DPW, there were no adverse comments as it
14 relates to the proposed application, and, in fact,
15 noting the consistency with current zoning and land
16 use patterns in the area.

17 That being said, as I mentioned, we did
18 have sign off from Nassau County DPW on Site Access
19 and Management Plan.

20 And that, essentially, is our
21 presentation as it relates to this application. It
22 is a pretty straightforward application in terms of
23 reuse and redevelopment of a former gas station
24 site.

25 I'm happy to answer any questions.

1 Also with me today is Chris Tartaglia
2 from High Point Engineering, our project civil
3 engineer; and Matt Seckler from Stonefield
4 Engineering, our traffic consultant.

5 I'm going to ask Matt to step up at
6 this time, if the Board doesn't have any questions
7 of me, just to run through some of the traffic
8 aspects because I'm sure the Board may have a few
9 questions in that regard, so, Matt.

10 MR. SECKLER: Good afternoon.

11 Again, for the record, Matt Seckler,
12 S-E-C-K-L-E-R, with Stonefield Engineering;
13 address, 584 Broadway, in New York, New York.

14 For this application, we also prepared
15 a traffic impact study, similar to the last one,
16 that included traffic counts and projections of
17 traffic.

18 One of the aspects that's important
19 when understanding any type of convenience store,
20 gas station, or any type of convenience uses is
21 that they are sited on roadways that have high
22 volume because people don't go out of their way to
23 use them.

24 The customer base for uses like this,
25 in fact, our study shows anywhere from

1 three-quarters to 90 percent of customers of gas
2 stations and convenience stores are already driving
3 by the site today even with this being a vacant
4 auto shop. So the customers of this site are
5 likely, you know, I think, it's about 15,000 cars a
6 day that drive eastbound on Old Country Road or
7 15,000 cars a day that go southbound on Plainview
8 Road every single day past this site.

9 So being located on a busy corner isn't
10 necessarily -- is not a detriment to the gas
11 station operations, as well as the way the site
12 operates as it relates to impacts on the roads.

13 There is gas station, I think, a little
14 more than a half mile to the west of this site, I
15 think, it's a Speedway; about a half mile north of
16 the site, which is a Gulf.

17 Again, people are picking their gas
18 station because they may be coming on to the road
19 -- Old Country Road or somewhere in that half-mile
20 stretch, and this becomes the most convenient gas
21 station on their route.

22 Our access points, as Mr. Altman
23 mentioned, is right in/right out only, and we've
24 located them as far from the intersection as
25 possible -- so all the way to the south on our site

1 and all the way to the west on our site -- with
2 right in/right out movements only. Again, making
3 it only convenient for those customers that are
4 going in the westbound direction or the southbound
5 direction on these roadways.

6 As was alluded to, we have received
7 approval from the County DPW for these access
8 points based on the design of the site and the trip
9 generation of the site.

10 The site, in terms of its operations,
11 again, fairly small offering inside the store.

12 Again, we're talking about a site that
13 has a little less than 1,500 square feet. So in
14 terms of the customer base, the likely customers --
15 as opposed to the last application, which was about
16 a 4,000 square foot store that was serving tractor-
17 trailers coming off of the LIE -- this is,
18 obviously, a site that's serving more of the, kind
19 of, grab-and-go customer, maybe, someone who's
20 fueling that runs into the store back and forth to
21 grab a coffee. That's what people are expecting
22 from the offerings of a 1,500 square foot
23 convenience store.

24 So, again, in terms of the traffic
25 impacts, this site exists or is proposed to be

1 sited at this location because of the existing
2 traffic that is on the roads. It's not going to
3 bring in new traffic. So if you're sitting at the
4 light waiting to make a left turn, and you're
5 waiting your 80 seconds for the light to turn green
6 for you, you're still going to be waiting the same
7 80 seconds. The customers of this site, they're
8 already around you in traffic even before this site
9 is built.

10 So, again, I'd be happy to answer any
11 specific questions, but that's, essentially, the
12 summary of our traffic study that we prepared for
13 this project.

14 COUNCILMAN IMBROTO: Did you study the
15 existing pedestrian traffic at the site?

16 We have a middle school down the road.
17 We have the Mid Island Y.

18 MR. SECKLER: Yup. And we do have bus
19 stops that stop around the site as well.

20 Again, we do have, obviously, sidewalks
21 along the site frontage. I think the County
22 recently paved the roads, all the ADA ramps are
23 recently redone.

24 Obviously, we can look at, potentially,
25 providing pedestrian access to the store itself, if

1 requested.

2 Again, we might be able to provide it
3 at the southerly section where you have that --

4 COUNCILMAN IMBROTO: Other than access
5 to the site itself, just the general pedestrian
6 traffic in the area using the intersection.

7 MR. SECKLER: Again, what we noticed
8 was that there was some general pedestrian traffic,
9 not high levels, but we did notice, obviously,
10 during rush hours. There's some school activity in
11 the area -- obviously, to the northeast there's a
12 school -- but we didn't see anything in the levels
13 of hundreds of pedestrians. We did see a handful,
14 20 pedestrians at times during our counts.

15 COUNCILMAN IMBROTO: Was that taken
16 into account of the design?

17 MR. SECKLER: Yes. Yes. That's taken
18 into account in our design, and our analysis takes
19 into account any time a pedestrian pushes the
20 button to try and cross the street, that's taken
21 into account as well.

22 COUNCILMAN IMBROTO: Okay.

23 And could you just describe the
24 existing site, you know, the neighboring
25 properties -- I believe there's an office building,

1 a cleaner --

2 MR. SECKLER: Yeah, I think, there's an
3 aerial for that. Mr. Tartaglia is bringing it up.

4 COUNCILMAN IMBROTO: Yeah, it's hard to
5 tell from the aerial, if you could just explain
6 what's there.

7 MR. SECKLER: Yeah, so, there is a
8 retail center to the left of the site, so to the
9 west of the site is a retail center that we're,
10 kind of, stuck in between. It's an office/retail.

11 Across the street, to the north, is the
12 auto parts -- automotive repair facility.

13 To the southeast, obviously, a large
14 shopping center at that location, and then,
15 obviously, the school would be, kind of, off the
16 page to the top right of this location.

17 COUNCILWOMAN MAIER: What's directly
18 behind it -- the proposed site?

19 COUNCILMAN IMBROTO: That's a cleaner.

20 MR. SECKLER: I think that's a dry
21 cleaner of some sort.

22 COUNCILMAN IMBROTO: So this site used
23 to be a gas station, across the street used to be a
24 Gulf gas station -- across Old Country Road.
25 Across Plainview Road used to be a Mobil gas

1 station. Across Old Country Road is the Plainview
2 Diner. There's -- the old gas station is now an
3 auto repair shop, and then up Manetto Hill Road is
4 the Mid Island Y, and on Washington Avenue is
5 Mattlin Middle School and the high school further
6 down.

7 MR. SECKLER: Yes. And, again, this
8 was alluded to during our attorney's words at the
9 beginning, typically, at these very busy
10 intersections, you know, going back to the '50s,
11 '60s, you had what was gas stations, with, you
12 know, a little repair facility. Some of those,
13 obviously, have changed over to just repair
14 facilities. This one lived its life as a repair
15 facility, and, now, looking to put back that gas
16 component.

17 COUNCILWOMAN MAIER: I have a question.
18 So when this was a gas station back in
19 the day, do you know how many pumping stalls it had
20 back then?

21 MR. SECKLER: We do have another
22 witness that could speak to that.

23 MR. ALTMAN: Yeah, I do. It was three.

24 COUNCILWOMAN MAIER: It was three?

25 MR. ALTMAN: Yeah.

1 COUNCILWOMAN MAIER: So three stalls.

2 So one on each side, so six?

3 MR. ALTMAN: So the original station, I
4 believe, had one parallel to Plainview Road and
5 then two perpendicular to Old Country.

6 COUNCILWOMAN MAIER: Okay.

7 So the proposed is three -- one on each
8 side, so six pumping stations?

9 MR. ALTMAN: Six filling positions,
10 correct.

11 COUNCILWOMAN MAIER: Do we know the
12 stacking capability?

13 MR. ALTMAN: Staffing?

14 COUNCILWOMAN MAIER: Stacking.

15 MR. ALTMAN: Oh, stacking capability.
16 Chris.

17 COUNCILWOMAN MAIER: Of cars.

18 I guess the concern is, as cars come
19 onto the subject property that they back up onto
20 the main streets.

21 MR. ALTMAN: Mm-hmm. Understood.

22 MR. TARTAGLIA: Good afternoon.

23 Just for the record, my name is Chris
24 Tartaglia. I'm a principal with the firm of High
25 Point Engineering.

1 So with regard to stacking on the site,
2 just referring to the exhibit here, so we've got
3 the three pump islands here (indicating) with the
4 -- they're double sided -- so there's a fueling
5 position on each side.

6 Generally speaking, because of the
7 right in/right out nature of the property, we do
8 anticipate that the predominant traffic will be
9 coming in making a right turn in and then heading
10 out either southbound on Plainview Road or
11 circulate back out to head eastbound on Old
12 Country.

13 But with regard to stacking in
14 particular, so there's enough room at each pump
15 island to have an additional vehicle stacked behind
16 it, and if somebody does do the loop around,
17 there's also room between the parking stalls and
18 the access for a vehicle to stack on the south side
19 of the column.

20 So, essentially, we've got stacking
21 room for one vehicle behind each fueling position,
22 so there will be a total of 12 on the property at
23 once, which would probably be a seldom seen event.
24 That's quite a lot of cars.

25 COUNCILWOMAN MAIER: Okay.

1 COUNCILMAN IMBROTO: Have you taken
2 into account potential environmental issues with
3 spillage and seepage?

4 MR. TARTAGLIA: Yes, we have.

5 In fact, there is currently no active
6 remediation or environmental case on the property.
7 We've searched DEC records; however, that said,
8 when the property is built, it will be completely
9 excavated, and if there's any impacts that are
10 found from the prior use, they will be fully
11 remediated to the DEC and Health Department's
12 discretion.

13 COUNCILWOMAN MAIER: How many parking
14 spots are you proposing?

15 MR. TARTAGLIA: We have a total of
16 seven. There's six right out front with one of
17 them being a fully ADA compliant stall nearest the
18 door, and then one off to the side of the building
19 to the east side. Seven total.

20 COUNCILMAN IMBROTO: Does anyone have
21 any other questions?

22 SUPERVISOR SALADINO: I thought she's
23 still considering the answer.

24 COUNCILWOMAN MAIER: No, I'm sorry.

25 Go ahead.

1 SUPERVISOR SALADINO: Are you still
2 considering?

3 COUNCILWOMAN MAIER: I'm good.

4 SUPERVISOR SALADINO: You're good?

5 COUNCILWOMAN MAIER: I'm satisfied.

6 Thank you.

7 MR. TARTAGLIA: Thank you.

8 SUPERVISOR SALADINO: Other questions?

9 (Whereupon, there was no response from
10 the Board.)

11 SUPERVISOR SALADINO: Thank you.

12 MR. ALTMAN: Nothing further at this
13 time, Mr. Supervisor.

14 SUPERVISOR SALADINO: I have a few
15 questions for your design engineer.

16 MR. ALTMAN: Traffic or design?

17 SUPERVISOR SALADINO: Traffic. I'm
18 sorry.

19 Just a few questions.

20 Where would the Dumpsters be located,
21 and how will trucks come in and empty out those
22 Dumpsters?

23 MR. SECKLER: As being pointed to on
24 the exhibit, to the east of the store is the
25 Dumpster location, so we're using the store as

1 somewhat of a shield in terms of it being visible,
2 but the truck can enter, basically, be able to pull
3 forward into the Dumpster, back out, and leave via
4 Plainview.

5 SUPERVISOR SALADINO: We have letters
6 from the community that speak to the issue of
7 congestion here and, specifically, one of them is
8 stating concerns with students in the area from the
9 school.

10 Will any special designs or is there
11 anything in place that will help to increase safety
12 of pedestrians -- students especially -- and others
13 who may be walking within the confines of the site.

14 MR. SECKLER: And, again, I think it
15 was alluded to earlier, I think that it's a great
16 idea, we can add a pedestrian accessibility along
17 the southerly boundary of the site so that any
18 pedestrians, whether it's students or otherwise,
19 would be able to access the building without having
20 to walk through the gas canopy or through the
21 driveways.

22 SUPERVISOR SALADINO: Is the applicant
23 committed to making that addition and alteration to
24 the plan?

25 MR. ALTMAN: Absolutely.

1 SUPERVISOR SALADINO: Absolutely is
2 what the attorney has said.

3 Thank you.

4 In terms of maneuvering around the
5 site, I'm always one who focuses on the designs and
6 what is allowed and, of course, the continuity of
7 being able to manage different types of vehicles.

8 Is this site designed to handle trucks
9 of most sizes, passenger vehicles, motorcycles,
10 bicycles.

11 MR. SECKLER: Yes. It can manage all
12 of those as well as boats on a trailer will be able
13 to maneuver around the site and can fuel at certain
14 locations on the site, but, most likely, the
15 eastern-most pump would be the one that would be
16 the easiest to get to with a boat trailer.

17 SUPERVISOR SALADINO: And you feel that
18 entering the site as well as the exit of the site
19 can be done very reasonably safely even with a
20 20 foot -- let's just pick a number out of the air
21 -- 25-foot boat on a -- which requires, as you
22 know, up to 35 feet with the extensions and the
23 tongue of the trailers and so forth.

24 MR. SECKLER: Yeah, that would,
25 actually, be similar in size to the gas fueling

1 truck that would also need to access the driveways
2 to get in and out, so that would be able to be
3 accessed safely via the driveways.

4 SUPERVISOR SALADINO: Thank you very
5 much.

6 Are there any other questions?

7 COUNCILWOMAN MAIER: I have a couple
8 more questions.

9 Regarding the fueling truck, when would
10 they deliver and how often?

11 MR. TARTAGLIA: I'm sorry. We keep
12 switching off.

13 So a facility like this will probably
14 need three deliveries per week roughly, so,
15 generally speaking, that would be every two, two
16 and a half days. Definitely off-peak. In fact,
17 that was one of the requirements from Nassau County
18 during their very thorough DPW 239F review.

19 They mandated that the fuel truck
20 deliveries be scheduled for off-peak hours, and,
21 let's face it, that just makes sense, especially a
22 facility of this size that it does come during
23 off-peak hours.

24 And, very specifically, again, getting
25 back to DPW, the site has been scrutinized fairly

1 specifically for that tanker truck access, as is
2 noted by the extra wide curb cut on Old Country
3 Road.

4 We've, actually, provided truck
5 modeling and things of that nature to show how the
6 truck can enter safely, sit on the site safely out
7 of the flow of traffic, and then, of course, exit
8 south onto Plainview Road, so it's all been very
9 heavily vetted.

10 COUNCILWOMAN MAIER: This is a 24-hour
11 operation, correct?

12 MR. TARTAGLIA: Correct.

13 COUNCILWOMAN MAIER: How long, when
14 they do their deliveries, how long will they be on
15 site?

16 MR. TARTAGLIA: They're there between
17 15 to 25 minutes depending upon which products
18 their dropping. Sometimes they can drop the
19 high-grade and the regular-grade at once, but,
20 generally 15 on the low end to 22, 23 on the high.

21 COUNCILWOMAN MAIER: Okay.

22 What about deliveries for the inside,
23 for the market?

24 MR. TARTAGLIA: That's a good question,
25 and it, sort of, ties back to Mr. Altman's

1 testimony earlier where this is a smaller site --
2 it's just under 1,500 square feet this building --
3 so there's no food prepared inside, so it's more of
4 a grab-and-go type of operation, so these
5 deliveries will all be done via a box truck.

6 These are not going to be tractor-
7 trailer deliveries unlike the prior application
8 that was on before, so those deliveries will take
9 place on an as-needed basis, but, generally
10 speaking, they're probably on the order of one to
11 two per day. But with less shelves, there's less
12 shelves to fill up and less deliveries to fill --
13 that are required to fill.

14 COUNCILWOMAN MAIER: Do you know
15 exactly what they're going to be selling --
16 cigarettes, beer, you know, alcohol, lottery?

17 MR. TARTAGLIA: General convenience
18 store items that you would see at any convenience
19 store, yes. Beverages, minor household goods,
20 things of that nature.

21 COUNCILWOMAN MAIER: Are there any
22 specific or special permits that were required to
23 be able to sell those types of items at that
24 location?

25 MR. TARTAGLIA: So I know that there's

1 certainly a lottery license that's required,
2 there's also a license to sell beer, which will be
3 issued by the State ABC -- Alcohol and Beverage
4 Control Division -- and, I think, perhaps,
5 cigarettes as well --

6 MR. ALTMAN: Cigarettes, too. From the
7 County.

8 MR. TARTAGLIA: -- whether that's a
9 County permit. All of those would have to be taken
10 into account.

11 COUNCILWOMAN MAIER: And is there any
12 specific training, do you know, for any of the
13 on-site staff when selling those items because
14 everything has to be, you know, you have to be over
15 the age of 18?

16 MR. TARTAGLIA: Yeah, I'm sure there
17 are. There definitely -- so this -- he had to
18 leave, but the owner of this property, the
19 applicant, has several locations within the Town of
20 Oyster Bay, most recently, one built in Massapequa
21 on -- very close to Supervisor's near and dear to
22 his heart -- and it is, actually, we're copying the
23 architecture from that particular facility, it's
24 also a BP, and we do understand that that operator,
25 who is hired by the owner, is a stellar operator,

1 and we would expect nothing less from this
2 location. They do take a lot of pride in their
3 investments and do operate them properly.

4 COUNCILWOMAN MAIER: Now, that barrier
5 at the rear of the building -- where the Dumpster
6 is and the building -- what's -- what is that
7 buffer, is that just going to be consisting of
8 trees that's separating both properties?

9 MR. TARTAGLIA: So if you're talking
10 about this area here that I'm pointing to
11 (indicating)?

12 Yes, So we've got a curbed -- a
13 five-foot wide curbed area that we would landscape
14 with some evergreens. As you can sort of see from
15 the aerial -- maybe, Dave, if you put the aerial
16 up --

17 (Whereupon, documentation was displayed
18 on an easel as well as on the video monitors for
19 the assemblage to view.)

20 MR. ALTMAN: I think that tells you
21 better, right?

22 MR. TARTAGLIA: Yeah.

23 MR. ALTMAN: There's, sort of, nothing
24 there right now.

25 MR. TARTAGLIA: We're really a pad site

1 that fronts that shopping center, that, sort of,
2 envelopes us.

3 As you can see, there's really no
4 landscaping whatsoever on their property or ours.
5 We do have a smaller site here, but what we are
6 doing is greening up, the best that we can, all the
7 areas that are not used for parking circulation or
8 the building, so there'll be a nice evergreen
9 buffer along both sides of the property, and, of
10 course, out at the corner, we're going to be
11 putting some low lying landscaping, so there's no
12 site visibility issues.

13 COUNCILWOMAN MAIER: So there will be
14 no access from the gas station to the rear parcel?

15 MR. TARTAGLIA: That's correct.

16 If they wanted to come in, they could
17 easily just walk along the sidewalk on either side
18 and get into the property.

19 COUNCILWOMAN MAIER: Okay.

20 Thank you.

21 MR. TARTAGLIA: You're welcome.

22 COUNCILMAN IMBROTO: Can someone speak
23 to the historical traffic accidents at this site?

24 Does anybody know that information.

25 MR. SECKLER: We did include -- again,

1 Matt Seckler, for the record -- we did include some
2 accident analysis within the traffic study, again,
3 not specific to the site, but the --

4 COUNCILMAN IMBROTO: The intersection.

5 MR. SECKLER: -- the intersection
6 itself because this site, the last couple of years,
7 hasn't been open, and, really, is a different
8 function in terms of the type of vehicles that
9 would be on and off.

10 But the intersection itself, what we
11 noticed is, what we see is typical accidents at the
12 most large intersections -- a lot of rear-end
13 accidents, either the person stopping for a yellow
14 to red right and the car behind them, kind of,
15 hitting them.

16 We didn't see prevalent type of
17 accidents that would lead me to think that there is
18 a timing issue at the light. You know, sometimes
19 the red lights need to be extended, sometimes the
20 yellow lights need to be extended. None of the
21 accidents that we saw would lead me to believe that
22 that type of fix is necessary, but that was also
23 provided to DPW. If they feel like the timing
24 should be changed, they, obviously, could do so as
25 well.

1 COUNCILMAN IMBROTO: Could you share
2 any information about the number of accidents that
3 have been at this intersection?

4 MR. SECKLER: The accidents are, on
5 average, around 20 a year over the last three
6 years. We do not count the COVID years, so when I
7 say three years, it's the three years previous to
8 that.

9 Again, at roadways that have -- when
10 you count both directions of traffic -- 30,000
11 vehicles per day in each direction -- that is, I
12 would say, not necessarily a high accident history,
13 but, again, the accidents we're seeing are what is
14 typical at most signalized intersection rear-end
15 accident that you would see, I would say, at nearly
16 every Nassau County high-volume intersection.

17 COUNCILMAN IMBROTO: Have there been
18 any pedestrian accidents?

19 MR. SECKLER: I do not see any in my
20 notes, but it's possible that there are. I don't
21 see it in the data that we have collected.

22 We, obviously, could supplement if
23 that's requested.

24 COUNCILMAN IMBROTO: Okay.

25 Yes, please do.

1 And do you have any reason to believe
2 that this site would affect the safety of
3 pedestrians who are using the sidewalks in the
4 area?

5 MR. SECKLER: No.

6 Again, I think the sidewalks have been
7 designed using DPW's review. Again, they've been
8 designed appropriately.

9 Any site developed here would likely
10 need a driveway in and out and likely on both roads
11 because as we just saw, a dead-end type parking
12 arrangement, actually, hinders on-site circulation,
13 so you would have some way to get on and off this
14 site no matter what by putting the driveways as far
15 away from the intersection is the most appropriate
16 location.

17 COUNCILMAN IMBROTO: And Nassau County
18 already evaluated that, weighed in on that, and
19 approved that?

20 MR. SECKLER: Yes.

21 COUNCILMAN IMBROTO: When was that
22 approval given?

23 MR. SECKLER: I'm hearing about two or
24 three months ago.

25 COUNCILMAN IMBROTO: Okay.

1 Thank you.

2 SUPERVISOR SALADINO: Any other
3 questions?

4 (Whereupon, there was no response from
5 the Board.)

6 SUPERVISOR SALADINO: I have a question
7 for Counsel.

8 MR. ALTMAN: Sir?

9 SUPERVISOR SALADINO: Mr. Tartaglia
10 spoke to the design of the exteriors, and I will
11 say I'm very impressed with that, and I want to
12 make sure that all of the implements that we're
13 seeing -- the appointments in that design -- that
14 the applicant is fully committed to, rather than
15 just a sense of what it might look like.

16 So, are we to believe that the
17 applicant is committed to the sloping roof with the
18 shingle style coverings on that?

19 MR. ALTMAN: Yes, sir.

20 SUPERVISOR SALADINO: Committed to the
21 reverse gable and the doghouse dormers?

22 MR. ALTMAN: Yes, sir.

23 SUPERVISOR SALADINO: Committed to
24 clapboard siding and committed to cultured stone
25 along the bottom on at least three sides of the

1 building?

2 MR. ALTMAN: That would be correct.

3 SUPERVISOR SALADINO: Are they
4 committed to also, additionally, continuing that
5 look with the sloped roof-like look and shingle
6 look on the top of the canopy?

7 MR. ALTMAN: Yes, sir.

8 SUPERVISOR SALADINO: That's very much
9 appreciated.

10 The homes in Plainview are beautiful
11 homes, and the residents commit quite a bit of
12 expense and care to making the community look
13 beautiful, so when an applicant tries to mirror the
14 quality of the homes in the community, it certainly
15 says something.

16 MR. ALTMAN: Well, I think, to
17 Mr. Tartaglia's point, we've, obviously, been
18 before this Board before and on other applications
19 with this applicant and heard similar concerns
20 expressed, and we take it very seriously. We're
21 members of this community too, and we're here to
22 make sure that everybody is, at least, happy to the
23 best degree possible, so, obviously, you're
24 familiar with the Massapequa site, and, from what I
25 understand, everybody has been very pleased with

1 that, and we hope and expect that everybody will be
2 as pleased with this, if not more so.

3 SUPERVISOR SALADINO: Thank you.

4 No other questions.

5 Would you like to summarize?

6 MR. ALTMAN: I don't know if there's
7 any other questions from the audience, but --

8 SUPERVISOR SALADINO: I know we have at
9 least one speaker.

10 Would you like to wait until they're
11 done?

12 MR. ALTMAN: Sure. I'll hold my
13 summary.

14 SUPERVISOR SALADINO: Certainly.

15 Francesca Carlo?

16 It's good to see you.

17 Happy holidays.

18 MS. CARLO: So nice to see everyone.

19 Thank you so much.

20 Appreciate the opportunity to speak.

21 Francesca Carlo, 71 Barnum Avenue,
22 Plainview, New York.

23 As a founding member of the Plainview/
24 Old Bethpage Chamber of Commerce and a past
25 president and an experienced old -- older business

1 person in the community, to put a gas station in
2 this area is going back in time. It is the wrong
3 place. This does not make good business sense.

4 In the past, there have been gas
5 stations on every corner of that intersection, and
6 our community is still, I believe, with the
7 Plainview Water District. And I find it very
8 interesting that the first presentation was the
9 Water District and some of the issues that Oyster
10 Bay is facing, and then the second one, which is
11 Sunnyside Boulevard, I'm very familiar with that
12 site, and wholeheartedly think that that is the
13 right site. It is not a residential. It does not
14 abut a real retail situation.

15 This application is an accident -- more
16 accidents waiting to happen.

17 With the Manetto Hills Mattlin School
18 and the Mid Island Y, I don't know what numbers,
19 and I'm sure I'm not in any way questioning the
20 numbers, but I see how many kids, how many people
21 walk across those intersections to go to La Piazza,
22 to go to the health center, to go to Town Bagel.
23 This is an extremely, extremely busy intersection.

24 The right on red that now is in effect
25 on that corner, there have to be a multitude of

1 rear-enders there. Never mind the ongoing traffic
2 making the left-hand turn and the right-hand turn.

3 Anybody who is familiar with this site,
4 with this intersection knows that having any type
5 of in and out -- we have gone through this when
6 Kentucky Fried Chicken wanted to do it on the
7 diagonal -- and a bank ended outgoing, and I don't
8 think anybody has a problem with that. But an
9 in-and-out convenience store accommodating 12 cars
10 on an intersection that is guaranteed -- with the
11 question of snow coming, there is going to be more
12 than 12 cars lined up -- and that means they're
13 going to be lined up on Old Country Road.

14 There is a Speedway, as was pointed
15 out, only a half mile away, and less than a mile
16 away down the street, there's the -- I don't know
17 if it's a Gulf or Mobil -- whatever it is, there's
18 also on South Oyster Bay Road and Old Country Road
19 there's another Speedway, up on South Oyster Bay
20 Road -- Woodbury Road, there's a gas station.

21 We have plenty of gas stations around
22 the Plainview/Old Bethpage community. Let's not go
23 backwards. This is not the place, and this is not
24 a good business idea.

25 Thank you.

1 Nice to see everybody.

2 SUPERVISOR SALADINO: Thank you so
3 much.

4 COUNCILWOMAN WALSH: I, actually, have
5 a question.

6 COUNCILMAN LABRIOLA: I wanted to ask,
7 go ahead though.

8 MS. CARLO: Yes.

9 COUNCILWOMAN WALSH: So you're
10 president of the Chamber?

11 MS. CARLO: No, no. I'm a past
12 president.

13 COUNCILWOMAN WALSH: You're a past
14 president.

15 So this space has been vacant for two
16 years.

17 MS. CARLO: Yes. And prior to that, it
18 was a service station owned by a fellow Plainview
19 resident.

20 COUNCILWOMAN WALSH: Do you know if
21 anybody else has been interested to do anything in
22 this location or -- I mean --

23 MS. CARLO: I don't. It's a very
24 small -- as it was pointed out that back in the
25 day, it was a small, little gas station, a little

1 community gas station. BP is not a community gas
2 station.

3 COUNCILWOMAN WALSH: But do you like --
4 being so involved with the Chamber, would you
5 prefer to see it empty for another two years or to,
6 maybe, work with this applicant or somebody else to
7 adjust it, maybe, so that it doesn't get as busy
8 or, I mean, we have to look over it, but the
9 alternative could be that it could be vacant for a
10 few more years.

11 MS. CARLO: Unfortunately, there are
12 lots and lots of vacant pieces.

13 Personally -- I can only speak
14 personally -- I would rather have it empty because
15 you can see through it, children can see as they're
16 walking. There's also a temple -- an Orthodox
17 temple, and many people on a Friday night and
18 Saturday walk that distance from Old Country Road
19 passing there, and walk down to the Plainview
20 synagogue.

21 There is pedestrian traffic there
22 throughout most of the day. I would rather see it
23 empty. As much as a blight as it looks now,
24 something else could go there, but certainly not
25 something that's an in and out and a gas station.

1 COUNCILWOMAN WALSH: Thank you.

2 COUNCILMAN LABRIOLA: How are you?

3 MS. CARLO: Hi.

4 COUNCILMAN LABRIOLA: It's good to see
5 you again.

6 MS. CARLO: You, too, my dear.

7 COUNCILMAN LABRIOLA: I remember when
8 you were president of the Chamber.

9 Having known -- you know the community
10 probably better than most. You mentioned that
11 there were other gasoline filling stations nearby.
12 You mentioned Speedway.

13 Do you happen to know what the hours of
14 operation are for that particular operation?

15 MS. CARLO: Speedway?

16 COUNCILMAN LABRIOLA: Yeah, and the
17 neighboring gas stations.

18 Are they 24 hour?

19 MS. CARLO: Oh, I'm sure the one on the
20 service road of the Expressway -- right on the
21 service road and Old Country Road or Round Swamp is
22 24/7. I am pretty sure Speedway is also.

23 Certainly, the one on South Oyster Bay
24 Road, I think, is 24/7.

25 Look, because of the pandemic, I'm not

1 out at 2:00 in the morning any longer, but I
2 believe most gas stations -- there's, I think -- I
3 don't know if it's a BP or whatever on Woodbury
4 Road -- I think all of them are 24/7.

5 COUNCILMAN IMBROTO: The only ones that
6 aren't, I believe, are the ones on Manetto Hill
7 Road --

8 MS. CARLO: Oh, yeah, the small ones on
9 Manetto. I forget to even mention the small Mobil
10 on Manetto Hill Road, yeah.

11 COUNCILMAN LABRIOLA: That's what I was
12 curious about.

13 MS. CARLO: Yeah. There's plenty of
14 gas stations.

15 COUNCILMAN IMBROTO: The ones on Old
16 Country are 24 hours?

17 MS. CARLO: Yeah. Okay.
18 That's it.

19 COUNCILMAN LABRIOLA: Thank you.

20 COUNCILWOMAN WALSH: Thank you.

21 MS. CARLO: Thank you so much.

22 SUPERVISOR SALADINO: Thank you.

23 Happy Holidays.

24 Are there other questions?

25 (Whereupon, there was no response from

1 the assemblage.)

2 SUPERVISOR SALADINO: I have a few
3 questions for you, sir -- one lengthy question, and
4 that's it, actually.

5 MR. ALTMAN: Okay.

6 SUPERVISOR SALADINO: We have received
7 and the applicant has received comments and
8 recommendations from the Department of Planning and
9 Development.

10 MR. ALTMAN: We have.

11 SUPERVISOR SALADINO: And they have
12 recommended Restrictive Covenants to the property.

13 MR. ALTMAN: Correct.

14 SUPERVISOR SALADINO: I'm going to read
15 each one individually and ask for your response as
16 to whether or not the applicant will agree.

17 MR. ALTMAN: I mean, I'll let you know
18 offhand, we've read the proposed conditions, and I
19 don't think there was any issue at all with what
20 was proposed, so if you want to read them, by all
21 means.

22 SUPERVISOR SALADINO: I'd just like to
23 enter them into the record if you don't mind.

24 MR. ALTMAN: Sure. Absolutely.

25 SUPERVISOR SALADINO: All right. I'll

1 take each one individually, and you can give the
2 response for the applicant, please.

3 MR. ALTMAN: Okay.

4 SUPERVISOR SALADINO: The first
5 recommendation is that no vehicle, or rather,
6 Restrictive Covenant recommended is that no vehicle
7 shall be sold, leased or stored on the premises.

8 MR. ALTMAN: No problem.

9 SUPERVISOR SALADINO: Secondly, the
10 employees of the facility must use parking spaces
11 provided for them on the subject site and must not
12 park in the surrounding streets.

13 MR. ALTMAN: Not an issue.

14 SUPERVISOR SALADINO: Third, no
15 banners, flags, TV monitors, or other extraneous
16 signs shall be installed on the premises.

17 MR. ALTMAN: Not an issue.

18 SUPERVISOR SALADINO: Four, between the
19 hours of 8:00 a.m. and 6:00 p.m. there shall be at
20 least one clearly identified full-service location
21 for disabled drivers.

22 MR. ALTMAN: Absolutely.

23 SUPERVISOR SALADINO: Five, if an air
24 compressor capable of inflating automobile or
25 vehicle tires is to be used by motorists provided

1 on the site, it shall do so at no charge to the
2 user.

3 MR. ALTMAN: Happy to accommodate.

4 SUPERVISOR SALADINO: Thank you very
5 much.

6 MR. ALTMAN: I just might respond to
7 the comments from Ms. Carlo, and then I'll wrap up.

8 A little surprising, and, I'll admit,
9 personally disappointing to hear the former chamber
10 person oppose business.

11 The site has been vacant for more than
12 two-plus years now. I think, taking a look at that
13 site, this site is suited for a gas station, and,
14 probably, frankly, no other use. You're not going
15 to get a bank to come here. It's way too small for
16 a bank. You're not going to want a Dunkin' or
17 Starbucks here.

18 To Councilwoman Maier's comment earlier
19 about stacking -- and I have worked on Dunkin'
20 applications myself, and I know Mr. Tartaglia has,
21 and Mr. Seckler has -- biggest issue across any
22 municipality on Long Island with Starbucks and
23 Dunkin' applications is stacking; particularly, for
24 the drive-thru queue because traditional sites
25 simply don't have the depth to accommodate

1 stacking, so you're not going to get that type of
2 use there, and, frankly, it's not the corner for a
3 traditional walk-in retail use.

4 So at the end of the day, based upon my
5 30-plus years of experience of doing land use and
6 zoning, this corner is suited for one type of use
7 and one type of use only, and that's the gas
8 station use, which, historically, goes back to
9 1955, so this site has, in one form or another,
10 been operated as a gasoline station/automotive
11 repair for more than 70 years. It is an
12 appropriate use at this site. It make sense from a
13 zoning and land use perspective, and, frankly, it
14 makes sense from a business perspective, too.

15 I think Mr. Seckler aptly described it
16 -- gas stations are placed strategically at busy
17 intersections.

18 Why?

19 Because they draw predominantly from
20 the existing traffic stream. They are not uses
21 that place new drivers on the street, and that is
22 exactly what you have here.

23 And, I think, in the traffic impact
24 report, you're talking at peak time, you're talking
25 less than 100 new turning movements from new cars

1 on road, and, I believe, ITE -- Matt, right, if I'm
2 correct -- says anything less than 100 virtually
3 has no impact on the existing roadway system.

4 Given the overall volume and what is
5 predicted to be the case in terms of new and
6 existing new volume on this site, it's not going to
7 be discernable.

8 So, I'll leave it at that.

9 That being said, I believe the
10 applicant has met its burden under the Town Code in
11 terms of getting the Special Use Permit approved as
12 well as for Site Plan Approval.

13 The site has been consciously designed
14 and painstakingly designed in consult with this
15 Town, the Planning Department, as well as DPW. To
16 get DPW sign off, as I'm sure many in this Town
17 know, is not an easy thing to do.

18 The applicant has obtained that, and,
19 as such, we, respectfully, request that the Special
20 Use Permit and Site Plan be granted, and, of
21 course, we are amenable to and willing to accept
22 the conditions of any new C and Rs as you've placed
23 in the record, Mr. Supervisor.

24 With that, I wish everybody a healthy
25 and a happy, and a Happy New Year.

1 SUPERVISOR SALADINO: Thank you,
2 Counselor.

3 My only one comment is that we
4 encourage the respectful communication of all of
5 our residents and all of the stakeholders in the
6 community, and we always encourage their opinions,
7 and we're here to listen, and we value our
8 residents and our chamber members and their
9 experience as always, and, of course, everyone has
10 different opinions, and that's why we hold the
11 hearing.

12 MR. ALTMAN: 100 percent.

13 SUPERVISOR SALADINO: Thank you for
14 understanding that.

15 MR. ALTMAN: Appreciate it.

16 Everybody, have a wonderful holiday.

17 SUPERVISOR SALADINO: Thank you so
18 much, and to you, too.

19 And with that, is there any
20 correspondence?

21 MR. LaMARCA: The attorney for the
22 applicant has filed the Affidavit of Service and
23 Disclosure.

24 The communications are as follows:

25 We have memos from the Department of

1 Planning and Development including a review of the
2 required off-street parking.

3 The Nassau County Land and Tax Map
4 indicates the property as Section 47, Block G, Lot
5 753.

6 According to the Town of Oyster Bay
7 Zoning Maps, the property is located within a
8 General Business "GB" Zone.

9 There are no variances or open prior
10 Code Enforcement Bureau cases; however, there are
11 Town Board Resolutions on file.

12 We have Affidavits of Posting and
13 Publication.

14 There are correspondence on file, which
15 have been distributed to the Town Board.

16 SUPERVISOR SALADINO: And that
17 correspondence includes multiple letters from
18 residents, which we have seen and are duly noted?

19 MR. LaMARCA: Yes, sir.

20 SUPERVISOR SALADINO: Thank you.

21 With that, may I have a motion?

22 COUNCILMAN IMBROTO: I make a motion
23 that this hearing be closed, and the record be kept
24 open for 30 days.

25 COUNCILMAN HAND: Second.

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

3 ALL: "Aye."

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

6 (Whereupon, there were no "Nay"
7 responses from the Board.)

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

10 (TIME NOTED: 1:45 P.M.)

11 SUPERVISOR SALADINO: Thank you very
12 much.

13 Happy Holidays.

14 Would you please call -- do you need a
15 break.

16 THE COURT REPORTER: No. I'm fine.

17 (TIME NOTED: 1:45 P.M.)
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TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
December 13, 2022
1:46 p.m.

HEARING - Local Law

To consider a Local Law entitled, "A Local Law to Amend Chapter 246 - Zoning, Section 246-4 General Regulations and 246-5, District Regulations, of the Code of the Town of Oyster Bay and to Amend the Building Zoning Map of the Town of Oyster Bay." (M.D. 11/8/22 #13).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would you please
2 call the next and final hearing of the day?

3 MR. LaMARCA: The last hearing for
4 today is to consider a Local Law entitled, "A Local
5 Law to Amend Chapter 246 - Zoning, Section 246-4
6 General Regulations; and 246-5, District
7 Regulations, of the Code of the Town of Oyster Bay
8 and to Amend the Building Zoning Map of the Town of
9 Oyster Bay.

10 MR. SCALERA: Good afternoon.

11 Frank Scalera, Town Attorney, Town of
12 Oyster Bay.

13 I'm opening up this hearing, and I'll
14 pass it over to one of our experts.

15 As the Town Clerk said, it's a Local
16 Law to amend Chapter 246-4 and -5, Zoning
17 classifications regarding certain properties.

18 We have with us a professional retained
19 from the Town, John Ellsworth, from Nelson, Pope
20 and Voorhis -- he'll get up in a moment -- but at
21 this point in time, for regulatory purposes and
22 procedural purposes, on November 15th, Town Board
23 meeting of November 15, 2022, Resolution 857-2022
24 was a Resolution by this Board authorizing a Public
25 Hearing and authorizing Public Notice of that

1 Public Hearing, and the Public Notice had been
2 posted, and the Town Clerk will indicate later, at
3 the end of this hearing, the publications of that
4 Public Notice.

5 So, again, it was pursuant to that Reso
6 in November. The Public Hearing was scheduled for
7 today, December 13, 2022.

8 I call, now, from Nelson, Pope and
9 Voorhis, John Ellsworth. John Ellsworth is our,
10 again, our professional retained from the Town. I
11 had asked him for his resume. He does not have it
12 on him, but he will be providing his resume soon
13 thereafter this hearing, and while the record will
14 be kept open, we'll submit his resume into the
15 record to set forth, in writing, his expert
16 credentials, so I turn the floor over to John
17 Ellsworth.

18 Thank you, John.

19 MR. ELLSWORTH: Good afternoon,
20 Mr. Supervisor, Members of the Board.

21 John Ellsworth, Nelson, Pope and
22 Voorhis, 70 Maxess Road in Melville.

23 And I'm familiar with, pretty much,
24 everybody on the Board. I've appeared before this
25 Board many times over my 30-plus year career on

1 various matters including land use planning studies
2 like this.

3 I'm going to provide a synopsis of the
4 planning analysis that was conducted by Nelson,
5 Pope and Voorhis with regard to private golf
6 courses in the unincorporated area of the Town of
7 Oyster Bay.

8 NPV -- that's Nelson, Pope and Voorhis
9 -- analysis culminated in recommendations that
10 consist of specific proposed amendments to the
11 Town's Zoning Code that are the subject of today's
12 hearing.

13 The full planning analysis report --
14 and, I think, this was part of the package that was
15 given to the Board -- dated April of this year,
16 provides a detailed basis for the action that's
17 being considered by the Board, and should be made
18 part of the record to supplement the discussion
19 that occurs today.

20 By way of background, at the outset,
21 the Town recognized that there was a trend in the
22 redevelopment of golf courses, both locally and
23 across the U.S. and abroad.

24 This trend is driven by various factors
25 including financial challenges faced by private

1 country clubs' declining membership, particularly,
2 the escalating value of real estate, especially in
3 the high-cost areas like Long Island, and,
4 particularly, Oyster Bay.

5 This trend is highlighted by several
6 pending applications for golf course developments
7 in and around the Town of Oyster Bay including
8 Woodmere Club in the Town of Hempstead; Tam
9 O'Shanter, Village of Brookville, in the Town of
10 Oyster Bay; and Engineers Country Club, which is in
11 the Village of Roslyn Harbor, and there is a
12 portion in the unincorporated area of the Town of
13 Oyster Bay.

14 The first two of these -- that's the
15 Tam O'Shanter and Woodmere Club -- they would
16 completely replace the country clubs with
17 residential -- single-family residential
18 development in accordance with the existing zone.

19 Pending Engineers Country Club
20 application proposes to develop a portion of the
21 golf course with clustered multifamily housing
22 while retaining the 18-hole golf course by
23 reconfiguring it within the remainder of the
24 property.

25 The initial concern about the potential

1 for development of private golf courses in the Town
2 of Oyster Bay, generally, recognized that these
3 properties possess certain resource values that are
4 important to the surrounding community, and that
5 the loss of these resources would adversely affect
6 the communities and, therefore, that these
7 resources should be protected and/or preserved.

8 However, before deciding on any course
9 of action for the golf courses, the Town also
10 recognized that it was necessary to conduct a study
11 to characterize and analyze these resources and
12 assess the potential impacts that could result from
13 development under the existing zoning to establish
14 an objective basis for decision making.

15 That was accomplished through the April
16 2022 study that was completed by NPV. It should be
17 pointed out that the private golf course planning
18 study was undertaken for the Town's Department of
19 Planning and Development and benefitted from input
20 from that department as well as the Department of
21 Environmental Resources.

22 To recap, the private golf course
23 planning study for the Town of Oyster Bay included
24 five -- four primary components. We did the
25 inventory of existing conditions at and surrounding

1 all of the golf courses in the Town of Oyster Bay
2 and the unincorporated area of the Town of Oyster
3 Bay, as well as a review of the existing plans that
4 regulate the future development of these
5 properties.

6 Number two, we did an estimation of the
7 potential buildout of the golf courses under the
8 existing zoning, and an analysis of the potential
9 impacts that the development would have on the
10 resources that were identified in the inventory.

11 Three, a description of implementation
12 strategies that are generally recognized as
13 providing means of protecting environmental
14 resources from development impacts or minimizing
15 such impacts. We looked at all of those measures
16 that the Town could use to protect the golf
17 courses.

18 And the fourth and final key element of
19 the study was, we developed specific
20 recommendations based on what the previous three
21 components and an analysis of the degree to which
22 the recommendations would protect the resources on
23 the golf course properties.

24 The next portion of the presentation
25 provides an overview of the components of the study

1 and its recommendations, and then we'll finish by
2 discussing the next steps.

3 The unincorporated area of the Town
4 contains all or parts of seven private golf
5 courses. One of these golf courses, Peninsula Golf
6 Club in Massapequa, was not included in the study
7 because the Town is separately considering
8 acquisition of this property.

9 That leaves six golf courses, private
10 golf courses, that were included in the study --
11 three of which are situated entirely in the
12 unincorporated area of the Town, and the other
13 three of which span between the unincorporated
14 portion of the Town and adjacent municipalities.

15 The three private golf courses located
16 entirely within the unincorporated area of the Town
17 are Glen Head Country Club in the Hamlet of Glen
18 Head; Meadow Brook Club in the Hamlet of Jericho;
19 and Pine Hollow Country Club in the Hamlet of East
20 Norwich.

21 The three private golf courses, which
22 span between the Town and adjacent municipalities,
23 are North Shore Country Club in the Hamlet of
24 Glenwood Landing and the Village of Sea Cliff;
25 Nassau Country Club in the Hamlet of Locust Valley

1 and the City of Glen Cove; and Engineers Country
2 Club in the Hamlet of Glen Head and the Village of
3 Roslyn Harbor.

4 As shown in the figure, the study also
5 examined the three public golf courses in the Town.
6 The Town's own golf course in Woodbury, the County
7 golf course at Cantiague Park, and the five golf
8 courses at Bethpage State Park. These public
9 parklands are not susceptible to the same level of
10 development pressure as pertains to the private
11 golf courses, so the three public golf courses were
12 not subject to the same level of rigorous inventory
13 and analysis that applied to the private golf
14 courses, but they were included in the study for
15 completeness.

16 The study looked at a broad range of
17 parameters. A total of 12 parameters were looked
18 at for each of the golf courses, and most of the
19 information was depicted on a series of maps of
20 each property.

21 I'm going to go through the parameters
22 that we looked at: General description including
23 the location, municipalities, and acreage; existing
24 land use within one-half mile, and that's what this
25 slide shows for Pine Hollow Country Club; existing

1 zoning within one-half mile, which is a similar map
2 to that one; and then mapped wetlands by the
3 New York State Department of Environmental
4 Conservation and on the National Wetland inventory
5 and non-designated surface water.

6 We also looked at flood zones as mapped
7 by FEMA -- Federal Emergency Management Agency;
8 steep slopes, lands with greater than 25 percent
9 gradient -- and that's the definition that's in the
10 Town Code -- that's shown on this slide for Pine
11 Hollow Country Club; we looked at the soils from
12 the Nassau County soil survey; and we also
13 estimated the extent of woodlands based on recent
14 aerial photos.

15 The next group of four parameters.
16 Ground water -- particularly identifying which
17 properties are located within the Special
18 Groundwater Protection Area, which is what this map
19 shows; cultural resources as mapped by New York
20 State, including archeological and historic
21 resources; other resources as identified in the DEC
22 New York State Department of Environmental
23 Conservation Resource mapper; and we, actually,
24 also undertook direct consultation with the
25 New York State Natural Heritage Program to see what

1 their records contained; and we also looked at
2 visual and aesthetic resources based on aerial
3 photography, and we did a windshield survey of all
4 the golf courses. We drove around them. We did it
5 from the surrounding roadways and surrounding
6 publicly accessible locations and documented that
7 with ground level photographs.

8 The inventory that we conducted also
9 included what the relevant plans are that govern
10 the golf courses -- the main one being the Town's
11 Zoning Code. That's the primary thing that
12 regulates development in the Town of Oyster Bay,
13 and the main way that the Code governs the
14 development of the golf courses is through the
15 Zoning Districts for each of the golf courses.

16 The golf courses in the Town currently
17 lie in a range of Zoning Districts, as indicated in
18 this slide, and it's the main way the Zoning
19 District regulates a development is through the
20 minimum lot size for single-family Residential
21 Districts.

22 Here's a full list of the properties.
23 It pretty much covers the gamut of all the
24 Residential Districts in the Town of Oyster Bay.

25 There are also other Districts that

1 apply. The Town golf course is in the Recreation
2 District, Cantiague Park Golf Course is in the
3 Light Industrial District, and then four of the
4 golf courses, in addition to their single-family
5 Zoning Districts, are within the Aquifer Protection
6 Overlay District.

7 The Zoning Code also contains certain
8 other provisions, which regulate land development
9 and that includes conservation sub-division that's
10 commonly known as clustering, and the site design
11 standards.

12 The Town has also undertaken a number
13 of prior land use studies to examine specific areas
14 of the Town including the following studies: There
15 was a land redevelopment and revitalization --
16 Glenwood Landing Redevelopment and Revitalization
17 Plan that was completed in 2002, and among the
18 outcomes of that study was that the portion of
19 North Shore Country Club, in the unincorporated
20 area of the Town, was rezoned from R-1-10, which is
21 10,000 square foot minimum lots to R-1-20, which is
22 20,000 square foot minimum lots.

23 The Town also conducted a study of the
24 Special Ground Water Protection Area in the
25 unincorporated area of the Town, and that was

1 completed in 2003. This study resulted in zoning
2 changes all for larger minimum lot sizes for all
3 four of the private golf courses in the Town of
4 Oyster Bay portion of the Special Ground Water
5 Protection Area. That included Glen Head Country
6 Club, Nassau Country Club, Meadow Brook Club, and
7 Pine Hollow Country Club.

8 Other municipalities have also
9 conducted studies for the golf courses in the
10 unincorporated area of the Town that extend into
11 their jurisdiction.

12 The Village of Sea Cliff did a buildout
13 analysis in 2009, and that included a look at the
14 North Shore Country Club.

15 The Village of Roslyn Harbor did a
16 planning analysis that was completed in 2019, and
17 that looked at the portion of Engineers Country
18 Club in their jurisdiction.

19 And a Harbor Management Plan was
20 completed for Hempstead Harbor in 2004, and both
21 North Shore Country Club and Engineers Country Club
22 are within the watershed of Hempstead Harbor.

23 After collecting all of the inventory
24 information, we conducted an analysis to see what
25 that meant in terms of what the resources are on

1 the property, and what the implications were of the
2 existing zoning of those properties.

3 So the primary component of the
4 analysis was we did a preliminary estimate of
5 single-family lots, known as a buildout analysis,
6 under the existing zoning.

7 And this was a planning study. We
8 didn't do a detailed analysis of what, actually,
9 could be configured on any given property.

10 We assume that 30 percent of the entire
11 parcel area would be reserved for infrastructure
12 such as drainage, roadways, utility strips, those
13 sorts of things, and, again, just to reiterate, in
14 order to determine the actual yield, a property
15 would have to undergo a detailed subdivision map to
16 show that it met all the requirements of the Code.

17 Once we had did the buildout analysis,
18 we looked at how that might affect the various
19 natural features of other environmental parameters
20 on the properties and that included -- we did a --
21 based on the buildout, how many homes could be
22 constructed under the existing zoning. We
23 calculated water use, sewage generation, solid
24 waste generation, vehicular trip generation, and a
25 number of school-aged children for each of the

1 properties.

2 We also looked at -- in terms of -- so
3 we did a series of maps showing the inventory, and
4 we looked at the buildout to see how it would
5 affect wetlands, flood zones, steep slopes,
6 soils -- particularly, if there are soils on a
7 property that have poor drainage characteristics --
8 the extent of woodlands and groundwater --
9 particularly, if the site is in the Special
10 Groundwater Protection Area.

11 We also looked at open space
12 aesthetics, how full buildout under the existing
13 zoning might affect that, whether a site had
14 cultural resources that might be impacted, and
15 whether a site had threatened or endangered species
16 that might be affected under full buildout under
17 the existing zoning.

18 The report shows the range of
19 implementation strategies that were considered for
20 potential implementation to protect those resources
21 -- important resources that were identified where
22 the buildout suggested that there would be -- might
23 be significant impacts if development proceeded
24 under the existing zoning. That led to the
25 recommendations.

1 So we developed recommendations on the
2 basis of four specific considerations. Again, it
3 follows what we did through the study. So we
4 looked at the site's specific inventory of the
5 characteristic of the golf courses; particularly,
6 regarding the resources present on each site, and
7 existing land use and zoning setting, what is
8 surrounding each property in terms of the land uses
9 and the zoning.

10 We looked at the analysis of the
11 no-action scenario under the existing zoning, what
12 could happen in the future if the existing zoning
13 was left in place, we looked at what was available
14 in terms of strategies to potentially change
15 portions of the Zoning Code to better protect the
16 resources of golf courses. For each, on a site
17 specific basis, we came up with recommendations for
18 each property based on all of those other things we
19 looked at, and those recommendations that came out
20 of the study are the specific elements of the Local
21 Law that is under consideration by the Town Board
22 today.

23 So we had two groups of
24 recommendations. The first are general
25 recommendations that would apply to all the golf

1 courses and possibly to the properties beyond the
2 golf courses.

3 There were two general recommendations.
4 The first general recommendation is to reduce the
5 yield for golf course properties and, again, for
6 other properties deducting sensitive environmental
7 features.

8 And we didn't just pull this out of the
9 air. This has been done by municipalities on Long
10 Island. There are provisions that require
11 sensitive environmental features be deducted from
12 developable parcel area for the purposes of
13 calculating the permissible yields of the lots. So
14 if something is considered a sensitive
15 environmental feature, you take that area out of
16 the total lot area, and you can subdivide what's
17 left over.

18 All of the towns that we looked at --
19 and that includes East Hampton, Southold,
20 Riverhead, and Shelter Head towns -- had a
21 deduction for wetlands. If there are wetlands on
22 the property, that does not count towards the
23 acreage that you can subdivide, and in at least
24 one, the Town of East Hampton, also established a
25 deduction for steep slopes.

1 So, the recommendation and the proposed
2 Local Law that is before the Town Board today would
3 do the same thing for the Town, and that includes a
4 25 percent gradient threshold of defining steep
5 slope, which is already what the definition is in
6 the Town Code, and using the Federal manual for
7 identifying -- and this is the title of the
8 document -- Federal Manual for Identifying and
9 Delineating Jurisdictional Wetlands -- to define a
10 wetland and, again, that's the definition that's
11 already in the Town Code.

12 It also should be noted that the Town
13 Code already establishes a minimal area for those
14 features so that you're not calculating every
15 square foot to deduct out from portions of the
16 property, so we developed our recommendation based
17 on what's already in the Town Code and expanding
18 upon that.

19 The second general recommendation is
20 for modification of the provisions governing
21 conservation subdivisions.

22 Again, those are clustered developments
23 where you take the development that's allowed on
24 the whole parcel and you squeeze it onto a portion
25 of the site.

1 Under the current Zoning Code,
2 conservation subdivision is required for any
3 residential parcel over 20 acres only in the
4 Aquifer Protection Overlay District.

5 And another section of the Code says
6 that clustering should be considered -- and that's
7 the quote -- for any parcel over 5 acres throughout
8 the Town.

9 In order to advance the environmental
10 benefits associated with clustering, the proposed
11 Local Law would hold that mandatory -- conservation
12 subdivision is mandatory for any parcel anywhere in
13 the Town that is over 20-acres so that it's
14 extending the mandatory requirement for 20-acre or
15 greater parcels beyond the Aquifer Protection
16 Overlay District to the whole Town and that
17 mandatory clustering applied to parcels within the
18 Aquifer Protection Overlay District between 5 and
19 20 acres.

20 Right now, anything between 5 and 20
21 acres in the Aquifer Protection Overlay District is
22 optional, so the recommendation is to make it
23 mandatory unless the applicant can demonstrate that
24 a standard subdivision is environmentally
25 preferable.

1 So, now, I'm going to go through the
2 specific recommendations for the nine golf courses
3 that were included and studied -- the three that
4 are entirely within the Town -- the unincorporated
5 area of the Town -- the two that span across
6 municipal boundaries, and the three public courses.

7 And this is in no particular order. I
8 think it proceeds mostly from north to south.

9 So, to start is North Shore Country
10 Club. Their proposal is to rezone -- and I'm going
11 to go into a little bit of detail here because
12 we're making recommendations for zoning revisions
13 for these properties, and I want to establish the
14 basis for those recommendations, and, again, this
15 is just a synopsis. The full detail of the
16 recommendations and their basis is in the report.

17 The proposal for North Shore Country
18 Club is to rezone the portion of this property
19 within an unincorporated area of the Town, which is
20 about 83 acres, from R-1-20, which is 20,000
21 square-foot minimum lots to R-1-2A, which is
22 two-acre minimum lots, and this would correspond to
23 the R-1-2A Zoning that's already in place for
24 Glen Head Country Club.

25 Although Glen Head Country Club is

1 located in the Special Groundwater Protection Area,
2 which was the focus of the prior study, our
3 analysis showed that North Shore Country Club has a
4 similar level of environmental sensitivity.

5 It's in close proximity to Hempstead
6 Harbor, and, overall, the inventory and analysis
7 conducted for the study indicates that the two
8 sites are very similar in terms of the degree of
9 resource value, and, thereby, justifying that
10 consideration be given to matching up the zoning
11 for both parcels.

12 So, now, I'm going to discuss what the
13 effect of that would be for North Shore Country
14 Club.

15 Within the Town portion of that
16 property, the result of the proposed Zoning Code
17 amendments would be an estimated reduction in
18 development yield from 127 lots to 25 residential
19 lots, accounting for both the change in the Zoning
20 District and the yielded reduction for sensitive
21 environmental features.

22 If the Village of Sea Cliff were to
23 follow suit by amending its Code, including both
24 the rezoning, they're currently also in half-acre
25 zoning, so if they were to rezone to two-acre

1 minimum and establish yielded reductions for
2 sensitive environmental features, the overall
3 property, the yield would reduce -- and, again,
4 these are just estimates, preliminary estimates,
5 based on assumption -- would be reduced from 240
6 lots to 45 lots.

7 It's my understanding that the Village
8 of Sea Cliff is in the process of doing a
9 comprehensive plan update, and the North Shore
10 Country Club will be included in that analysis in
11 addition to other areas in the Village.

12 With the addition of mandatory
13 clustering, again, right now, clustering is only
14 mandatory in the Aquifer Protection Overlay
15 District. The proposal is to make it townwide.

16 With the institution of that, the
17 proposed Local Law would better protect
18 environmental features at North Shore Country Club
19 than would occur in the development scenario with
20 the existing zoning.

21 Next is -- again, no particular order --
22 next is Engineers Country Club, and the
23 recommendation for the zoning is to rezone a
24 portion of the property within the unincorporated
25 area of the Town. It's only about 4.3 acres.

1 The current zoning is R-1-7, which the
2 minimum lot size is 7,000 square feet to rezone
3 that to R-1-2A, and this would -- so that's
4 two-acre minimum lot size -- this would correspond
5 to the two-acre zoning that's in place for the bulk
6 of the overall property within the Village of
7 Roslyn Harbor.

8 Having such a large disparity in zoning
9 just because a property spans between two
10 municipalities, does not make any sense from a
11 planning perspective.

12 The 4.3-acre area within the Town
13 portion of the site does not contain wetlands, and
14 the small area of steep slopes appears to occur as
15 isolated features, such as sand traps, so it
16 doesn't appear that there would be any significant
17 decrease in the development yield due to sensitive
18 environmental features.

19 So with two-acre zoning, the reduction
20 in development yield -- and this is just the
21 portion in the Town of Oyster Bay -- would be from
22 19 lots as currently zoned to two residential lots.

23 Again, it's noted that Engineers
24 Country Club is undergoing review through the
25 Village of Roslyn Harbor for clustered residential

1 development, which would be situated entirely
2 within the Village -- the southerly portion away
3 from the Town's unincorporated portion of the site.

4 As proposed, this project would be
5 accompanied by a Covenant to preclude future
6 residential development on the remainder of the
7 property, including the portion in the
8 unincorporated area of the Town, and this condensed
9 golf course, still 18-holes, would remain, in
10 perpetuity, a country club.

11 Next, Glen Head Country Club. This
12 property is situated entirely in the unincorporated
13 area of the Town, and currently is zoned R-1-2A.

14 I mentioned it before in regard to the
15 recommendation for North Shore Country Club, so
16 that's two-acre minimum lots. That appears to be
17 appropriate for this site based on a comparison to
18 the other five private golf courses.

19 So, when we make the recommendations,
20 we looked at the features that pertained to each
21 individual site, and what the situation is for all
22 of the golf courses throughout the Town of Oyster
23 Bay; therefore, the recommendation is to keep this
24 Glen Head Country Club in the R-1-2A District;
25 however, the relatively large extent of wetlands

1 and steep slopes on Glen Head Country Club would
2 result in a decrease in the estimated development
3 yield from 61 lots under the existing Code to 56
4 lots under the proposed Code amendments for the
5 reduction in yield due to sensitive environmental
6 features.

7 Nassau Country Club is split between
8 the unincorporated area of the Town, 56 acres -- in
9 the City of Glen Cove, about 93 acres. The
10 existing zoning is for minimum one-acre residential
11 lots in both municipalities.

12 Although this property is located in
13 the Special Groundwater Protection Area, it does
14 not contain significant areas or slopes, wetlands,
15 or other highly sensitive natural resources as
16 compared to the other golf courses in the Town.
17 And on this basis, the recommendation is that it
18 remain at R-1-A Zoning. That's the most
19 appropriate zoning for this site.

20 Since substantial areas of steep slopes
21 and wetlands are not present at the Nassau Country
22 Club, development yield would not be significantly
23 decreased by the proposed Zoning Amendments.

24 Pine Hollow Country Club -- does
25 somebody have water they can share.

1 (Whereupon, the proceedings were
2 briefly halted until the arrival of some water for
3 Mr. Ellsworth.)

4 MR. ELLSWORTH: Pine Hollow Country
5 Club, this property is located entirely in the
6 unincorporated area of the Town and already is in
7 the largest lot Residential Zoning District, which
8 is five-acre minimum, R-1-5A, and, as such, we're
9 not recommending that the Town go with 10-acre
10 zoning or anything like that.

11 So, the recommendation is that this be
12 retained in the R-1-5A; however, there's a
13 relatively large extent of wetlands and steep
14 slopes that would result in a small decrease in
15 estimated development yield from 19 lots under the
16 existing zoning to 17 lots under the proposed
17 zoning.

18 The last of the six private golf
19 courses in the Town, Meadow Brook Club, very
20 similar to Pine Hollow Country Club. It's located
21 entirely in the unincorporated area of the Town and
22 already is in the five-acre zoning.

23 As such, it's proposed to remain
24 R-1-5A, and, again, there are wetlands and steep
25 slopes on this property, so there would be a slight

1 development decrease -- a slight decrease in
2 development yield under the proposed zoning from an
3 estimated 37 lots under the existing zoning to 36
4 lots under the proposed zoning.

5 The three public golf courses in the
6 Town, the Town's own golf course already is in the
7 Recreation District, which is the most restrictive
8 zoning in the Town, and it's a public parkland, so
9 it's the most protected golf course property in the
10 Town, so no further action is recommended for the
11 Town golf course under this study.

12 Cantiague Park Golf Course, this golf
13 course is in the Light Industrial Zoning District,
14 which appears to be a holdover from when -- for the
15 commercial -- for the industrial corridor along
16 West John Street from before the time it was
17 developed West County parkland.

18 Clearly, Industrial Zoning is not
19 appropriate for parkland, and although the
20 potential for future redevelopment with other uses
21 under the existing zoning is remote, it is
22 appropriate for the golf course and other park
23 areas on the County property to be incorporated
24 into the Town's Recreation District, so that's the
25 recommendation in the proposed Local Law.

1 There's a portion of Cantiague Park
2 property, the single tax lot that comprises it,
3 that's an active Highway yard, and the
4 recommendation is that that be carved out and not
5 be included in the zoning and that that remain in
6 the Light Industrial Zoning District to correspond
7 to the existing use.

8 And then the last golf course property
9 looked at is Bethpage State Park. It includes five
10 golf courses and other public recreational
11 facilities. The portion of the Bethpage State Park
12 in the Town of Oyster Bay does, actually, extend
13 into Suffolk County, is mostly in the R-1A District
14 -- one-acre zoning -- and there are a couple little
15 parcels that are in the R-1-10 District.

16 It's not clear how that happened, but
17 similar to Cantiague Park, Residential Zoning on
18 public parkland is not appropriate, especially when
19 the Town already has something in its arsenal,
20 Recreation Zoning, that's been applied to similar
21 properties.

22 So the recommendation under the
23 proposed Local Law is for Bethpage State Park to be
24 rezoned to a Recreation District.

25 I would like to reemphasize that this

1 presentation was intended to serve as a synopsis to
2 provide an overview of the content of the report
3 that we submitted and that we prepared for the
4 purposes of this hearing.

5 The records supporting the proposed
6 legislation should encompass the full content of
7 the report, all the maps, all the tables, all the
8 analysis, and other information that formed the
9 detailed basis of the recommendations that ended up
10 in the proposed Local Law that's being considered
11 by the Town today.

12 And, finally, next steps.

13 Prior to acting upon the proposed Local
14 Law -- and this Board is already fully aware of
15 this -- but just to put it on the record, that's
16 the subject of today's hearing, the legislation
17 must be referred to the Nassau County Planning
18 Commission for review and recommendation pursuant
19 to Section 239M of the General Municipal Law.

20 And then, finally, Nelson, Pope and
21 Voorhis has assisted the Department of
22 Environmental Resources in reviewing the proposed
23 action pursuant to the New York State Environmental
24 Quality Review Acts -- SEQRA -- and the Town
25 Environmental Quality Review -- TEQR -- Law.

1 This review included completion of the
2 full Environmental Assessment Form -- EAF -- Parts
3 1 through 3, also known as the "Long Form," which I
4 believe has been included in the information
5 package provided to the Board.

6 As indicated on the EAF, it's concluded
7 that enactment of the proposed legislation would
8 not result in potentially significant adverse
9 environmental impacts and, in fact, that enactment
10 of the law would better protect the sensitive
11 environmental features on the golf course as
12 compared to the future development under the
13 existing Zoning Code; therefore, it's recommended
14 that the Board adopt a negative declaration
15 pursuant to SEQRA.

16 And that concludes my presentation of
17 summarizing what's in the report.

18 I'd be happy to answer any questions
19 the Board may have.

20 SUPERVISOR SALADINO: Let me start off
21 with the Board.

22 Any questions?

23 (Whereupon, there was no response from
24 the Board.)

25 SUPERVISOR SALADINO: Are you sure?

1 COUNCILMAN IMBROTO: No, I don't have
2 any.

3 That was very thorough, Mr. Ellsworth.

4 SUPERVISOR SALADINO: First of all,
5 thank you for a very voluminous overview and study.

6 That's an enormous amount of data, but
7 in an effort to translate to people here or people
8 watching online, in just a few sentences, can you
9 summarize what your recommendation is and why --
10 without the site specific, but, in general, what is
11 it we're trying to accomplish, and why does your
12 review support that recommendation.

13 MR. ELLSWORTH: So a couple of steps
14 went into that. There is a trend in the
15 development of golf courses -- private golf
16 courses.

17 The private golf courses in the Town
18 and in other locations have sensitive environmental
19 resources -- they have wetlands, they have steep
20 slopes, they have woodlands -- so we did an
21 analysis to determine, on a site specific basis,
22 what those resources are, and, so, we didn't start
23 with the answer at the end of the book --

24 SUPERVISOR SALADINO: I'm going to
25 interrupt you for just a second because we're

1 already going past this very brief, understandable
2 synopsis that I'm asking you.

3 For folks who aren't scientific, what
4 was the purpose of this, and what did you find to
5 support your recommend, in just a very few
6 sentences, please?

7 MR. ELLSWORTH: I'll try again.

8 The recommendation is to enact
9 legislation that will reduce the development --
10 potential development on the private golf course
11 properties in the Town of Oyster Bay because they
12 contain sensitive environmental resources that
13 should be protected.

14 SUPERVISOR SALADINO: Okay. So we're
15 talking about flora and fauna, plants and animals
16 that need this open space, we are talking about the
17 many environmental benefits of having open space,
18 and one point that you touched on, I want to make
19 sure the public is clear on this -- open space
20 allows for the percolation of rainwater to recharge
21 our aquifer system and provide us the water that we
22 need to drink.

23 By keeping space undeveloped, you
24 promote that venue for that rainwater to recharge
25 the aquifer system. When you develop every last

1 parcel you have, and you don't have that open
2 space, it can have a negative effect on the amount
3 of drinking water for Long Islanders now and for
4 generations to come.

5 MR. ELLSWORTH: Absolutely correct, and
6 I'd like to add one thing.

7 The typical method of sewage disposal
8 on these properties, which are not served by sewer
9 districts where it goes to a sewage treatment
10 plant, is on-site septic. So if you have more
11 lots on parcel, you have to have more sewage and
12 nitrates going into the ground.

13 SUPERVISOR SALADINO: And that can have
14 an effect on that drinking water that's contained
15 in our aquifer system.

16 MR. ELLSWORTH: Correct.

17 SUPERVISOR SALADINO: Just in general,
18 a separate question, and, again, very brief,
19 please, because we've already received a voluminous
20 amount of data from you, which is appreciated, but,
21 in general, there's also other purposes for this
22 open space, and I -- what comes to mind in the
23 low-lying areas of the Town that are flood prone,
24 close to the coastal areas, having open space
25 undeveloped allows for a place for that floodwater

1 to go and thus recede.

2 Would you agree with that?

3 MR. ELLSWORTH: Correct. And I can add
4 one thing to that.

5 SUPERVISOR SALADINO: Yes.

6 MR. ELLSWORTH: More development means
7 more pavement and that generates more stormwater,
8 so by decreasing the development potential, you're
9 decreasing the amount of stormwater that's
10 generated in the future.

11 SUPERVISOR SALADINO: And keeping a
12 golf course a golf course does just that.

13 MR. ELLSWORTH: Yes.

14 SUPERVISOR SALADINO: It promotes the
15 protection of that open space for all of these many
16 reasons including a place for floodwaters to go,
17 which protects, especially protects, flood prone
18 areas.

19 MR. ELLSWORTH: Correct.

20 SUPERVISORS SALADINO: Thank you very,
21 very much for all the data and your professional
22 insights, too.

23 MR. ELLSWORTH: Thank you.

24 SUPERVISOR SALADINO: It's muchly
25 appreciated.

1 Mr. Scalera, would you like to wrap up?

2 MR. SCALERA: It's not necessary.

3 Just make a motion to close and
4 decision reserved.

5 SUPERVISOR SALADINO: Okay.

6 So, folks, we provided a lot of
7 information today for all of you, and before we
8 close, is there anyone who would like to comment?

9 (Whereupon, a member of the assemblage
10 present raised their hand to be recognized.)

11 SUPERVISOR SALADINO: Of course.

12 Sure, Arthur. I think you put your
13 hand up first, but I'm not entirely sure.

14 MR. ADELMAN: Arthur Adelman,
15 110 Dubois Avenue, Sea Cliff.

16 I'm terribly confused on what the
17 hearing is about. Are we changing -- first of all,
18 I didn't get a chance to review this great document
19 before the meeting, and, I think, that should be
20 made available to all residents.

21 SUPERVISOR SALADINO: Arthur, I'm going
22 to stop you right there.

23 We are not -- what we're doing is
24 reserving decision, okay.

25 MR. ADELMAN: On what?

1 COUNCILMAN IMBROTO: I think Arthur
2 wants to get the material and have the hearing
3 again.

4 MR. ADELMAN: No. Here's what I'm
5 concerned about.

6 Number one, I love the rezoning of the
7 area in the Engineers Club that has been
8 recommended.

9 I don't know if you're aware of it, but
10 the Village of Roslyn Harbor had a hearing just
11 last week as their developer brought forth their
12 DEIS for review by the Village, and, in my opinion,
13 the Village was very unprepared for this review
14 process.

15 I spoke there and talked about the
16 cluster -- of course, they have a little cluster
17 that they could build 17 homes, and the developer
18 is utilizing the banking method to develop the
19 property.

20 In other words, with two-acre zoning
21 and 240 acres, he has 120 homes, but in the Oyster
22 Bay portion, he was able to pick up 17, so he was
23 able to increase his overall project size for his
24 condensed housing in one area because of the
25 current zoning situation.

1 So I'd be very favorable towards an
2 immediate rezoning of that property because it
3 would have an immediate effect on the banking of
4 the housing units that the developer might want to
5 do in the Roslyn Harbor portion that's -- I guess
6 that's North Hempstead, Bryant Avenue and Glen Cove
7 Avenue.

8 One of the things I didn't see that
9 this was talked about by Mr. Ellsworth was traffic
10 from adjacent golf course properties if they were
11 developed.

12 Engineers is a prime example. Most of
13 the property is in North Hempstead and the Village
14 of Roslyn Harbor are not in -- under the Oyster Bay
15 jurisdiction, but is adjacent all over on three
16 sides, or at least two sides, to the Town of Oyster
17 Bay and its residents. In fact, it traverses right
18 through the Glen Head area on Motts Cove Road
19 North.

20 I just was curious what the hearing was
21 about. It's a change in Code.

22 Is that the Zoning Codes that he just
23 put forth in those three areas?

24 If that's what it is, I'm very for what
25 he recommended.

1 COUNCILMAN IMBROTO: And, Arthur, we'll
2 get you whatever information you need. We respect
3 your opinion very much. You'll have a chance
4 before we make a decision to weigh in on it.

5 MR. ADELMAN: But I really -- I just
6 want to -- how would that affect the developer of
7 Engineers property?

8 SUPERVISOR SALADINO: Arthur, two
9 things.

10 First of all, this Town Board
11 recognizes that there is pressure on open space by
12 developers to continue to develop and, therefore,
13 lose a significant portion of the open space on
14 Long Island.

15 Knowing that and knowing the needs of
16 current and future generations, we have been
17 collecting information to determine how to deal
18 with that, and, I think, you said that you're in
19 favor of that.

20 Now, you've also asked, but how, in
21 essence, but how are you going to do that
22 specifically, and to protect the rest of the
23 audience from going through this hearing a second
24 time from the beginning, and I understand that you
25 might not have grasped those methods by which the

1 engineering firm has suggested. We have
2 Mr. Ellsworth here.

3 Why don't you consider going out in the
4 hall with him so it doesn't interrupt the
5 proceedings, and have him give you specifics, you
6 can ask your questions, and, in essence, a remedial
7 review of this so you can better understand complex
8 issues.

9 Would you consider that?

10 MR. ADELMAN: I'll get in touch with
11 him after. I'm trying to get out of here to watch
12 the football game.

13 SUPERVISOR SALADINO: Well, I'm glad
14 you have priorities.

15 MR. ADELMAN: Yeah, I do have
16 priorities.

17 I'm just -- was confused on how it
18 affects -- the Town should be aware of what's going
19 on in Roslyn Harbor with the planned development
20 over there, the effect on residents who live on the
21 border of North Hempstead, Roslyn Harbor, and the
22 Town of Oyster Bay is going to be devastating.

23 SUPERVISOR SALADINO: So allow me to
24 simplify this, sir.

25 Do you believe most of the residents

1 will be negatively impacted if the golf courses in
2 this Town are developed into homes and are paved
3 and trees cut down and increase of residents and
4 increase of traffic.

5 MR. ADELMAN: Well, it depends. If
6 you're talking about five-acre zoning homes going
7 up at Meadow Brook, I don't think the effect would
8 be that great. There would be easy egress and --
9 that's on 107 and the LIE -- I don't think there's
10 a problem there. My situation in the Roslyn Harbor
11 one is that it's in one specific small area of the
12 golf course and --

13 SUPERVISOR SALADINO: I understand you
14 have a very parochial view, but we're dealing with
15 the issue on the Townwide scale.

16 MR. ADELMAN: But we have no
17 jurisdiction over Brookville, Piping, and the other
18 golf course -- the other ones that are in the
19 incorporated villages, like, Brookville Club or
20 Piping Rock. They're fully in an incorporated
21 village.

22 Wouldn't we want to recommend to those
23 villages what we found out here?

24 I don't know the purpose of this thing.

25 SUPERVISOR SALADINO: Arthur, we have

1 focused on engaging with highly competent
2 professionals, in this case, this engineering firm
3 that has a special expertise to gather that
4 information and make recommendations to us.

5 MR. ADELMAN: Okay.

6 Is this study available from the Town's
7 website yet?

8 SUPERVISOR SALADINO: I'm not sure if
9 it's available on the Town's website, but I
10 recommend, you have the professional. He's an
11 engineer.

12 You seem to have interest in
13 environmental studies, and I would highly suggest
14 you meet with him right now and ask him those
15 questions, and if anyone else has questions, we can
16 get those answered as well.

17 So we would appreciate it you delving
18 into this, and I understand you have a time limit
19 because you have to get to your television, but we
20 appreciate --

21 MR. ADELMAN: Unless I can get it
22 online right up there (indicating), put it right up
23 there, Frank.

24 But if you are immediately -- if this
25 would affect zoning in the Engineers four acres, I

1 would love to see it done immediately.

2 Thank you.

3 SUPERVISOR SALADINO: Thank you for
4 your support.

5 Frank?

6 MR. SCALERA: Just to add, what we'll
7 do is --

8 SUPERVISOR SALADINO: State your
9 presence again.

10 MR. SCALERA: I'm sorry.

11 Frank Scalera, Town Attorney, Oyster
12 Bay.

13 What we'll do is the report now, now
14 that it's become part of this record, we'll give a
15 copy of the report to Arthur so he can read, digest
16 it. He'll understand.

17 It was a lot of information provided by
18 Mr. Ellsworth. I think he'll be satisfied with
19 what he sees in the report and also the surrounding
20 areas.

21 Of course, we didn't work in a vacuum,
22 you do look, but, again, not for this particular
23 hearing -- this hearing is a Local Law to change
24 our maps and Zoning Codes. The rest of it, we'll
25 give him all the time with Mr. Ellsworth, and I

1 will explain to him.

2 With that being said, we'll keep the
3 record open 30 days, so we'll give him the report
4 immediately. If he wants to submit some comments,
5 he'd be more than happy, but, I think, he'll be
6 satisfied.

7 SUPERVISOR SALADINO: And, of course,
8 Frank, as our Town Attorney, you agree that
9 everyone who would like to submit comments --

10 MR. SCALERA: Oh, absolutely.

11 SUPERVISOR SALADINO: -- we encourage
12 the input from everyone.

13 We realize we could be here around the
14 clock for days delving into all the scientific and
15 community effects --

16 MR. SCALERA: Supervisor, it was a lot
17 of property.

18 SUPERVISOR SALADINO: This was an
19 executive summary for the purposes of the public
20 understanding what we are trying to accomplish and
21 protect.

22 MR. SCALERA: So I'll ask Councilman
23 Imbroto for a motion to close the public portion,
24 keep the record open for 30 days --

25 SUPERVISOR SALADINO: Yes, we'll be

1 doing that, but I believe --

2 MR. SCALERA: -- oh, you have more
3 people. I'm sorry.

4 SUPERVISOR SALADINO: Yes, we do,
5 Frank.

6 Thank you.

7 Come on up, sir.

8 As always, would you begin by
9 identifying yourself with your name and address for
10 the record?

11 MR. FABIO: Good afternoon, Supervisor
12 and Board Members.

13 I didn't realize this was on the agenda
14 because my comments are going to be focused on the
15 Engineers Golf Course development.

16 As Mr. Adelman --

17 SUPERVISOR SALADINO: I apologize for
18 interrupting, just so you know --

19 MR. FABIO: Oh, I realize that.

20 11 Marion Street in Greenvale.

21 SUPERVISOR SALADINO: -- just so you
22 and the public know, all of our hearings are
23 advertised to the public as designated by the
24 statement in terms of Open Meetings Law to allow
25 the public to know what we're doing, and, in

1 addition to that, we put our hearings on our
2 website so that you or anyone else of interest
3 would know that we're having a hearing on a
4 particular subject, and what it's about for your
5 participation.

6 MR. FABIO: Great. It's called
7 serendipity that I'm sitting here and listening to
8 this previous presentation because it has some
9 direct bearing on an item that you'll be
10 considering later on in the agenda.

11 So, specifically, the Engineers Golf
12 Course development there's a proposal to erect 90
13 condos and semi-attached homes on this section of
14 the golf course.

15 The proposed egress and access to these
16 particular developments will be on Glen Cove
17 Avenue, right at the intersection of Back Road.

18 I don't know if you're familiar with
19 that particular area. So Back Road is about 300
20 feet long from Glen Cove Avenue to Glen Cove Road.

21 So guess what?

22 All that traffic from this development
23 will exit from that property onto Back Road and
24 onto Glen Cove Road. That's the really direct
25 route, and, as you know, Glen Cove Road is a major

1 north/south roadway.

2 So guess what?

3 That traffic will enter onto Glen Cove
4 Road at Back Road and run smack dab into the backup
5 from that intersection of Northern Boulevard and
6 Glen Cove Road because that traffic backs up right
7 to Back Road.

8 Where am I going with this?

9 So when this traffic comes out of this
10 development, hits Glen Cove Road, hits that backup,
11 guess where that backup happens to be.

12 Right at the intersection of Cedar
13 Street and Helen Street on Glen Cove Roads. So
14 what would be the temptation of those residents not
15 wanting to wait to get through the intersection,
16 but, hey, why don't we just cut through these local
17 streets so we can bypass the intersection and get
18 to Glen Cove Road?

19 I just want to point that factor out
20 because I think it has some direct bearing on
21 another issue.

22 COUNCILWOMAN WALSH: Mr. Fabio, do you
23 remember a few weeks ago when the Supervisor
24 mentioned this is why it's so important to preserve
25 our open space and not build all the apartments?

1 That's why the Town of Oyster Bay has
2 been trying to do that, so it goes back to a few
3 weeks ago.

4 SUPERVISOR SALADINO: Right. And the
5 Councilwoman is hitting the nail right on the head,
6 as are you for that matter, but while you're
7 looking at this from the parochial view of one
8 neighborhood, we realize that this sort of thing is
9 going on throughout our Town.

10 And, now, if the Governor's proposal
11 becomes law, the biggest development in the history
12 of New York State will take place in every
13 neighborhood on Long Island and every neighborhood,
14 so while your inclination is that these
15 developments and these decisions should take into
16 consideration density, congestion, services, and
17 all that is a byproduct, we have been pointing out
18 to the general public across Long Island that
19 suburbia has to wise up and start recognizing what
20 that policy to allow, and, in fact, encourage --
21 because the first proposal by the Governor had
22 grants, so if you can't build another story or
23 afford to build an apartment in your home, or to
24 build an accessory apartment structure in your
25 backyard, they'll provide, under certain criteria,

1 provide you the money to do so.

2 And what will the effect on traffic, on
3 the environment, on our clean water, sewage needs,
4 garbage disposal needs, and, of course, the
5 groundwater issues and then, on a bigger scale, the
6 entire carbon footprint of our communities.

7 What would the effect be if legislation
8 like that is allowed by the people to become law?

9 MR. FABIO: I can tell you, Supervisor,
10 I've been a resident of Greenvale for 50 years, and
11 when I moved in 50 years ago, Greenvale was a nice,
12 sleepy, little town. We had some banks, we had
13 some restaurants, we had local shops and so on, and
14 as the decades unfolded, more and more commercial
15 development, and, as you can see, Greenvale is now
16 the heart of the Wheatley Plaza Shopping Center,
17 and all the other accoutrements of the development
18 there, so as long as I've been President of the
19 civic association, for twenty years, we've been
20 fighting to preserve the quality -- the suburban
21 quality of our community that everyone has moved in
22 for, so I am in one hundred percent agreement --

23 SUPERVISOR SALADINO: We get it.

24 MR. FABIO: -- with you. We have been
25 fighting. When there's a commercial development

1 that would have an adverse impact, we go before
2 Zoning Boards, Town Boards, we represent our
3 community so we want to preserve --

4 SUPERVISOR SALADINO: But that suggests
5 that those Boards have the right to stop it.

6 May I point out and remind you, again,
7 that this proposal from Albany ends the ability of
8 this Town Board, any town board, any zoning board,
9 any village board, ends our right to control our
10 zoning, and we'll be watching, and I hope you will,
11 too.

12 MR. FABIO: We have been.

13 SUPERVISOR SALADINO: I hope you'll be
14 watching the Governor's State Address that will be
15 coming up in the first week of January because then
16 we'll know. We'll get a tip off.

17 If this is mentioned, if they talk
18 about using catch phrases like affordable housing
19 initiatives, it translates to very high density,
20 the end of the public's right because, remember,
21 the whole Town Board meeting is not just about the
22 people you see sitting here, it's about the
23 public's right to representation and get the future
24 they want through the venue of those who represent
25 them and control our zoning.

1 We lose the right to have zoning power,
2 no need for hearings because we can't do anything
3 about it, so just like you, we're exceptionally
4 concerned both parochially in terms of protecting
5 that open space by globally -- townwide and
6 Islandwide.

7 And today's hearing, while very
8 voluminous, is very important because it shows the
9 motivation of this Town, to protect that open space
10 and to not let the development go unchecked because
11 we all agree, whether it's traffic, cars driving
12 too fast, a dangerous condition on our road, and
13 all those other examples that I mentioned, there's
14 a price to pay when development takes place.

15 MR. FABIO: You don't have to -- you're
16 preaching to the choir here --

17 SUPERVISOR SALADINO: Good. Because I
18 want to point out --

19 MR. FABIO: -- I've been fighting that --

20 SUPERVISOR SALADINO: -- we're all on
21 the same side here.

22 MR. FABIO: -- for the past 20 years.

23 COUNCILMAN IMBROTO: This is just one
24 of many initiatives that we've taken to protect
25 open space, quality of life --

1 SUPERVISOR SALADINO: -- we get it.

2 MR. FABIO: -- you're preaching to the
3 choir --

4 SUPERVISOR SALADINO: Okay.

5 Sometimes the perception of the public
6 would be that a speaker is opposed to the
7 initiative of the Board, but in this case, you're
8 100 percent supportive of what we're trying to do.

9 MR. FABIO: Not only of this
10 initiative, every initiative.

11 COUNCILMAN IMBROTO: And there are
12 decisions that may have been made in North
13 Hempstead years ago --

14 MR. FABIO: In North Hempstead, you
15 know, it's interesting. We are a bifurcated
16 community. Half of us live in the Town of North
17 Hempstead and the other half live in --

18 COUNCILMAN IMBROTO: Are you in Oyster
19 Bay or Hempstead?

20 MR. FABIO: I'm right on the border of
21 North Hempstead.

22 SUPERVISOR SALADINO: He's in North
23 Hempstead.

24 MR. FABIO: I'm in North Hempstead.

25 SUPERVISOR SALADINO: He was on the

1 Board.

2 MR. FABIO: And the house next to me is
3 in Oyster Bay.

4 SUPERVISOR SALADINO: Yup, yup. You're
5 right on the border.

6 MR. FABIO: And very interestingly
7 enough --

8 COUNCILMAN IMBROTO: Well, we're your
9 friends here.

10 SUPERVISOR SALADINO: We're your
11 friends here, and we're fighting for you, and
12 today, once again, proves that.

13 The reason we have brought in this
14 engineering firm, the reason we're spending all
15 this time on this highly technical data is to come
16 up with a solution to a problem that we understand.

17 MR. FABIO: Great. I applaud your
18 effort --

19 SUPERVISOR SALADINO: Thank you very
20 much.

21 MR. FABIO: -- and, you know, they don't
22 pay me enough money to come here to speak on behalf
23 of the community, but our sentiments are certainly
24 consistent with the objective of preserving our
25 residential and superior quality of life in

1 suburbia.

2 We don't want Queens, we don't want
3 New York City, we don't want Brooklyn in here.

4 SUPERVISOR SALADINO: And I guarantee
5 that's what you'll get if we lose our zoning
6 powers.

7 MR. FABIO: So no opposition here.

8 SUPERVISOR SALADINO: Great.

9 We look forward to collaborating with
10 you if Albany proves to want to go ahead with this
11 policy that goes against what most Long Islanders
12 want.

13 MR. FABIO: Well, I've been President
14 only 20 years. Our association has been in
15 existence for 55 years, and that has been our
16 mantra throughout all of this time of preserving
17 and protecting the quality of life for the
18 residents of Greenvale, as our civic association.

19 SUPERVISOR SALADINO: Good to hear.
20 Good to hear.

21 COUNCILMAN IMBROTO: We're all on the
22 same page.

23 SUPERVISOR SALADINO: We're all on the
24 same page, and we look forward to you standing with
25 us if the need arises to push back on policies of

1 this nature out of Albany.

2 MR. FABIO: I can assure you our
3 association will be in full support of that.

4 SUPERVISOR SALADINO: We look forward
5 to that, and we appreciate your making this a
6 priority above all else, including a television
7 program this afternoon.

8 MR. FABIO: Not me. That's Arthur.

9 SUPERVISOR SALADINO: Would anyone else
10 like to be heard on this hearing?

11 (Whereupon, there was no response from
12 the assemblage.)

13 SUPERVISOR SALADINO: Please let the
14 record reflect that no one else has demonstrated
15 that they would like to be heard.

16 And with that, may I please have a
17 motion?

18 COUNCILMAN IMBROTO: Supervisor, I move
19 that the public portion of the hearing be closed,
20 the record be left open for 30 days.

21 COUNCILMAN HAND: Second.

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: Those opposed,

1 "Nay."

2 (Whereupon, there were no "Nay"
3 responses from the Board.)

4 SUPERVISOR SALADINO: The "Ayes" have
5 it.

6 (TIME NOTED: 2:50 P.M.)

7 SUPERVISOR SALADINO: So thank you,
8 folks.

9 As promised, we will hold our hearings,
10 which are now all complete.

11 We thank you for your patience, and as
12 we told you, we have to break for an Executive
13 Session, and then we'll come back out to work on
14 our Regular Resolution Calendar for this Board
15 meeting.

16 COUNCILMAN IMBROTO: Supervisor, I move
17 that we move into Executive Session for the purpose
18 of discussing pending litigation.

19 COUNCILMAN HAND: Second.

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

22 ALL: "Aye."

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

25 (Whereupon, there were no "Nay"

1 responses from the Board.)

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

4 Thank you, folks.

5 We'll make it as quick as possible. We
6 realize it's a long day.

7 (Whereupon, the Executive Session began
8 at 2:51 p.m. and the proceedings resuming at
9 3:46 p.m. as follows:)

10 SUPERVISOR SALADINO: Thank you,
11 everyone, for your patience.

12 May I have a motion, please?

13 COUNCILMAN IMBROTO: Supervisor, I move
14 that we close the Executive Session.

15 No action was taken.

16 COUNCILMAN HAND: Second.

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

19 ALL: "Aye."

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

22 (Whereupon, there were no "Nay"
23 responses from the Board.)

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

57

(TIME NOTED: 3:47 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
December 13, 2022
3:48 p.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

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

3 MR. LaMARCA: Just a minute.

4 (Whereupon, a side bar conversation
5 between Town Clerk LaMarca and Town Attorney
6 Scalera took place.)

7 MR. LaMARCA: May I have a motion to
8 remove from the table Resolution No. 707-2022,
9 967-2022, and 968-2022?

10 707-2022 was tabled on October 4, 2022
11 -- wait, let me start over. Let me back up.

12 May I have a motion to remove from the
13 table 707-2022, which was tabled on October 4,
14 2022; 583-2022, which was tabled on August 9, 2022;
15 and 846-2022, which was tabled on November 15,
16 2022.

17 On the motion:

18 COUNCILMAN IMBROTO: So moved.

19 COUNCILMAN HAND: Second.

20 MR. LaMARCA: Motion made by Councilman
21 Imbroto and seconded by Councilman Hand.

22 On the vote:

23 Supervisor Saladino?

24 SUPERVISOR SALADINO: "Aye."

25 MR. LaMARCA: Councilman Imbroto?

1 COUNCILMAN IMBROTO: "Aye."

2 MR. LaMARCA: Councilman Hand?

3 COUNCILMAN HAND: "Aye."

4 MR. LaMARCA: Councilman Labriola?

5 COUNCILMAN LABRIOLA: "Aye."

6 MR. LaMARCA: Councilwoman Maier?

7 COUNCILWOMAN MAIER: "Aye."

8 MR. LaMARCA: Councilwoman Walsh?

9 COUNCILWOMAN WALSH: "Aye."

10 MR. LaMARCA: Motion to remove from the
11 table Resolution Nos. 707, 967 -- 707, 583, and
12 846-2022 from the table passes with six "Ayes" and
13 Zero "Nays."

14 (TIME NOTED: 3:49 P.M.)

15 MR. LaMARCA: May I have a motion to
16 table Resolution No. 927-2022?

17 **RESOLUTION NO. 927-2022;** Resolution
18 authorizing the Supervisor or his designee, to sign
19 an addendum to the March 15, 2014 agreement between
20 the Town and the Friends of Raynham Hall, Inc.
21 Making Friends responsible for a cost-share toward
22 renovations at 20 West Main Street, Oyster Bay.
23 (M.D. 11/29/22 #7 & 12/6/22 #13).

24 On the motion:

25 COUNCILMAN IMBROTO: So moved.

1 COUNCILMAN HAND: Second.

2 MR. LaMARCA: Motion made by Councilman
3 Imbroto and seconded by Councilman Hand.

4 On the vote:

5 Supervisor Saladino?

6 SUPERVISOR SALADINO: "Aye."

7 MR. LaMARCA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. LaMARCA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. LaMARCA: Councilman Labriola?

12 COUNCILMAN LABRIOLA: "Aye."

13 MR. LaMARCA: Councilwoman Maier?

14 COUNCILWOMAN MAIER: "Aye."

15 MR. LaMARCA: Councilwoman Walsh?

16 COUNCILWOMAN WALSH: "Aye."

17 MR. LaMARCA: Motion to table

18 Resolution 927-2022 passes with six "Ayes" and Zero
19 "Nays."

20 (TIME NOTED: 3:49 P.M.)

21 MR. LaMARCA: May I have a motion to
22 Suspend the Rules and add Resolution Nos. 953-2022
23 through 966-2022?

24 **RESOLUTION NO. 953-2022;** Resolution
25 authorizing the Nassau County Assessor to remove

1 twenty-four tax parcels from the Jericho Water
2 District's 310 Tax Code, while reserving the right
3 of the District to reinstate said tax parcels
4 should the District provide water service to these
5 parcels at a future date. (M.D. 12/6/22 #25).

6 **RESOLUTION NO. 954-2022;** Resolution
7 authorizing award of Contract No. DP21-224, John J.
8 Burns Park Bulkhead Replacement and directing the
9 Comptroller to encumber funds for this purpose.
10 Account Nos. PKS H 7197 20000 000 2202 001 and PKS
11 H 7197 20000 000 2102 001. (M.D. 12/6/22 #41).

12 **RESOLUTION NO. 955-2022;** Resolution
13 authorizing an appointment to the Ethics Board for
14 the term commencing December 13, 2022 through
15 December 31, 2027. (M.D. 12/6/22 #44).

16 **RESOLUTION NO. 956-2022;** Resolution
17 authorizing the extension option for Retention of
18 Attorneys to Represent the Town in Negligence
19 Matters, for the period January 1, 2023 through
20 December 31, 2023. Account No. TWN AMS 1910 43010
21 602 0000 000 and TWN AMS 1910 43020 602 0000 000.
22 (M.D. 12/6/22 #45).

23 **RESOLUTION NO. 957-2022;** Resolution
24 authorizing the services of the listed firms for
25 2023 Outside Counsel. Account No. OTA A 1420 44110

1 000 0000. (M.D. 12/6/22 #46).

2 **RESOLUTION NO. 958-2022;** Resolution
3 authorizing the second extension option for Hearing
4 Officers for Employee Relations Matters for the
5 period of January 1, 2023 through December 31,
6 2023. Account No. OTA A 1420 44800 000 0000. (M.D.
7 12/6/22 #47).

8 **RESOLUTION NO. 959-2022;** Resolution
9 authorizing the second one-year extension option
10 for Stenographic Services for Employee Relations
11 for the period January 1, 2023 through December 31,
12 2023. Account No. OTA A 1420 44800 000 0000. (M.D.
13 12/6/22 #48).

14 **RESOLUTION NO. 960-2022;** Resolution
15 authorizing a license agreement for the use of
16 property at the intersection of Forest Avenue and
17 Veterans Boulevard, Massapequa ("Highway Yard"),
18 for on-site storage of equipment, materials and
19 vehicles from December 14, 2022 through July 13,
20 2023. (M.D. 12/6/22 #49).

21 **RESOLUTION NO. 961-2022;** Resolution
22 authorizing retention of firms for Stenographic
23 Services to the Office of the Town Attorney, for
24 the period January 1, 2023 through December 31,
25 2023, with two one-year extension options. Account

No. OTA A 1420 44110 000 0000. (M.D. 12/6/22 #50).

RESOLUTION NO. 962-2022; Resolution authorizing appointment of the listed firms as authorized Independent Medical Examination providers for the Town of Oyster Bay, for the period January 1, 2023 through December 31, 2023, with two one-year extension options. Account No. OTA A 1420 44110 000 0000. (M.D. 12/6/22 #51).

RESOLUTION NO. 963-2022; Resolution pertaining to settlement of a negligence claim; Claimant: Diana Basile, Nassau County Index No. 1631/2016, Matter ID No. 2015-5178, Account No. TWN AMS 1910 43010 602 0000 000. (M.D. 12/6/22 #52).

RESOLUTION NO. 964-2022; Resolution pertaining to settlement of a negligence claim; Claimant: Jenna Delaney, Nassau County Index No. 608854/2018, Matter ID No. 2017-6195, Account No. TWN AMS 1910 43010 602 0000 000. (M.D. 12/6/22 #53).

RESOLUTION NO. 965-2022; Resolution authorizing employees in the listed job titles to issue Appearance Tickets, Summonses and Notices of Violation, for violations of the Code of the Town of Oyster Bay. (M.D. 12/6/22 #54).

RESOLUTION NO. 966-2022; Resolution directing the Town Clerk to advertise a Notice of

1 Hearing to assess the Town of Oyster Bay's future
2 cable television needs and to address the proposed
3 renewal agreement between the Town of Oyster Bay
4 and Cablevision Systems Long Island Corporation.
5 Hearing date: January 10, 2023. (M.D. 12/6/22 #55).

6 On the motion:

7 COUNCILMAN IMBROTO: So moved.

8 COUNCILMAN HAND: Second.

9 MR. LaMARCA: Motion made by Councilman
10 Imbroto and seconded by Councilman Hand.

11 On the vote:

12 Supervisor Saladino?

13 SUPERVISOR SALADINO: "Aye."

14 MR. LaMARCA: Councilman Imbroto?

15 COUNCILMAN IMBROTO: "Aye."

16 MR. LaMARCA: Councilman Hand?

17 COUNCILMAN HAND: "Aye."

18 MR. LaMARCA: Councilman Labriola?

19 COUNCILMAN LABRIOLA: "Aye."

20 MR. LaMARCA: Councilwoman Maier?

21 COUNCILWOMAN MAIER: "Aye."

22 MR. LaMARCA: Councilwoman Walsh?

23 COUNCILWOMAN WALSH: "Aye."

24 MR. LaMARCA: Motion to Suspend the
25 Rules and add Resolution 953 through 966-2022

1 passes with six "Ayes" and Zero "Nays."

2 (TIME NOTED: 3:50 P.M.)

3 MR. LaMARCA: May I have a motion to
4 Resuspend the Rules and add Walked-On Resolution
5 No. 967-2022 and 968-2022?

6 **RESOLUTION NO. 967-2022;** Resolution
7 pertaining to the New York State Volunteer
8 Firefighters Benefit Law policy, Town of Oyster Bay
9 Volunteer Firefighters for the period of January 1,
10 2023, through January 1, 2024.

11 **RESOLUTION NO. 968-2022;** Resolution
12 authorizing an intermunicipal agreement with the
13 Town of Oyster Bay to grant the Town of Huntington
14 the use of five Sanitation Packer trucks for a
15 period of six months, which may be extended for two
16 six-month periods upon mutual consent to the two
17 Towns.

18 On the motion:

19 COUNCILMAN IMBROTO: So moved.

20 COUNCILMAN HAND: Second.

21 MR. LaMARCA: Motion made by Councilman
22 Imbroto and seconded by Councilman Hand.

23 On the vote:

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: In terms of the

1 utilization of Huntington Town to use our garbage
2 trucks, I realize that is through an IMA -- an
3 intermunicipal agreement -- and I spoke to the
4 Supervisor of the Town of Huntington, who is
5 exceptionally appreciative of, in essence, Oyster
6 Bay coming to their rescue when a large number of
7 their trucks burned to the point of no use at all,
8 so they greatly appreciate it, and it's an honor to
9 be supportive and helpful to our neighbors.

10 I vote "Aye," and "Aye" on all.

11 MR. LaMARCA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: "Aye."

13 MR. LaMARCA: Councilman Hand?

14 COUNCILMAN HAND: "Aye."

15 MR. LaMARCA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: "Aye."

17 MR. LaMARCA: Councilwoman Maier?

18 COUNCILWOMAN MAIER: "Aye."

19 MR. LaMARCA: Councilwoman Walsh?

20 COUNCILWOMAN WALSH: "Aye."

21 MR. LaMARCA: Motion to Resuspend the
22 Rules and add Walked-On Resolution No. 967 and
23 968-2022, passes with six "Ayes."

24 May I have a motion to adopt Resolution
25 Nos. P-18-2022 through 968-2022 and Resolution No.

1 707-2022, noting that Resolution No. 927-2022 has
2 been tabled.

3 **PERSONNEL RESOLUTION NO. P-18-22,**
4 **P-1-23, PA-1-23, PA-2-23;** Resolution pertaining to
5 personnel of various departments within the Town of
6 Oyster Bay.

7 **TRANSFER OF FUNDS RESOLUTION NO.**
8 **TF-18-22;** Resolution pertaining to transfer of
9 funds within various departments' accounts for the
10 Year 2022.

11 **RESOLUTION NO. 860-2022;** Resolution
12 authorizing the Town of Oyster Bay Holiday Ice
13 Skating Show in cooperation with The Rinx, to be
14 held at the Town of Oyster Bay Skating Center at
15 Bethpage Community Park on December 17, 2022.
16 Account No. PKS A 7110 47670 000 0000. (M.D.
17 11/8/22 #6).

18 **RESOLUTION NO. 861-2022;** Resolution
19 authorizing a "Hometown Heroes Program" in
20 recognition and appreciation for all Town of Oyster
21 Bay veterans and active duty personnel who have
22 served in the United States Armed Forces or
23 National Guard commencing April 2023 through
24 October 2023. Account No. TWN TA 0000 00085 436
25 0000. (M.D. 11/8/22 #7).

1 **RESOLUTION NO. 862-2022;** Resolution
2 authorizing the renewal option with HIP Health Plan
3 of New York for the period January 1, 2023 through
4 December 31, 2023. Account No. TWN AMM 9060 80010
5 000 0000 000. (M.D. 11/8/22 #9).

6 **RESOLUTION NO. 863-2022;** Resolution
7 authorizing any necessary transfer of funds or
8 closing entries for the 2022 accounting books as of
9 December 14, 2022, so that they accurately reflect
10 the transactions conducted by the various Town
11 Departments. (M.D. 11/8/22 #10).

12 **RESOLUTION NO. 864-2022;** Resolution
13 authorizing the property cleanup assessment of
14 103 Southwood Circle, Syosset, performed on
15 August 16, 2022, be referred to the County of
16 Nassau for placement on the Nassau County Tax
17 Assessment Rolls. (M.D. 11/8/22 #16).

18 **RESOLUTION NO. 865-2022;** Resolution
19 authorizing the property cleanup assessment of
20 210 North Wyoming Avenue, Massapequa, performed on
21 August 2, 2022, be referred to the County of Nassau
22 for placement on the Nassau County Tax Assessment
23 Rolls. (M.D. 11/8/22 #17).

24 **RESOLUTION NO. 866-2022;** Resolution
25 authorizing use of a sub-consultant for Contract

1 No. H19-196PH2, Highway Improvements to the Hicks
2 Avenue Area, Syosset, in connection with Concrete
3 Sampling and Testing Services. (M.D. 11/8/22 #28).

4 **RESOLUTION NO. 867-2022;** Resolution
5 pertaining to Contract No. PWC10-22, On-Call
6 Engineering Services Relative to Construction
7 Management in connection with concrete work
8 throughout the Town of Oyster Bay. Account No. HWY
9 H 5197 20000 000 2203 008. (M.D. 11/8/22 #29).

10 **RESOLUTION NO. 868-2022;** Resolution
11 ratifying acceptance of a donation of ten stainless
12 steel animal cages from Long Island Veterinary
13 Specialists. (M.D. 11/8/22 #31).

14 **RESOLUTION NO. 869-2022;** Resolution
15 authorizing an AED (Automated External
16 Defibrillator) Collaborative Medical Agreement for
17 the period January 1, 2023 through December 31,
18 2023, and for the Supervisor, or his designee, to
19 execute said Agreement. Account No. DPS A 3010
20 44900 000 0000 000. (M.D. 11/8/22 #32).

21 **RESOLUTION NO. 870-2022;** Resolution
22 reappointing the Zoning Board of Appeals Chairwoman
23 for a five-year term commencing January 1, 2023
24 through December 31, 2027. Account No. PAD B 8010
25 11000 000 0000. (M.D. 11/15/22 #21).

1 **RESOLUTION NO. 871-2022;** Resolution
2 authorizing issuance a refund for an Ice Hockey
3 Program fee to Rae Gerula. Account No. PKS A 0001
4 02001 510 0000. (M.D. 11/22/22 #4).

5 **RESOLUTION NO. 872-2022;** Resolution
6 authorizing extension and modification of agreement
7 for One-Stop Operator for the period January 1,
8 2023 through December 31, 2023, to be funded by the
9 Workforce Innovation and Opportunity Act, and for
10 the Supervisor, or his designee, to execute said
11 agreement. Account No. IGA CD 6293 48080 000 CW22.
12 (M.D. 11/22/22 #14).

13 **RESOLUTION NO. 873-2022;** Resolution
14 authorizing the Supervisor, or his designee, to
15 enter into a Community Development Public Service
16 Contract Agreement with the Boys & Girls Club of
17 Oyster Bay/East Norwich, Inc., for the period
18 January 1, 2023 through December 31, 2023. Account
19 No. IGA CD 8676 48280 741 CD23. (M.D. 11/22/22 #15).

20 **RESOLUTION NO. 874-2022;** Resolution
21 authorizing the Supervisor, or his designee, to
22 enter into a Community Development Public Service
23 Contract Agreement with Doubleday Babcock Senior
24 Center, Inc., d/b/a The Life Enrichment Center, for
25 the period January 1, 2023 through December 31,

1 2023. Account No. IGA CD 8676 48280 740 CD23.
2 (M.D. 11/22/22 #16).

3 **RESOLUTION NO. 875-2022;** Resolution
4 authorizing the Supervisor, or his designee, to
5 enter into a Community Development Public Service
6 Contract Agreement with Greater Long Island Running
7 Club, Inc., for the period January 1, 2023 through
8 December 31, 2023. Account No. IGA CD 8676 48280
9 750 CD23. (M.D. 11/22/22 #17).

10 **RESOLUTION NO. 876-2022;** Resolution
11 authorizing the Supervisor, or his designee, to
12 enter into a Community Development Public Service
13 Contract Agreement with the Grenville Baker Boys
14 and Girls Club, Inc., for the period January 1,
15 2023 through December 31, 2023. Account No. IGA CD
16 8676 48280 743 CD23. (M.D. 11/22/22 #18).

17 **RESOLUTION NO. 877-2022;** Resolution
18 authorizing the Supervisor, or his designee, to
19 enter into a Community Development Public Service
20 Contract Agreement with Hicksville Teenage Council,
21 Inc./Hicksville Boys and Girls Club, Inc., for the
22 period January 1, 2023 through December 31, 2023.
23 Account No. IGA CD 8676 48280 744 CD23. (M.D.
24 11/22/22 #19).

25 **RESOLUTION NO. 878-2022;** Resolution

1 authorizing the Supervisor, or his designee, to
2 enter into a Community Development Public Service
3 Contract Agreement with Island Harvest, LTD, for
4 the period January 1, 2023 through December 31,
5 2023. Account No. IGA CD 8676 48280 754 CD23.
6 (M.D. 11/22/22 #20).

7 **RESOLUTION NO. 879-2022;** Resolution
8 authorizing the Supervisor, or his designee, to
9 enter into a Community Development Public Service
10 Contract Agreement with Mid-Island, YJCC, for the
11 period January 1, 2023 through December 31, 2023.
12 Account No. IGA CD 8676 48280 755 CD23. (M.D.
13 11/22/22 #21).

14 **RESOLUTION NO. 880-2022;** Resolution
15 authorizing the Supervisor, or his designee, to
16 enter into a Community Development Public Service
17 Contract Agreement with Plainedge Senior Citizens,
18 Inc., for the period January 1, 2023 through
19 December 31, 2023. Account No. IGA CD 8676 48280
20 748 CD23. (M.D. 11/22/22 #22).

21 **RESOLUTION NO. 881-2022;** Resolution
22 authorizing the Supervisor, or his designee, to
23 enter into a Community Development Public Service
24 Contract Agreement with Veterans of Foreign Wars of
25 the U.S., William M. Gouse, Jr., Post #3211, for

1 the period January 1, 2023 through December 31,
2 2023. Account No. IGA CD 8676 48280 749 CD23.
3 (M.D. 11/22/22 #23).

4 **RESOLUTION NO. 882-2022;** Resolution
5 authorizing the Supervisor, or his designee, to
6 enter into a Public Service Contract Agreement with
7 YES Community Counseling Center, Inc., relating to
8 domestic violence and/or abuse, for the period
9 January 1, 2023 through December 31, 2023. Account
10 No. IGA A 8686 47630 000 0000. (M.D.
11 11/22/22 #24).

12 **RESOLUTION NO. 883-2022;** Resolution
13 authorizing the Supervisor, or his designee, to
14 enter into a Community Development Public Service
15 Contract Agreement with YES Community Counseling
16 Center, Inc., relating to addressing family and
17 peer pressures and substance abuse, for the period
18 January 1, 2023 through December 31, 2023. Account
19 No. IGA CD 8676 48280 745 CD23. (M.D. 11/22/22 #25).

20 **RESOLUTION NO. 884-2022;** Resolution
21 authorizing award of contract for Assistance with
22 Creating and Maintaining a Mortgage in Default
23 Registry for the Town of Oyster Bay, commencing
24 January 1, 2023 through December 31, 2023 with two
25 (2) one (1) year extension options, and for the

1 Supervisor, or his designee, to execute said
2 contract. (M.D. 11/22/22 #26).

3 **RESOLUTION NO. 885-2022;** Resolution
4 authorizing membership in the listed Chambers of
5 Commerce and Business Association for the period
6 January 1, 2023 through December 31, 2023 and
7 directing the Comptroller to make payment. Account
8 No. TWN A 1989 47900 000 0000. (M.D. 11/22/22 #27).

9 **RESOLUTION NO. 886-2022;** Resolution
10 authorizing a building application for the
11 maintenance of a modular trailer and the
12 maintenance of a hockey rink with proposed roof at
13 Nassau County Police Athletic League (PAL),
14 510 Parkside Avenue, Massapequa, New York. (M.D.
15 11/22/22 #28).

16 **RESOLUTION NO. 887-2022;** Resolution
17 authorizing renewal of memberships in the New York
18 Government Finance Officers' Association, Inc. for
19 2023. Account No. CMP A 1315 47900 000 0000. (M.D.
20 11/22/22 #29).

21 **RESOLUTION NO. 888-2022;** Resolution
22 authorizing the property cleanup assessment of
23 3 Floral Park Drive East, Plainview, performed on
24 August 23, 2022, be referred to the County of
25 Nassau for placement on the Nassau County Tax

1 Assessment Rolls. (M.D. 11/22/22 #30).

2 **RESOLUTION NO. 889-2022;** Resolution
3 authorizing the property cleanup assessment of
4 10 High Farms Road, Glen Head, performed on July 9,
5 2022, be referred to the County of Nassau for
6 placement on the Nassau County Tax Assessment
7 Rolls. (M.D. 11/22/22 #31).

8 **RESOLUTION NO. 890-2022;** Resolution
9 authorizing the property cleanup assessment of
10 31 Westwood Lane, Woodbury, performed on August 24,
11 2022, be referred to the County of Nassau for
12 placement on the Nassau County Tax Assessment
13 Rolls. (M.D. 11/22/22 #32).

14 **RESOLUTION NO. 891-2022;** Resolution
15 authorizing the property cleanup assessment of
16 181 High Farms Road, Glen Head, performed on
17 August 18, 2022, be referred to the County of
18 Nassau for placement on the Nassau County Tax
19 Assessment Rolls. (M.D. 11/22/22 #33).

20 **RESOLUTION NO. 892-2022;** Recommending
21 the property cleanup assessment of 544 Old Country
22 Road, Plainview, performed on August 23, 2022, be
23 referred to the County of Nassau for placement on
24 the Nassau County Tax Assessment Rolls. (M.D.
25 11/22/22 #34).

1 **RESOLUTION NO. 893-2022;** Resolution
2 authorizing the property cleanup assessment of
3 Newbridge Road, Hicksville, Section 45, Block 70,
4 Lot 49, performed on August 16, 2022, be referred
5 to the County of Nassau for placement on the Nassau
6 County Tax Assessment Rolls. (M.D. 11/22/22 #35).

7 **RESOLUTION NO. 894-2022;** Resolution
8 authorizing the property cleanup assessment of
9 Old Country Road and East Avenue, Hicksville,
10 Section 45, Block 66, Lot 292, performed on
11 August 15, 2022, be referred to the County of
12 Nassau for placement on the Nassau County Tax
13 Assessment Rolls. (M.D. 11/22/22 #36).

14 **RESOLUTION NO. 895-2022;** Resolution
15 authorizing the property cleanup assessment of
16 9 Harbour Road, Massapequa, performed on August 6,
17 2022, be referred to the County of Nassau for
18 placement on the Nassau County Tax Assessment
19 Rolls. (M.D. 11/22/22 #37).

20 **RESOLUTION NO. 896-2022;** Recommending
21 the property cleanup assessment of 23 Post Street,
22 Glen Head, performed on July 29, 2022, be referred
23 to the County of Nassau for placement on the Nassau
24 County Tax Assessment Rolls. (M.D. 11/22/22 #38).

25 **RESOLUTION NO. 897-2022;** Resolution

1 authorizing the property cleanup assessment of
2 51 Walter Avenue, Hicksville, performed on
3 August 16, 2022, be referred to the County of
4 Nassau for placement on the Nassau County Tax
5 Assessment Rolls. (M.D. 11/22/22 #39).

6 **RESOLUTION NO. 898-2022;** Resolution
7 authorizing the property cleanup assessment of
8 4699 Merrick Road, Massapequa, performed on
9 June 28, 2022, be referred to the County of Nassau
10 for placement on the Nassau County Tax Assessment
11 Rolls. (M.D. 11/22/22 #40).

12 **RESOLUTION NO. 899-2022;** Resolution
13 pertaining to Contract No. PWC07-22, On-Call
14 Engineering Services relative to Civil Engineering
15 in connection with investigation and cost
16 estimating for the demolition of the former Old
17 Bethpage Landfill Incinerator No. 1. Account No.
18 DER H 8797 20000 0002016 015. (M.D. 11/22/22 #41).

19 **RESOLUTION NO. 900-2022;** Resolution
20 pertaining to Contract No. PWC07-22, On-Call
21 Engineering Services relative to Civil Engineering
22 in connection with preparation of construction
23 documents and provide construction oversight for
24 the replacement of synthetic turf fields at John J.
25 Burns Park majors baseball field and north soccer

1 practice area. Account No. PKS H 7197 20000 000
2 2102 001. (M.D. 11/22/22 #42).

3 **RESOLUTION NO. 901-2022;** Resolution
4 pertaining to Contract No. PWC 15-22, On-Call
5 Engineering Services relative to Transportation
6 Engineering and use of a sub-consultant for
7 Improvements to East Lincoln Avenue, Riverdale
8 Avenue and Pirates Cove in Massapequa in connection
9 with engineering design, bid, construction support
10 and as built documentation. Account Nos. IGA CD
11 8662 28800 719 CD22 and IGA CD 8662 28800 719 CD23.
12 (M.D. 11/22/22 #43).

13 **RESOLUTION NO. 902-2022;** Resolution
14 pertaining to Contract No. PWC07-22, On-Call
15 Engineering Services relative to Civil Engineering
16 in connection with preparation of contract
17 documents and construction administration for the
18 replacement of the synthetic field for Field of
19 Dreams Park East Field. Account No. PKS H 7197
20 20000 000 2102 001. (M.D. 11/22/22 #44).

21 **RESOLUTION NO. 903-2022;** Resolution
22 pertaining to Contract No. PWC07-22, On-Call
23 Engineering Services relative to Civil Engineering
24 in connection with preparation of contract
25 documents and construction administration for the

1 installation of synthetic turf at Haypath Community
2 Park 75 foot baseball infield. Account No. PKS H
3 7197 20000 000 2002 001. (M.D. 11/22/22 #45).

4 **RESOLUTION NO. 904-2022;** Resolution
5 authorizing acceptance of the design and entrance
6 into bid phase of Contract No. DP21-215, Harry
7 Tappen Beach Sanitary System Improvements.
8 (M.D. 11/22/22 #46).

9 **RESOLUTION NO. 905-2022;** Resolution
10 authorizing acceptance of the design and entrance
11 into bid phase of Contract No. H22-235, Trench
12 Drain Girder Reinforcement at Hicksville Parking
13 Facility. (M.D. 11/22/22 #47).

14 **RESOLUTION NO. 906-2022;** Resolution
15 authorizing award of Construction Contract No. DPW
16 22-234, Town Hall North Window Replacement, Oyster
17 Bay. Account No. DGS H 1997 20000 000 2210 001.
18 (M.D. 11/22/22 #48).

19 **RESOLUTION NO. 907-2022;** Resolution
20 authorizing Richard W. Lenz, P.E. and Matthew
21 Russo, P.E. to take professional engineering
22 continuation education "Soils in Construction"
23 course and directing the Comptroller to encumber
24 funds for reimbursement. Account No. DPW A 1490
25 44140 000 000. (M.D. 11/22/22 #49).

1 **RESOLUTION NO. 908-2022;** Resolution
2 authorizing a Memorandum of Understanding between
3 the Town of Oyster Bay and Cornell Cooperative
4 Extension in order to participate in the Ghost Trap
5 Debris Removal Program and for the Supervisor, or
6 his designee, to execute said Agreement. (M.D.
7 11/22/22 #51).

8 **RESOLUTION NO. 909-2022;** Resolution
9 authorizing issuance of a refund for the Ice Hockey
10 program fee to Stephen Sventoraitis. Account No.
11 PKS A 0001 02001 510 0000. (M.D. 11/29/22 #4).

12 **RESOLUTION NO. 910-2022;** Resolution
13 authorizing acceptance of a donation of a memorial
14 plaque and new bench from Mary Goldman, to be
15 placed in Theodore Roosevelt Memorial Park and
16 Beach in memory of Rita L. Fragiaco. (M.D.
17 11/29/22 #5).

18 **RESOLUTION NO. 911-2022;** Resolution
19 authorizing acceptance of a donation of a memorial
20 plaque from Toni Gibbons, to be placed on an
21 existing bench at Ellsworth W. Allen Park in Memory
22 of Rosemary Lettieri. (M.D. 11/29/22 #6).

23 **RESOLUTION NO. 912-2022;** Resolution
24 authorizing a second one-year extension of contract
25 for Stenographic Services for the Zoning Board of

1 Appeals for the period January 1, 2023 through
2 December 31, 2023. Account No. PAD B 8010 44120
3 000 0000. (M.D. 11/29/22 #8).

4 **RESOLUTION NO. 913-2022;** Resolution
5 authorizing a first one-year extension of contract
6 for On-Call Technology Consulting Services for the
7 period January 1, 2023 through December 31, 2023.
8 Account Nos. CMP A 1680 46410 000 0000 and CMP H
9 1997 26000 000 1508 001. (ACC) (M.D. 11/29/22 #25).

10 **RESOLUTION NO. 914-2022;** Resolution
11 authorizing a first one-year extension of Contract
12 PWC72-22, On-Call Technology Consulting Services,
13 for the period January 1, 2023 through December 31,
14 2023. Account Nos. CMP A 1680 46410 000 0000 and
15 CMP H 1997 26000 000 1508 001 and ROT H 1997 26000
16 000 1509 001. (M.D. 11/29/22 #26).

17 **RESOLUTION NO. 915-2022;** Resolution
18 authorizing the property cleanup assessment of
19 14 Hazelwood Drive, Jericho, performed on
20 September 9, 2022, be referred to the County of
21 Nassau for placement on the Nassau County Tax
22 Assessment Rolls. (M.D. 11/29/22 #27).

23 **RESOLUTION NO. 916-2022;** Resolution
24 authorizing the property cleanup assessment of
25 68 Schoolhouse Road, Old Bethpage, performed on

1 September 9, 2022, be referred to the County of
2 Nassau for placement on the Nassau County Tax
3 Assessment Rolls. (M.D. 11/29/22 #28).

4 **RESOLUTION NO. 917-2022;** Resolution
5 authorizing a Settlement Agreement associated with
6 acquisition by Eminent Domain for N/E/C West
7 Barclay Street & Wyckoff Street, Hicksville, and
8 for the Supervisor, or his designee, to execute
9 said Agreement. Account No. TWN A 1989 44170 000
10 0000. (M.D. 11/29/22 #29).

11 **RESOLUTION NO. 918-2022;** Resolution
12 authorizing acceptance and approval of election
13 results for Plainview Fire Protection District
14 Amendment to the Length of Service Awards Program
15 and for the Town Attorney to take necessary steps
16 to effectuate said amendment. (M.D. 11/29/22 #30).

17 **RESOLUTION NO. 919-2022;** Resolution
18 authorizing Settlement of a Negligence Claim;
19 Claimant: Alicia Lazarek, Matter ID No. 2021-8367.
20 Account No. TWN AMS 1910 43010 602 0000 000. (M.D.
21 11/29/22 #32).

22 **RESOLUTION NO. 920-2022;** Resolution
23 pertaining to Contract No. H19-198-PH2,
24 Construction of Highway and Drainage Improvements
25 to the Southwood Circle Area Phase 2, Syosset and

1 for use of a sub-consultant to provide materials
2 testing services. Account No. HWY H 5197 20000 000
3 2003 008. (M.D. 11/29/22 #39).

4 **RESOLUTION NO. 921-2022;** Resolution
5 authorizing award of Construction Contract No.
6 HLR22-238, Requirements Contract for Line Striping
7 and Pavement Markings throughout the Town of Oyster
8 Bay. (M.D. 11/29/22 #40).

9 **RESOLUTION NO. 922-2022;** Resolution
10 authorizing acceptance of the design and entrance
11 into bid and construction phase for Rehabilitation
12 of Internal Landfill Gas Control System and
13 Drainage System at O.B.S.W.D.C. (M.D. 11/29/22 #41).

14 **RESOLUTION NO. 923-2022;** Resolution
15 authorizing the 2023 Town of Oyster Bay and Greater
16 Long Island Running Club Sponsored Races on the
17 listed dates. Account No. PKS A 7110 44900 000
18 0000. (M.D. 11/29/22 #45).

19 **RESOLUTION NO. 924-2022;** Resolution
20 authorizing payment to fitness instructors for the
21 listed 2023 fitness classes. Account No. PKS A
22 7110 44900 000 0000. (M.D. 11/29/22 #46).

23 **RESOLUTION NO. 925-2022;** Resolution
24 pertaining to Contract No. PWC07-22, On-Call
25 Engineering Services Relative to Civil Engineering

1 in connection with surveying, site design and
2 engineering design for the relocation of existing
3 Centre Island Fire Service Arch and for use of a
4 sub-consultant. Account No. PKS H 7197 20000 000
5 1902 001. (M.D. 11/29/22 #48 & 12/6/22 #42).

6 **RESOLUTION NO. 926-2022;** Resolution
7 pertaining to Contract No. PWC23-22, On-Call
8 Engineering Services relative to Environmental
9 Engineering in connection with technical assistance
10 to the Department of Sanitation with the transition
11 to new collection and disposal practices for
12 recyclable materials. Account No. CMP H 1997 26000
13 000 2207 001. (M.D. 11/29/22 #51).

14 **RESOLUTION NO. 928-2022;** Resolution
15 authorizing re-appointments to the Landmarks
16 Preservation Commission for terms from January 1,
17 2023 through December 31, 2025. (M.D. 11/29/22 #10
18 & 12/6/22 #15).

19 **RESOLUTION NO. 929-2022;** Resolution
20 authorizing a re-appointment to the Planning
21 Advisory Board for a term from January 1, 2023
22 through December 31, 2026. (M.D. 11/29/22 #11 &
23 12/6/22 #16).

24 **RESOLUTION NO. 930-2022;** Resolution
25 pertaining to expenditures for the Department of

1 Planning and Development's Planning Advisory Board
2 meetings for the 2023 calendar year. Account No.
3 PAD B 8020 44800 000 0000. (M.D. 11/29/22 #13 &
4 12/6/22 #18).

5 **RESOLUTION NO. 931-2022;** Resolution
6 pertaining to expenditures for residential document
7 scanning for the Department of Planning and
8 Development. Account No. PAD H 8997 26000 000
9 2207 002. (M.D. 11/29/22 #14 & 12/6/22 #19).

10 **RESOLUTION NO. 932-2022;** Resolution
11 authorizing the continuation of the New York State
12 Health Insurance Program (NYSHIP, a/k/a "Empire
13 Plan") for the period January 1, 2023 through
14 December 31, 2023. Account No. TWN AMM 9060 80000
15 000 0000 000. (M.D. 11/29/22 #17 & 12/6/22 #20).

16 **RESOLUTION NO. 933-2022;** Resolution
17 authorizing the first one-year extension for
18 Employee Physical Examination Program, Rabies
19 vaccinations and Hepatitis B vaccines for the
20 period January 1, 2023 through December 31, 2023.
21 Account No. DHR A 1430 44130 000 0000. (M.D.
22 11/29/22 #18 & 12/6/22 #21).

23 **RESOLUTION NO. 934-2022;** Resolution
24 authorizing award of contract for Flexible Spending
25 Third-Party Administrator 2023, for the period

1 January 1, 2023 through December 31, 2023. Account
2 No. TWN AMM 9060 80040 000 0000 000. (M.D. 11/29/22
3 #20 & 12/6/22 #22).

4 **RESOLUTION NO. 935-2022;** Resolution
5 authorizing the first one-year extension for
6 Employee Online Training for the period January 1,
7 2023 through December 31, 2023. Account No. TWN A
8 1989 47900 000 0000. (M.D. 11/29/22 #22 & 12/6/22
9 #23).

10 **RESOLUTION NO. 936-2022;** Resolution
11 authorizing award of stenographic services for Town
12 Board Hearings for the period January 2023 through
13 December 31, 2023, with the provision for two
14 one-year extension options. Account No. OTC A 1410
15 44120 000 0000. (M.D. 11/29/22 #34 & 12/6/22 #32).

16 **RESOLUTION NO. 937-2022;** Resolution
17 pertaining to Contract No. PWC09-22, On-Call
18 Engineering Services Relative to Site Development
19 in connection with survey, design and construction
20 management for the construction of pickleball
21 courts at Town parks, and for use of sub-consultants
22 for the project. Account No. PKS H 7197 20000 000
23 2102 001. (M.D. 11/29/22 #35 & 12/6/22 #43).

24 **RESOLUTION NO. 938-2022;** Resolution
25 authorizing acceptance of design and entrance into

1 bid and construction phase Contract No. DP22-246,
2 Marino Park Baseball Field Replacement. (M.D.
3 11/29/22 #36 & 12/6/22 #33).

4 **RESOLUTION NO. 939-2022;** Resolution
5 pertaining to Contract No. PWC07-22, On-Call
6 Engineering Services relative to Civil Engineering
7 in connection with design and construction
8 management for reconstruction of the tennis courts
9 at Anchor Park, Massapequa and for the use of
10 sub-consultants for geotechnical and surveying
11 services. Account No. PKS H 7197 20000 000 2202
12 001. (M.D. 11/29/22 #37 & 12/6/22 #34).

13 **RESOLUTION NO. 940-2022;** Resolution
14 pertaining to Contract No. PWC09-22, On-Call
15 Engineering Services relative to site development
16 in connection with survey, design and construction
17 management of the installation of synthetic turf
18 for the infields of the two baseball fields located
19 at Syosset-Woodbury Community Park and for use of
20 sub-consultants for geotechnical and surveying
21 services. Account No. PKS H 7197 20000 000 2102
22 001. (M.D. 11/29/22 #38 & 12/6/22 #35).

23 **RESOLUTION NO. 941-2022;** Resolution
24 authorizing an agreement to provide Video
25 Production Services to the Town for the period

1 January 1, 2023 through December 31, 2024, with
2 three one-year extension options and for the
3 Supervisor, or his designee, to execute said
4 agreement. Account No. TWN A 1989 47900 000 0000.
5 (M.D. 11/29/22 #42 & 12/6/22 #38).

6 **RESOLUTION NO. 942-2022;** Resolution
7 authorizing an agreement for veterinary services
8 for Humane Euthanasia for the Animal Shelter for
9 the period January 1, 2023 through December 31,
10 2026, with two one-year extension options and for
11 the Supervisor, or his designee, to execute said
12 agreement. Account No. DER A 3510 44900 000 0000.
13 (M.D. 11/29/22 #43 & 12/6/22 #39).

14 **RESOLUTION NO. 943-2022;** Resolution
15 authorizing an agreement for Animal Shelter Canine
16 and Feline Evaluation and Training Services for the
17 period January 1, 2023 through December 31, 2026,
18 with two one-year extension options and for the
19 Supervisor, or his designee, to execute said
20 agreement. Account No. DER A 3510 44900 000 0000.
21 (M.D. 11/29/22 #44 & 12/6/22 #40).

22 **RESOLUTION NO. 944-2022;** Resolution
23 authorizing Change Order No. 1 under Contract No.
24 DP21-222, relocation of Centre Island Fireman's
25 Arch. Account No. PKS H 7197 20000 000 1902 001.

1 (M.D. 11/29/22 #47).

2 **RESOLUTION NO. 945-2022;** Resolution
3 authorizing quantity increase/decrease, acceptance
4 and final payment for Contract No. H20-210, Highway
5 Improvements to the Crescent Drive Area, Old
6 Bethpage. (M.D. 11/29/22 #49 & 12/6/22 #36).

7 **RESOLUTION NO. 946-2022;** Resolution
8 pertaining to Contract No. PWC07-22, On-Call
9 Engineering Services relative to Structural
10 Engineering in connection with assessing structural
11 Integrity of existing Aerial Way, Syosset Fire
12 Service Training Arch. Account No. HWY H 5197 20000
13 000 2103 008. (M.D. 11/29/22 #50 & 12/6/22 #37).

14 **RESOLUTION NO. 947-2022;** Resolution
15 authorizing acceptance of a donation of
16 thirty-eight trees from the Girl Scouts of Nassau
17 County to be planted by the Girl Scouts with the
18 assistance of the Town of Oyster Bay, at Parklet
19 S-06 on Dorothy Avenue and Parklet S-14 on Syosset
20 Circle in Syosset. (M.D. 11/29/22 #52).

21 **RESOLUTION NO. 948-2022;** Resolution
22 authorizing the extension option for retention of
23 claim investigation firms for the period January 1,
24 2023 through December 31, 2023. Account Nos. TWN
25 AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020

1 602 0000 000. (M.D. 11/29/22 #54).

2 **RESOLUTION NO. 949-2022;** Resolution
3 authorizing payment to Court-Mandated Court
4 Reporters, for the period beginning January 1, 2023
5 through December 31, 2023, in order to obtain
6 copies of official transcripts from the court in
7 calendar year 2023. Account No. OTA A 1420 44110
8 604 0000. (M.D. 11/29/22 #55).

9 **RESOLUTION NO. 950A-2022;** Resolution/
10 Order pertaining to the decision on the application
11 of the Oyster Bay Water District for the issuance
12 of serial bonds for improvements to the Water
13 District. Hearing held: December 13, 2022. (M.D.
14 11/1/22 #38).

15 **RESOLUTION NO. 950B-2022;** Resolution
16 authorizing the issuance of serial bonds for
17 improvements to the Oyster Bay Water District.
18 Hearing held: December 13, 2022. (M.D. 11/1/22 #38).

19 **RESOLUTION NO. 951-2022;** Resolution
20 pertaining to the decision on the application of
21 Dream Car Restoration LLC, lessee, and 45 South
22 Service CW NF LLC, fee owner, for Special Use
23 Permit and Site Plan Approval for premises located
24 at 45 S. Service Road, Plainview, New York.
25 Hearing held 11/15/22. (M.D. 11/15/22 #4).

1 **RESOLUTION NO. 952-2022;** Resolution
2 pertaining to the decision on a Local Law entitled
3 "A Local Law to Amend Chapter 233 - Traffic, of the
4 Code of the Town of Oyster Bay." Hearing held
5 11/15/22 (M.D. 11/15/22 #6).

6 **RESOLUTION NO. 953-2022;** Resolution
7 authorizing the Nassau County Assessor to remove
8 twenty-four tax parcels from the Jericho Water
9 District's 310 Tax Code, while reserving the right
10 of the District to reinstate said tax parcels
11 should the District provide water service to these
12 parcels at a future date. (M.D. 12/6/22 #25).

13 **RESOLUTION NO. 954-2022;** Resolution
14 authorizing award of Contract No. DP21-224, John J.
15 Burns Park Bulkhead Replacement and directing the
16 Comptroller to encumber funds for this purpose.
17 Account Nos. PKS H 7197 20000 000 2202 001 and PKS
18 H 7197 20000 000 2102 001. (M.D. 12/6/22 #41).

19 **RESOLUTION NO. 955-2022;** Resolution
20 authorizing an appointment to the Ethics Board for
21 the term commencing December 13, 2022 through
22 December 31, 2027. (M.D. 12/6/22 #44).

23 **RESOLUTION NO. 956-2022;** Resolution
24 authorizing the extension option for Retention of
25 Attorneys to represent the Town in negligence

1 matters, for the period January 1, 2023 through
2 December 31, 2023. Account No. TWN AMS 1910 43010
3 602 0000 000 and TWN AMS 1910 43020 602 0000 000.
4 (M.D. 12/6/22 #45).

5 **RESOLUTION NO. 957-2022;** Resolution
6 authorizing the services of the listed firms for
7 2023 outside counsel. Account No. OTA A 1420 44110
8 000 0000. (M.D. 12/6/22 #46).

9 **RESOLUTION NO. 958-2022;** Resolution
10 authorizing the second extension option for Hearing
11 Officers for Employee Relations Matters for the
12 period of January 1, 2023 through December 31,
13 2023. Account No. OTA A 1420 44800 000 0000. (M.D.
14 12/6/22 #47).

15 **RESOLUTION NO. 959-2022;** Resolution
16 authorizing the second one-year extension option
17 for Stenographic Services for Employee Relations
18 for the period January 1, 2023 through December 31,
19 2023. Account No. OTA A 1420 44800 000 0000. (M.D.
20 12/6/22 #48).

21 **RESOLUTION NO. 960-2022;** Resolution
22 authorizing a license agreement for the use of
23 property at the intersection of Forest Avenue and
24 Veterans Boulevard, Massapequa ("Highway Yard"),
25 for on-site storage of equipment, materials and

1 vehicles from December 14, 2022 through July 13,
2 2023. (M.D. 12/6/22 #49).

3 **RESOLUTION NO. 961-2022;** Resolution
4 authorizing retention of firms for Stenographic
5 Services to the Office of the Town Attorney, for
6 the period January 1, 2023 through December 31,
7 2023, with two one-year extension options. Account
8 No. OTA A 1420 44110 000 0000. (M.D. 12/6/22 #50).

9 **RESOLUTION NO. 962-2022;** Resolution
10 authorizing appointment of the listed firms as
11 authorized Independent Medical Examination
12 providers for the Town of Oyster Bay, for the
13 period January 1, 2023 through December 31, 2023,
14 with two one-year extension options. Account No.
15 OTA A 1420 44110 000 0000. (M.D. 12/6/22 #51).

16 **RESOLUTION NO. 963-2022;** Resolution
17 pertaining to settlement of a negligence claim;
18 Claimant: Diana Basile, Nassau County Index No.
19 1631/2016, Matter ID No. 2015-5178, Account No. TWN
20 AMS 1910 43010 602 0000 000. (M.D. 12/6/22 #52).

21 **RESOLUTION NO. 964-2022;** Resolution
22 pertaining to settlement of a negligence claim;
23 Claimant: Jenna Delaney, Nassau County Index No.
24 608854/2018, Matter ID No. 2017-6195, Account No.
25 TWN AMS 1910 43010 602 0000 000. (M.D. 12/6/22 #53).

1 **RESOLUTION NO. 965-2022;** Resolution
2 authorizing employees in the listed job titles to
3 issue Appearance Tickets, Summonses and Notices of
4 Violation, for violations of the Code of the Town
5 of Oyster Bay. (M.D. 12/6/22 #54).

6 **RESOLUTION NO. 966-2022;** Resolution
7 directing the Town Clerk to advertise a Notice of
8 Hearing to assess the Town of Oyster Bay's future
9 cable television needs and to address the proposed
10 renewal agreement between the Town of Oyster Bay
11 and Cablevision Systems Long Island Corporation.
12 Hearing date: January 10, 2023. (M.D. 12/6/22
13 #55).

14 **RESOLUTION NO. 967-2022;** Resolution
15 pertaining to the New York State Volunteer
16 Firefighters Benefit Law policy, Town of Oyster Bay
17 Volunteer Firefighters for the period of January 1,
18 2023, through January 1, 2024.

19 **RESOLUTION NO. 968-2022;** Resolution
20 authorizing an intermunicipal agreement with the
21 Town of Oyster Bay to grant the Town of Huntington
22 the use of five Sanitation Packer trucks for a
23 period of six months, which may be extended for two
24 six month periods upon mutual consent to the two
25 Towns.

1 On the motion:

2 COUNCILMAN IMBROTO: So moved.

3 COUNCILMAN HAND: Second.

4 MR. LaMARCA: Motion made by Councilman
5 Imbroto and seconded by Councilman Hand.

6 I believe we have some speakers,
7 Supervisor.

8 SUPERVISOR SALADINO: Our first speaker
9 will be Audra Roth.

10 Good afternoon.

11 MS. ROTH: Good afternoon.

12 This is my third time before you to
13 talk about the Greenvale traffic condition, the
14 time-limited restriction, no right-hand turn sign
15 on my front yard.

16 Since then, I know last time I came I
17 was telling you about my son, and, just briefly, I
18 want to tell you about my son again.

19 So in high school, he went to North
20 Shore, and he was on the robotics team, and at that
21 time, Supervisor Saladino, you had just started
22 here, and you went to one of the competitions, and
23 it made a really, really big impression on all
24 those kids, and I'm here -- I'm a very proud mom --
25 that he went to Cornell, he now has his electrical

1 engineering master's degree -- well, he gets it in
2 May -- always on the Dean's List, it all started
3 with robotics, and he got a handful of job offers
4 already. Let me tell you, four times the salary I
5 made when I got out of school. The kid's
6 brilliant. I'm so proud of him, and I just wanted
7 to get you all updated with that.

8 But back to why I'm here. I'm here --
9 I've been here since 10:30 waiting, which is fine,
10 but the reason I've been waiting here, and a bunch
11 of people from my neighborhood were here, from both
12 sides, and they all had to leave, but why --

13 SUPERVISOR SALADINO: And everyone
14 realizes there's nothing we could do about that
15 because there was an enormous amount of work to do
16 today.

17 MS. ROTH: I don't have a problem with
18 that.

19 SUPERVISOR SALADINO: Okay. Thank you.

20 MS. ROTH: But I stayed because I took
21 another day off of work, and I'm here because this
22 issue is very, very important. It's a very
23 important issue.

24 In the grand scheme of other things,
25 you know, it might go down, but it's a safety

1 issue, and safety issues are the most important
2 issues.

3 I live in a small neighborhood. I'm
4 not going to bore you. You guys all know. Between
5 Northern Boulevard and Glen Cove Road, there's the
6 streets that come in -- Helen Street and Cedar
7 Street. I live on Helen. Then there's Marion that
8 goes north/south, then there's Addison that goes
9 north/south, then there's Wildwood that goes
10 north/south, and people cut through our
11 neighborhood. Our neighborhood is a public
12 neighborhood and public streets. I know it's not a
13 private community. I understand that.

14 I've lived in my home for 22 years. I
15 do live in the Town of Oyster Bay, and it's always
16 been a problem, and during those 22 years, I've
17 been somewhat active. I go to the community
18 meetings on it, I've been here a few times, I've
19 been to the Town of North Hempstead a few times to
20 talk about it because it's very, very important.

21 The time -- limited, very limited --
22 time restricted sign that was installed -- the no
23 right-hand turn Monday through Friday, 7:00 to
24 10:00 a.m., 3:00 to 6:00 p.m. -- is right there on
25 my yard.

1 SUPERVISOR SALADINO: Which is the
2 times when the majority of the commuters are there.

3 MS. ROTH: Yes, exactly.

4 It's not an absolute restriction. It's
5 not a terrible, horrendous thing to do. It's very
6 limited, and for a couple of disgruntled
7 curmudgeons to repeatedly, I'm sure, inundate you
8 with e-mails and letters, and they come here, and
9 they say, well, you know, you have to remove those
10 signs.

11 Well, I'm asking you, I'm really
12 begging you, I'm pleading you, please don't remove
13 those signs. It took us -- well, as far as I've
14 been around, it predates me, but it took us
15 22 years just to get to this point of a limited
16 time restriction on turns. It helps. It's no
17 panacea, which would be the most wonderful thing,
18 but there us no solution.

19 But there's like a fictionalizing of a
20 new problem that all the traffic that are now
21 confronted with this time restriction now go onto
22 Addison and Wildwood. It just simply is not true,
23 and I'm not here to be untruthful because, you
24 know, I don't want the signs removed. I'm not
25 coming before you and giving you untruths.

1 If there really was a serious impact on
2 those other streets, I'd still be here, but I'd be
3 asking, hey, let's come up with another approach,
4 let's try to help everybody because we all live on
5 these public roads, and we all need help, but
6 that's simply not the case, and I know because I
7 live there, and I'm there every day and those time
8 restrictions -- it doesn't help my position very
9 much -- but most people just ignore it anyway --
10 and the ones that don't ignore it, they won't make
11 the right to go down to Northern Boulevard.
12 They'll either make a U-turn on Helen Street and go
13 back onto Glen Cove Road, or they'll make a left
14 onto Marion and make a U-turn up there and come
15 back down, but the solution to any meritless claim
16 that traffic is being pushed over is not to remove
17 the signs. It really isn't.

18 The way I see it is we really need
19 cooperation amongst the towns -- the Town of Oyster
20 Bay and the Town of North Hempstead. They need to
21 work with each other because from what I can see,
22 the sign was installed on August 8th -- I was home
23 the day you did it -- what the issue is, is people
24 will come off Glen Cove Road down Helen Street, you
25 know, pass my house, and they're confronted with

1 this sign -- no right-hand turn, 7:00 to 10:00 3:00
2 to 6:00.

3 What are they going to do.

4 They didn't know that there was a time
5 restriction there. They had no clue. So what
6 would help with that is a sign, like, maybe, no
7 thru traffic on the west end of Helen Street.

8 SUPERVISOR SALADINO: I'm sorry, no
9 thru traffic where?

10 I have the map right in front of me.

11 COUNCILMAN IMBROTO: On Glen Cove Road.

12 MS. ROTH: The west end of Helen
13 Street, and, maybe, even on Glen Cove Road, but,
14 really, on Helen Street because once you turn onto
15 Helen Street, you hit those signs -- the no turn
16 signs -- so let's try to prevent people from making
17 that left-hand turn onto Helen Street.

18 So if they look to make the turn and
19 they see a no thru-traffic sign, not that everyone
20 is going to abide by the signs, I mean, I'm
21 realistic, but it might help, and it is a little
22 bit of a warning that, hey, if you make this
23 left-hand turn, you're not allowed to go, you know,
24 through traffic.

25 SUPERVISOR SALADINO: Let me ask you a

1 question on this because we have been looking at
2 this and looking at this. This isn't about winners
3 or losers. No matter what decision we make, it's
4 inconveniencing people.

5 So my point is, if you live in the
6 neighborhood and you can't get into your
7 neighborhood off Glen Cove Road, you're going back
8 to Northern Boulevard, the only other way in, and
9 you're either going to cut across those lanes of
10 traffic or drive past Marion, find a place --
11 New York Institute of Technology -- someplace where
12 you're going to go in and turn around and then come
13 back again.

14 We have continued to look at this and
15 no matter what decision we make, somebody's being
16 inconvenienced. Safety is foremost priority to all
17 of us on the Board, but, realistically, the signs,
18 no matter what scenario they're at, is not the
19 number one way you achieve safety. Enforcement is.

20 If we could get a police officer to be
21 at those two intersections every day, all those
22 hours, which is not realistic, of course, that's
23 what would stop people from driving carelessly,
24 driving too fast, driving disrespectfully.

25 Our part is more the convenience issue

1 than the safety issue because the speed,
2 recklessness or inconsiderate way that people are
3 driving.

4 And another big piece of this, as I've
5 stated earlier to Mr. Fazio is, this still comes
6 down to development, and if it keeps on going,
7 we're going -- if what's coming out of Albany
8 actually happens, you're going to wish that this
9 was the only problem you had because of how bad
10 it's going to get.

11 So believe me, we understand. We
12 understand there's no right decision wholistically,
13 and it's about one group versus another, and we're
14 trying to listen -- we have been. We've sent
15 people there to survey it, we've watched this
16 carefully, I've driven through just so I can get a
17 handle on exactly what it looks like.

18 We do understand you and everyone I'm
19 about to call up, but it's not about the safety as
20 it relates to the signs. That's an enforcement
21 issue, and that comes down to people need to be
22 more respectful when they drive through someone
23 else's neighborhood. They need to drive the way
24 they want cars to come through their own
25 neighborhood where their own children play.

1 We get it. This one is a very
2 difficult decision to make, and we are very
3 respectful of everything you have told us,
4 everything everyone else has told us in a difficult
5 decision no matter what we choose.

6 MS. ROTH: Yes. I hear you. I hear
7 you. And I hope you all hear me.

8 SUPERVISOR SALADINO: We do.

9 MS. ROTH: I've been fighting this
10 fight for a long time, and I do take exception with
11 the convenience aspect of this.

12 SUPERVISOR SALADINO: But if someone
13 came driving through at 10 miles an hour, there
14 wouldn't be as big a safety issue as if they're
15 cruising through at 40 miles an hour, which is
16 illegal, right?

17 MR. ROTH: True, but it's usually a
18 string of cars at those hours.

19 Remember, it's only a restricted time
20 period. It's not 24 hours a day. It's a
21 restriction.

22 SUPERVISOR SALADINO: I meant no
23 disrespect, I made those comments because we're in
24 a situation where it's one group of neighbors
25 versus another group of neighbors in a complicated

1 situation that no matter what we choose, it will
2 affect. If inconvenience is the wrong word, I
3 apologize. It will affect some of the residents of
4 the neighborhood.

5 MS. ROTH: Well, if I may, then what is
6 the reason to remove the sign?

7 SUPERVISOR SALADINO: We have
8 continuously looked for ways to solve this problem.
9 There is no one easy solution here.

10 We know that as more development leads
11 to more cars, it gets worse and worse -- that's out
12 of our control. I hope you'll stand with us this
13 coming year.

14 COUNCILWOMAN WALSH: Also if I could
15 just make a comment because I was the one that met
16 you all back a few months ago -- probably almost a
17 year ago -- and I think what, kind of, happened
18 here that nobody wants to remove any signs, but,
19 now, along Northern Boulevard, many residents are
20 calling asking if we can put signs on their blocks.

21 Mr. Fabio, I told you right on Vernon
22 and Northern Boulevard we have a resident who, now,
23 wants a sign, so, unfortunately, when you buy
24 property right off of a main road, there's that
25 risk of that happening, and we just can't go along

1 every five blocks on Northern Boulevard and add
2 these signs even if it's only for a few hours.

3 So it's not one group against another.
4 It's just the factor -- we call it in real estate a
5 "negative factor" when you buy a home off of a main
6 road like Northern Boulevard, which has always been
7 there, so to the point of what the Supervisor's
8 saying, hopefully, we won't have much more
9 development.

10 And the red lights are a problem, too.
11 The red light cameras, which they weren't here
12 years ago, and, now, we have them because of
13 safety, so, hopefully, we won't have too many more
14 developments added within the areas of Greenvale to
15 Oyster Bay, and then we'll have less cars.

16 MS. ROTH: In the prior traffic
17 studies, there's a list of traffic calming
18 measures, and all of them have been rejected -- all
19 of them. Those barriers that come in, dead ending
20 the streets, one-way roads, speed bumps, they've
21 all been --

22 SUPERVISOR SALADINO: Speed bumps are
23 not allowed --

24 MS. ROTH: -- recommended and all
25 rejected.

1 SUPERVISOR SALADINO: -- by the State.
2 The State doesn't allow speed bumps for speed,
3 which is crazy because they're called speed bumps,
4 but that's the Department of Transportation.

5 MS. ROTH: My point being is, removing
6 signs is just not a solution. I don't understand.
7 We fought. We have these signs.

8 Why remove them? Why? Has there been
9 an accident? Has there been problems on the other
10 roadways?

11 Other people want to have restricted
12 signs in their neighborhoods, well, let them come
13 like we did the past 22 years and have them fight
14 for their restrictions.

15 Yeah, I wanted to dead-end my street.
16 All over by Barefoot Peddler and everything across
17 the -- on the other side of Northern Boulevard, on
18 the other -- all those roads are dead-ended, but
19 you don't see me here, I mean, so --

20 SUPERVISOR SALADINO: You mean
21 dead-ends on the end of Maple and Elm and Locust?

22 Is that what you're referring to by
23 dead-ends.

24 MS. ROTH: The other side by Stop &
25 Shop.

1 SUPERVISOR SALADINO: On the other side
2 of Glen Cove Road.

3 MS. ROTH: No. Well, yes. Yes, on the
4 other side of Glen Cove Road, correct, by Barefoot
5 Peddler, but also on the other side of Northern
6 Boulevard behind Wheatley Plaza, right at the end
7 of Marion.

8 Marion would, I guess, maybe, when it
9 was first built -- it predates me -- I guess you
10 could have driven south on Marion and crossed over
11 Northern Boulevard and went right into the
12 neighborhood across the street. That's all with
13 the guard rails now. You can't do that.

14 So, what is the solution.

15 To me, the solution is not taking away
16 the tiny bit of relief that we have been afforded,
17 so I don't know if it's coming up for --

18 SUPERVISOR SALADINO: So you're telling
19 us that the relief is still not sufficient with the
20 signs?

21 MS. ROTH: Nothing will be completely
22 sufficient, and I understand that, but removing
23 them is not an answer.

24 SUPERVISOR SALADINO: Stepped up
25 enforcement, police patrols --

1 MS. ROTH: The police have been there.
2 The police have been there.

3 SUPERVISOR SALADINO: -- writing
4 tickets.

5 MS. ROTH: They're not there every day,
6 but they've been there, and I do see them pulling
7 over cars. Some they ticket, some they warn, which
8 is great. That's all fine, and I'm for that, but
9 I'm dead set against removing the signs.

10 I'm moving on, well, I'll be in my
11 house forever, but my kids are growing up. They're
12 moving away, so, now, new people are moving into
13 the neighborhood and all of those people have young
14 kids, and, now, they're in the same position I was
15 in 22 years ago. It's just not right.

16 So, please, don't remove the signs.
17 Unless there's a compelling, compelling, evidence-
18 based reason to do it, I beg you, don't remove the
19 signs.

20 Thank you.

21 SUPERVISOR SALADINO: Our next speaker
22 is Michael Conklin.

23 MR. CONKLIN: Good afternoon,
24 Supervisor and Council Members.

25 My name is Mike Conklin. I'm at

1 23 Marion Street, Greenvale, in Oyster Bay.

2 I'm here in favor of keeping the no
3 right turn signs. There are working. The volume
4 of vehicles cutting through is down since they were
5 put up, and NCPD stepped up enforcement.

6 It's not perfect. Some still ignore
7 them totally. Some make left turns and then
8 U-turns, and I'm sure a few do use Osborne and
9 Addison, but inconvenience shouldn't be more
10 important than safety.

11 Please allow more time for all of us to
12 get used to the signage, and we'll see in the end
13 the left-turn alternative going down to Osborne and
14 up Addison isn't going to save any time. I think
15 we haven't given this enough time to work out, and,
16 I think, a boisterous few are swaying you.

17 I don't think it's right. There are
18 more homes on Marion, Cedar and Helen Street than
19 there are on Addison and Osborne. Those are the
20 affected streets.

21 Petitions from blocks that are
22 unaffected in the same area should hold little
23 credit. These are my neighbors, and I'm not sure
24 how this got so bad where we can't come to a
25 consensus in our neighborhood.

1 But a short-term problem that has
2 started, or I'll say it has, won't be here if this
3 stays here a little bit longer. People are not
4 going to take shortcuts that take them longer time.
5 It doesn't make any sense.

6 The quality of life and safety issue
7 should not be decided by a louder minority. I
8 don't believe the petitions signed by those or the
9 phone calls or e-mails they sent should have the
10 same value as those of the people that, actually,
11 live on the blocks.

12 What's here right now is working.
13 Please keep the signs in place. They are improving
14 the conditions, and with more time, even better
15 results will come.

16 Thank you very much.

17 Happy and safe holidays to all.

18 SUPERVISOR SALADINO: Thank you very
19 much.

20 Sara Urban.

21 MS. URBAN: Good afternoon.

22 Thank you for having us.

23 Last time I begged you and I explained
24 what happened to my puppy. How much agony, how
25 much money, how much problem it caused us because

1 of the wild traffic.

2 We spend a lot of money each year on
3 our lawns, and I would always and always see the
4 cars that are passing throwing their soda cans,
5 their cups, their wrappers of their sandwiches.
6 These people are not nice people, the ones who
7 break the law.

8 I can imagine how many criminals were
9 revealed by the traffic police when they were
10 stopped, and they realized who they are. These
11 people, if they are -- if I'm going on Marion
12 Street on south, and they are going north, they
13 have the whole way, but they come one inch from my
14 foot, I swear to God, and if I don't run on the
15 lawn of somebody -- because we don't have sidewalks
16 -- they would kill me. I hold this court
17 responsible if I get killed. I think I would.

18 SUPERVISOR SALADINO: So this goes back
19 to what we said earlier that there are people who
20 are very disrespectful in the way they drive.

21 MS. URBAN: We are not -- we cannot
22 teach them ethics. These are criminals, and the
23 signs helped us a lot.

24 If the law enforcement in 15 days gave
25 you 67 summons, and I live exactly in front of --

1 on Marion, 18 Marion -- in front of Cedar, and I
2 can see also Helen.

3 During this six hours, maybe, the most,
4 probably, in those two weeks, maybe, one hour a day
5 the police was there. The police doesn't even stay
6 the whole three hours. If they did, they would
7 have hundreds of tickets. And we have cameras, and
8 we took pictures of those who did pass, so this
9 is --

10 SUPERVISOR SALADINO: Did you get the
11 license plate of the person who hit your dog?

12 MS. URBAN: No. Because I told you it
13 was early in the morning, I just jumped off the
14 bed, half naked. I had to go and pick up my puppy
15 a block and a half away that the car dragged it on
16 the street.

17 These signs help us a lot. I told you
18 that I walk on Addison Lane all the time, and I
19 swear to God, I have never, ever seen any increase
20 in traffic.

21 So imagine we are talking about safety
22 issue, and these people are talking about what, I
23 don't know. The woman comes with the baby last
24 time in her arms, and she lies, and she says there
25 was an accident on Addison where there was no

1 accident on Addison. It was on Northern Boulevard,
2 and it had nothing to do with Addison.

3 How you come in front of Council and
4 Supervisor and lie.

5 The same thing. They make a petition.

6 Over what, if nothing happened.

7 Your own assistant, Mr. Bell, he came,
8 and he observed, and he said that these are the
9 right thing. The no-right has to be done, it has
10 to be put there. You shouldn't remove it.

11 How on Earth we should tell you what we
12 go through.

13 You know, we all cannot see each other
14 except Friday night dinner, and I have two adult
15 children, who one of them is here all day missing
16 his work.

17 SUPERVISOR SALADINO: We had no control
18 over the hearings, I apologize.

19 MS. URBAN: I understand, I'm so sorry,
20 but I'm telling you that I'm grateful of him
21 putting up with me. I asked him to come.

22 So we would have dinner, and after
23 dinner we would say, okay, let's go for a walk and
24 talk. We stopped immediately because every second,
25 cars, cars, cars, so at least during the rush hour,

1 it's not too much. It's not too much not to have
2 the right turn, and I promise you, nobody is going
3 to Addison Lane and those other streets like
4 Carmen, Hewlett, Pine Ridge -- how did they talking
5 about -- Roscoe Court -- how would they say they
6 are affected by this? How would they say it's
7 inconvenient to them.

8 This is not true, and how you can come
9 and talk untrue or send e-mails or make signatures.

10 I really am begging you, keep the no
11 right turn is the greatest safety.

12 When I see these children on bikes, my
13 heart comes out, and I beg the mother, Lovenia,
14 don't let him be here. Please, I am going
15 collapse. Every second a car might hit the child.

16 And our neighborhood, now, is changing.
17 As Audrey said, the older adults are leaving, and
18 all the new families have two, three children.
19 Just in the matter of four months, we had three
20 babies born, and that's why they couldn't come
21 today.

22 A lot of people -- I went and I talked
23 to 16 Marion Street, Ophelia and her husband, Joe,
24 couldn't make it. They had a death this morning in
25 their family. Mr. Daniel was here last time. This

1 time he had a baby, he couldn't come. I spoke to
2 14 Marion Street, Mr. and Mrs. Luvera. They are
3 devastated.

4 And they spend a lot of money nowadays
5 for these houses -- \$800,000 -- 700 and change --
6 and then they have to spend a lot of money fixing
7 it, and they came with the hope that they're going
8 to have a safe neighborhood, and we are from far
9 it.

10 I went to 22 Marion Street, Ranera, she
11 begged me, talk for me. I went to 34, they have
12 two babies. Number 30, they still have young
13 children. I don't know if they send an e-mail. I
14 begged them. I came home, I sat until 2:00 in the
15 morning, I send them Mr. Fabio's e-mails in order
16 for them to send you e-mails. I don't know if they
17 have or they have not, but I told them I would talk
18 on their behalf also.

19 Supervisor, please, please, please do
20 not remove these two signs. So far after 35 years
21 of agony, this has been great, and my neighbors on
22 Addison Lane have no -- they should not complain.

23 Just like last time, I told you, when
24 Mrs. Cordera died, you wanted to close Osborne, we
25 didn't say a boo. We agreed, and we are still

1 crying for her death. That beautiful, young woman
2 with small children.

3 I'm so thankful of you.

4 SUPERVISOR SALADINO: Okay. Well, we
5 will continue to listen to everyone, but you're
6 telling me a lot of cars still turn off Glen Cove
7 Road, right?

8 The problem is a very large number of
9 cars are making that left on Glen Cove Road,
10 correct.

11 MS. URBAN: What Glen Cove Road?

12 SUPERVISOR SALADINO: As they travel
13 south on Glen Cove Road, a lot of cars are making
14 this left-hand turn onto your streets.

15 MS. URBAN: No. I haven't seen many
16 because probably at the very first --

17 SUPERVISOR SALADINO: There aren't a
18 lot of cars in the neighborhood now?

19 MS. URBAN: At first, when you put --
20 as my friend said, at first, they probably didn't
21 have idea, so if they saw they are stuck, they made
22 a left on Marion and they came back.

23 SUPERVISOR SALADINO: So you don't have
24 a lot of cars?

25 MS. URBAN: Not now.

1 SUPERVISOR SALADINO: Coming out off of
2 Glen Cove Road and turning left onto Helen?

3 MS. URBAN: No. No. We really don't.
4 If you want, I will keep a camera. I would even go
5 there and take my own camera, and I would send it
6 to you.

7 SUPERVISOR SALADINO: So you have to
8 understand how complicated and difficult a decision
9 this is for us. We have our surveyors go out there
10 and look, and they give us advice. Some residents
11 tell us there's a very lot of cars coming off of
12 Glen Cove Road onto Helen, onto these streets, but
13 you're saying there's not a lot of cars?

14 MS. URBAN: The right turn helped us a
15 lot, and if this continues, we would have really
16 better, better, better life, especially, during the
17 time, for example, 3 o'clock or 4 o'clock and the
18 children are coming back for home, they usually go
19 on their bikes.

20 SUPERVISOR SALADINO: But they're
21 making a left onto Marion instead of a right.

22 MS. URBAN: Barely. At the beginning,
23 maybe, but not any more. We should keep the signs.
24 They are the greatest thing.

25 SUPERVISOR SALADINO: I don't

1 understand. I don't understand.

2 MS. URBAN: I never mentioned anything
3 about left turn on Marion.

4 SUPERVISOR SALADINO: Well, if they
5 can't make a right, then it makes sense that
6 they're making a left and going onto Addison and
7 Carmen --

8 MS. URBAN: They don't go on Addison.
9 It's a lie.

10 SUPERVISOR SALADINO: But we're getting
11 those -- why would they want to go through the
12 effort of lying?

13 MS. URBAN: Because they're arrogant.
14 Supervisor, 2012, we went to the court in Port
15 Washington. The place was packed. When we came
16 out, we all talked. When we came out, they were
17 saying to each other they are jealous of us because
18 we have better houses.

19 What is stupidity is that.

20 I'm talking about facts. We are
21 talking facts, they're talking about nonsense. No
22 reason. Give me one reason.

23 SUPERVISOR SALADINO: Let's bring John
24 Fabio up, and let's listen to him, too.

25 MS. URBAN: Thank you so much, and

1 happy holidays.

2 Thank you.

3 SUPERVISOR SALADINO: Same to you.

4 God bless.

5 MS. URBAN: Thank you.

6 God bless you, too.

7 SUPERVISOR SALADINO: John, come on up,
8 please.

9 John, you told us you used to be an
10 elected official, you used to be a Councilman in
11 the Town of North Hempstead, correct?

12 MR. FABIO: Many, many moons ago.

13 SUPERVISOR SALADINO: But you
14 understand how difficult it is to make a decision
15 that affects both groups.

16 MR. FABIO: Yes, and I have prided
17 myself, as a Council member, to weigh the facts,
18 the information, and the evidence to support
19 whatever decision I'm being asked to make.

20 SUPERVISOR SALADINO: And you realize
21 that's what we are trying to do.

22 MR. FABIO: Absolutely.

23 So, therefore, I'd like to present the
24 facts, the information, and the evidence that
25 support the premise that the signs are working, the

1 signs are having an improved effect on the amount
2 of cars coming through.

3 You mentioned the safety being of
4 paramount concern.

5 SUPERVISOR SALADINO: No doubt --

6 MR. FABIO: Okay, so let's talk --

7 SUPERVISOR SALADINO: -- but I don't
8 understand if cars aren't making that left --

9 MR. FABIO: Let's talk about safety.

10 SUPERVISOR SALADINO: -- onto Glen Cove
11 Road, how were the police able to write this very
12 large number of tickets?

13 MR. FABIO: Let's talk about safety.

14 I have been in contact with Chief of
15 Patrol, Kevin Canavan.

16 SUPERVISOR SALADINO: Okay.

17 MR. FABIO: We have regular
18 communication over the past couple of weeks. I've
19 been in frequent contact with Inspector Vitelli,
20 the Commander of the Sixth Precinct.

21 We have come to the conclusion that
22 enforcement is the key to making this work. Chief
23 Canavan committed two motorcycle cops to be there
24 to supplement the patrol cars being provided by the
25 Sixth Precinct.

1 If you doubt that conversation, I
2 suggest you speak with Chief Canavan who will
3 confirm these conversations.

4 SUPERVISOR SALADINO: We believe you.
5 We're listening.

6 MR. FABIO: Let's look at from
7 October 26th to November 10th -- 75 violations were
8 issued to cars cutting through Cedar and Helen.

9 SUPERVISOR SALADINO: I'm sorry.
10 How many days was that?

11 MR. FABIO: From October 26th to
12 November 10th -- 75 violations were issued.

13 SUPERVISOR SALADINO: Okay.

14 MR. FABIO: For cars violating the no
15 right turn signs, so we are getting the
16 enforcement. That's 75 cars now that are not
17 cutting through.

18 SUPERVISOR SALADINO: That's just the
19 ones they caught, right?

20 They're not there showing up at
21 6:00 a.m. and staying until 10:00 p.m.

22 MR. FABIO: We're working -- Chief
23 Canavan has committed to providing as much
24 enforcement as, obviously, the County and resources
25 permit, but we are getting the enforcement. It is

1 having an impact. We are seeing a reduction in the
2 amount of cars cutting through, especially, in the
3 a.m. portion from 7:00 to 10:00 in the morning.

4 We have school buses, there's a school
5 bus stop right there on Helen -- I'm sorry, at
6 Cedar and Marion, and they are paying particular
7 attention to making sure that those kids are safely
8 protected from this cut-through traffic.

9 So we are making a significant headway
10 in reducing this cut-through traffic, and as has
11 been indicated, they've only been up -- if you look
12 at enforcement days, just enforcement days -- maybe
13 80 enforcement days since they've been installed --
14 hardly enough time to assess the complete impact
15 that these signs are having.

16 So as was mentioned, there needs to be
17 more time, and we need to have more enforcement,
18 and we're getting it, so, now, let's look at some
19 other facts and the evidence.

20 There was a traffic study that was
21 done, sponsored by the Town of North Hempstead, and
22 AKRF was the independent consultant. And, for
23 example, they took a study period -- an example of
24 the study during the a.m. peak period -- 7:00 to
25 10:00 a.m. -- a total of 119 cars cut through Helen

1 and Cedar Street to Marion Street, which is about
2 one car every minute and a half. And then they
3 looked at the peak period -- from 4:00 to 7:00 p.m.
4 -- a total of 153 cars were cutting through Helen
5 and Cedar Street onto Marion Street, which is about
6 one car every minute.

7 This volume of traffic places an undue
8 safety burden on the residents of these streets.

9 The Sixth Precinct has what they call
10 POP officers -- Problem Oriented Policing -- they
11 have come to the area, we have met with them, they
12 saw the cut-through problem, and they had made two
13 recommendations: One is let's try to reduce the
14 speed limit on these streets so that we can step up
15 enforcement, and, thankfully, the Town of Oyster
16 Bay and the Town of North Hempstead -- because you
17 have to have the same speed limit on both ends of
18 the street -- this Town Board approved the
19 reduction from 30 miles an hour to 25 miles an hour
20 back in December of 2021, in an attempt, once
21 again, a small baby step, to deal with the safety
22 issue of cars cutting through. So that's the Sixth
23 Precinct's POP officers that made that
24 recommendation.

25 Let's look at your Town of Oyster Bay

1 traffic engineer and Deputy Commissioner of
2 Highways.

3 We met May 3rd, on site, Mr. John
4 Bishop, Mr. Ken Bishop, Mr. Colin Bell. They stood
5 there, we watched, we observed, they noted the
6 cut-through traffic, the volume, and agreed that
7 these signs would probably help mitigate, not
8 correct, not eliminate, but mitigate the impact of
9 this cut-through traffic.

10 So, I asked them, could we do one other
11 thing besides just standing here and looking?
12 Could we get in your car, and let's drive the
13 alternative route? Let's go from Cedar Street,
14 let's go up to Osborne Lane, we'll make the right
15 on Osborne, we'll go down Addison Lane, and we'll
16 come out to Northern Boulevard.

17 At the end of that little drive, I
18 asked them, in your professional opinion, do you
19 think this is a viable alternative route for cars
20 cutting through.

21 Their response, "No."

22 Why.

23 Well, let's look at it. You have to
24 traverse seven stop signs to get from Point A to
25 Point B. Seven stop signs. Then you also have to

1 confront a section of Addison Lane that has a 15
2 mile an hour speed limit because it's a narrow
3 pinch point. Then you have to get to Northern
4 Boulevard and Addison Lane and try to make a turn,
5 either left or right, and you're facing a very
6 dangerous condition of the traffic coming up a
7 sightless hill going westbound, which is how that
8 motorcycle accident occurred. It had nothing to do
9 with Addison Lane. It was the geography.

10 SUPERVISOR SALADINO: Just to refresh
11 my memory, is there a light on Northern Boulevard
12 at Marion Street?

13 MR. FABIO: No.

14 SUPERVISOR SALADINO: So both Addison
15 and Marion have an equal danger.

16 MR. FABIO: No.

17 If you look at the geography of
18 Northern Boulevard --

19 SUPERVISOR SALADINO: Yes.

20 MR. FABIO: -- at those two points --

21 SUPERVISOR SALADINO: Yes.

22 MR. FABIO: -- if you're heading
23 westbound, you have to traverse an upgrade to get
24 to Addison Lane. So if you're coming out of
25 Addison Lane, your sight limitation --

1 SUPERVISOR SALADINO: Okay.

2 MR. FABIO: -- is limited because of
3 this upgrade.

4 SUPERVISOR SALADINO: Okay.

5 MR. FABIO: Once you pass Addison, it
6 levels off, so Marion Street you have a clearer
7 sight line coming out either going left or right,
8 where you don't have it on Addison Lane, which
9 makes that shortcut more dangerous.

10 SUPERVISOR SALADINO: So what we're
11 saying is both are dangerous, but you feel Marion
12 is more dangerous than Addison --

13 MR. FABIO: No, it's not.

14 SUPERVISOR SALADINO: -- but both are
15 dangerous because you're dealing --

16 MR. FABIO: It's not more dangerous.

17 SUPERVISOR SALADINO: -- with traffic.

18 MR. FABIO: It's less dangerous.

19 SUPERVISOR SALADINO: I'm sorry, you
20 feel the intersection with Marion -- both are
21 dangerous -- the intersection with Marion is less
22 dangerous than Addison because of sight lines.

23 MR. FABIO: Because of the geography of
24 Northern Boulevard.

25 SUPERVISOR SALADINO: But crossing

1 across traffic on Northern Boulevard, which is a
2 lot of traffic and, sometimes very fast moving, no
3 matter what decision we make, it's difficult. It's
4 still a difficult situation.

5 MR. FABIO: So, again, if you're
6 objective as a cut-through driver is to save time,
7 how do you save time by coming into Helen or Cedar,
8 making that left turn, going to Osborne -- oh,
9 there's a stop sign at Helen and Cedar, there's
10 another stop sign at Osborne and Marion, there's
11 another stop sign at Osborne and Addison, you go
12 down Addison, there's another stop sign at Carmen,
13 another stop sign at Hewlett.

14 SUPERVISOR SALADINO: So none of this
15 will help the people on Helen Street because --

16 MR. FABIO: Cars are not going to cut
17 -- they're not going to take that alternate route.

18 SUPERVISOR SALADINO: But they have to
19 go that way no matter what. They're to come off of
20 Glen Cove Road.

21 If you live on Helen Street, they're
22 coming down there no matter what, and the question
23 is, are they making a right on Marion or a left on
24 Marion.

25 MR. FABIO: Well, the sign says they

1 can't make a right turn --

2 SUPERVISOR SALADINO: We understand
3 that.

4 MR. FABIO: -- so now they have to make
5 a left turn, right?

6 So they can go to Osborne Lane, make
7 another left, puts them right back on Northern
8 Boulevard -- I'm sorry, on Glen Cove Road.

9 SUPERVISOR SALADINO: Or make a right
10 and follow around to Addison --

11 MR. FABIO: Right.

12 SUPERVISOR SALADINO: -- where there
13 are more stop signs.

14 MR. FABIO: I just demonstrated to you
15 that they will not save any time going through that
16 circuitous route down Addison Lane.

17 SUPERVISOR SALADINO: John, we don't
18 disagree with you.

19 MR. FABIO: Okay.

20 So.

21 SUPERVISOR SALADINO: What we are
22 talking about is people are going on both --

23 MR. FABIO: No, they're not.

24 SUPERVISOR SALADINO: I'm sorry.

25 People are currently going on Addison

1 now --

2 MR. FABIO: They are not.

3 COUNCILWOMAN WALSH: No. It's only if
4 they want to cut through to avoid the traffic, so
5 now they're learning to --

6 SUPERVISOR SALADINO: But's that's
7 what's happening. That's why we're getting the
8 calls from the other streets.

9 MR. FABIO: Listen to me. Listen to
10 me. Okay.

11 We have a traffic study that documents
12 the volume and cut-through traffic. We have the
13 police enforcement effort that is documenting the
14 problem.

15 We have your --

16 SUPERVISOR SALADINO: We're all in
17 agreement --

18 MR. FABIO: -- wait, listen. Listen to
19 me.

20 SUPERVISOR SALADINO: -- that police
21 enforcement is the number one way to fix this.

22 MR. FABIO: You have your traffic
23 engineer and assistant confirming on-site the
24 cut-through traffic and also the observation by
25 Mr. Bell, and you can ask him personally, that he

1 did not see any cars being diverted to Addison
2 Lane, and he's made numerous site visits, he's been
3 there in the morning, he's been there in the
4 afternoon. He has told me he has not seen
5 diversion of traffic to Addison Lane.

6 So, now, I'm looking at evidence, I'm
7 looking at facts, I'm looking at documentation.

8 Okay?

9 So, now, let's look at the claim that
10 Addison Lane is being adversely affected by these
11 signs.

12 Could anyone on the Board tell me what
13 evidence, what credible evidence, that they have
14 produced to tell this Board that they're getting an
15 increase in traffic from these signs? What
16 credible evidence.

17 SUPERVISOR SALADINO: The credible
18 evidence --

19 MR. FABIO: Was there a traffic study
20 done?

21 SUPERVISOR SALADINO: -- that there's a
22 number of residents --

23 MR. FABIO: Yes.

24 SUPERVISOR SALADINO: -- who have
25 contacted us --

1 MR. FABIO: Yes.

2 SUPERVISOR SALADINO: -- complaining
3 about the many, many cars coming through Addison.

4 MR. FABIO: And based on what?

5 I could say that right now it's dark
6 outside, and you say, but, Mr. Fabio, I could look
7 outside, and I can see it's light. So --

8 SUPERVISOR SALADINO: So common sense
9 dictates that if they can make either turn, that
10 traffic will be spread out in both directions.

11 I would prefer -- we would prefer if no
12 one made the turn off of Glen Cove Road --

13 MR. FABIO: Absolutely.

14 SUPERVISOR SALADINO: -- if you have to
15 provide safety to all of you who live in that area.

16 MR. FABIO: Once that enforcement is
17 consistently in place, you will not have any cars
18 coming into Helen, Cedar, or even attempting to go
19 to Addison Lane.

20 There is absolutely no proof --

21 SUPERVISOR SALADINO: Yes, sir. I'm
22 just going to stop you for just a moment.

23 MR. FABIO: Okay.

24 SUPERVISOR SALADINO: You are right.
25 I'll say it again, you are right.

1 Enforcement is the real answer.

2 MR. FABIO: And we're getting it. We
3 are getting it.

4 SUPERVISOR SALADINO: And we will help
5 with enforcement, and we will send letters, and we
6 will send a Public Safety car. We're all in
7 agreement that the number one way to protect the
8 safety in the area is enforcement.

9 MR. FABIO: Absolutely. We're getting
10 it.

11 I said, you could contact Chief of
12 Patrol, Kevin Canavan, and ask him about the
13 conversations and the commitment that he has made
14 to our community.

15 SUPERVISOR SALADINO: And I will do
16 that, and in addition to that, advocate for you
17 that that's the way we're going to provide safety.

18 MR. FABIO: Right.

19 So we had asked that the Board do a
20 traffic study, right.

21 Before you make a decision, it would be
22 helpful if you had an independent traffic study
23 done to assess, A) are the signs effective, and B)
24 are they causing any negative effect on any
25 surrounding street.

1 Apparently, this Board has opted not to
2 conduct a traffic study, so what are we left with.

3 What are you left with to make a
4 decision on whether the signs should remain or
5 whether they should be removed.

6 I have presented evidence, facts,
7 information to concretely A) demonstrate that there
8 is a safety cut-through problem. It impacts on 42
9 homes on Helen, Cedar and Marion containing over
10 one hundred Town of Oyster Bay residents that are
11 right now, as we speak, directly impacted by this
12 cut-through traffic.

13 So let's look at the contrast. Let's
14 look at Addison Lane. There are 20 homes on
15 Addison Lane that claim that they're getting this
16 increase traffic.

17 Based upon what evidence.

18 Based upon what fact.

19 Has there been an increase in
20 violations written by the Nassau County Police
21 Department of the stop signs being violated?

22 No.

23 Do they have a traffic study that says
24 they're getting more traffic.

25 No.

1 What do they have other than to tell
2 you they're getting more traffic.

3 Well, I can demonstrate that we are
4 getting the traffic. We are suffering the safety
5 problem. They are not.

6 They have not produced one scintilla of
7 evidence to show that cars are being diverted to
8 Addison Lane based upon these signs.

9 Unless I'm mistaken, could the Board
10 tell me what evidence they have presented that
11 dictate the removal of these signs.

12 Am I missing something.

13 What evidence has been produced other
14 than them saying that they're getting more traffic?

15 You have to prove it. You just can't
16 say it.

17 What's the proof.

18 We offered you proof, we offered you
19 evidence for which to make a reasoned decision that
20 will impact the public safety of your residents on
21 Helen and Cedar and Marion Streets.

22 SUPERVISOR SALADINO: Sir?

23 MR. FABIO: I mean, what more do you
24 need to know?

25 SUPERVISOR SALADINO: John, we

1 understand. We are trying to make a decision.

2 MR. FABIO: Okay.

3 SUPERVISOR SALADINO: Apparently,
4 trying different scenarios is a worthy venture.

5 If we stopped anyone from making left
6 turns off Glen Cove Road as they're travelling
7 south, in part, we would solve this problem because
8 no one, including the residents, would not be
9 allowed to turn there, so then people with children
10 in their cars would be making a turn from Northern
11 Boulevard that you agree is dangerous.

12 MR. FABIO: Yeah. We examined --

13 SUPERVISOR SALADINO: And that would be
14 the only way in and out of their community.

15 MR. FABIO: We examined that very
16 proposition of putting "no entry" sign on Helen and
17 Cedar on Glen Cove Road.

18 Well, that disadvantages everybody.

19 SUPERVISOR SALADINO: Right.

20 MR. FABIO: You can't get to your
21 house, so that was an --

22 SUPERVISOR SALADINO: So having said
23 that --

24 MR. FABIO: -- automatic nonstarter --

25 SUPERVISOR SALADINO: -- please

1 understand just how difficult this scenario in this
2 neighborhood is --

3 MR. FABIO: -- when it was examined.

4 SUPERVISOR SALADINO: -- this is not an
5 easy solution.

6 MR. FABIO: Believe me, I've been
7 looking at this for more years than you would like
8 to know.

9 SUPERVISOR SALADINO: So then I would
10 appreciate it if you describe it in a way that you
11 and everyone realizes this is complicated, and
12 there is no solution that is going to be 100
13 percent.

14 MR. FABIO: Absolutely. And the
15 restrictive turn signs -- only six hours a day,
16 five days a week -- was the least restrictive
17 measure that could mitigate this cut-through
18 traffic.

19 We looked at dead-ending streets --

20 SUPERVISOR SALADINO: And no matter
21 what, cars are going to come down Helen, cars are
22 going to be making the left on these streets,
23 right, no matter what. If you're hung up at that
24 light --

25 MR. FABIO: Listen to me. Once you

1 start the enforcement, so 80 people get ticketed.
2 You know what? They tell their friends and their
3 neighbors, hey, you know what, don't go down there
4 because you're going to get a summons.

5 So now we got 200 people that are now
6 cognizant that they can't make this left turn, and
7 the cops were telling the people they stopped, stay
8 on Glen Cove Road. Don't even come in, and I was
9 there. I stood there watching the police issue
10 these summonses. I live right on Marion Street.

11 I am there during the enforcement
12 periods, I've talked to the officers, I see what
13 they're doing. They are helping us. The signs are
14 working. You have to give it more time. You know,
15 this has been going on for ten years or more.

16 Look at the development in Glen Cove --
17 1,100 condos and apartments, right -- Glen Cove.

18 So where is that traffic coming to go
19 to the Expressway or the parkway.

20 Coming through Greenvale.

21 So when this traffic study was done --
22 this pre-dates those 1,100 apartments and condos --
23 so just imagine these numbers would probably be
24 double.

25 SUPERVISOR SALADINO: John, I'm with

1 you 100 percent --

2 MR. FABIO: So it's safety. It is
3 safety.

4 SUPERVISOR SALADINO: -- and those
5 numbers are going to quadruple if Albany gets its
6 way --

7 MR. FABIO: So first and foremost --

8 SUPERVISOR SALADINO: -- maybe more.

9 MR. FABIO: -- this Board has a
10 responsibility to protect the safety of the
11 residents of Helen, Cedar and Addison, who are
12 impacted by this traffic --

13 SUPERVISOR SALADINO: John, this is
14 where you go --

15 MR. FABIO: -- not Addison Lane.

16 SUPERVISOR SALADINO: -- making it
17 appear as though it's a no-brainer.

18 You admitted that no matter what you do
19 here, it's a very difficult situation, so let's --

20 MR. FABIO: Right.

21 So to do nothing is to do what?

22 SUPERVISOR SALADINO: -- let's not use
23 the cover of safety when we know whatever decision
24 is made here, people are still going to be making
25 that left.

1 MR. FABIO: Nope.

2 SUPERVISOR SALADINO: Without the
3 enforcement piece, you've admitted that the most
4 important piece --

5 MR. FABIO: We're getting -- I mean,
6 maybe I'm not making it clear. We are getting the
7 enforcement.

8 SUPERVISOR SALADINO: If there was full
9 enforcement here, there'd be no need for any signs
10 because the whole thing would be controlled by the
11 enforcement piece.

12 MR. FABIO: You still have to prevent
13 cars from coming in.

14 SUPERVISOR SALADINO: They can get
15 tickets for rolling through stop signs, driving too
16 quickly, driving erratically.

17 One thing I don't want to do is get
18 into a debate as if this is a no-brainer when this
19 is a very difficult --

20 MR. FABIO: It's not a no-brainer. It
21 is a means to mitigate, not cure, not solve.
22 Mitigate.

23 SUPERVISOR SALADINO: And that the
24 enforcement piece is the number one piece no matter
25 what.

1 MR. FABIO: And we're getting it.

2 We're getting it.

3 SUPERVISOR SALADINO: And we're working
4 with you.

5 MR. FABIO: So what is the -- what is
6 the basis from which you would decide to remove the
7 signs because some people on Addison Lane have
8 complained they're getting this overflow traffic,
9 and it is based on what evidence?

10 I ask you again.

11 SUPERVISOR SALADINO: By not being able
12 to put no left-hand turn signs on Glen Cove Road.

13 MR. FABIO: How are they being
14 impacted?

15 Could you tell me?

16 Can any of the Board members tell me
17 how they're currently being impacted by additional
18 traffic on Addison Lane.

19 Based on what.

20 Because they called, and they said
21 we're getting more traffic.

22 SUPERVISOR SALADINO: I drove this,
23 John.

24 MR. FABIO: Right.

25 Did you observe cut-through traffic.

1 SUPERVISOR SALADINO: I went both ways,
2 and I saw that cars were coming through on both
3 ways.

4 MR. FABIO: They were going down
5 Addison Lane?

6 SUPERVISOR SALADINO: Both ways.

7 MR. FABIO: How many and what time?

8 SUPERVISOR SALADINO: John. John --

9 MR. FABIO: Oh, come on. I'm there
10 every single day --

11 SUPERVISOR SALADINO: John --

12 MR. FABIO: -- we have residents, we
13 have one hundred residents on Helen, Cedar and
14 Marion that support these signs because it is
15 protecting their safety. Nothing to do with
16 Addison Lane. It's protecting their safety.

17 As was indicated, many of our older
18 residents are moving out, newer residents are
19 coming in with children, with families. There's no
20 sidewalks. Kids come home from school, they're on
21 their bicycles, they're on their skateboards in the
22 street, and, now, they have to be confronted by
23 this cut-through traffic.

24 SUPERVISOR SALADINO: Because cars are
25 going too fast --

1 MR. FABIO: Absolutely.

2 SUPERVISOR SALADINO: -- because cars
3 are driving erratically, and people are
4 disrespecting --

5 MR. FABIO: Right, so what do we do --

6 SUPERVISOR SALADINO: -- a residential
7 neighborhood --

8 MR. FABIO: -- so we remove the sign --

9 SUPERVISOR SALADINO: -- all I'm saying,
10 John --

11 MR. FABIO: -- we remove any vestige of
12 stopping them?

13 SUPERVISOR SALADINO: -- John, you keep
14 arguing that this lack of safety is due to the
15 signs, and then you admit --

16 MR. FABIO: No --

17 SUPERVISOR SALADINO: -- that it's an
18 enforcement issue.

19 MR. FABIO: -- it's not due to the
20 signs.

21 COUNCILMAN IMBROTO: John, it seems
22 like we're just going back and forth here.

23 MR. FABIO: Okay.

24 COUNCILMAN IMBROTO: We're out of time.
25 I think we should move on. We understand your

1 position.

2 SUPERVISOR SALADINO: We do --

3 MR. FABIO: Right. So if you're
4 concerned about the safety --

5 SUPERVISOR SALADINO: -- we do and this
6 shouldn't turn into a debate.

7 MR. FABIO: -- and welfare of those
8 residents --

9 SUPERVISOR SALADINO: But the safety
10 comes down to --

11 MR. FABIO: -- your residents.

12 SUPERVISOR SALADINO: -- the
13 enforcement.

14 MR. FABIO: Then you keep the sign up.
15 You keep the signs up. They do work. They are
16 working.

17 SUPERVISOR SALADINO: Okay.

18 Thank you.

19 COUNCILMAN IMBROTO: We understand your
20 position.

21 Thank you.

22 SUPERVISOR SALADINO: Next is Saul
23 Urban.

24 Mr. Urban.

25 MR. URBAN: Good afternoon.

1 My name is Saul Urban. I live at
2 18 Marion Street.

3 My mother spoke earlier with regards to
4 what we're going over and speaking about.

5 We moved in, in 1990 on my seventh
6 birthday. I was only 7 years old. We moved from
7 the Bronx.

8 Understand, in the Bronx, you can't
9 ride your bicycle in the street, but you could ride
10 your bicycle on the sidewalk. When it's busy
11 between the hours of 7:00 a.m. and 10:00 a.m.,
12 we're not riding our bicycles on the sidewalk
13 because people got to go to work. People need to
14 go places. We can't be in the way. It's a safety
15 problem, it's just, we don't want to make an issue.
16 It's an issue.

17 So I didn't get to ride my bicycle in
18 the morning, after school. I didn't get to ride my
19 bicycle in the street or on the sidewalk. I got to
20 ride it in a designated area for kids to be playing
21 -- like a playground, a field.

22 We had those. We don't have that in
23 Greenvale, so I grew up. All of these people are
24 my neighbors. I used to shovel Bob DiChiaris'
25 (phonetic) car, the owner of her house (pointing)

1 before she moved in. Okay.

2 SUPERVISOR SALADINO: Okay.

3 MR. URBAN: I used to wash their cars,
4 I used to shovel their snow, rake their leaves,
5 take care of the pond in the backyard. All right?

6 Mr. Conklin, Mike, he came in, he spoke
7 in short. I was good friends with Rosemary and her
8 husband before she passed away back in the '90s
9 when I was in high school, all right, before
10 Mr. Conklin owned the house, all right.

11 I've known the whole neighborhood from
12 the day I moved in because I was a city kid. A
13 city kid with the idea and the knowledge of watch
14 out for cars, don't talk to strangers. Safety was
15 the highest priority for my mom. That's why we
16 moved to Long Island. All right.

17 I've known Mr. Fabio and his family
18 ever since we moved in. They have a young son
19 who's not too far from my age, we've grown up
20 together, we know each other, we're good friends
21 now, and every single time I've gone to his house
22 to visit him and vice versa, it's always been crazy
23 busy. I've always had to wait for cars to pass as
24 I try to cross the street. I used to hang out all
25 the time after school. My mom said it's very, very

1 dangerous to hang out down the block -- just three
2 doors down from us -- just to hang out in the
3 street three doors down from us.

4 Why.

5 Because we are south of Cedar Street.
6 We have a lot of people that cut through that area,
7 and this is over thirty years ago I'm talking
8 about, and it's still prevalent now. Now, more
9 than ever, because there's more cars on the road,
10 there's more licensed drivers now than there ever
11 was before, they're giving out licenses to
12 illegals, they're giving out to citizens, I don't
13 have a problem with that.

14 My problem is that when you guys take a
15 step forward and our safety and put a sign up to
16 say no right turn between these hours, once that
17 person sees that, that person that doesn't live in
18 the neighborhood that cuts through every single
19 day, they see that sign, and from the moment that
20 they get pulled over or they see that sign and make
21 the left turn onto Marion, so they don't get a
22 ticket, so that they don't violate what that sign
23 says and does and what is supposed to do, they do
24 things that -- they learn a lesson, number one.

25 Number one, you learn a lesson because

1 oh, I can't make a right turn there. It's illegal.
2 I'm going to get a ticket. There's a cop that
3 patrols the area. All right. I'm not saying that
4 a cop needs to be there between those hours every
5 single day, but the example that it sets for
6 motorists that cut through provides them with the
7 knowledge that they shouldn't cut through there
8 anymore. It's not allowed. That stops them from
9 continuing to cut through.

10 In the last four plus months that we've
11 had these signs up in the neighborhood, I can tell
12 you 100 percent that they have been very effective
13 in lowering the amount of cut-through traffic that
14 has been cutting through our neighborhood. Okay.

15 On a day -- I'd say on average, I can't
16 look outside the front door of my house without
17 seeing multiple cars constantly passing by.

18 My mother, every single evening after
19 dinner, needs to go for a walk.

20 Why.

21 That lowers your blood sugar. We can't
22 walk on our street because there's no sidewalks.
23 Multiple times I've pulled her out of the way of
24 motorists that almost hit her, almost ran her over,
25 okay, my own mother. That's why I'm very, very

1 passionate.

2 I don't come to these things. You'll
3 never see me at these things.

4 Why.

5 Because it's not -- a lot of the things
6 -- ugh, zoning, whatever, some guy wants to build a
7 gas station in Syosset -- I don't care about that.
8 That doesn't matter to me, but this affects me.
9 This is very personal to me, that's why my mother
10 told me, you know, they want to take away the sign.

11 I said, why.

12 What's their reason behind it.

13 Oh, I guess people that like the
14 cut-through that want to use the cut-through called
15 up and said, hey, get rid of these signs. They're
16 a nuisance. We have to cut through Addison. We
17 have to increase traffic to other areas --

18 SUPERVISOR SALADINO: It's my
19 assumption that it's not people wanting to cut
20 through --

21 MR. URBAN: -- just like Mr. Fabio
22 stated --

23 SUPERVISOR SALADINO: -- and I
24 apologize for interrupting you --

25 MR. URBAN: Not a problem. I just want

1 to finish what my point was.

2 SUPERVISOR SALADINO: Please, go ahead.

3 MR. URBAN: With regards to the signs
4 being up, there are times where people are, like,
5 okay, I'll make the left turn so I don't break the
6 law, which is totally fine. They make that left
7 turn, then they realize after they hit the stop
8 sign at Cedar Street, I have to make a left turn
9 and hit a stop sign at Helen, I have to hit a stop
10 sign at Osborne, I have to hit another when I make
11 the turn on Osborne, I have to hit another stop
12 sign at Addison, I got to go to the next -- there's
13 one before Hewlett, I forgot the road -- Carmen I
14 believe it's called -- Carmen, there's Hewlett.

15 I do HVAC for a living, okay. I'm not
16 home between 7:00 and 10:00 a.m. I'm working.

17 SUPERVISOR SALADINO: Okay.

18 MR. URBAN: I'm not home between 4:00
19 and 7:00 p.m., I'm working. On the days that I
20 don't work and I stay at home and I spend the day
21 at home, if I'm walking the dog, there's traffic
22 between those hours, and it's not just one car, you
23 know.

24 A neighbor on his way to work, okay,
25 see you later. No. It's never that. It's never a

1 family dropping their kids off to school because no
2 family is driving south on Marion Street, okay, or
3 cutting through to go to Roslyn schools because
4 that elementary school is not our elementary
5 school.

6 I went to North Shore. My public
7 school is north. Okay. I have to go into Glen
8 Head. I don't need to go into East Hills or
9 Roslyn. I don't need to go to the Long Island
10 Expressway. Nobody is commuting with their child
11 to work or commuting their kid to school driving
12 that way on Marion Street.

13 If you want to sit there and go back
14 and forth with me, that's fine, but you're not
15 saving any time by leaving that sign because you're
16 going to have to make that left, and then you're
17 going to have to go back onto Glen Cove Road, or
18 you're going to have to cut through to continue
19 cutting through and take a chance at making a turn
20 onto Northern Boulevard off of Addison, which we
21 already know is a very, very limited amount of
22 sight on the westbound side, when you look to your
23 east, when you're turning onto Northern Boulevard,
24 there's a hill that goes down, so you don't see the
25 oncoming traffic when you want to make the right or

1 left turn.

2 So that's a very, very dangerous
3 situation, and, obviously, we're not here to talk
4 about that part. We're here to talk about the
5 signs that were put up, and ever since those signs
6 have been put up, I've seen 100 percent change in
7 the amount of traffic on our street. I've seen a
8 lot more safer environment and a better living
9 environment for my neighbors on that street ever
10 since you put up those signs.

11 The fact that you're looking into
12 taking them down, I would love to hear from anybody
13 who lives on Marion Street on Helen Street on Cedar
14 Street if any of them have any objection to those
15 signs.

16 SUPERVISOR SALADINO: I don't know if
17 you were here --

18 MR. URBAN: Did any of them complain?
19 Did anybody --

20 SUPERVISOR SALADINO: -- last time --

21 COUNCILMAN IMBROTO: We had a hearing.

22 SUPERVISOR SALADINO: -- but we had a
23 hearing, and we heard from two groups. One group
24 said leave the signs; the other group said remove
25 the signs.

1 MR. URBAN: Okay.

2 SUPERVISOR SALADINO: One group said we
3 need them for safety in our community; the other
4 group said, if you change them, now we have a
5 safety problem -- a worsened safety problem in our
6 community.

7 MR. URBAN: Did they state that there's
8 a lot more problems in the last four months -- or
9 three months -- since this was a month ago?

10 SUPERVISOR SALADINO: Yes.

11 MR. URBAN: Did they state, like, the
12 three months has been crazy on Addison Lane because
13 I, personally, work for a family that lives on the
14 corner of Carmen and Addison, okay, Naz and Jacob,
15 I know them and I know all four of their children,
16 okay, and they have one child who's just graduating
17 high school, all right, and all three of the other
18 ones they're younger. They're in middle school,
19 and one of them is starting high school. All
20 right.

21 My point in bringing this up is I
22 understand that there are families on Addison Lane,
23 and I have spoken with them, and I have questioned
24 it within the last month, and I said, what do you
25 think of the laws for the cut through, you know,

1 they're stopping the cut through on Marion Street.
2 You know what they said? That's awesome, but it
3 doesn't matter to us because we don't see that much
4 extra traffic on our street. Nobody is going to go
5 on Addison Lane to cut through and then go back the
6 next day and say, you know what, I'll do that
7 again. They say, you know what --

8 SUPERVISOR SALADINO: Mr. Urban --

9 MR. URBAN: -- I'll just stick on Glen
10 Cove Road.

11 SUPERVISOR SALADINO: Mr. Urban, we
12 appreciate this. You're honest, you're clearly
13 intelligent --

14 MR. URBAN: I'm just a little -- sorry,
15 if I'm, like, coming off a little bit angry, too.

16 SUPERVISOR SALADINO: -- your
17 passionate. I'm passionate too. I get that. No
18 one is going to hold that against you. If
19 anything, you've been waiting here all day. We
20 apologize. It was a very long meeting, but we've
21 been at it all day too, and everybody's tired. We
22 get that.

23 But two things that we want to get
24 across here. We did hold a hearing. We were
25 vetted by staff who looked into this, and, maybe,

1 they said one thing when they were out there and
2 another thing in our meeting, I'm not sure because
3 I wasn't in the meeting when they were in the
4 community.

5 MR. URBAN: Okay.

6 SUPERVISOR SALADINO: We respect
7 everything that everyone has said, and we
8 understand it's honest, and it's from the heart.
9 Nobody is questioning any of that. We are faced
10 with a hearing where two groups came in, both
11 talked about safety in their neighborhood -- safety
12 in one area versus safety in other -- when we are
13 all in agreement that the best way to safety here
14 is not about the signs; it's about enforcement.

15 John worked hard to work with the
16 police. We are also lending our services to lobby
17 the police to do more and more.

18 MR. URBAN: May I interject with
19 regards to the police?

20 SUPERVISOR SALADINO: Of course.
21 Please do.

22 MR. URBAN: I think that having police
23 officers patrol the area and stay in the area, that
24 would be a great benefit for myself and my
25 neighbors, 100 percent, but it's not going to solve

1 it when they're not there.

2 When the police are not there --

3 SUPERVISOR SALADINO: We get that.

4 MR. URBAN: No, but hear me out. Hear
5 me out.

6 SUPERVISOR SALADINO: That's part of --

7 MR. URBAN: That's the whole point --

8 SUPERVISOR SALADINO: -- we know what
9 you're saying to us.

10 MR. URBAN: -- of the sign being up.

11 The signs being up is a message to the people who
12 are continuing to break the law, continuing to make
13 the right turn during those hours.

14 SUPERVISOR SALADINO: I think we're all
15 in agreement that it's not a failsafe. It's a
16 deterrent.

17 MR. URBAN: It's a deterrent, but at
18 the same time --

19 SUPERVISOR SALADINO: We're also
20 hearing that people are disobeying, breaking the
21 law and still turning.

22 MR. URBAN: Listen, that goes just as
23 much as it says, you know, drug free school zone
24 and kids are still smoking pot right in front. All
25 right?

1 I'm not sitting here saying signs are
2 saving lives. All I'm saying is that the sign has
3 been effective since the day it was put up until
4 now. I have seen it myself.

5 Ever since my cooling season has ended,
6 my heating season, I'm home all day. I'm home
7 every day. I'm home during the rush hour times,
8 and I see what's going on.

9 SUPERVISOR SALADINO: So would you be
10 of the feeling that, clearly, somebody who is
11 observant and intelligent, and I have no problem
12 complimenting you, if we put no left turns off Glen
13 Cove Road, don't let anybody down there, it would
14 be even better not letting anybody turning?

15 MR. URBAN: I think it would be an
16 excellent thing to do, but will that stop people
17 from making a U-turns and going on Osborne Lane and
18 heading up Marion Street?

19 Will it stop people from making a
20 U-turns at Cedar Street and making a right turn
21 onto Helen Street to cut through.

22 SUPERVISOR SALADINO: Not to mention
23 the massive traffic -- I'm sorry, the massive
24 accident potential at both Addison and Marion along
25 Northern Boulevard.

1 MR. URBAN: Yeah.

2 SUPERVISOR SALADINO: Now, we're
3 talking T-bone accidents, which is not -- that's
4 death.

5 MR. URBAN: Let's talk about safety.

6 What would stop -- what would make that
7 intersection safer.

8 We already know. There needs to be a
9 light put up. It's simple. If there was a light
10 put up at Addison Lane, being able to protect the
11 people that are making left and right turns from
12 that hill, that would be fine.

13 SUPERVISOR SALADINO: You know what
14 we'll do to wrap this up --

15 MR. URBAN: Sure.

16 SUPERVISOR SALADINO: -- I think you
17 bring up a good point. We will lobby to have a
18 light put up on Northern Boulevard --

19 MR. URBAN: That's probably Town of
20 North Hempstead.

21 SUPERVISOR SALADINO: -- at Marion and
22 at Addison. We will lobby. That's a State road,
23 so we have to lobby the State.

24 So we will lobby for that, we will
25 lobby for the increased enforcement, but no matter

1 what we do with the signs, it's affecting someone
2 in the neighborhood.

3 MR. URBAN: So you have to take down
4 the sign, is that what you're telling me?

5 COUNCILMAN IMBROTO: Respectfully, the
6 time to have this conversation was when we had the
7 hearing and when the other residents were
8 present --

9 MR. URBAN: I know, I wasn't available
10 that day.

11 SUPERVISOR SALADINO: We're not only
12 listening to you, but we're going way over the time
13 to be respectful of you --

14 MR. URBAN: I appreciate that.

15 SUPERVISOR SALADINO: -- and we
16 understand everybody's passion.

17 AUDIENCE MEMBER #1: But you have the
18 count of the last public hearing. There were eight
19 people who spoke in favor, two people who spoke
20 against it at the last Public Hearing --

21 MR. URBAN: That doesn't sound 50/50 to
22 me.

23 SUPERVISOR SALADINO: Okay, folks.

24 AUDIENCE MEMBER #2: And you can't put
25 a no left hand turn off Glen Cove Road, that's

1 North Hempstead --

2 AUDIENCE MEMBER #1: -- you have the
3 slips. You have the slips.

4 AUDIENCE MEMBER #2: -- that's North
5 Hempstead not the Town of Oyster Bay.

6 COUNCILMAN IMBROTO: We had the
7 hearing, we understand your position, we're just
8 going back and forth at this point --

9 SUPERVISOR SALADINO: Yeah.

10 AUDIENCE MEMBER #1: -- I think you made
11 a mistake --

12 COUNCILMAN IMBROTO: -- we got to just
13 move on.

14 MR. URBAN: Councilman, my point being
15 is you guys had this hearing last month, correct?

16 It sounds like it's 8 to 2 when it
17 comes to pro and con.

18 COUNCILMAN IMBROTO: No. That's not
19 really how it works. We're not just counting how
20 many people are here. We have to make a decision
21 based on a variety of factors including our view,
22 our assessment of what's going to be safer for the
23 neighborhood. Okay?

24 MR. URBAN: I respect that.

25 COUNCILMAN IMBROTO: We're not just

1 saying there's more you, there's more of you.

2 We had the hearing. We understand your
3 position.

4 MR. URBAN: What did you say that a
5 deterrent like the sign that has been working for
6 the last four months? Ever since the day that you
7 put it up --

8 COUNCILMAN IMBROTO: It's only working
9 according to some people in the neighborhood --

10 MR. FABIO: -- you had a few cops that
11 were there --

12 COUNCILMAN IMBROTO: -- according to
13 other people in the neighborhood, it's not working.

14 AUDIENCE MEMBER #2: Where's the proof?

15 COUNCILMAN IMBROTO: So we're restoring
16 the status quo --

17 MR. URBAN: That's what I'm trying to
18 say --

19 COUNCILMAN IMBROTO: -- we can look
20 into other options --

21 MR. URBAN: -- we all -- I want to
22 know --

23 COUNCILMAN IMBROTO: -- and all work
24 together.

25 MR. URBAN: -- if someone says it's

1 unsafe, it's unsafe --

2 COUNCILMAN IMBROTO: Sir --

3 MR. URBAN: -- it's like saying, yeah,
4 it's unsafe to drive --

5 SUPERVISOR SALADINO: Sir --

6 MR. URBAN: -- does that mean that we
7 just get rid of all cars because it's unsafe to
8 drive?

9 COUNCILMAN IMBROTO: Sir --

10 SUPERVISOR SALADINO: That goes back to
11 the no left turn on Glen Cove Road.

12 COUNCILMAN IMBROTO: -- we're restoring
13 the status quo --

14 AUDIENCE MEMBER #2: You can't do that --

15 COUNCILMAN IMBROTO: We can discuss
16 options --

17 AUDIENCE MEMBER #2: -- you can't do a
18 no left hand turn on Glen Cove Road --

19 COUNCILMAN IMBROTO: We can discuss --

20 AUDIENCE MEMBER #2: -- it's the Town of
21 North Hempstead.

22 COUNCILMAN IMBROTO: -- outside of this
23 Board meeting, we can all meet and discuss options
24 to alleviate the problem.

25 AUDIENCE MEMBER #3: We did that.

1 AUDIENCE MEMBER #2: We can discuss it
2 for the next twenty years.

3 COUNCILMAN IMBROTO: We did something,
4 the residents said it made the situation worse --

5 MR. URBAN: But the fact is, is that
6 they did that last week --

7 COUNCILMAN IMBROTO: -- we're restoring
8 the status quo.

9 MR. URBAN: -- and the side that says
10 remove the signs does not have substantial evidence
11 for legitimizing the removal of these signs --

12 SUPERVISOR SALADINO: Okay.

13 COUNCILMAN IMBROTO: We understand that
14 you're --

15 MR. URBAN: -- that's what we're trying
16 to say, the safety factor, like, there was no one
17 that came, like, like, you know, Mr. Fabio
18 articulated with regards to the different things,
19 the different tests and different surveys that they
20 did, I don't see Addison Lane -- anyone from
21 Addison over here saying, oh, yeah, we had traffic
22 patterns taken --

23 SUPERVISOR SALADINO: We're going over
24 this over and over --

25 COUNCILMAN IMBROTO: Your time is up --

1 SUPERVISOR SALADINO: -- we had a
2 hearing --

3 COUNCILMAN IMBROTO: -- thank you for
4 being here.

5 SUPERVISOR SALADINO: -- but we are
6 very respectful to everyone, and we're trying to
7 manage the situation that most everyone has
8 admitted is not going to be solved with the signs.

9 We understand everybody's passion, and
10 we understand that there's an enormous problem here
11 with disrespectful drivers, drivers going too fast,
12 drivers disregarding signs --

13 MR. URBAN: Yeah.

14 SUPERVISOR SALADINO: -- we get that.

15 MR. URBAN: Yeah, it's, like, for me
16 it's sickening when I heard yesterday --

17 SUPERVISOR SALADINO: We get that.

18 MR. URBAN: -- actually, the funny
19 thing, I spoke to my mother yesterday with regards
20 to being here today --

21 SUPERVISOR SALADINO: Mr. Urban --

22 MR. URBAN: -- and the number one thing
23 she said that we all have to let our voices be
24 heard even if we weren't --

25 SUPERVISOR SALADINO: And I hope we're

1 all going to be holding hands --

2 MR. URBAN: -- and if I didn't know
3 about last month, I would have been here 100
4 percent.

5 SUPERVISOR SALADINO: I hope we're
6 going to be doing that. Holding hands and standing
7 strong as one family when Albany tries to put
8 apartments in every -- and if you think it's bad
9 now, I've been in government now for 19 years as an
10 elected official, 33 in government, I can tell you
11 if you think this is going to be difficult, it'll
12 be one hundred times worse.

13 MR. URBAN: I already know Albany is a
14 complete "s" show, so it's --

15 SUPERVISOR SALADINO: But it's going to
16 happen to us.

17 MR. URBAN: Yeah, and that's why we
18 keep on trying not to have it come to us.

19 SUPERVISOR SALADINO: Everybody's
20 encouraged to --

21 MR. URBAN: We have not been a borough
22 of New York State for --

23 SUPERVISOR SALADINO: -- but you're
24 going to be --

25 MR. URBAN: That's scary. I don't want

1 to be.

2 SUPERVISOR SALADINO: -- if everybody
3 has their home turn into an apartment complex.

4 MR. URBAN: Yeah. That sounds like
5 Florida is looking a lot -- a lot mighty better
6 than --

7 SUPERVISOR SALADINO: We're equally
8 frustrated.

9 MR. URBAN: Thank you very much for
10 your time. I appreciate it.

11 Happy New Year and happy holidays.

12 SUPERVISOR SALADINO: Thank you.

13 COUNCILMAN LABRIOLA: Supervisor, I
14 just wanted to make one comment.

15 We listened for many, many hours. We
16 all feel for the residents in the situation they
17 have, and I just want to throw it out there.

18 We're going to take a vote today, and
19 we're going to make everybody a little unhappy no
20 matter what happens, whether the vote passes or
21 fails, but I just want to offer -- I wanted to just
22 offer something that, perhaps, in the coming days
23 and coming weeks or in the New Year, Supervisor, we
24 could consider, possibly, retaining a private
25 engineer, traffic expert outside of the Town of

1 Oyster Bay, completely neutral professional
2 engineer and, perhaps, have them take a look.

3 SUPERVISOR SALADINO: We've talked
4 about this. I'm open-minded. I think we're all
5 open-minded to doing this.

6 We're still going to be right back in
7 the same situation, and, people, please understand
8 no matter what the findings are, we're right back
9 into a situation where the enforcement piece is, by
10 far, the most important piece no matter what we do
11 with signage.

12 So I'm open to that, Steve. I think
13 that provides temporary relief, and we can go
14 forward with that, but you're not going to get this
15 resolved without enforcement. Very intensive
16 enforcement.

17 COUNCILMAN LABRIOLA: And what you're
18 saying is very true, Supervisor. We know that, but
19 we also know our police. It's very difficult for
20 them to be there all the time, and they are
21 stretched thin at different times of the year, so
22 it's just something to consider to put it out there
23 as a measure of hope, and that we will continue to
24 look at this problem, and it's not resolved until
25 we continue to find a way in which we can make the

1 most amount of people as happy as possible and
2 ensure the safety of the community, which I know is
3 what all of us want.

4 SUPERVISOR SALADINO: That's what we
5 all want is the safety.

6 COUNCILMAN LABRIOLA: We all want.

7 SUPERVISOR SALADINO: Okay. We have a
8 few more speakers, and let's just get through our
9 speakers.

10 It's now after 5:00 p.m., but let's get
11 through our speakers.

12 Joel Berse.

13 Is Joel still here.

14 MR. BERSE: Good afternoon, everybody.

15 Joel Berse, 66 Sackett Street in
16 Hicksville.

17 I have a few things that,
18 unfortunately, when I look at the Calendar, the
19 times that I want to come up here is a heavy
20 Calendar. This is the second time in a row it
21 happened.

22 I've been trying not to come regularly
23 so not to burden you with my thoughts and whatever,
24 but, today, there are some ones that are very
25 important.

1 Resolution 862; the renewal of the HIP
2 insurance contract for employees.

3 Now, when I took my disability
4 retirement and was told that after --

5 SUPERVISOR SALADINO: Excuse me, Joel,
6 I'm going to ask a favor of you as a friend and
7 someone who is very cognizant of the needs of the
8 Town Board as you have proven.

9 Could you do us a favor and go down
10 your list, and let us know if you are opposed or in
11 support. We can save a lot of time without a very
12 long description of why.

13 I think we all understand the whys.

14 You have one, two --

15 MR. BERSE: No, this one's a question
16 that I don't think, you know, I will be brief on
17 them. I promise.

18 SUPERVISOR SALADINO: What is your
19 question?

20 MR. BERSE: This one here with the HIP
21 renewal, when I had to go on to the Medicare, and
22 with the retirement, the Town was providing the
23 health insurance perpetually, but when it became
24 Medicare, then the Medicare payment came out of my
25 Social Security every month, and in comparison to

1 the Empire Plan, the Empire Plan does reimburse
2 people, but the HIP one does not.

3 SUPERVISOR SALADINO: Joel, are you
4 under the impression that if we vote a certain way
5 you will lose a certain coverage?

6 MR. BERSE: No, no, no.

7 The question that I have is, isn't this
8 new plan -- that the money taken out of Social
9 Security is being reimbursed, finally, just like it
10 is in the Empire Plan, or is it still the same way
11 as before where, you know, it's costing money?

12 SUPERVISOR SALADINO: I wish you had
13 asked this question before 5:00 because I'm not
14 even sure if our Human Resources --

15 MR. BERSE: Well, Frankie usually
16 knows.

17 SUPERVISOR SALADINO: If you do
18 nothing, your coverage stays the same.

19 MR. BERSE: Right.

20 But it still -- right now,
21 unfortunately, with my portion of things, with my
22 retirement and my Social Security, if I wasn't
23 married to Barbara, personally, I would be below
24 the poverty level, okay, so it concerns me to
25 know --

1 SUPERVISOR SALADINO: That's another
2 reason of many to be nice to her, Joel.

3 MR. BERSE: I'm talking reality here.
4 I just want to know if that part is
5 being done.

6 SUPERVISOR SALADINO: Hey, Joel, if you
7 do nothing, your coverage continues the way it is.

8 MR. BERSE: It'll stay the same, but
9 it's expensive that way.

10 SUPERVISOR SALADINO: You still have a
11 much better coverage than so many people who work
12 in the private sector.

13 MR. BERSE: Not disputing that.

14 SUPERVISOR SALADINO: Okay. So that
15 was that one.

16 You have seven item, plus public
17 comment you want to speak on.

18 MR. BERSE: 877, I just wanted to say
19 that the Hicksville Boys and Girls Club deserves
20 the support the Town gives it for all the great
21 things they do in our community, and they are
22 revered.

23 SUPERVISOR SALADINO: Appreciative and
24 in support of something that we're looking to pass.

25 MR. BERSE: Yes.

1 SUPERVISOR SALADINO: Okay.

2 MR. BERSE: Plus our collaborative
3 train show in March is in support of that as a
4 fundraiser also.

5 SUPERVISOR SALADINO: Great.

6 879.

7 MR. BERSE: 879, the support for the Y,
8 is very good. I have several family members that
9 are in programs there and --

10 SUPERVISOR SALADINO: So you are in
11 support of this and appreciative that we're looking
12 to pass it.

13 MR. BERSE: Yes, I am.

14 SUPERVISOR SALADINO: Okay.

15 880.

16 MR. BERSE: And what's nice about that
17 is even though it's got that letter "j" in it, it's
18 non-secular anymore and anybody can go there.

19 SUPERVISOR SALADINO: Good.

20 880.

21 MR. BERSE: 880, the Plainview Seniors,
22 that's another group that when my mother-in-law
23 became a widow really helped her out, so, again,
24 good support for them.

25 SUPERVISOR SALADINO: You're in support

1 of it and appreciative that we're doing this?

2 MR. BERSE: Yeah.

3 SUPERVISOR SALADINO: Good.

4 881.

5 MR. BERSE: 881, the Hicksville VFW
6 concerns me because of the announcement they made
7 at the Hicksville Community Council at the last
8 meeting that they may possibly be closing.

9 Now, I know you found out about this
10 last night at our meeting, and I would like to see
11 before funds are committed to them, somebody talk
12 to them and find out what they're doing.

13 SUPERVISOR SALADINO: There are Federal
14 criteria, so you don't have to worry about them
15 spending the money and then turning around and
16 closing. There's certain criteria, some things we
17 can control --

18 MR. BERSE: I just thought that --

19 SUPERVISOR SALADINO: -- but either
20 way, it sounds like you're in support and
21 appreciative we're providing our Veterans these
22 resources.

23 MR. BERSE: Yes, I am, but I think that
24 it should be counseled and looked into.

25 SUPERVISOR SALADINO: Okay.

1 Let me ask you a question, have you
2 ever rented out their premises to hold an event
3 that would be supportive of them.

4 MR. BERSE: No.

5 I ran six model train shows in their
6 facility as fundraisers for them, and the worst one
7 they did was on too much of a beautiful day that
8 they only raised \$1,000 because every other time
9 they raised more.

10 SUPERVISOR SALADINO: Okay.

11 And 917.

12 MR. BERSE: Forget about it. I'll
13 leave that one alone.

14 Under public comment, the piece there,
15 I just wanted to say thank you for the support in
16 November that we had the Oyster Bay Railroad Museum
17 had a very good fundraiser out of it.

18 I want to thank you for coming, Vicki
19 for coming, Tom for coming, and Laura for her
20 commitment to help us support the March show
21 through her business.

22 It's been really good, and I think that
23 we'll continue that in our train show series that
24 ran from the Fall to the Spring, four of the five
25 shows are occurring within the boundaries of the

1 Town of Oyster Bay.

2 One is going to be the return of the
3 Nassau County model train show with the guidance of
4 Joey Muscarella and Bruce Blakeman, and that will
5 be in support of the Special Olympics.

6 Like I said, the March 4th and 5th show
7 here back in the Hicksville Community Center is
8 going to be for the Hicksville Boys and Girls Club,
9 and the April 1st show at Levittown Hall is going
10 to help the Hicksville Lions that died during the
11 pandemic make a comeback.

12 So we're working very hard on some good
13 things, and thank you guys for all the support and
14 the help that you've given.

15 So happy holidays, Happy New Year. See
16 you soon. I'm shutting up.

17 COUNCILWOMAN WALSH: Thanks, Joel.

18 SUPERVISOR SALADINO: Thank you for
19 coming in.

20 Our stenographer needs a break, and I
21 know I do, so we'll take a five-minute break,
22 please.

23 (Whereupon, the proceedings were
24 briefly halted at 5:17 p.m. and proceedings
25 resuming at 5:32 p.m. with Councilman Imbroto not

1 in attendance as follows:)

2 SUPERVISOR SALADINO: Okay, folks.

3 One more speaker, and then we're going
4 to proceed with our Action Calendar, so this way
5 you're in the loop.

6 Charles Pence.

7 AUDIENCE SPEAKER: Pierce.

8 SUPERVISOR SALADINO: Pierce. I'm
9 sorry, Mr. Pierce, P-I-E -- all right. That's an
10 "r."

11 Okay, Mr. Pierce. Charles Pierce, Jr.

12 How are you these evening.

13 Thank you for your patience in waiting.

14 MR. PIERCE: Thank you very much.

15 I appreciate you giving me the
16 opportunity to speak on behalf of my client,
17 Woodstock Construction Group.

18 It's regarding Resolution 954, the
19 award of the contract for the John J. Burns Park
20 Bulkhead Replacement.

21 Woodstock Construction has been forty
22 years doing work, a lot for the Town of Oyster Bay,
23 which I will be talking about in a minute.

24 They were the lowest bidder on this
25 project by \$105,000 -- that's 105,000 tax dollars

1 that would be saved if it went to Woodstock as
2 opposed to the second lowest bidder.

3 First of all, Woodstock has been more
4 than qualified. Over the last ten years, Woodstock
5 has done almost \$100 million of public contract
6 work without any defaults, without any walking off
7 the jobs, termination, anything like that.
8 Successfully did all that work.

9 Many of the projects were in Oyster
10 Bay. Just to go through some of them: There was a
11 roof replacement, roof repair Oyster Bay Community
12 Center, Sanitation and Recycling, Tobay Beach Pump
13 House, Town Hall, Town Hall South, Tappen Beach
14 Marine, and a couple requirement contracts over the
15 years.

16 In addition, Woodstock has done other
17 work: Oyster Bay High School; Vernon Middle
18 School; Roosevelt Grammar School; St. Dominic High
19 School; Oyster Bay Administration Office; East
20 Norwich Inn; Oyster Bay Historical Society; and I
21 can go on and on, but, obviously, Woodstock
22 Construction has done a lot of work in Oyster Bay
23 -- and successfully.

24 And I don't think on any of the
25 projects that you did for -- Woodstock did they had

1 any problems with the Town of Oyster Bay on any of
2 those projects.

3 Now, Woodstock has also done work in
4 other municipalities including the City of Long
5 Beach, Nassau County, City of Glen Cove, New York
6 City Department of Parks, which they're doing a
7 project right now on, Town of Great Neck, Town of
8 Babylon, Town of Islip, Town of Huntington -- where
9 I'm from, and thank you for the Sanitation trucks,
10 they appreciate those -- Town of Hempstead, Town of
11 North Hempstead, Town of Southampton, the Village
12 of Port Washington, the New York City Department of
13 Environmental Protection.

14 They also did a Federal Government job
15 at Watch Hill Marina. They took barges out there
16 everyday with workers, with a crew that was
17 watching them, everything. They did that,
18 successfully completed that. It's a beautiful
19 project.

20 Currently, they are working on the
21 New York City Department of Parks project at a park
22 in Queens. They're also working in the Town of
23 Hempstead on a Baldwin project, and they have a
24 contract that they recently signed up in East
25 Hampton, which is going to start in the springtime.

1 Now, Woodstock was the lowest bidder.
2 The law requires that you, as a Town, award it to
3 the lowest responsible bidder. I think you all
4 know that. I'm not going to spend a lot of time
5 going through the law, but that is the requirement.

6 The Court of Appeals of New York, which
7 is the highest court -- I apologize for going over
8 time -- said the central purposes of New York's
9 competitive bidding statutes are the 1) protection
10 of the public fisc, F-I-S-C, by obtaining the best
11 work at the lowest possible price; and 2)
12 prevention of favoritism, improvidence, fraud, and
13 corruption in awarding the public contracts.

14 It is well settled that the bidding
15 statutes are construed strictly in order to achieve
16 those purposes, and that's what we're asking you to
17 do today, and that the rejection -- very important
18 -- the rejection of the lowest bid, which is
19 Woodstock, carries with it the inevitable
20 implication of non-responsibility for the rejected
21 bidder.

22 So what does that mean.

23 That means that a rejection of a bid in
24 any project for the lowest bid could be the death
25 knell of that company. They're going to have to

1 disclose that when they go bid every other job.

2 What the Board should consider in
3 deciding this Resolution is the bidder's skilled
4 judgment and integrity, and, obviously, I think
5 I've shown Woodstock is responsible, they also are,
6 certainly, qualified to do the work.

7 The third thing, and I think this is
8 what -- I don't know what's happening behind closed
9 doors, obviously -- but you should know, the Town,
10 the Town Board, and in an event to, hopefully, save
11 off any litigation concerning this Resolution or
12 the award of the project, the Town is well within
13 its authority and should award the project to
14 Woodstock.

15 Woodstock did have a prevailing wage
16 case brought against them by the Suffolk County --
17 a criminal complaint brought by the Suffolk County
18 DA's Office. There was no -- it was never brought
19 to a Grand Jury, and it was pre-COVID.

20 The complaint was brought by a
21 complaint by the Carpenters' Union on two projects
22 in Suffolk County, and Woodstock's never had a
23 problem with any of its workers on any projects.

24 We spent a couple years -- two and a
25 half years -- litigating with the DA's Office --

1 COVID was in there, everything got delayed.

2 Eventually, and I should note, that one
3 of the projects, the real project at issue, was the
4 Gilgo Beach project, and in that case, actually,
5 the Carpenters' Union complained to the DOL, and we
6 spoke to the Department of Labor about it, and they
7 went out and they investigated. They sent out
8 notices, and they did not find any willful problems
9 with Woodstock, how they treated their workers, how
10 they classified, and that was a couple years before
11 this criminal complaint was brought for the same
12 exact project.

13 So, anyway, after litigating for a
14 couple of years, Woodstock decided to settle the
15 case. They made restitution of about \$66,000,
16 determined by the DA's Office, but there were no
17 penalties. There were no penalties. They lowered
18 the charges. There were no penalties. No fines.

19 In fact, the Department of Labor, when
20 I was speaking to the Department of Labor, the head
21 person for Long Island said, Woodstock's a good
22 contractor. He calls up or she calls up and finds
23 out what can I classify these people before I start
24 working on a project, so they considered Woodstock.

25 In my judgment, and you can certainly

1 call them as part of your due diligence to see, is
2 Woodstock -- is this an outlier kind of thing or is
3 Woodstock, you know, really a problem contractor,
4 or are they a good contractor, and I think you're
5 going to find out that they think that Woodstock is
6 a good contractor.

7 Next, as part of the -- when my client
8 heard that maybe the project might not be going to
9 the lowest bidder, they submitted -- I think they
10 got 16 -- I think it is -- 16 attestations or
11 signatures of employees attesting to Woodstock's
12 integrity, that they always treated them fairly and
13 always pay them for the hours worked, and that was
14 submitted to the Town Attorney. The Town Attorney
15 has those 16, which, I think, is all the employees.

16 You should also know that Woodstock is
17 an Oyster Bay company. It's been based here for
18 four years. Many of the employees are from Oyster
19 Bay and to take a position of not awarding the
20 project because of this situation, which you
21 certainly have the right, the absolute right, and
22 discretion to award the project to Woodstock
23 without any problem, we think is wrong and not the
24 best use of the taxpayers' money, and could be the
25 death knell for Woodstock Construction and its

1 employees.

2 I'd like to take any questions if you
3 have any questions.

4 (Whereupon, there was no response from
5 the Board.)

6 MR. PIERCE: Thank you. I appreciate
7 it.

8 Happy holidays and Happy New Year.

9 SUPERVISOR SALADINO: Thank you, sir.
10 Would anyone else like to be heard on
11 any of the items on our Resolution Calendar.

12 MR. PIERCE: Could I just say one more
13 thing?

14 SUPERVISOR SALADINO: Please, sir.
15 Please.

16 MR. PIERCE: The second lowest bidder,
17 there was a case that I found where they were --
18 they, actually, in 2005, in the Court of Appeals --
19 and I can give the case to your Town Attorney if
20 you want -- but the second lowest bidder, from what
21 I understand, was -- in 2005, the Court of Appeals
22 upheld a Department of Labor finding that they
23 didn't pay supplements approaching \$600,000 to
24 their workers, and there are penalties attached to
25 that.

1 And that was the Department of Labor
2 finding after several hearings, so I thought that
3 you should know that.

4 SUPERVISOR SALADINO: Would you kindly
5 forward that information to our Town Attorney?

6 MR. PIERCE: Yes, I will.

7 Thank you very much.

8 SUPERVISOR SALADINO: Thank you, sir.
9 I'll give you a few moments to go over
10 that.

11 Would anyone else like to be heard on
12 anything on our Resolution Calendar.

13 (Whereupon, there was no response from
14 the assemblage.)

15 SUPERVISOR SALADINO: While that's
16 being done, I would like to inform our community
17 that we will be tabling the item that you brought
18 to our attention in Greenvale in terms of the
19 signage so that we can take another look at this.

20 It's been looked at many, many times,
21 but in an effort to show every respect possible on
22 an issue that we still are all in agreement that
23 the number one issue is going to be enforcement,
24 but we will vote to table that today as a means of
25 providing more time out of respect for the

1 situation.

2 AUDIENCE MEMBER: With regard to --
3 first of all, thank you.

4 SUPERVISOR SALADINO: Rather than
5 speaking from the gallery, which isn't allowed, let
6 us do our job, and we appreciate that.

7 If you need to speak on Public Comment,
8 that's your decision.

9 COUNCILMAN HAND: So moved to table.

10 COUNCILMAN LABRIOLA: I second.

11 MR. LaMARCA: I'll make the motion.

12 SUPERVISOR SALADINO: Yeah, please.

13 MR. SCALERA: Have the Clerk put it on
14 the record.

15 MR. LaMARCA: May I have a motion to
16 table Resolution No. 952-2022?

17 On the motion, please.

18 COUNCILMAN HAND: So moved.

19 COUNCILMAN LABRIOLA: Second.

20 MR. LaMARCA: Motion made by Councilman
21 Hand and seconded by Councilman Labriola.

22 On the vote:

23 Supervisor Saladino?

24 SUPERVISOR SALADINO: "Aye."

25 MR. LaMARCA: Councilman Hand?

1 COUNCILMAN HAND: "Aye."

2 MR. LaMARCA: Councilman Labriola?

3 COUNCILMAN LABRIOLA: "Aye."

4 MR. LaMARCA: Councilwoman Maier?

5 COUNCILWOMAN MAIER: "Aye."

6 MR. LaMARCA: Councilwoman Walsh?

7 COUNCILWOMAN WALSH: "Aye."

8 MR. LaMARCA: Motion to table

9 Resolution No. 952-2022 pass with five "Ayes" and
10 Zero "Nays."

11 I'm going to recall the Regular Action
12 Calendar just to make sure the record is accurate
13 if that's okay, Supervisor.

14 SUPERVISOR SALADINO: Please. Please
15 do.

16 MR. LaMARCA: May I have a motion to
17 adopt Resolution P-18-22 through 968-2022,
18 707-2022, 583-2022, and 846-2022 noting that
19 Resolution No. 927-2022 and 952-2022 have been
20 tabled.

21 On the motion:

22 COUNCILMAN HAND: So moved.

23 COUNCILMAN LABRIOLA: Second.

24 MR. LaMARCA: Motion made by Councilman
25 Hand and seconded by Councilman Labriola.

1 On the vote:
2 Supervisor Saladino?
3 SUPERVISOR SALADINO: "Aye."
4 MR. LaMARCA: Councilman Hand?
5 COUNCILMAN HAND: "Aye."
6 MR. LaMARCA: Councilman Labriola?
7 COUNCILMAN LABRIOLA: "Aye."
8 MR. LaMARCA: Councilwoman Maier?
9 COUNCILWOMAN MAIER: "Aye."
10 MR. LaMARCA: Councilwoman Walsh?
11 COUNCILWOMAN WALSH: "Aye."
12 MR. LaMARCA: Motion to adopt
13 Resolution P-18-22 through 926-2022 passes with
14 five "Ayes."
15 Resolution 927-2022 has been tabled.
16 Resolution 928-2022 through 951-2022
17 passes with five "Ayes."
18 Resolution 952-2022 has been tabled.
19 Resolution 953 through 968-2022 passes
20 with five "Ayes."
21 And Resolutions 707, 583, and 846-2022
22 passes with five "Ayes."
23 The Calendar is complete.
24 (TIME NOTED: 5:46 P.M.)
25 SUPERVISOR SALADINO: Thank you.

1 May I have a motion.

2 COUNCILMAN HAND: Motion to adjourn the
3 meeting.

4 COUNCILMAN LABRIOLA: Second.

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

7 ALL: "Aye."

8 SUPERVISOR SALADINO: Those opposed,
9 "Nay."

10 (Whereupon, there were no "Nay"
11 responses from the Board.)

12 SUPERVISOR SALADINO: The "Ayes" have
13 it.

14 Thank you very much, everyone.

15 (TIME NOTED: 5:46 P.M.)

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