

**TOWN BOARD**

**TOWN OF OYSTER BAY**

REGULAR MEETING

March 21, 2023

7:13 p.m.

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**SPECIAL PRESENTATION**

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**JOSEPH SALADINO**

SUPERVISOR

\*\*

**RICHARD LaMARCA**

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

A P P E A R A N C E S

P R E S E N T:

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

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

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

APPEARED:

CITATIONS:	Kevin Zhu
	Emily Kim

PRAYER:	Pastor Chris Kmiotek
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PLEDGE:	Military Blue Stars Mothers NY 14
	Andrea Nordquist
	Jackie Rodler
	Laura Escobar

1  
2 SUPERVISOR SALADINO: Good evening,  
3 ladies and gentlemen. If I may have  
4 your attention, please. Welcome to  
5 Oyster Bay Town Hall meeting for March  
6 21, 2023. For those of you who are  
7 joining us for the first time, please  
8 know you have an opportunity to be heard  
9 on all matters brought before the Town  
10 Board, as well as during the public  
11 comment after the entire meetings has  
12 been closed.

13 As always, we are live streaming  
14 this meeting on social media and on the  
15 Town's website which is  
16 OysterBaytown.com. These proceedings are  
17 recorded and later transcribed. And, of  
18 course, your voices are very important to  
19 us. Statements and comments and input  
20 from the public relative to our meetings  
21 are always welcomed and respected as part  
22 of the record. To submit comments,  
23 online if you're not able to be here, go  
24 to e-mail publiccomment@OysterBay-ny.gov  
25 or you can mail us at the Office of the

1  
2 Town Attorney, which is, Office of the  
3 Town Attorney, 54 Audrey Avenue, Oyster  
4 Bay, New York 11771.

5 Leading us in prayer this evening is  
6 District Evangelist Chris Kmiotek, who is  
7 the minister of New Apostolic Church in  
8 Woodbury. Please join us at the podium.  
9 Would everyone please rise?

10 (Whereupon, all rise.)

11 EVANGELIST KMIOTEK: Good evening,  
12 everyone.

13 Almighty God, Dear Heavenly Father,  
14 we come to you in humbleness and in, God,  
15 fear, thankful that we have this  
16 privilege to join in this gathering. And  
17 we ask, Dear Father, that your grace and  
18 your peace and your kindness will  
19 overshadow it. That everyone who is here  
20 that has something to add to the meeting,  
21 that they can all be heard and that, Dear  
22 Father, whatever the topics are, some may  
23 be difficult, some may be easy.

24 Dear Heavenly Father, we don't know  
25 all the things that are on the ledger for

1  
2 this evening. But one thing we do know,  
3 that we can have your peace and your  
4 kindness to overshadow us. That later,  
5 when we go upon our homeward way, that  
6 you would watch over each and every one,  
7 and that they can return home safely to  
8 their families and feel that their time  
9 that they spent here this evening was  
10 worthwhile and that they were heard, and  
11 that, Dear Father, that it will serve its  
12 purpose to provide whatever decisions  
13 need to be made for the future.

14 Bless the leadership that is here  
15 with great wisdom and understanding.  
16 We're thankful for all that is done for  
17 our town, for our community. And we pray  
18 that you will be kind and gracious. All  
19 these things we leave before you and say  
20 thank you. Amen.

21 (Whereupon, Amen.)

22 SUPERVISOR SALADINO: Thank you so  
23 much. Greatly appreciate it.

24 How new are you to your  
25 congregation?

1  
2 EVANGELIST KMIOTEK: I've been in  
3 involved with the New Apostolic Church --  
4 I have multiple congregations that I  
5 serve in the district, but the Woodbury  
6 Congregation for the last eight years,  
7 and I'm an Oyster Bay resident. I live  
8 ten minutes from here near the Bailey  
9 Arboretum. So I'm very supportive of all  
10 of you and what you're trying to  
11 accomplish this evening. And I hope that  
12 it's a successful evening for you.

13 SUPERVISOR SALADINO: Well, thank  
14 you so much. We appreciate it. Our best  
15 to all of your congregants. I'm sure  
16 they're very, very lucky to have your  
17 stewardship. And please know you're  
18 always welcome to join us in every  
19 capacity. God bless you and thank you  
20 for leading us today.

21 EVANGELIST KMIOTEK: God bless you  
22 as well. Thank you.

23 (Whereupon, applause.)

24 SUPERVISOR SALADINO: Leading us in  
25 the Pledge of Allegiance this evening. Or

1  
2 our friends, Andrea Nordquist, President  
3 of the Blue Star Mothers NY 14 on Long  
4 Island; First Vice President, Jackie  
5 Redler and two of our Blue Star moms.  
6 With that, would you all step forward,  
7 please? And if you would all please put  
8 your hands to your heart.

9 (Whereupon, the Pledge of  
10 Allegiance is said.)

11 SUPERVISOR SALADINO: Ladies, we  
12 thank you very much for your service not  
13 only tonight, but each and every day  
14 making a difference and supporting your  
15 families and helping us to understand why  
16 it's so important to support the families  
17 of those who are serving our nation.

18 Blue Star Mothers of America, Inc.  
19 is a private, non-profit organization  
20 that provides support for mothers who  
21 have sons or daughters -- families as  
22 well, I'm sure -- who are of active  
23 service in the United States Armed  
24 Forces.

25 Why don't each of you tell us where

1  
2 your adult child, your veteran's name and  
3 where they're serving so we can all be so  
4 respectful of their efforts.

5 MS. NORDQUIST: My son, Gregory  
6 Nordquist, is in the Air National Guard  
7 out at Gabreski Airport and Air Force  
8 Base, and he will also be deployed this  
9 July.

10 MS. ESCOBAR: My daughter, Eliana  
11 Wolfen (phonetic), is stationed out in  
12 California. She is a US Marine.

13 MS. REDLER: My son, Oscar Redler,  
14 is stationed in Norfolk and he currently  
15 is in Newport News and his ship is on dry  
16 dock. Makes Momma happy, not him so much.

17 SUPERVISOR SALADINO: So let's keep  
18 in mind the men and women in our United  
19 States Armed Forces serving here in the  
20 homeland and abroad, all of the men and  
21 women in law enforcement and all of our  
22 first responders and, of course, our  
23 healthcare heroes. But let's especially  
24 pray for your children and all of those  
25 serving the United States Of America and



1  
2 protecting our freedoms. God bless them  
3 and may God keep them safe.

4 Let's hear it for our Blue Star  
5 Moms.

6 (Whereupon, applause.)

7 SUPERVISOR SALADINO: Would everyone  
8 please kindly take a seat?

9 Before starting business. The Town  
10 of Oyster Bay takes great pleasure in  
11 honoring two amazing students from  
12 Jericho High School, Kevin Zhu. Kevin,  
13 raise your hand.

14 (Whereupon, Kevin Zhu raises  
15 hand.)

16 SUPERVISOR SALADINO: Please give  
17 him a hand.

18 (Whereupon, applause.)

19 SUPERVISOR SALADINO: And Emily  
20 Kim. Where are you, Emily?

21 (Whereupon, Emily raises  
22 hand.)

23 (Whereupon, applause.)

24 SUPERVISOR SALADINO: Emily and  
25 Kevin have dedicated themselves to

1  
2 academic pursuits of excellence. And  
3 their efforts were recently recognized as  
4 they have become finalists in the very  
5 prestigious Regeneron Science Talent  
6 Competition, which included a \$25,000  
7 prize for each of them.

8 The Regeneron Science Talent  
9 Competition has developed healthy  
10 rivalries among high schools across the  
11 nation and provided an outlet for  
12 academically talented individuals. And we  
13 can assure you Emily and Kevin are  
14 exceptionally talented. They provide this  
15 outlet, and they were selected from 300  
16 semifinalists across the nation and a  
17 total applicant pool of nearly 2,000 of  
18 the brightest of the bright in America.  
19 So it's really special when we have from  
20 the Town of Oyster Bay finalists.  
21 Although, no surprise, because the Town  
22 of Oyster Bay has the best parents in the  
23 world, so it would make perfect sense  
24 that they would have the best kids in the  
25 world as well.

1  
2                   Regeneron Pharmaceuticals, Inc. a  
3                   biopharmaceutical firm in Tarrytown, New  
4                   York, and has funded the contest since  
5                   2016 and generously provides the prize  
6                   money. Winners in the competition  
7                   typically spend weeks in university  
8                   laboratories working closely with adult  
9                   faculty to develop complex and meaningful  
10                  projects. Finalists are considered to be  
11                  among America's brightest students in  
12                  science and math and represent some of  
13                  the area's most outstanding schools and,  
14                  therefore, the best of the best of  
15                  students. We would also like to say you  
16                  continue to prove that some of the very  
17                  best schools, the best parents and the  
18                  brightest students reside in the Town of  
19                  Oyster Bay.

20                         (Whereupon, applause.)

21                   SUPERVISOR SALADINO: Okay. So that  
22                   was the complicated part. Now, let me  
23                   give you the easy and simple part. What  
24                   were their projects all about?

25                         Well, Emily's project was entitled,

1  
2 The Dual Roles of Activated Carbon As an  
3 Absorbent and Photocatalyst For Azo Dye  
4 Removal. Quite simple. We could all do  
5 that any day (laughter).

6 Kevin's project was entitled,  
7 Recurrent Repeat Contradictions and Micro  
8 Changing Short Tandem Repeats  
9 Investigating Unrepresented Factors of  
10 Polymorphism in Human Cancers.

11 So you can see these students are  
12 exceptional. I don't know what all of you  
13 were studying in high school, and I'm not  
14 sure I want to admit what I was studying  
15 at high school, but the point is that  
16 we're so proud of you. You set the bar  
17 for all the rest of the students in the  
18 country and especially in our town. You  
19 show the world how special it is to be a  
20 resident of the Town of Oyster Bay,  
21 because their students are going to get  
22 phenomenal opportunities, because you're  
23 going to get some of the highest quality  
24 facilities of education, and because you  
25 have a whole town that is supportive of

1  
2           you. And you have something in common  
3           with the Blue Star families that are  
4           here, because you're incredibly  
5           supportive of your children, as are we.  
6           We understand that there is an enormous  
7           sacrifice to send your loved ones off to  
8           war and God knows what might happen. Of  
9           course, there are immense dangers  
10          associated with that. So there's  
11          commitment among the families and the  
12          parents here in this town. It doesn't  
13          matter if you live in Locust Valley or in  
14          Massapequa or in Hicksville or any other  
15          place, the commitment here is very strong  
16          and we're very proud to be a part of  
17          this.

18                So my colleagues on the Town Board  
19                and I, our Receiver and Town Clerk, all  
20                of us, are exceedingly proud to have  
21                Kevin and Emily here from Jericho High  
22                School as they're being named finalists  
23                in the Regeneron Science Talent  
24                Competition. This is a towering and  
25                remarkable achievement worthy of the

1  
2 Town's highest honor. And when we find  
3 out more about their projects, we know  
4 that we're getting closer to cures for  
5 some of the worst ills that we hear  
6 about, read about, or unfortunately, we  
7 come in contact with, people who have  
8 cancer, people who are suffering because  
9 of environmental factors in their  
10 communities or that they've come in  
11 contact with. So your projects are  
12 exceptionally meaningful, in addition to  
13 all the pride we have because of you're  
14 your academic prowess. And that's a big,  
15 big deal. We have a very bright future in  
16 this nation, in large part because of our  
17 incredibly talented finalists, Emily Kim  
18 of Jericho High School, and Kevin Zhu,  
19 also of Jericho High School.

20 If the two of you would come  
21 forward, I'm going to ask Councilman Lou  
22 Imbroto and Councilwoman Laura Maier to  
23 assist all of us in these presentations.

24 (Whereupon, Citations  
25 presented.)

1  
2 SUPERVISOR SALADINO: Ladies and  
3 gentlemen, let's hear from Emily.

4 MS. KIM: So my project basically  
5 looked into activated carbon. And  
6 basically what I was trying to tackle was  
7 water pollution from the fashion  
8 industry. So for like Forever 21 and like  
9 H&M and these are really big fashion  
10 brands that contribute a lot to  
11 environmental pollution. So I was  
12 basically trying to find an efficient,  
13 yet inexpensive way to remove this dye  
14 pollution that was occurring and  
15 especially underdeveloped nations and  
16 just finding a treatment for that.

17 SUPERVISOR SALADINO: What's very  
18 interesting is we are facing lots of  
19 environmental clean ups across Long  
20 Island, across the state, across the  
21 country, and there's more and more focus  
22 being put on cleaning up our water. In  
23 Long Island, all the water we drink is  
24 from the aquifer. So activated carbon is  
25 one of the many ways they're utilizing to

1  
2 deal with cleaning water to make sure  
3 it's always clean at the tap. So not only  
4 will your project help with the  
5 development of solutions for the fashion  
6 industry, but for all water, health and  
7 quality of our water overall. So let's  
8 hear it again.

9 (Whereupon, applause.)

10 SUPERVISOR SALADINO: Kevin?

11 MR. ZHU: Hi, everyone. First off,  
12 thank you so much for the honor of being  
13 here. My project was largely focused on  
14 identifying new types of mutations or DNA  
15 changes that affect cancer formation. We  
16 know that by 2040, we expect almost 30  
17 million new cancer cases yearly. And the  
18 best way to improve cancer survival rate  
19 is by identifying cancers.

20 And so my project was focused on  
21 looking these repetitive DNA sequences  
22 and then characterizing their association  
23 with cancer formation.

24 Lastly, then experimentally  
25 validated them working with primary tumor



1  
2 samples as well as plasma DNA samples.  
3 And to kind of walk you through the  
4 implication is, if you were to walk into  
5 a clinic and get your blood drawn, that  
6 blood is then sent to a laboratory. And  
7 then you can look for changes in that  
8 DNA, which would allow us to be able to  
9 tell you, okay, you may have some sort of  
10 predisposition for a particular cancer  
11 super early on.

12 SUPERVISOR SALADINO: Excellent.  
13 Amazing.

14 (Whereupon, applause.)

15 SUPERVISOR SALADINO:  
16 Congratulations. Did you get a chance to  
17 thank your folks.

18 MS. KIM: Thank you.

19 SUPERVISOR SALADINO: Let's hear it  
20 for their families. You're supporting  
21 these wonderful scientists and you  
22 already are full blown scientists.  
23 Congratulations. God bless. And thanks  
24 for making the Town of Oyster Bay the  
25 best town in America. Congratulations.

(Whereupon, applause.)

SUPERVISOR SALADINO: We have some announcements before we get started with our Town Board meeting. We have a busy week and weekend of very special events and we hope all of you, whether you are here in the room or watching on your screen, will be focused on joining us at one of these events.

This weekend we have Freezin' for a Reason. The annual Polar Bear Plunge benefiting the Special Olympics New York that takes place on Sunday, March 25th at Tobay Beach. As you head to ToBay, please remember this event. Bring your towels and your warm clothes. I will be leading the charge into the water. And do I have any takers of our elected officials who would like to jump into the cold water with me on Saturday morning?

COUNCILWOMAN WALSH: Sorry. I'll be at Mason's.

SUPERVISOR SALADINO: You'll be at Mason's event. Well, that's also a very

1  
2 good event, but a poor excuse.

3 With that, Laura, why don't you tell  
4 us about the wonderful event planned for  
5 Majorie Park this weekend.

6 COUNCILWOMAN MAIER: Sure. Thank  
7 you, Supervisor.

8 Saturday morning, starting at 10:30  
9 is our second Mighty Mason's Warrior  
10 Walk. All money raised is going to go to  
11 benefit Leukemia and Lymphoma Society. We  
12 have face painters, we have a magician,  
13 entertainment, food, tons of raffles.  
14 We're raffling off a vacation. So it'll  
15 be a fun time. A great place to bring  
16 your kids. It's a small walk from  
17 Marjorie Post around Burns and yeah and  
18 raising money for a really great cause.

19 SUPERVISOR SALADINO: That is  
20 Saturday the 25th at what time?

21 COUNCILWOMAN MAIER: Saturday the  
22 25th, registration starts at 10:45 and I  
23 think we're kicking off around 11:30-  
24 11:45.

25 SUPERVISOR SALADINO: Okay.

1  
2           Wonderful.

3                   There is also our Shoreline  
4           Protection Program at our beach at Tobay  
5           Beach on the same day, Saturday, March  
6           25th. We have our Dune Stabilization  
7           Project. All you have to do is show up  
8           and you can help plant stalks of dune  
9           grass, which I like to call the rebar for  
10          the dunes, holds it together and  
11          solidifies it and helps the dunes have  
12          structural integrity, especially during  
13          storms.

14                   I failed to mention a little earlier  
15          with the Freezin' for a reason Polar  
16          Plunge, you can sign up to get involved  
17          in that to help raise money. Maybe you  
18          have a family member who wants to jump in  
19          the water with me. To register your team  
20          or an individual, visit,  
21          Polarplungeny.org/tobay and you can find  
22          all the information and I'm sure they'll  
23          encourage people even at the last minute  
24          to sign up.

25                   I mentioned dune stabilization this

1  
2 Saturday. Residents interested in seeking  
3 additional information about that program  
4 can contact our Department of  
5 Environmental Resources. The phone number  
6 is (516) 677-5943.

7 We mentioned Mason's Warriors again  
8 at Marjorie Post Park. That's a very  
9 important program. And thank you,  
10 Councilwoman Laura Maier, for your work  
11 and raising funds and awareness for those  
12 fighting leukemia and lymphoma.

13 In an effort to help hospitals  
14 facing a nationwide blood shortage, my  
15 colleagues and I invite residents to  
16 donate at our next blood drive, which is  
17 Tuesday, March 28th, from 1 p.m. to 7  
18 p.m. at the Hicksville Athletic Center,  
19 located at 167 South Broadway in  
20 Hicksville. Once again, we thank  
21 Councilwoman Maier. Your efforts in  
22 helping to coordinate this blood drive.  
23 Blood is critically needed in our local  
24 hospitals to meet the rising demand and  
25 continue saving lives. If you'd like to

1  
2 sign up for the Town of Oyster Bay's  
3 blood drive, you can call the Town's  
4 Office of Public Information at (516)  
5 624-6380. I'll say it again, (516)  
6 624-6380. Or visit our website  
7 Oysterbaytown.com.

8 In keeping with our commitment to  
9 host diverse cultural events, here in  
10 this town and we've been doing so much.  
11 We celebrating Black history Month in  
12 February. We did a Lunar New Year  
13 celebration here. We've had so many  
14 cultural events recognizing our  
15 diversity. It's absolutely wonderful.  
16 And we continue with that because the  
17 Town will be observing the Iftaar  
18 celebration on March 27th. Iftaar is one  
19 of the religious observances of Ramadan,  
20 and it's often observed as a community  
21 with Muslim people gathering to break  
22 their fast together.

23 Lastly, the Town will be springing  
24 into action during the month of April  
25 with a collection drive in support of a

1  
2 local veterans. Supplies such as  
3 toiletries, clothing, along with gift  
4 cards, will be collected and forwarded to  
5 veterans in need through the Northport VA  
6 Hospital. As always, the bins are located  
7 throughout our town, including here at  
8 Town Hall North, at Town Hall South, and  
9 at the Bethpage Ice Rink. And those  
10 interested in donating can contact public  
11 information at (516) 624-6380.

12 With that I'll turn the floor over  
13 to our Receiver of Taxes, Jeff Pravato.

14 TAX RECEIVER: Thank you, Supervisor.

15 Tomorrow we have our last tax free  
16 tax grievance workshop right here in Town  
17 Hall North at 7 p.m. Any questions,  
18 please call my office at 624-6400 and you  
19 can get us at  
20 Receiveroftaxes@oysterbay-ny.gov. It's a  
21 free workshop. We've had some great  
22 attendance and it's really helpful.

23 So if you want to grieve your taxes  
24 without going through the firms, here at  
25 7:00, again, right in this boardroom.

1  
2 It's really good. Very informative. We've  
3 got some good feedback from all. Thank  
4 you.

5 SUPERVISOR SALADINO: Jeff Pravato?

6 TAX RECEIVER: Yes, sir.

7 SUPERVISOR SALADINO: On behalf of  
8 our residents, we all want to thank you.  
9 These seminars have been very, very  
10 informative. I went to the one at the  
11 Community Center on Albany Avenue in  
12 North Massapequa. When we say the room  
13 was packed, standing room only, that was  
14 literally the case. We were trying to  
15 find chairs to pull them out of the  
16 office just to provide seating for  
17 people. You had a translator helping  
18 those with hearing deficiencies so they  
19 could be involved. Really great job.

20 One question, If you happen to know  
21 what's the last date, what's the deadline  
22 for applying for --

23 TAX RECEIVER: April 3rd this year.  
24 It was extended this year.

25 SUPERVISOR SALADINO: So the last



1  
2 day that residents, homeowners, and  
3 business property owners as well can  
4 apply a tax grievance is April 3rd. So  
5 you can get on it right away.

6 SUPERVISOR SALADINO: Thank you,  
7 Jeff.

8  
9 (Whereupon, above matter  
10 concludes, 7:38 p.m.)  
11  
12  
13  
14  
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17  
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19  
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21  
22  
23  
24  
25

TOP KEY COURT REPORTING, INC. (516) 414-3516 26

<b>\$</b>	<b>7:38</b> <sup>[1]</sup> - 25:10	<b>appreciate</b> <sup>[2]</sup> - 5:23, 6:14	21:16, 21:22, 22:3
<b>\$25,000</b> <sup>[1]</sup> - 10:6	<b>A</b>	<b>April</b> <sup>[3]</sup> - 22:24, 24:23, 25:4	<b>Blood</b> <sup>[1]</sup> - 21:23
<b>1</b>	<b>able</b> <sup>[2]</sup> - 3:23, 17:8	<b>aquifer</b> <sup>[1]</sup> - 15:24	<b>blown</b> <sup>[1]</sup> - 17:22
<b>1</b> <sup>[1]</sup> - 21:17	<b>abroad</b> <sup>[1]</sup> - 8:20	<b>Arboretum</b> <sup>[1]</sup> - 6:9	<b>Blue</b> <sup>[6]</sup> - 2:22, 7:3, 7:5, 7:18, 9:4, 13:3
<b>10:30</b> <sup>[1]</sup> - 19:8	<b>Absent</b> <sup>[2]</sup> - 2:6, 2:9	<b>area's</b> <sup>[1]</sup> - 11:13	<b>Board</b> <sup>[3]</sup> - 3:10, 13:18, 18:5
<b>10:45</b> <sup>[1]</sup> - 19:22	<b>absolutely</b> <sup>[1]</sup> - 22:15	<b>Armed</b> <sup>[2]</sup> - 7:23, 8:19	<b>BOARD</b> <sup>[1]</sup> - 1:2
<b>11771</b> <sup>[1]</sup> - 4:4	<b>Absorbent</b> <sup>[1]</sup> - 12:3	<b>assist</b> <sup>[1]</sup> - 14:23	<b>boardroom</b> <sup>[1]</sup> - 23:25
<b>11:30</b> <sup>[1]</sup> - 19:23	<b>academic</b> <sup>[2]</sup> - 10:2, 14:14	<b>associated</b> <sup>[1]</sup> - 13:10	<b>brands</b> <sup>[1]</sup> - 15:10
<b>11:45</b> <sup>[1]</sup> - 19:24	<b>academically</b> <sup>[1]</sup> - 10:12	<b>association</b> <sup>[1]</sup> - 16:22	<b>break</b> <sup>[1]</sup> - 22:21
<b>14</b> <sup>[2]</sup> - 2:22, 7:3	<b>accomplish</b> <sup>[1]</sup> - 6:11	<b>assure</b> <sup>[1]</sup> - 10:13	<b>bright</b> <sup>[2]</sup> - 10:18, 14:15
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**STENOGRAPHER** <sup>[1]</sup> - 1:25

**stenographic** <sup>[1]</sup> - 26:11

**step** <sup>[1]</sup> - 7:6

**STEVE** <sup>[1]</sup> - 2:9

**stewardship** <sup>[1]</sup> - 6:17

**storms** <sup>[1]</sup> - 20:13

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11:15, 11:18, 12:11, 12:17,  
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**support** <sup>[3]</sup> - 7:16, 7:20, 22:25

**supporting** <sup>[2]</sup> - 7:14, 17:20

**supportive** <sup>[3]</sup> - 6:9, 12:25,  
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**surprise** <sup>[1]</sup> - 10:21

**survival** <sup>[1]</sup> - 16:18

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**walk** <sup>[3]</sup> - 17:3, 17:4, 19:16

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## Z

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**TOWN BOARD**

**TOWN OF OYSTER BAY**

REGULAR MEETING

March 21, 2023

7:39 p.m.

\*\*\*

**HEARING**

**P-8-23**

\*\*\*

**JOSEPH SALADINO**

SUPERVISOR

\*\*

**RICHARD LaMARCA**

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
DONNA ANTETOMASO,	DEPUTY TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.	TOWN ATTORNEY
THOMAS SABELLICO	DEPUTY TOWN ATTORNEY

APPEARED:

JEFFREY D. FORCHELLI, ESQ.  
Forchelli Deegan Terrana

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SUPERVISOR SALADINO: So with that,  
would our clerk, Rich LaMarca, please  
poll the Board?

TOWN CLERK: Supervisor Saladino?

SUPERVISOR SALADINO: Present.

TOWN CLERK: Councilwoman Johnson,  
absent.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: Present.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Present.

TOWN CLERK: Councilman Labriola,  
absent.

TOWN CLERK: Councilwoman Maier?

COUNCILWOMAN MAIER: Present.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Present.

TOWN CLERK: We have a quorum,  
Supervisor.

SUPERVISOR SALADINO: So with that,  
we will call our first hearing, please.

TOWN CLERK: Tonight's first hearing  
is to consider the application of Vesta  
Acquisitions LLC, contract vendee, New

1  
2 York Institute of Technology, lessee, for  
3 a Special Use Permit and Modification of  
4 Restrictive Covenant for premises located  
5 at 120 Jericho Turnpike, Jericho, New  
6 York.

7 SUPERVISOR SALADINO: Before Counsel  
8 begins, this form (indicating) is our  
9 "Persons Intending to Speak". And the  
10 process is very simple, they're up front.  
11 If you would like to be heard following  
12 each hearing separately, we'll call you  
13 up to be heard. You'll come to the  
14 microphone and just state your name and  
15 address and tell us what's on your mind.  
16 But we ask that you please fill out a  
17 form first and they're located right down  
18 in front by the by our Town Clerk.  
19 That's very, very helpful and we  
20 appreciate that.

21 With that, Counselor, anytime you're  
22 ready. Good evening.

23 MR. FORCHELLI: Good evening,  
24 Supervisor Saladino, members of the  
25 board. My name is Jeff Forchelli, 333

1  
2 Earle Ovington Boulevard, Uniondale, New  
3 York.

4 It's nice to see you. And I saw the  
5 students. And I just want to let you  
6 know, when I went to college, I took up  
7 space and I took up a lot of space  
8 (laughter).

9 But anyway, the applicants tonight  
10 are Vesta Acquisitions LLC, which is the  
11 contract vendee of the property and New  
12 York Tech NYT, which is the proposed  
13 tenant. The owner of the property is 120  
14 West End LLC. We do not represent the  
15 owner of the property, but Howard  
16 Avrutine, who is here this evening,  
17 represents them and is here on their  
18 behalf. He may speak later on this.

19 The present use of the property is a  
20 hotel/motel as per prior Special Use  
21 Permits and Site Plan approvals last  
22 modified in 2009, and as per the  
23 Declaration of Restrictive Covenants,  
24 dated May 16th, 2022 by Westland LLC,  
25 recorded with a stipulation of settlement

1  
2 dated May 25th, 2022 and Town of Oyster  
3 Bay versus West End, LLC Community  
4 Housing Initiatives. As you all may  
5 recall, there was an issue over the use  
6 of that property and it was settled by a  
7 stipulation of settlement last year.

8 So just summing that point up, the  
9 prior approvals and declarations provide  
10 that the hotel/motel use as defined in  
11 the Town Code is what is permitted and  
12 the 2022 restrictions and stipulation  
13 further clarify that.

14 The premises is in the neighborhood  
15 business district and its 1.6394 acres.  
16 It's known as 120 Jericho Turnpike,  
17 Jericho. It's on the corner of the south  
18 side of the Long Island Expressway and  
19 the South Service Road and the north side  
20 of Jericho Turnpike, it's right at that  
21 intersection where Jericho Turnpike comes  
22 under the expressway and meets with the  
23 South Service Road.

24 SUPERVISOR SALADINO: The pizza  
25 slice.

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MR. FORCHELLI: Pardon me?

SUPERVISOR SALADINO: The pizza slice.

MR. FORCHELLI: The pizza slice, you got it. It has roads all around it.

The hotel/motel has 80 units in it and it has 81 parking spaces, which complies with the Town of Oyster Bay Code. The surrounding area on the north is the Long Island Expressway and the South Service Road, no houses within foreseeable of it. East of it is the intersection, as I said, of Jericho Turnpike and the South Service Road of the expressway. On the south is incidental retail and a car dealership. And to the west is also a car dealership, fast foods, some offices and Home Depot.

Vista Acquisitions and NYIT are seeking a special use permit and site plan approval to replace the existing approvals and also to provide new covenants and restrictions to permit the use of the property as proposed, which is

1  
2 a dormitory for students of New York  
3 Tech.

4 In other words, the hotel/motel  
5 which is presently there, instead of  
6 being used for transient guests, would be  
7 used for students of New York Tech. And  
8 it will be a regulated facility and it  
9 will be, we believe, in the best  
10 interests of the Town, as well as New  
11 York Tech.

12 Just to be clear about the approval  
13 that we're seeking, the approval would be  
14 subject to the revocation by other prior  
15 Town Board approvals and determination of  
16 those approvals and the restrictive  
17 covenants. Determination of those cannot  
18 happen without either the consent of the  
19 existing owner or the conveyance of the  
20 property to the applicant investor, which  
21 then, as the owner, would be able to  
22 execute the necessary documents. This is  
23 consistent with my conversation with Tom  
24 Sabellico today.

25 In other words, what I'm saying is,



1  
2 we have to close title with the owner of  
3 the property and at which point we would  
4 execute the Covenants and Restrictions  
5 and the zoning would be in place, which  
6 is similar to what is often done.

7 As I said, the proposed use is for  
8 dormitory for NYIT. The 80 units will  
9 have a controlled entrance. Where you  
10 come into the building on the south side,  
11 there'd be, just like my dorm in college,  
12 where there was a front desk there. And  
13 the students, you know, you check in and  
14 go by and it regulates what's coming in  
15 and out of the building.

16 Dining will not be done on the  
17 facility. The dining will be done at New  
18 York Tech and I guess that's  
19 Brookville/Old Westbury.

20 Parking. There will be some resident  
21 parking. There will also be parking for a  
22 couple of vans that will run back and  
23 forth from the facility to New York Tech.

24 It'll be shuttle service. On  
25 weekdays there'll be two shuttles running

1  
2 back and forth between 7:00 and 11:00  
3 a.m., and one shuttle between 11:00 a.m.  
4 and 11:00 p.m.

5 On weekends, there'll be various  
6 round trips to the campus. They'll also  
7 be trips to local shopping for the  
8 residents who were there without cars, so  
9 they'll be able to get their shopping  
10 done.

11 There are security guards New York  
12 Tech will control through the day and  
13 evening, seven days a week.

14 There'll be a full time Residence  
15 Hall Director who live there. There'll be  
16 an associate director, student residence  
17 assistant and staffing at the front desk  
18 on a regular basis to, as I said, control  
19 the intake into the building.

20 There will be cameras. So it'll be a  
21 very secure facility where our students  
22 will be.

23 The Town of Oyster Bay Department of  
24 Environmental Resources declared this as  
25 a Type II Action, which indicates that no

1  
2 further environmental review was  
3 necessary for the existing building.  
4 However, if there are any questions  
5 regarding the environment, we have here,  
6 Rebecca Goldberg from Cameron  
7 Engineering, who could answer any  
8 questions you have.

9 And that's basically what the  
10 application is. It's an existing building  
11 which is just getting a change in use,  
12 and I think it'll be a much more  
13 controlled use than what was there or  
14 what was proposed to be there. And I  
15 think it will be in the best interest of  
16 the Town of Oyster Bay, NYIT, and for the  
17 community in general. And we really feel  
18 we have very little impact, as there are  
19 really no houses anywhere near this.

20 So that's basically the application.  
21 If you have any questions, I'd be happy  
22 to answer them, or if some of the people  
23 we have here we might need to answer  
24 them.

25 SUPERVISOR SALADINO: Does the Board

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have any questions?

COUNCILWOMAN WALSH: How many students did you say again? How many students?

MR. FORCHELLI: Eighty.

COUNCILWOMAN WALSH: Eighty students. Okay. And the RA or the assistant would be 24 hours, maybe?

MR. FORCHELLI: There's a full time security guard from 11:00 p.m. to 7:00 a.m. There's cameras throughout. There's not going to be sneaking in here.

COUNCILWOMAN WALSH: No, I don't think so. Thank you.

MR. FORCHELLI: Excuse me, it's 80 rooms.

COUNCILWOMAN WALSH: Okay. Thank you.

SUPERVISOR SALADINO: And do they expect to have single occupancy or double occupancy?

MR. FORCHELLI: There may be a combination of both.

SUPERVISOR SALADINO: Okay.

1  
2 Could you just answer a few  
3 questions as it relates to the parking?

4 MR. FORCHELLI: Sure.

5 SUPERVISOR SALADINO: Students will  
6 be allowed to have cars, if they have  
7 them?

8 MR. FORCHELLI: They'll be getting  
9 decals. There'll be permits. And not  
10 everyone will have one because there's 81  
11 parking spaces. So there'll be permits  
12 for some of the students and there will  
13 be some spaces for the shuttle vans that  
14 pull in and so on.

15 SUPERVISOR SALADINO: That shuttle  
16 that you spoke to in an effort to  
17 alleviate a parking issue, does that  
18 shuttle run seven days a week?

19 MR. FORCHELLI: Yes.

20 SUPERVISOR SALADINO: It will?

21 MR. FORCHELLI: Yes.

22 SUPERVISOR SALADINO: And the owners  
23 are committed to creating in the  
24 covenants and restrictions that they will  
25 continue that seven days a week?

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MR. FORCHELLI: Yes.

SUPERVISOR SALADINO: Okay.

MR. FORCHELLI: It's a good use.

SUPERVISOR SALADINO: That's it for me. There'll be at least one security guard on the premises at all times, including overnight?

MR. FORCHELLI: Yes. There will be a security guard from 11:00 p.m. to 7:00 a.m. And then during the day, there'll be the residential director, associate directors and student residence assistants.

SUPERVISOR SALADINO: And the security cameras will run 24 hours.

SUPERVISOR SALADINO: That's it for me. Any other questions for anyone?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Do you have any other experts that you'd like to present?

MR. FORCHELLI: No. If you don't have any questions. We're happy to rest.

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SUPERVISOR SALADINO: Let's see if we have any residents here who would like to be heard. Is there anyone who would like to be heard on this application for this hearing?

I'm assuming, Mr. Avrutine, you're one of them.

MR. AVRUTINE: Yes.

SUPERVISOR SALADINO: Okay. Please present.

MR. AVRUTINE: Good evening, Mr. Supervisor. Howard Avrutine, 2116 Merrick Avenue in Merrick.

I am here tonight on behalf of 120 West End LLC. That is the owner of the property under Application and 120 West End LLC has a contract with Vista Acquisitions LLC; whereby, Vista Acquisitions is under contract to purchase the premises. And we would respectfully request that the Board act on this application as quickly as possible. We want to go to closing on this transaction and we believe that the

1  
2 Board acting on this in an expeditious  
3 fashion would move that along and we  
4 would appreciate that.

5 SUPERVISOR SALADINO: Is there  
6 anything else, Mr. Avrutine?

7 MR. AVRUTINE: Nothing else, sir.

8 SUPERVISOR SALADINO: Thank you  
9 very, very much. Does anyone have any  
10 questions for Mr. Avrutine?

11 (Whereupon, no verbal  
12 response.)

13 SUPERVISOR SALADINO: Again, I'll  
14 ask one last time. Is there anyone here  
15 who would like to be heard on this  
16 application?

17 (Whereupon, no verbal  
18 response.)

19 SUPERVISOR SALADINO: Please let the  
20 record reflect that no one has signified  
21 that they'd like to be heard.

22 Is our town attorney here. Would you  
23 step forward, please?

24 (Whereupon, brief off the  
25 record discussion.)



1  
2 SUPERVISOR SALADINO: May I have a  
3 motion, please?

4 may I have the motion?

5 COUNCILWOMAN IMBROTO: Supervisor, I  
6 move that the public portion of this  
7 hearing be closed and the record be kept  
8 open for 30 days.

9 SUPERVISOR SALADINO: So that means  
10 over the next 30 days, anyone who would  
11 like to be heard on this, can put in in  
12 writing an e-mail, a handwritten letter,  
13 whatever they'd like, and it will be part  
14 of the record and part of consideration.  
15 With that may have a second?

16 COUNCILMAN HAND: Second.

17 SUPERVISOR SALADINO: And before we  
18 go for our vote, is there correspondence?

19 TOWN CLERK: The attorney for the  
20 applicant has filed the Affidavit of  
21 Service and Disclosure. Communications  
22 are as follows:

23 We have memos from the Department of  
24 Planning and Development, including a  
25 review of the required off-street

1  
2 parking.

3 The Nassau County Land and Tax map  
4 indicates the property is Section 17,  
5 Block 16 and Lot 47.

6 According to the Town of Oyster Bay  
7 zoning maps, the property is located  
8 within a Neighborhood Business Zone.

9 There is an Open Code Enforcement  
10 Bureau case as well as a variance in Town  
11 Board resolutions on file.

12 There is no further correspondence.

13 SUPERVISOR SALADINO: A motion has  
14 been made and seconded.

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

17 (Whereupon, all members of  
18 the Town Board respond in favor  
19 with, "Aye".)

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

22 (Whereupon, no verbal  
23 response from the Town Board.)

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

Thank you very, very much.

(Whereupon, above matter  
concludes, 7:52 p.m.)

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of March, 2023.

Karen Lorenzo  
KAREN LORENZO

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**TOWN BOARD**

**TOWN OF OYSTER BAY**

REGULAR MEETING

March 21, 2023

7:52 p.m.

\*\*\*

**HEARING**

**P-9-23**

\*\*\*

**JOSEPH SALADINO**

SUPERVISOR

\*\*

**RICHARD LaMARCA**

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
DONNA ANTETOMASO,	DEPUTY TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.	TOWN ATTORNEY
THOMAS SABELLICO	DEPUTY TOWN ATTORNEY

A P P E A R E D:

ERIC SNIPAS, ESQ.  
Forchelli Deegan Terrana

STEVE SCHNEIDER  
Schnieder Engineering

1  
2 SUPERVISOR SALADINO: Please call the  
3 next hearing.

4 TOWN CLERK: Tonight's second  
5 hearing is to consider the application of  
6 Roundswamp Properties Inc, fee owner, and  
7 732 old Bethpage Road Corp., lessee, for  
8 a Special Use Permit and Site Plan  
9 Approval on premises located at 728 Old  
10 Bethpage Road, Old Bethpage, New York.

11 MR. SNIPAS: Good evening, Mr.  
12 Supervisor.

13 SUPERVISOR SALADINO: Good evening.

14 MR. SNIPAS: Good evening, Town  
15 Board. My name is Eric Snipas, attorney  
16 with the law firm of Forchelli Deegan and  
17 Terrana, 333 Earle Ovington Boulevard,  
18 Uniondale, New York. Here on behalf of  
19 732 old Bethpage Road Corp., better known  
20 as Villa Monte Pizzeria and Restaurant.

21 The current owner, as previously  
22 mentioned, is Roundswamp Properties Inc.  
23 A representative from Roundswamp  
24 Properties is here tonight, Attorney Jim  
25 Clark. 732 Old Bethpage Road is the

1  
2 lessee. Present with me Present with me  
3 tonight is Luca Schiano on behalf of  
4 Villa Monte; Doug Castellano from North  
5 Coast Civil; and Steve Schneider of  
6 Schneider Engineering, our parking  
7 engineer.

8 Our application tonight seeks a  
9 Special Use Permit and Site Plan approval  
10 to maintain the existing Villa Monte  
11 Pizzeria and restaurant with a maximum  
12 occupancy greater than 75 persons. Villa  
13 Monte has been operating at the premises  
14 for over 25 years without issue and is in  
15 the middle of a ten year lease that  
16 expires in 2030. Luca Schiano took over  
17 the business in 2020 and we filed this  
18 application in November of 2020.

19 I apologize if I'm losing my voice.  
20 I've been losing it all day, so bear with  
21 me.

22 Villa Monte offers dine-in,  
23 delivery, carry out, and catering  
24 services. Their menu includes over 30  
25 different specialty pizzas and provides

1  
2 numerous options for pasta, sandwiches,  
3 wraps and entrees.

4 Premises is known as 732 Old  
5 Bethpage Road. It's on the Nassau County  
6 Tax Map as Section 47, Block 4, Lot 7.  
7 It's approximately six-and-a-half acre  
8 parcel of land located in a neighborhood  
9 business zoning district, and it fronts  
10 on Bethpage Road, Haypath Road and Round  
11 Swamp Road. And there is egress and  
12 ingress on Round Swamp, as well as Old  
13 Bethpage Road.

14 It is currently improved with a  
15 57,569 square foot shopping center, which  
16 is occupied by 21 different tenancies,  
17 including Villa Monte. The existing  
18 shopping center serves the surrounding  
19 residential community. And to the north  
20 of the premises are residential  
21 properties in the R17 zoning district.  
22 Abutting the premises to the south is the  
23 7-Eleven convenience store in the zoning  
24 district, with more residential homes and  
25 Battle Row County Park Campground further

1  
2 south. To the east is county owned land  
3 and restoration farm.

4 Villa Monte occupies approximately  
5 5400ft<sup>2</sup> of space in the existing shopping  
6 center, with seating for 136 people.

7 While the restaurant has seating for 136  
8 people, it's rare that a 136 people at  
9 any given time are at the restaurant. The  
10 busiest days of the week are typically  
11 Fridays and Saturday nights, with the  
12 customer base tending to be seniors from  
13 the neighborhood. During the week,  
14 lunchtime tends to be the busiest, with  
15 people stopping in for pizza. But that  
16 dramatically tapers off around 2 p.m.

17 Now, at one parking space for three  
18 occupants, Villa Monte is required to  
19 provide 47 parking spaces. The total site  
20 provided 287 parking spaces and four  
21 loading spaces where 353 parking spaces  
22 and six loading spaces are required. So  
23 we will be seeking a variance from the  
24 Zoning Board of Appeals for a deficiency  
25 of 66 parking spaces.

1  
2 At this point, I would ask that  
3 Steve Schneider come before you and  
4 present his findings with respect to his  
5 parking study. And I will be handing up  
6 a copy of the parking study that Mr.  
7 Schneider provided (handing).

8 MR. SCHNEIDER: My name is Stephen  
9 Schneider, principal of Schneider  
10 Engineering, 43 Seacliff Avenue, Miller  
11 Place, New York 11764. I've been before  
12 this board for the last 30 or 40 or 50  
13 years, to be honest. But who's counting?

14 In either case, what I was asked to  
15 do was to do a parking study of the lot  
16 only. And we had to add the vacant space  
17 that was originally a gym for about  
18 7200ft<sup>2</sup>. That gym is vacant at this time.  
19 So I added one parking space for every  
20 200ft<sup>2</sup> for that piece of the property.

21 As was mentioned earlier, there's  
22 287 spaces plus the four loading spaces,  
23 for a total of 291 spaces. Using the 7200  
24 square foot vacant property, or portion  
25 of the property, and one space for 200,

1  
2 we would require 36 additional parking  
3 spaces for that facility that's not being  
4 used at this time.

5 I did take three different counts  
6 during peak times and days. There's just  
7 one change. The first date was March 1st  
8 from 12 noon till 2:00 on a Wednesday.  
9 The second was a Wednesday from 4:00 to  
10 6:00. These are peak hours for this type  
11 of facility. The third was not on a  
12 Friday, but on a Saturday, March 4th from  
13 12:00 till 2:00. So we took the peak  
14 times of the people going to the  
15 facility, even though some of the peak  
16 times of this business is later at night.  
17 At that time, the rest of the facility is  
18 even less populated.

19 So basically, I did a chart, as you  
20 may be able to see on page Three, showing  
21 the days we took the counts, the amount  
22 of counts, the amount of parking spaces  
23 that were vacant, and we came up with a  
24 worst case scenario in any one time that  
25 there was 164 parking spaces that would



1  
2 be available during a peak hour. What  
3 that means is if you still require that  
4 36, it will not be a problem, whatsoever.

5 Fortunately or unfortunately, with  
6 today's times, it's somewhere between 40  
7 and 60% full at any one time. And to add  
8 this type of facility, or use this type  
9 of facility plus the additional space  
10 that might be required, there really is  
11 plenty of parking spaces available.

12 I will also make note that the  
13 counts that I took also counted the cars  
14 that are really in the post office, which  
15 is not part of our 291, but I even  
16 included them in our counts to be more  
17 conservative.

18 That's what I have to say.

19 COUNCILMAN IMBROTO: As a frequent  
20 visitor to the shopping center, I can  
21 attest to that. It's rarely even half  
22 full. There's a lot of parking.

23 SUPERVISOR SALADINO: Are there any  
24 questions from the board members?

25 (Whereupon, no verbal

response.)

SUPERVISOR SALADINO: Thank you very much.

MR. SCHNEIDER: This is what I like. Thank you.

MR. SNIPAS: Thank you, Steve.

That concludes my presentation. If the Board has any questions I'd be happy to answer.

SUPERVISOR SALADINO: Any questions from the board members?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Not at this time. Thank you.

MR. SNIPAS: Thank you very much.

SUPERVISOR SALADINO: Next, we would like to know if there is anyone here who would like to be heard on this application. Anyone at all?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Please let the record reflect that no one has indicated

1  
2 that they'd like to be heard.

3 Is there any correspondence?

4 TOWN CLERK: The attorney for the  
5 applicant has filed the Affidavit of  
6 Service and Disclosure. The  
7 communications are as follows:

8 We have memos from the Department of  
9 Planning and Development, including the  
10 review of the required off street  
11 parking.

12 The Nassau County Land and Tax Map  
13 indicates the property is Section 47,  
14 Block 4, Lot 7.

15 According to the Town of Oyster Bay  
16 zoning maps, the property is located  
17 within a neighborhood business zone.

18 There is an open Code Enforcement  
19 Bureau case in Town Board Resolutions on  
20 file.

21 There is no further correspondence.

22 SUPERVISOR SALADINO: Okay.

23 COUNCILMAN IMBROTO: Supervisor, I  
24 make a motion that the public portion of  
25 this hearing be closed and that the

record be kept open for 30 days.

COUNCILMAN HAND: Second.

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

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

SUPERVISOR SALADINO: Those opposed,  
"Nay"?

(Whereupon, no verbal  
response.)

SUPERVISOR SALADINO: The ayes have  
it. Thank you.

(Whereupon, above matter  
concludes, 8:02 p.m.)

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of March, 2023.

Karen Lorenzo  
KAREN LORENZO

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**TOWN BOARD**

**TOWN OF OYSTER BAY**

REGULAR MEETING

March 21, 2023

8:03 p.m.

\*\*\*

**HEARING**

**P-10-23**

\*\*\*

**JOSEPH SALADINO**

SUPERVISOR

\*\*

**RICHARD LaMARCA**

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

A P P E A R A N C E S

P R E S E N T:

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

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

RICHARD LaMARCA	TOWN CLERK
DONNA ANTETOMASO,	DEPUTY TOWN CLERK
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.	TOWN ATTORNEY
THOMAS SABELLICO	DEPUTY TOWN ATTORNEY

APPEARED:

HOWARD AVRUTINE, ESQ.  
2116 Merrick Avenue, Merrick

TOM WHITNEY  
Catapano Engineering and Architecture PC,

BARRY NELSON  
220 Petit Avenue, Bellmore, New York, 11710.

SEAN MULRYAN  
Mulryan Engineering

EILEEN FITZSIMMONS,  
Operations, Starbucks

PUBLIC COMMENT:

Laraine Fitterman  
Serena Sun  
Charles Hearon  
Rita Ardolino Comerford  
Shao Li  
Michael Blaymore, Esq.

1  
2 SUPERVISOR SALADINO: The next  
3 hearing is to consider the application of  
4 321 Partners LLC, fee owner, and  
5 Starbucks Corporation, lessee, for a  
6 Special Use Permit and revocation of  
7 Declaration of Restrictive Covenants on  
8 premises located at 321 Jericho Turnpike.

9 (Whereupon, Application is  
10 displayed on monitors and  
11 referred to during  
12 presentation.)

13 MR. AVRUTINE: Good evening, Mr.  
14 Supervisor, members of the board. For the  
15 applicant, Howard Avrutine, 2116 Merrick  
16 Avenue in Merrick. This is the  
17 application of 321 Partners LLC and  
18 Starbucks Corporation for a Special Use  
19 Permit and to revoke a Declaration of  
20 Restrictive Covenants in order to operate  
21 a fast food restaurant with 88 occupants  
22 in a freestanding building with drive-  
23 thru services.

24 Premises under application is  
25 located at the northwest corner of

1  
2 Jericho Turnpike, which is New York State  
3 Route 25 and Humphrey Drive in Syosset.  
4 The premises has a street address of 321  
5 Jericho Turnpike, Syosset. It's also  
6 known as Section 15, Block E, Lot 195 on  
7 the Nassau County Land and Tax Map.

8 The premises is located in the NB,  
9 neighborhood business district, and is  
10 improved with a one story building  
11 formerly utilized as a Burger King fast  
12 food restaurant with drive-thru window.  
13 The Burger King restaurant ceased  
14 operation in approximately 2017 after a  
15 fire at the property.

16 The Burger King was originally  
17 constructed in approximately 1975. By  
18 Resolution 524-85, adopted on June 4th,  
19 1985, the Town Board granted a Special  
20 Use Permit authorizing installation of a  
21 "drive-up" window, allowing the existing  
22 Burger King restaurant to be used as a  
23 drive-in restaurant and take out service,  
24 and also the approval of authorized  
25 construction of a greenhouse extension at

1  
2 the southeast corner of the restaurant to  
3 be used as an additional dining area. In  
4 connection with that approval, the Board  
5 imposed various Covenants and  
6 Restrictions.

7 By this application, the applicants  
8 seek approval of a Special Use Permit to  
9 utilize the subject premises owned by 321  
10 Partners LLC and leased to Starbucks  
11 Corporation, to be utilized as a fast  
12 food restaurant with 88 occupants and a  
13 drive-thru window in accordance with the  
14 site plan and plans prepared by Catapano  
15 Engineering and Architecture PC, which  
16 are before the Board.

17 This application also seeks to  
18 revoke the prior Covenants and  
19 Restrictions which were part of the 1985  
20 approval, inasmuch as, the Burger King is  
21 no longer in operation. And in the event  
22 this application is approved, this Board  
23 will require the execution and reporting  
24 of a new Declaration of Restrictive  
25 Covenants.

1  
2           The plans before you depict 25  
3           parking spaces on site with 32 spaces  
4           required. Therefore, in the event this  
5           application is approved, a parking  
6           variance from the Zoning Board of Appeals  
7           will be required with respect to the  
8           deficiency.

9           A variance will also be required for  
10          a deficiency of queuing spaces with six  
11          required and three provided. You'll note  
12          from reviewing the site plan that we  
13          actually have queuing room for ten  
14          vehicles, but for purposes of the  
15          requirement, the number of required  
16          queuing spaces is measured from the order  
17          board, not the full length of queuing.

18          COUNCILMAN IMBROTO: Could you just  
19          describe that a little bit better? Where  
20          is the order board?

21          MR. AVRUTINE: What I'll do, I just  
22          was describing what that variance was in  
23          terms of the deficiency. Our project  
24          engineer, Mr. Whitney, will describe the  
25          site in detail. We actually put it on a



1  
2 thumb drive. This is my first attempt at  
3 this. We'll see how it goes.

4 So we're going to go through all of  
5 the details of the site plan and answer  
6 any questions. So when we get to that  
7 point, if that's okay.

8 In addition, there'll be some  
9 dimensional variances they require.

10 Regarding deliveries, deliveries  
11 will be by box truck and they'll be no  
12 larger than 24ft long and it's one per  
13 day. The hours of operation are the  
14 hours permitted by the Town Code. That's  
15 6:00 a.m. to 11:00 p.m., seven days a  
16 week. And deliveries will take place as  
17 will refuse removal during normal  
18 business operation hours. Refuse is  
19 picked up starting out at the beginning  
20 of operation, it will be every two days  
21 that refuse is picked up at the premises.  
22 If business dictates that more pickups  
23 are required, then it'll be adjusted  
24 accordingly to make sure that there was  
25 no issue on refuse pickup. Deliveries are

1  
2 typically one per day.

3 And as far as employees, this  
4 location will employ 25 to 30 employees.  
5 There will be a maximum at any given time  
6 on premises of eight to 10 employees.

7 The seating is as depicted in the  
8 plans that are before the Board, and Mr.  
9 Whitney can bring that up on the screen  
10 during his comments.

11 So unless the Board has questions of  
12 me at this point, I'd like to call Tom  
13 Whitney, the project engineer, to take us  
14 through the site design and answer all  
15 the questions.

16 COUNCILMAN IMBROTO: Can I just ask  
17 that you please cover the drive-thru  
18 queuing thoroughly, particularly with  
19 respect to the relation of the ordering  
20 speaker window and where the cars are  
21 going to be queuing up.

22 MR. AVRUTINE: Sure.

23 MR. WHITNEY: Thomas Whitney,  
24 Catapano Engineering and Architecture 585  
25 Broad Hollow Road, Melville, New York.

1  
2 I guess we can start with your  
3 direct question. So the site is designed  
4 with a ten car queue, and that's counting  
5 from the pickup window around to the  
6 first car in the designated queuing area.  
7 Oyster Bay counts cars in your code from  
8 the order point, not from the pickup  
9 window. So we have three cars from the  
10 order point to the end of the queue and  
11 then we have ten cars total within the  
12 queue. The reason for the placement of  
13 this, which is at car number eight, is  
14 that once they get to car number seven or  
15 eight with the order point, you're more  
16 likely to have your coffee ready at the  
17 window when you get there during a full  
18 queue. If they start to put it closer,  
19 there's more opportunity that you'll be  
20 waiting at the window, which causes the  
21 queue to have to wait for that car to get  
22 served. So there's a timing element as to  
23 the placement of the order point and how  
24 many cars behind the window it is to  
25 minimize the time each car is at the

1  
2 window.

3 COUNCILMAN IMBROTO: And what is the  
4 typical amount of time that it takes to  
5 order the drink and what is the amount of  
6 time it typically takes to make the drink  
7 and I presume pay for the drink when you  
8 pick it up?

9 MR. WHITNEY: Right. Well, I don't  
10 work in their operations team, but I can  
11 tell you that the estimated at car seven  
12 or eight at the order point is at the  
13 designated location as we have it, I  
14 believe I have a chart here, the time at  
15 the window during a busy time is 54  
16 seconds is what they estimate.

17 COUNCILMAN IMBROTO: At the ordering  
18 window?

19 MR. WHITNEY: At the pickup window  
20 to have your coffee handed off and pay  
21 for the coffee.

22 COUNCILMAN IMBROTO: Okay. But the  
23 cars are going to begin queuing at the  
24 ordering window. How long are they going  
25 to be there?

1  
2 MR. WHITNEY: At the ordering  
3 speaker?

4 COUNCILMAN IMBROTO: Yeah.

5 MR. WHITNEY: I don't have a time.  
6 It depends on -- I mean, that's a hard  
7 thing to estimate. Some people order real  
8 quick. They have their daily thing. Other  
9 people --

10 COUNCILWOMAN MAIER: Well, there are  
11 industry standards for that. Typical is  
12 three minutes --

13 MR. WHITNEY: Right. So most people  
14 who are regulars have their order in  
15 their minds.

16 COUNCILMAN IMBROTO: Right. But they  
17 vary widely from a Dunkin Donuts versus a  
18 Starbucks.

19 COUNCILWOMAN MAIER: That's correct.  
20 Yes. I think what we're looking for is  
21 what is the standard for a typical  
22 Starbucks order from order point to pick  
23 up and drive off?

24 MR. WHITNEY: Okay. So I'm a civil  
25 engineer that works --

1  
2 COUNCILMAN IMBROTO: If you don't  
3 have that, it's fine. Just get it to us,  
4 please.

5 MR. WHITNEY: But we do have people  
6 here from the Operations Team that I can  
7 bring forward later to discuss more about  
8 the operational things. But I'm here --

9 COUNCILMAN IMBROTO: The reason I  
10 ask is that there are a number of  
11 drive-thru Starbucks. Some of them are  
12 problematic, some of them are not.  
13 There's one in particular I'm thinking of  
14 which has cars queuing up on a main road  
15 fairly frequently, almost all the time.  
16 And we don't want to have a situation  
17 like that here. So we really need that to  
18 be addressed properly and thoroughly, so  
19 we don't have a situation with cars  
20 backing up on Jericho Turnpike when  
21 they're trying to get into Starbucks and  
22 other cars are trying to get through and  
23 get around them during peak Starbucks  
24 time, which is when everyone else is  
25 trying to get to work.

1  
2 MR. WHITNEY: Understood. The start  
3 of the queue is not at the front of the  
4 site. It's kind of midway through. So  
5 there is probably additional overage of  
6 about 3 to 4 cars before the curb line.  
7 So there is a sort of buffer where if  
8 that was to happen, if, say, a car  
9 delayed at that window, there is a bit  
10 of, for lack of a word, pre queue area on  
11 the site. So a car could wait there for a  
12 second and then move forward. So if you  
13 do have someone who's indecisive at the  
14 order board.

15 COUNCILMAN IMBROTO: But as far as  
16 avoiding backup or overflow on the  
17 street, it's better to have the ordering  
18 speaker at the third car than at the  
19 eighth car, for example. Correct?

20 MR. WHITNEY: I'm not sure if you  
21 understanding.

22 COUNCILMAN IMBROTO: Closer to the  
23 entrance than the exit.

24 MR. WHITNEY: Right. So what would  
25 happen then if we move the order board to

1  
2 the third car from the window, is the  
3 person who orders would now be sitting at  
4 that order board waiting for the car  
5 number one at the window to have their  
6 coffee brewed and, therefore, the line  
7 wouldn't move. They'd just be sitting  
8 there staring at the order board, waiting  
9 for the cars ahead of them to get served  
10 because there wasn't enough time between  
11 the order point and the window to make  
12 the coffee.

13 COUNCILMAN IMBROTO: So based on  
14 your experience, it's better to have it  
15 closer to the entrance which is where  
16 it's situated on this side.

17 MR. WHITNEY: Correct. So the  
18 optimal placement for them is car seven  
19 or after to get to that minimal timeline  
20 at the window. After that, it sort of  
21 levels out because people can only get  
22 their credit card out, hand it off and  
23 hand off the coffee so fast. So it sort  
24 of flattens out at a certain amount of  
25 time, just because of the time a



1  
2 transaction takes. And so that is where  
3 we're in that zone of their minimal time  
4 that they're able to perform that  
5 transaction.

6 COUNCILMAN IMBROTO: Okay.  
7 Continue.

8 MR. WHITNEY: Okay.  
9 So with this site design, we're  
10 utilizing the existing two curb cuts on  
11 Jericho Turnpike. We've already obtained  
12 DOT approval on this site. We have not  
13 picked up a permit because we need to get  
14 further along in our processes here with  
15 Oyster Bay. But we have an approval from  
16 DOT. The site is designed as a sort of a  
17 horseshoe, one way loop with parking at  
18 the entrance curb cut, and then  
19 additional parking along the West  
20 property line access through a bypass  
21 lane that goes around the building.

22 Currently, we're proposing 25  
23 parking stalls. Very similar to the  
24 existing configuration as far as their  
25 placement in abutting the street along

1  
2 Humphrey. There are four parking spaces  
3 and then a large parking row along the  
4 western property line, which abuts a  
5 commercial parking lot on the other side  
6 of that fence.

7 The lanes, as far as the back of the  
8 property, the drive-thru lane and the  
9 bypass lane are the existing  
10 configuration of the Burger King  
11 restaurant with the drive-thru lane by  
12 extending the queue further out, we were  
13 able to create a gentler turning radius  
14 which makes for more site safety. It also  
15 allows for more queuing than with the  
16 existing Burger King restaurant had  
17 functioning prior.

18 The existing drive-thru window is in  
19 the same location as the existing Burger  
20 King and that is on the west elevation  
21 about 11'2" from the front corner. So the  
22 order board and the pickup window do not  
23 face the closest house, they face side  
24 properties, the sides on either side to  
25 try to take that away, which the existing

1  
2 configurations of Burger King had the  
3 order board facing the north property  
4 line.

5 There's a small outside seating area  
6 on the concrete walkway in the front and  
7 then interior seating for the cafe.

8 SUPERVISOR SALADINO: Question:  
9 With so many of these fast food  
10 locations, there had, at least in the  
11 past, tended to be a blaring speaker  
12 that's very loud. Do they propose High  
13 tech equipment that will be clear at a  
14 lower volume to not need this distorting  
15 loudspeaker or a microphone that people  
16 don't have to shout at? Is there a  
17 higher, better technology that would be  
18 utilized at this location?

19 MR. WHITNEY: Yeah. So we have a  
20 speaker where they can have a volume  
21 adjustment on it. The speaker also has a  
22 feature which they call AVC, which is  
23 automatic volume control. So what that  
24 does is it allows the speaker, let's say  
25 something loud is happening on Jericho

1  
2 Turnpike. It'll briefly elevate the sound  
3 so the person can have that transaction  
4 but will drop the sound back down to the  
5 minimal level once the ambient sound  
6 drops. So, therefore, you don't have to  
7 say like, Hey, have my customers can hear  
8 the speaker when there's a truck at the  
9 traffic light or something like that. We  
10 have to turn it up and keep it up. This  
11 allows you to set the volume to a lower  
12 standard and it would only incidentally  
13 go up if there's ambient noise that  
14 requires it to be a bit louder for the  
15 person to have a transaction.

16 SUPERVISOR SALADINO: Thank you.

17 COUNCILWOMAN MAIER: I have a  
18 question regarding the parking stalls. So  
19 right now you're proposing 25 parking  
20 stalls. How many of those or are there  
21 any that are dedicated to mobile or  
22 curbside pickup? Curbside for delivery.  
23 We have mobile. We have curbside.  
24 Customers have place to order on the app  
25 and then you can park in a stall and wait

1  
2 to --

3 MR. WHITNEY: So there are three  
4 parking spaces, number 15, 16 and 17,  
5 which would be designated as five minute  
6 parking. And that's intended for people  
7 who use the mobile app who say, I don't  
8 want to get on that drive-thru line. I'm  
9 going to order ahead. They can pull in  
10 and there's a quick turnover in those  
11 stalls so they can pull in, run and grab  
12 their coffee and run out.

13 COUNCILWOMAN MAIER: Do you have any  
14 that are designated for delivery drivers  
15 or do they just pick any spot? Uber, Door  
16 Dash, any of those delivery platforms, I  
17 know those are becoming a lot more  
18 popular.

19 MR. WHITNEY: We don't have one  
20 designated. We do have some Starbucks  
21 employee parking at the back corner of  
22 the site, stalls one and two. I can talk  
23 with Starbucks. If that's something that  
24 the Town would like, a designated spot,  
25 we can talk with them to see if that's

1  
2 something --

3 COUNCILWOMAN MAIER: Yeah, I just I  
4 mean, myself owning a couple of  
5 restaurants myself, I'm aware that the  
6 delivery platform is becoming a lot more  
7 popular. Where they used to be only a few  
8 percentage points of your sales. Now  
9 they're upwards of averaging 15 to 20%.  
10 So we have a lot of traffic coming in and  
11 out. Sometimes it's the same driver. A  
12 lot of times it's not. Different drivers  
13 in and out. So if you have one or two  
14 spots that are designated for those  
15 drivers, I think it would probably cause  
16 less incidence of accidents or confusion  
17 for the delivery drivers to know where to  
18 park and be as efficient as possible.

19 MR. WHITNEY: We could definitely  
20 consider that.

21 COUNCILWOMAN WALSH: Is the other  
22 Starbucks on Jericho, is that closing or  
23 did I miss that part?

24 MR. WHITNEY: So the existing  
25 Syosset, the closest Starbucks to this,

1  
2 would be relocated to this.

3 COUNCILWOMAN WALSH: Relocating.  
4 Okay.

5 SUPERVISOR SALADINO: Are there  
6 other questions?

7 (Whereupon, no verbal  
8 response.)

9 SUPERVISOR SALADINO: Please  
10 continue.

11 MR. WHITNEY: I think I'm pretty  
12 close to done.

13 MR. AVRUTINE: I would just like to  
14 add a point, if Tom didn't already cover  
15 it, and that is there's no access to the  
16 premises from Humphrey Drive. So the sole  
17 access is from Jericho Turnpike. So if  
18 you travel westerly on Jericho Turnpike,  
19 make a right hand turn in, either utilize  
20 the drive-thru or utilize the passthrough  
21 lane to park and go inside. And then  
22 exiting the site, there's a curb cut on  
23 the westerly side of the premises. Right  
24 hand turn only, no left hand turn. So  
25 it's a right turn in. Go negotiate the

1  
2 property, leave the property, right hand,  
3 turn lane out, no left turn permitted, no  
4 access on property. So this was designed  
5 to minimize impacts on the surrounding  
6 area to the maximum extent that we could.

7 Also, New York State DOT has  
8 reviewed the plan and given conceptual  
9 approval, subject obviously to all of the  
10 local approvals that are required. So I  
11 just wanted to clarify that as well.

12 At this time. If I may, I'd like to  
13 call Barry Nelson to testify regarding  
14 the Town's Special Use Permit standards.

15 MR. NELSON: Good evening,  
16 Supervisor, members of the board. It's  
17 Barry Nelson, 220 Petit Avenue, Bellmore,  
18 New York, 11710.

19 I see you do have screens, so you  
20 have my photographs. I handed in a  
21 packet of photographs that should be  
22 available to you. That includes 35  
23 pictures, I believe 36 pictures of the  
24 subject property and the surrounding  
25 uses. If the board would like, I can hand



1  
2 in a hard copy (handing).

3 The site, in fact, as counsel  
4 mentioned, it's been a Burger King since  
5 1974. In fact, before that it was a drive  
6 up Wetson's since the mid 1960s. I think  
7 it was 1963 or 4. So it's always been a  
8 fast food type operation at that  
9 location, at least since the 1960s. In  
10 fact, the area along Jericho Turnpike,  
11 the subject property, is a neighborhood  
12 NB zoning district. That would be, for  
13 the most part, along the frontage on the  
14 north side of Jericho Turnpike from  
15 Humphrey Drive to Burke Lane on the west.  
16 Going east, the corner parcel northeast  
17 corner is a GB district. Then you go back  
18 to the NB district. On the south side,  
19 you have the NB districts, and they go  
20 further south between to the east of  
21 Bruce Street and to the west of Bruce  
22 Street. And those are oversized depth  
23 parcels.

24 The development just to the west of  
25 the subject property is a multi-tenanted

1  
2 supermarket, LIDL; retail stores;  
3 Pizzeria; Bagel; Quest Diagnostic; Mavis  
4 Auto Tire Center. As you further go west  
5 is a Bolla/Mobil car wash and C-store. To  
6 the east is a Dunkin Donuts. You have a  
7 restaurant further east and some retail  
8 stores. The south side, southwest corner  
9 of Bruce Street and Jericho Turnpike  
10 would be Celebrity Diner, you have the  
11 North Ritz Club, which is a catering  
12 facility. To the east there's a  
13 substantial shopping center that includes  
14 a Chris and Tony restaurant; pizzeria;  
15 you got cards; boutiques; and Verizon.  
16 Just about all these commercial  
17 developments, they are adjacent to  
18 residential districts. Further north  
19 east, the development to the west goes  
20 approximately 330ft, plus or minus north  
21 of Jericho Turnpike. In fact, the well  
22 maintained single family homes on  
23 Humphrey Drive on the westerly side for  
24 the most part, the first six or seven  
25 houses do back up to the supermarket and

1  
2 commercial retail to the west. The first  
3 three houses along Humphrey Drive and  
4 back in 2013, 2014 was the single  
5 dwelling. They were pursuant to a zoning  
6 variance that enabled to construct three  
7 single family colonial homes, all well  
8 maintained on approximately 50 foot  
9 frontages. They're well maintained in  
10 good condition, but again, the first  
11 house is adjacent to the commercial. The  
12 next five are back up to the commercial  
13 district. As is on the easterly side of  
14 Humphrey Drive. They back up to the  
15 commercial development -- I mean side to  
16 the commercial development for the first  
17 house. And the rest are single family  
18 colonials, split levels and Cape Cod  
19 design houses.

20 As you heard, the site contains  
21 approximately 24 plus thousand square  
22 feet of land area. The proposal will  
23 include a total renovation of the  
24 existing building to a typical new  
25 Starbucks with a drive-thru. There will

1  
2 be no access from Humphrey Drive. That  
3 will strictly be in one side on Jericho  
4 Turnpike from the east and the westerly  
5 side an exit.

6 COUNCILMAN IMBROTO: What would  
7 comprise the boundary with Humphrey  
8 Humphrey Drive; what would be along that  
9 end of the property?

10 MR. NELSON: There are some  
11 landscaping. There is the relocation of  
12 the existing refuse from the northwest  
13 corner to the easterly side. But there  
14 will be some, as you see, landscaping  
15 from the fourth parking space north. Then  
16 you've got the corners and along Jericho  
17 Turnpike frontage there's more  
18 landscaping. There will be some signage  
19 for the Starbucks.

20 COUNCILMAN IMBROTO: But there will  
21 be no landscaping where those four  
22 parking spaces are located directly  
23 adjacent to Humphrey Drive?

24 MR. WHITNEY: Correct. On Humphrey  
25 Drive there will be no landscape, but

1  
2 that's where Burger King has its existing  
3 parking right up to the front property  
4 lines. So there will be a substantial  
5 improvement as you go from the corner and  
6 then as you get closer to the resident  
7 number seven and nine, Humphrey Drive.

8 COUNCILWOMAN MAIER: Quick question  
9 for you. Where was the trash enclosure  
10 when it was the Burger King?

11 MR. NELSON: It's in my photographs.  
12 It's on the north west corner.

13 COUNCILWOMAN MAIER: Right. I see  
14 where it is on the proposed plan. But  
15 where was it when it was a Burger King?

16 MR. NELSON: As I was informed,  
17 parking stalls one and two and it is on  
18 my photograph. Photograph page number  
19 six.

20 COUNCILWOMAN MAIER: So it was on  
21 the west side?

22 MR. NELSON: Northwest corner.

23 COUNCILWOMAN MAIER: Now you're  
24 proposing it on the east?

25 MR. NELSON: Yes. That's where the

1  
2 applicant is proposing.

3 COUNCILMAN IMBROTO: So you're  
4 relocating it next to where the houses  
5 are?

6 MR. NELSON: It would be on the  
7 easterly side. It's against the same  
8 house, 7 Humphrey. But it's moved up with  
9 landscaping surrounded on the easterly  
10 side.

11 COUNCILWOMAN MAIER: But it was on  
12 the westerly side when it was a Burger  
13 King?

14 MR. NELSON: Yes. It abuts the  
15 single one house to the north.

16 SUPERVISOR SALADINO: What was the  
17 need to move that?

18 MR. WHITNEY: Thomas Whitney of  
19 Catapano Engineering.

20 So when we were working on the site  
21 plan in order to -- we have a few  
22 locations, obviously we have to choose a  
23 location that a truck can easily access  
24 the trash enclosure. So when coming up  
25 with this site plan and having the queue

1  
2 we had, we came up with this location as  
3 a way to maximize the number of parking  
4 stalls. So basically we moved it from the  
5 area now which is on our site plan. The  
6 proposed site plan would be area parking  
7 space one and two. We moved it over to  
8 this corner where it's accessible, but it  
9 allowed us to turn that other area into  
10 parking. So that was the the reason for  
11 moving it to this corner.

12 COUNCILMAN IMBROTO: We'll ask the  
13 residents. But in your opinion, which  
14 location has less of an impact on the  
15 neighboring residents?

16 MR. WHITNEY: We're willing to be  
17 flexible about the trash location and we  
18 can discuss that further. What we were  
19 looking here is to try to minimize  
20 variances and the scope of the variance  
21 for parking. And we were working with  
22 planning to come up with what would  
23 minimize any sort of relief being sought  
24 for parking. We are flexible with what  
25 the Board we'd like to see and what we

1  
2 can do to improve that, but we started  
3 trying to minimize that variance and then  
4 we will --

5 COUNCILMAN IMBROTO: Can you speak  
6 to the efforts that were taken to  
7 minimize the impact on the residential  
8 neighbors?

9 MR. WHITNEY: Sure. The trash  
10 enclosure from the previous one, we went  
11 with the masonry solid walled trash  
12 enclosure. So that way it's not as open  
13 as the chain link one that exists. We  
14 moved it to 7'3" off the property line.  
15 So there is more of a buffer than the  
16 existing unit that is on the site today.  
17 We've provided a dense landscape barrier  
18 around it to try to minimize also the  
19 visibility of it, to soften it, to give  
20 it some green around it so it's not as  
21 visible outwardly from the street.

22 COUNCILMAN IMBROTO: I'm not just  
23 talking about the trash enclosure. I just  
24 mean in general, the impact of the total  
25 site on the neighbors.



1  
2 MR. WHITNEY: So we've paid  
3 attention to Humphrey Drive and the idea  
4 by creating a longer queue, we were able  
5 to create a landscape area. Right now  
6 Burger King runs parking all the way  
7 across that whole property line, which  
8 obviously creates a sort of  
9 curb/sidewalk/pavement kind of situation.  
10 So we were able to give quite a long  
11 length of landscape along the residential  
12 buffer, which does -- obviously, as you  
13 get closer to Jericho, we do need some  
14 parking. So we do have four parking  
15 stalls there. By extending the queue,  
16 we're able to remove a large length of  
17 parking and create landscape.

18 COUNCILMAN IMBROTO: Would there be  
19 any possibility of adding any  
20 landscaping, even just arborvitae or  
21 something along where those four parking  
22 spaces are just to break up the visual  
23 impact.

24 MR. WHITNEY: Currently, there isn't  
25 land there to put landscaping in. The

1  
2 arborvitae along where we're showing them  
3 right now, which is the plant type around  
4 the trash enclosure, we can extend those  
5 a bit further along the sidewalk to  
6 create more of a barrier along that  
7 sidewalk. If that's something that the  
8 board thinks would help buffer a bit.

9 SUPERVISOR SALADINO: As it relates  
10 to the plantings that are taking place on  
11 that, we'll call it the northeast portion  
12 of the property. How tall would the trees  
13 be when -- tree planting detail -- how  
14 tall will those trees be when they're  
15 planted? What will the distance be  
16 between the trunks to give us a sense of  
17 density?

18 MR. WHITNEY: There are several  
19 different plant types in the area. The  
20 largest tree we're looking at is going to  
21 be about 5 or 6ft tall when it's planted.  
22 But this is a cypress tree and it'll grow  
23 larger in time.

24 SUPERVISOR SALADINO: How many of  
25 those plants between 5 to 6ft tall will

1  
2 be planted between these four parking  
3 spots and the trash can enclosure?

4 MR. WHITNEY: Okay. So there are  
5 junipers, just a three gallon pot. So it  
6 starts out as a lower planting and then  
7 it goes up to the arborvitae, which are  
8 around the trash, are 6 to 8ft tall. But  
9 along the sidewalk right now, we have the  
10 plantings as lower, like three gallon pot  
11 plantings of junipers and other  
12 evergreens mixed with some other variable  
13 deciduous plants.

14 SUPERVISOR SALADINO: So how tall  
15 would those be?

16 MR. WHITNEY: I mean, they vary, but  
17 you're talking like three, 3 or 4ft.

18 SUPERVISOR SALADINO: Three or four  
19 feet would be the tallest among? You  
20 said a variety of plantings. Would they  
21 be the tallest or the average?

22 MR. WHITNEY: So we have a mix of  
23 like Holly and Bayberry and stuff. So  
24 these are low growing plants. They'll be  
25 planted in a three gallon pot. So they're

1  
2 not going to be huge plants when they're  
3 planted.

4 SUPERVISOR SALADINO: So those  
5 plants wouldn't be blocking the view --

6 MR. WHITNEY: No, they'd be adding a  
7 green environment.

8 SUPERVISOR SALADINO: When you were  
9 inside.

10 So let's get back to the original  
11 question. You mentioned a tree between 5  
12 and 6ft in that strip. How many of those  
13 will be planted in there?

14 MR. WHITNEY: We are proposing only  
15 one, the one large cypress tree being  
16 planted there.

17 SUPERVISOR SALADINO: So we couldn't  
18 really consider this a green screen from  
19 the community or someone walking along.

20 MR. WHITNEY: It's a landscape  
21 buffer, but it's not a high green screen.  
22 No, it's not like a living fence or  
23 anything like that. Not until you get  
24 closer to the trash enclosure where  
25 there's arborvitaes.

1  
2 SUPERVISOR SALADINO: Would the  
3 applicant consider more of those taller  
4 trees.

5 MR. WHITNEY: Yes.

6 SUPERVISOR SALADINO: That's all  
7 flexible depending what the residents may  
8 want in terms of a green screen?

9 MR. WHITNEY: Yeah.

10 SUPERVISOR SALADINO: Okay. Thank  
11 you.

12 COUNCILWOMAN MAIER: I have a couple  
13 of questions going back to the trash  
14 enclosure. So I'm assuming that you've  
15 played around with this and have the  
16 trash enclosure moved to the west side of  
17 the site. So how many parking stalls  
18 would you lose if you moved it from the  
19 east side to the west side?

20 MR. WHITNEY: Approximately three.

21 COUNCILWOMAN MAIER: You lose three  
22 spaces. Have you had any conversations  
23 with the neighbor? The adjacent neighbor  
24 that that lives there? Because the trash  
25 enclosure obviously is much closer to

1  
2           their house on the east side than it is  
3           on the west side. On the west side, it  
4           would be in their backyard more. On the  
5           east side, it's really in their front  
6           yard.

7           MR. WHITNEY: Right. But we did speak  
8           with them briefly today. I think they're  
9           interested in talking more about the  
10          trash. And we offered to work out any  
11          compromises we can. And yeah, I mean,  
12          when it comes to this, you know what  
13          their preference is. I don't know if they  
14          prefer it closer to their yard or closer  
15          to their driveway, you know, or what  
16          their preference is. But we're open to  
17          hearing what their preferences are and  
18          seeing what we can do.

19          COUNCILWOMAN MAIER: And how many  
20          seats did you propose inside?

21          MR. WHITNEY: There are 14 exterior  
22          seats and it calculates out a little  
23          weird because there's bench seating and  
24          they count seats out by linear. So it's  
25          71 interior and 14 exterior.

1  
2 COUNCILWOMAN MAIER: Now what type  
3 of seating? Because it's the Starbucks  
4 where people get coffee. I mean, what is  
5 the average length of stay for a person  
6 when they go get coffee?

7 MR. WHITNEY: I don't I don't have  
8 that information. But we do have people  
9 here from the Operations Team that can  
10 speak to that.

11 COUNCILMAN IMBROTO: Okay. What are  
12 some of the other concerns that the  
13 residents raised and how did you, or  
14 whoever, propose to address them?

15 MR. AVRUTINE: Okay, I'll go.

16 Just to amplify what Mr. Whitney  
17 indicated regarding a potential  
18 relocation of the trash receptacles and  
19 enclosure, it would be moved, as was  
20 discussed, from its current location to  
21 the westerly side of the property and not  
22 as far north. So it would take up three  
23 spaces roughly in the middle of that  
24 westerly row. So that is probably the  
25 best alternate location to the one that's

1  
2 on here, if the Board found the current  
3 proposed location unacceptable. And we do  
4 lose three spaces, we acknowledge that,  
5 but we still also believe that the site  
6 will function properly with those three  
7 fewer spaces if we relocate the trash  
8 enclosure and the trash receptacles, and  
9 then that area can be buffered further  
10 with additional landscaping material over  
11 there.

12 I'd like to also point out if we can  
13 go back to Mr. Nelson's photos. I think  
14 it's important if you can go to photo  
15 number 16.

16 (Whereupon, Photo 16 is  
17 displayed and referred to.)

18 MR. AVRUTINE: So you can see there  
19 that in between the northerly side of  
20 subject property and the residential  
21 property directly to the north, there are  
22 mature evergreen trees. Most of those  
23 trees are within the property line of the  
24 subject property and not on the  
25 residential property to the north. There



1  
2 is fencing -- and can you please go to  
3 17? There's another view of that same  
4 situation. Now what I'd like you to do if  
5 we can go to another picture in a moment.  
6 Just find the picture, 14 (referring).  
7 So there is a guardrail, which you can  
8 see in this photo, and there's a fence  
9 beyond that guardrail. That is not the  
10 property line. The property line extends  
11 another six feet north. So all of that  
12 dense, mature, evergreen shrubbery there  
13 is on our property, we intend to maintain  
14 it. There's nothing more effective at  
15 buffering than many, many years old  
16 evergreens that took years and years to  
17 get to this state of visual barrier. So,  
18 yes, we can certainly plant other things  
19 along the property with colors and make  
20 it attractive. As we all know, to get  
21 this type of screening takes some time.  
22 Fortunately, it's already here, it's  
23 already being maintained and will  
24 continue to be maintained.

25 To follow up on another question

1  
2 that was posed about other things that we  
3 spoke to the residents about, and they'll  
4 speak for themselves, I won't purport to  
5 characterize their comments, but they're  
6 concerned about the drive-thru itself,  
7 the very existence of it on this plan.  
8 And that is really the centerpiece of  
9 this application as far as the applicant  
10 is concerned. And we bring that here and  
11 we present that to this Board with a  
12 history. There's been a drive-thru at  
13 this location and roughly this similar  
14 configuration for 50 years. And yes, it  
15 ceased in 2017 and it's back for a new  
16 approval. But it's not as if there hasn't  
17 been a drive-thru at this location in a  
18 substantially similar, as I indicated,  
19 configuration for decades.

20 Also, we're not working from a clean  
21 slate here. We're not demolishing the  
22 building. We don't own the property.  
23 We're leasing it from the property owner.  
24 The building is there. It is being  
25 rebuilt. It is not being demolished and a

1  
2 new building going in its place. So  
3 considering the fact that the building is  
4 in its current location, it's going to be  
5 totally rehabilitated, but the drive-thru  
6 the shape of the the property, the  
7 location of the building, the size of the  
8 building dictates where the drive-thru  
9 window goes. And it's roughly in the same  
10 place that the existing one is.

11 And I'll point out that the 1999  
12 Site Plan that was approved in connection  
13 with some changes that took place at the  
14 Burger King had the northerly driving  
15 lane, the passthrough lane, not the  
16 drive-thru, the one adjacent to it that  
17 allowed vehicles to go past the  
18 drive-thru vehicles and either find a  
19 parking space or exit the site went right  
20 to the property line. So that's been  
21 modified to shift a little bit further  
22 south, maintain the existing landscape,  
23 and there'll be new fencing. The  
24 guardrail will remain so that there is no  
25 concern about an errant vehicle leaving

1  
2 the site. There's going to be a guardrail  
3 there, which is going to serve to make  
4 sure that nothing like that can possibly  
5 happen.

6 So as I said, you'll hear from the  
7 neighbors, they raised those sorts of  
8 concerns. They raised issues of sound.  
9 It's an issue that we are dealing with to  
10 the maximum extent that we can with a  
11 sound system, as in response to the  
12 supervisor's question, which it does  
13 raise to a level of 15dB, maximum above  
14 ambient sound when necessary to ensure  
15 that a customer can be heard, but then  
16 automatically lowers to a lower decibel  
17 level when there's not ambient sound,  
18 which is what you're going to likely get  
19 in many instances, just from your  
20 proximity to Jericho Turnpike with the  
21 number of vehicles, the size of the  
22 vehicles, sadly, the potholes the people  
23 hit and those types of sounds that will  
24 might make placing an order a little bit  
25 more difficult. So the volume is raised

1  
2 in that context, but then again lowered.  
3 We put the order area as far away from  
4 the residents to the north as we could.  
5 The Burger King had it much, much further  
6 north.

7 So within the confines of what we  
8 have, we've taken the steps that we can  
9 take to minimize the impact and try to do  
10 as best as we can for the neighbors, but  
11 recognizing that there's always this bit  
12 of a conflict when you have commercial  
13 abutting residential to do the best you  
14 can to mitigate, but still be able to  
15 function in a way that makes your  
16 property investment realistic and the  
17 ability to do business. So we're trying  
18 to do all of those things. Whether we can  
19 satisfy everyone, that's a tougher, a  
20 taller order, but we do the best we can  
21 with it.

22 SUPERVISOR SALADINO: So if your  
23 presentation is complete --

24 SUPERVISOR SALADINO: I have a  
25 little bit more. I'm sorry, Mr.

1  
2 Supervisor, I'm not like the first two  
3 cases that went too fast.

4 I have my next witness is Sean  
5 Mulryan. Oh, I'm sorry. Mr. Nelson was  
6 not done. My apologies. He's just going  
7 through and finish his analysis of the  
8 code.

9 SUPERVISOR SALADINO: Please, Mr.  
10 Nelson, continue.

11 MR. NELSON: Thank you. I'll be  
12 brief.

13 Actually, the reason we're here is  
14 it's a permitted accessory use after a  
15 Town Board hearing for the drive-thru and  
16 for the restaurant. Interestingly, this  
17 site pays one of the highest per square  
18 foot for real estate taxes because it's a  
19 fast food drive-thru. Typically you find  
20 your banks and these type of uses  
21 developments at the highest level for  
22 real estate taxes, and that site  
23 generates approximately \$71,000 in real  
24 estate taxes.

25 The Special Use Permit would be

1  
2 246-9, and the standards are 9.41 through  
3 9.41.15. And I can read each one of them,  
4 but I think the Board is very familiar  
5 with those standards. And how I can face  
6 my opinion as far as fast food  
7 restaurants, drive-thrus and Starbucks  
8 with drive-thrus, I've testified on many  
9 of these throughout Nassau County, Town  
10 of Hempstead, and I looked at some  
11 Starbucks drive-thrus where they're  
12 adjacent to residential like the subject  
13 property, on main arterial roads, and  
14 that would be including on Hempstead  
15 Turnpike in East Meadow and in Levittown.  
16 And they're all within the last ten years  
17 developed. You have them on the South  
18 Shore in Town of Hempstead, Sunrise  
19 Highway, Baldwin, Merrick. Recently, I  
20 worked on one in Bellmore. You have them  
21 going east into Seaford. And I've looked  
22 at others and they're just about every  
23 one of them are standalone, like the  
24 applicant's proposed today. They are on  
25 main arterial roads and they are adjacent

1  
2 residential communities. I looked at the  
3 pattern of development in the area. Like  
4 the subject property, is a substantial  
5 retail development to the west, similar  
6 to what you find in Baldwin, southeast  
7 corner of Sunrise Highway and Edna  
8 Avenue, Merrick, Bellmore. Merrick has at  
9 the southeast corner of Hewlett Avenue  
10 and Sunrise Highway, a Dunkin' Donut with  
11 a drive-thru adjacent to residential next  
12 to a auto repair center.

13 So with that said, I looked at  
14 property values and quality of the  
15 maintenance of these facilities. I've  
16 worked on Burger King's, McDonald's,  
17 etcetera. I looked at the hours of  
18 operations on other uses surrounding the  
19 subject property, and in my opinion, the  
20 applicant will meet all of the standards  
21 in the Town of Oyster Bay Code. That  
22 relates to location.

23 Physical characteristics. Nothing.  
24 No new curb cuts will be added to the  
25 site. Nothing on Humphrey. Whereas, the



1  
2 other uses, some of them have access in  
3 front of residential homes next to them.

4 As far as the site, one of the  
5 largest sites in the area for a  
6 standalone Starbucks at 24,000ft<sup>2</sup>.

7 As far as the performance  
8 requirements, as you heard earlier from  
9 the engineer, the sound monitoring for  
10 the speakers and the ordering. The  
11 building itself as a Burger King had the  
12 pickup and the drive-thru window on the  
13 northerly side. This will have the menu  
14 board on the easterly side pick up on the  
15 westerly side.

16 Other than some possibly minor  
17 variations as far as the location of the  
18 dumpster, as far as the possibly  
19 increasing landscaping, and as counsel  
20 mentioned, the northerly side of the  
21 site, that landscaping is part of the  
22 site with the fencing on the inside  
23 versus on the property line, I believe  
24 the applicant meets the requirements for  
25 the special use permit and should be

1  
2 granted as requested. Again, with some  
3 minor modifications. Thank you.

4 SUPERVISOR SALADINO: Mr. Nelson?

5 MR. NELSON: Yes, sir. One quick  
6 question. Absolutely. How many years have  
7 you been presenting this type of  
8 information to municipalities?

9 MR. NELSON: Probably going on my  
10 41st.

11 SUPERVISOR SALADINO: Quite  
12 impressive, sir.

13 MR. NELSON: Thank you.

14 SUPERVISOR SALADINO: Thank you.

15 COUNCILWOMAN MAIER: I do have a  
16 question. I'm not sure that's probably  
17 more appropriate for you regarding the  
18 fence. Currently, the fence that is  
19 there has definitely seen better days.

20 MR. AVRUTINE: A new Fence is  
21 proposed and a new wooden stockade fence  
22 with the good side facing the --

23 COUNCILWOMAN MAIER: Will they be  
24 open to PVC?

25 MR. AVRUTINE: Yes.

1  
2 COUNCILWOMAN MAIER: What is the  
3 height? Is it an eight foot six?

4 MR. AVRUTINE: Six is what's shown  
5 on the site plan. If the Board were to  
6 require eight.

7 COUNCILWOMAN MAIER: Would they be  
8 open to eight foot? It will provide a  
9 little bit more privacy.

10 MR. AVRUTINE: Eight foot fence will  
11 be fine.

12 COUNCILWOMAN MAIER: Okay.

13 MR. AVRUTINE: At this time, unless  
14 the Board has questions of Mr. Nelson,  
15 I'd like to call Sean Mulryan to testify  
16 regarding traffic and parking.

17 MR. MULRYAN: Good evening. Sean  
18 Mulryan, 1225 Franklin Avenue, Garden  
19 City, New York. I've handed up eight  
20 copies of a traffic engineering report  
21 that were prepared for this application  
22 (handing).

23 So many of the issues have been  
24 touched on already, but I'll try to go  
25 over the highlights. It's a very detailed

1  
2 report. Obviously, if we move forward  
3 from this hearing, we will need to go  
4 before the Zoning Board as it relates to  
5 the queuing and the parking. So this  
6 report is prepared for tonight's hearing,  
7 but also in anticipation of going before  
8 the Zoning Board. So it also addresses  
9 those issues.

10 So once again, my name is Sean  
11 Mulryan of Mulryan Engineering. Our  
12 office has been asked to review the  
13 proposed Starbucks application with  
14 respect to the requested Special Use  
15 Permit.

16 The subject site is located at 321  
17 Jericho Turnpike in Syosset. For many  
18 years, the subject site was operated as a  
19 Burger King with drive-thru service. The  
20 Burger King with drive-thru service  
21 closed approximately five years ago and  
22 has since been vacant.

23 The applicant is seeking to  
24 redevelop the site with a Starbucks  
25 store. The Starbucks will remain with the

1  
2 existing drive-thru service. Although the  
3 Starbucks will replace the existing  
4 location at 390 Jericho Turnpike in  
5 Syosset, the existing store does not  
6 provide drive-thru service. That store is  
7 located approximately 1000ft to the east  
8 on the southeast corner of Jericho  
9 Turnpike and South Oyster Bay Road. That  
10 particular store was opened in 2003.

11 According to the Institute of  
12 Transportation Engineers and a study  
13 conducted by our firm, the proposed  
14 development will experience peak demand  
15 during the weekday mornings. At all other  
16 times during the day, the proposed  
17 development will generate less traffic  
18 than the previous Burger King restaurant  
19 or other fast food restaurants that may  
20 look to occupy the existing building, if  
21 for some reason this application does not  
22 move forward.

23 The proposed development will  
24 maintain the existing site access, which  
25 is limited to Jericho Turnpike. No access

1  
2 is provided along Humphrey Drive. Egress  
3 from the site is restricted to right  
4 turns only as required by the New York  
5 State Department of Transportation and is  
6 consistent with the restrictions for the  
7 Burger King restaurant.

8 The subject site is located on the  
9 northwest corner of Jericho Turnpike and  
10 Healthy Drive. Humphrey Drive is offset  
11 to the east of Bruce Street. The  
12 intersection is controlled by traffic  
13 signal under the jurisdiction of the New  
14 York State Department of Transportation.  
15 The proposed application and site access  
16 design have been reviewed and approved by  
17 the New York State Department of  
18 Transportation.

19 Our analysis of the subject property  
20 and the proposed development indicate  
21 that the intersection will operate at  
22 acceptable levels of service upon  
23 completion of this project. The highway  
24 capacity analysis shows that the proposed  
25 development will have no significant

1  
2 impact on the level of service on the  
3 surrounding road network.

4 The New York State Department of  
5 Transportation typically requires  
6 developers to mitigate potential impacts  
7 to the level of service and training  
8 roadway networks. No such mitigation was  
9 required by the New York State Department  
10 of Transportation with respect to this  
11 project.

12 Parking calculations prepared for  
13 this project speak to the variance that  
14 would be requested from the Zoning Board.  
15 The subject site requires 32 parking  
16 spaces where 25 are provided. The  
17 Institute of Transportation Engineers  
18 estimates that 15 parking spaces would be  
19 sufficient to satisfy the needs of the  
20 Starbucks restaurant. The site provides  
21 25 and we believe that is ample to  
22 provide adequate parking for the proposed  
23 use.

24 The proposed drive-thru lane is  
25 required by code to provide five queuing

1  
2 positions. In total, 11 vehicles can be  
3 accommodated in drive-thru lane without  
4 interfering with onsite circulation. That  
5 includes three in advance of the order  
6 point canopy, seven between the order  
7 point canopy and the pickup window, and  
8 one exiting the drive-thru lane prior to  
9 entering the parkin area.

10 One of the questions that was asked  
11 before was about potential backups on the  
12 Jericho Turnpike. Obviously, the  
13 applicant is concerned about this and the  
14 New York State Department of  
15 Transportation has particular interest in  
16 reviewing such matters. In looking at the  
17 Site Plan, three to four additional  
18 vehicles can be queued which would  
19 interfere with parking spaces in the  
20 beginning of the subject site, but would  
21 not back up onto Jericho Turnpike. Those  
22 three or four cars would actually extend  
23 beyond what is required by the Town Code,  
24 and the site provides a bypass lane so  
25 that anyone entering the site



1  
2           encountering such a queue would be able  
3           to drive to the other side of the site  
4           where the majority of parking is  
5           provided. So meaning that there is a  
6           majority of parking on the easterly side  
7           or excuse me, the westerly side of the  
8           building, if there was a large drive-thru  
9           queue, someone to enter the subject site,  
10          go through the bypass lane and go to the  
11          other side of the site and park their  
12          vehicle.

13                 Again, Starbucks is a large  
14                 operator. They currently operate 47  
15                 drive-thru facilities in Nassau and  
16                 Suffolk County. Based on our counts and  
17                 observations at existing locations, the  
18                 proposed drive-thru system is more than  
19                 adequate to accommodate the anticipated  
20                 demand associated with the proposed  
21                 Starbucks. The number of queuing spaces  
22                 is in keeping with numerous other  
23                 Starbucks locations throughout the  
24                 island.

25                 Our analysis indicates that a

1  
2 requested Special Use Permit will provide  
3 adequate and appropriate parking, queuing  
4 and the proposed development and the  
5 proposed drive-thru will not create an  
6 impact to the surrounding roadway  
7 network.

8 That is a very brief review of the  
9 study that was submitted, but if the  
10 Board has any questions, I'd be happy to  
11 try to answer them.

12 SUPERVISOR SALADINO: Are there any  
13 questions?

14 (Whereupon, no verbal  
15 response.)

16 SUPERVISOR SALADINO: I know we have  
17 residents who would like to be heard, so  
18 thank you very much. Is there anyone else  
19 you have to --

20 MR. AVRUTINE: We do have some folks  
21 here from Starbucks Operations. If you  
22 want those questions that were raised  
23 before about some of those operational  
24 issues answered, we can do that now or we  
25 can wait till after the residents.

1  
2 SUPERVISOR SALADINO: I believe  
3 there were two questions, Councilwoman.  
4 Moving the trash--

5 COUNCILWOMAN WALSH: Yeah, that's a  
6 concern of mine, too, because we do have  
7 even though you would lose some parking,  
8 that side would make better sense, I  
9 feel, because we're not up against the  
10 homes. We're next to the supermarket.

11 MR. AVRUTINE: Understood. I think  
12 that since we heard that concern from the  
13 residents, before the hearing started, we  
14 did have an opportunity to discuss with  
15 the Operations folks who were here. And  
16 we do believe that that will be a viable  
17 thing that would be feasible to do, which  
18 is to relocate the receptacles and the  
19 enclosure to the westerly side. We would  
20 lose three spaces. But Mr. Mulryan's  
21 analysis is that a total of 15 spaces  
22 would be adequate. So we would still  
23 have. We would be reduced from 25 to 22  
24 and we would still be at a level that  
25 would be appropriate for the site.

1

2

SUPERVISOR SALADINO: Also, Mr.

3

Avrutine, is it correct for us to assume

4

that your client has confirmed that they

5

will install a decorative vinyl fence

6

rather than a wooden stockade fence?

7

MR. AVRUTINE: Yes. And eight foot

8

vinyl fence, PVC fence, if that's what

9

the Board prefers?

10

SUPERVISOR SALADINO: In terms of

11

the height, I would like to speak to the

12

adjacent neighbor, if that neighbor is

13

here this evening.

14

MR. AVRUTINE: Councilwoman Maier

15

asked about eight versus six. We're

16

amenable to either one.

17

SUPERVISOR SALADINO: Any other

18

questions before we move on to the --

19

MR. AVRUTINE: I think there was

20

some questions about the the the window

21

and how it operates and the time frames.

22

Was that something?

23

SUPERVISOR SALADINO: Perhaps Lou

24

asked that. We'll see when he comes

25

back. We can always ask those questions

1  
2 after.

3 Thank you.

4 MR. AVRUTINE: All right. So thank  
5 you. At this point, I'd like to entertain  
6 our residents who would like to be heard  
7 at this hearing with Laraine Fitterman as  
8 the first speaker.

9 We have three slips. If others who  
10 haven't put a slip in yet would like to  
11 be heard, please hand your slip to the  
12 Town Clerk.

13 Good evening. Thanks for your  
14 patience. Would you kindly start off  
15 with your full name and your address for  
16 the record?

17 MS. FITTERMAN: Laraine Fitterman,  
18 10 Humphrey Drive, Syosset.

19 I live adjacent, behind the Dunkin'  
20 Donuts across on the west side from the  
21 property, the Burger King. Been there for  
22 30 something years; 34 years. I'm really  
23 nervous, so bear with me.

24 SUPERVISOR SALADINO: There's  
25 nothing to be nervous about. Take your

1  
2 time.

3 MS. FITTERMAN: Well, it's  
4 upsetting.

5 SUPERVISOR SALADINO: I understand.

6 MS. FITTERMAN: I just want to read  
7 something that I found online. It has to  
8 do with drive-thru sound levels. Just  
9 bear with me.

10 SUPERVISOR SALADINO: Certainly.

11 MS. FITTERMAN: "Drive-thru is  
12 viewed as a source of noise. The noise  
13 originates both from the vehicles  
14 themselves and from the drive-thru  
15 communication system. The outbound audio  
16 is delivered by the speaker and must be  
17 loud enough to be clearly heard by the  
18 customer over the noise of the customer's  
19 vehicle, any local traffic, and other  
20 ambient background noises in the area.  
21 However, if it is too loud, the sound can  
22 be objectionable to neighbors or even  
23 violate specific regulations."

24 That's my main concern. Other than  
25 the dumpster being moved in front of my

1  
2 my house; across the street, but in view.  
3 Other concerns for my neighbors who are  
4 up against that property.

5 Been living there long enough. I  
6 endured Burger King's horrendous,  
7 horrendous loudspeaker for years. Windows  
8 closed in my home. Air conditioners  
9 running. I could repeat orders. I could  
10 tell you what people spent. Back up at  
11 drive-thru, it happens, especially at a  
12 Starbucks. Everybody's ordering fancy  
13 coffees. It's not that fast, you know?  
14 And it seems that there's more concern  
15 about people getting a warm coffee than  
16 the neighbors.

17 So a few things:

18 6:00 a.m. to 11:00 p.m. I know  
19 there's standard hours, but that gives us  
20 seven hours of quiet time.

21 The screening that was brought up  
22 with the trees that are on the property  
23 that I guess the fence is on the Burger  
24 King property somehow, that screening was  
25 never done by Burger King. The house

1  
2 builder put those those bushes up and  
3 those trees. There was no landscaping.  
4 And as well as on my side by Dunkin'  
5 Donuts, nobody landscapes. And it's never  
6 enforced. Okay. Every bush and tree is  
7 mine or my neighbors. And that was done  
8 by them, not by the property owners.

9 SUPERVISOR SALADINO: Including the  
10 trees and bushes that are on the property  
11 owned by this property owner?

12 MS. FITTERMAN: When the houses were  
13 built, the builder did the landscaping.  
14 That wasn't done by Burger King ever.

15 SUPERVISOR SALADINO: Okay.

16 MS. FITTERMAN: There were never any  
17 bushes. And my neighbor who lived there  
18 previously, that was a single home  
19 dwelling on a very large piece of  
20 property, those were all her bushes.

21 SUPERVISOR SALADINO: So we're  
22 talking about the neighbor immediately  
23 adjacent to the site on the north side,  
24 whose house faces out onto Humphrey  
25 Drive?



1

MS. FITTERMAN: Right.

2

3

SUPERVISOR SALADINO: Okay.

4

5

MS. FITTERMAN: Okay. My house is  
across the street.

6

7

8

9

10

SUPERVISOR SALADINO: Let me ask you  
a question. You've lived there a long  
time. You're very observant and you  
appear to be extremely bright and  
engaged--

11

MS. FITTERMAN: Thank you.

12

13

14

15

16

17

18

19

SUPERVISOR SALADINO: In things on  
on this block. Now that these trees and  
shrubs have grown over the years, do they  
provide a substantial buffer from view?  
You made it clear about the sound, but if  
we put the sound aside for a moment, in  
terms of the view, do they provide  
superior screening from the sight?

20

21

22

23

24

25

MS. FITTERMAN: From my home? No.  
From my neighbors across the street?  
Possibly. I think she'll speak. She can  
answer herself. They're tall. They're  
big. I don't know how dense they are.  
They don't appear to be that dense. But

1  
2 from my side, I had to plant my own  
3 bushes. I do have some coverage, but  
4 certainly if I'm upstairs in my home, I  
5 will have now a view of a dumpster, not  
6 to mention the loudspeaker on my side. I  
7 don't care how low it is, you're still  
8 going to hear it. It's just human nature.  
9 People yell into a speaker because they  
10 want to make sure that they're heard. But  
11 okay.

12 SUPERVISOR SALADINO: I'm going to  
13 ask this question of everyone who comes  
14 up to speak on this site. If the  
15 dumpsters were moved to the northwest  
16 corner instead of the northeast corner,  
17 would that provide a reasonable  
18 compromise as to where they're currently  
19 proposed?

20 MS. FITTERMAN: The north west would  
21 then be in my neighbor's corner.

22 SUPERVISOR SALADINO: Back to where  
23 they originally were when it was a Burger  
24 King.

25 MS. FITTERMAN: I think it should be

1  
2 on the south towards Jericho Turnpike,  
3 away from the residents. Right now,  
4 there's some grass area there. I don't  
5 know if that is cutting into the parking  
6 or whatever. But again -- and what is the  
7 rule for having a dumpster up against  
8 residential property? I know the dumpster  
9 is in the back because I also border  
10 commercial in the back, had to be moved  
11 because they were right on the property  
12 line. So I don't know what the rule is. I  
13 don't remember what happened, but they  
14 ended up getting moved.

15 SUPERVISOR SALADINO: Thank you.  
16 Please proceed.

17 MS. FITTERMAN: Okay. The other  
18 thing is the delivery. I know there's  
19 going to be more of a curb for the trucks  
20 to go through and make the turn. Been  
21 there long enough to see many trucks get  
22 stuck and not make the turn because all  
23 of a sudden, a bigger truck comes and so  
24 they start dumping the skids and the  
25 whatever right there, and then they carry

1  
2 it in. It happens. It's something that  
3 makes more noise. It's not always at the  
4 times that they're supposed to come. I  
5 know that from just living next to  
6 Dunkin' Donuts, they come whenever. The  
7 dumpsters empty the garbage trash dumping  
8 them it could be 2:00 in the morning,  
9 could be 4:00 in the morning; all hours.  
10 So it's never a schedule that is stuck  
11 to.

12 Landscapers coming with the blowers.  
13 Saturday, Sundays, it's just another  
14 landscaper that will come now, which it  
15 was there before with Burger King. But  
16 complaints just kind of fell upon deaf  
17 ears.

18 Many times my husband would go over  
19 to Burger King and appeal to them for the  
20 drive-thru. Please lower it, please. It's  
21 loud. It's nothing happened. Nothing,  
22 does it? As a matter of fact, I think it  
23 went to the owner at one point who got  
24 angry at us for not like letting him know  
25 because we went to Corporate. It's just

1  
2 an ongoing battle. It's noisy, it's  
3 upsetting, and it just seems that there's  
4 no resolution. There's just going to be  
5 more noise. No matter where you put the  
6 drive-thru, whether it's in the back, on  
7 the side. We have -- I should say, I have  
8 no opposition to a Starbucks in that  
9 location. The drive-thru is the issue.  
10 The noise is an issue. I've seen cars  
11 jumping the curb to get into Burger King  
12 when it was open because they didn't want  
13 to wait at the light and go around and  
14 make the turn into the driveway.

15 So there's a lot of things that have  
16 happened over the years. Just knowing  
17 what a fast food franchise will bring and  
18 just trying to voice my opinion and my  
19 concerns over what could possibly happen  
20 and just try to avoid the situation and  
21 have some modifications made. I don't  
22 know how much can be done, but I think  
23 it's reasonable to ask. And I think at  
24 this point, I mean, as a resident,  
25 shouldn't the concern be for the

1  
2 residents and not how hot somebody's  
3 coffee is going to be when they make the  
4 turn and they drive through and how many  
5 minutes?

6 What else? Um, I don't know.  
7 Parking. If there's eight to 10  
8 employees, where are they parking? Aren't  
9 they going to take up parking spaces? I  
10 mean, I don't know. I'm just trying to do  
11 the math. I don't know where they would  
12 park. I mean, other businesses, I know  
13 people park everywhere. You know, are  
14 they going to park down Humphrey Drive  
15 and park in front of people's homes  
16 because they can't take up spaces in the  
17 parking lot? Just another concern.

18 What else? Um, I don't know. I could  
19 go on. Just. But it's just a personal,  
20 you know, issue I have with the noise  
21 that I've endured. Going forward, I know  
22 it's different as far as what, you know,  
23 might change. But, you know, just  
24 historically, for me, it's a nightmare. I  
25 could see what will happen on the block.

1  
2           There's Variety Preschool with the  
3 school buses. That's another issue.

4           People dart out when they don't want to  
5 wait and go into the Dunkin' Donuts.

6           They'll probably do the same for  
7 Starbucks. I don't know. But it's just  
8 another potential for more traffic and  
9 more accidents. And again, just more  
10 noise.

11           But the dumpster, you know, across  
12 the street from me in eyesight plus the  
13 the loudspeaker is just like a double  
14 whammy and an insult at this point. I  
15 guess that's it.

16           SUPERVISOR SALADINO: Okay.

17           Well, first of all I am going to  
18 direct the counsel for this application  
19 to meet with you this evening. And if  
20 today doesn't work for you to meet with  
21 you at any opportunity that is convenient  
22 for you.

23           MS. FITTERMAN: We spoke earlier.

24           He's aware.

25           SUPERVISOR SALADINO: Have they been

1  
2 providing compromises or solutions?

3 MS. FITTERMAN: Not yet.

4 SUPERVISOR SALADINO: To any of the  
5 issues. Not for the dumpster --

6 MS. FITTERMAN: Receptive to hearing  
7 it. And then you brought up some points  
8 that I think were valid as far as and  
9 then they, I think, were agreeable that  
10 they would try to work with us. But it's  
11 just a concern that it's -- I consider it  
12 a tight space -- too close to my  
13 neighbors across the street with those  
14 cars turning. And I understand the eight  
15 foot fence, but maybe there should be a  
16 brick retaining wall and then the eight  
17 foot fence. That's what I have in the  
18 back of my home. So it basically becomes  
19 like a barricade of 12ft, which helps.

20 SUPERVISOR SALADINO: If I  
21 understand the application, correctly,  
22 there is currently a metal barrier and  
23 that's going to stay. And then beyond  
24 that would be an eight foot vinyl fence  
25 if the neighbor agrees to it. The



1  
2 applicant has agreed to it. And then  
3 beyond that, in that six foot setback, I  
4 was told the plantings are relatively  
5 dense. Is that the case? The trees that  
6 have grown out in that six foot setback,  
7 are they?

8 MS. FITTERMAN: I don't know how  
9 dense they are. My neighbor will speak.  
10 She can speak to that.

11 SUPERVISOR SALADINO: Okay. We look  
12 forward to that.

13 You heard that I brought up and and  
14 my colleagues have been talking about  
15 sight lines and plantings. And I asked  
16 about plantings on the east side along  
17 Humphrey Drive and heard there was only  
18 one tall tree. Is this an area that  
19 would be helpful to you if the plantings  
20 were made very dense with either  
21 arborvitae or some sort of evergreen that  
22 would stay full all year round?

23 MS. FITTERMAN: I'm going to say no.

24 SUPERVISOR SALADINO: That would not  
25 be helpful to you? Any kind of change to

1  
2 the planting?

3 MS. FITTERMAN: Trees around a  
4 dumpster or really not going to be  
5 helpful.

6 SUPERVISOR SALADINO: Well, the  
7 dumpster we're talking about and they  
8 have expressed that they would possibly  
9 move it. This is one of the things that I  
10 would like a conversation to go on with  
11 the immediate neighbors of the area in  
12 terms of where the best spot for that is,  
13 not just looking at one location to the  
14 old spot, but considering -- we'll have  
15 to ask our our town experts to find out  
16 if the setback from Jericho Turnpike is  
17 appropriate. So that would be one thing  
18 that that I'm asking the applicant to  
19 have conversations with you and the rest  
20 of the neighbors.

21 But you're saying there is no  
22 density of planting along Humphrey Drive  
23 that would provide a compromise or that  
24 would address your issues in terms of  
25 what you're looking out at?

1  
2 MS. FITTERMAN: It's hard to  
3 visualize that, to be honest with you. I  
4 don't have faith in what's planted at  
5 times, you know, a few shrubs that die  
6 and then they're left that way.

7 SUPERVISOR SALADINO: Well, we can  
8 address that through this process. That's  
9 part of the hearing process. To ensure  
10 that there is a density to those  
11 plantings, how tall they will be at the  
12 day they're planted, and what they will  
13 have to do in terms of replacing them if  
14 they die. Some of these issues we can  
15 address in the Covenants and  
16 Restrictions. That's why I bring this up  
17 to you and to the neighbors so people  
18 understand what they could be asking for.

19 MS. FITTERMAN: I understand what  
20 you're saying, and I appreciate that.

21 This is off this topic a little, but  
22 I'm living next to a buffer zone that has  
23 has not one planting in 34 years and  
24 tried to get plantings and there are  
25 none. They're all my plantings on my side

1  
2 to protect myself. So if I'm a little  
3 skeptical, you can understand.

4 SUPERVISOR SALADINO: I can; we can.

5 MS. FITTERMAN: Because it was never  
6 enforced, you know, and a curb cut came  
7 closer to my house, a number of things.  
8 So I'm just very concerned that what is  
9 my recourse when there is a loud speaker  
10 on the east side of the building that is  
11 louder than it should be at times. And I  
12 can hear inside my home, outside my home,  
13 what's my recourse then? I complain and  
14 nothing gets done. And I don't mean by  
15 the Town so much. But I always go to the  
16 establishment and speak to the manager. I  
17 do it for Dunkin' Donuts. I go first. I  
18 don't run and make trouble. I try to get  
19 things resolved. And unfortunately, I'm,  
20 you know, a woman by myself and it's  
21 like, yeah, okay, you know what? I just  
22 want to know what would I do other than  
23 put my house up for sale? It's just I  
24 feel like it's a losing battle. And  
25 maybe I'm too emotional right now, but

1  
2 it's how I feel and it's the facts. I'm  
3 not making things up and embellishing.  
4 It's what it is and it's been this way a  
5 long time and that it's coming again it's  
6 disturbing.

7 SUPERVISOR SALADINO: We don't  
8 believe even for a moment that you're  
9 embellishing in any way, shape or form.

10 MS. FITTERMAN: Thank you.

11 SUPERVISOR SALADINO: We have the  
12 applicant and their experts here. But you  
13 need to know that we work for you, the  
14 residents of the community. So we're here  
15 to ask questions of them to see what --  
16 for instance, I asked about what  
17 technologies I would hope they've  
18 improved over these 30 or 40 years that  
19 fast food has been around, including  
20 getting involved in the direction of the  
21 speaker. What direction does the speaker  
22 have to be? Does it have to point toward  
23 the perimeter of the property or can it  
24 point back, for instance, and what kind  
25 of relief that gets you. And you can be

1  
2 sure when they come back up to conclude  
3 after everyone has asked their questions  
4 and made their comments, I will be asking  
5 those questions. Including what will the  
6 recourse be if the neighbors are still  
7 complaining, if indeed we choose to grant  
8 this application, which we haven't  
9 decided.

10 MS. FITTERMAN: Exactly. And another  
11 concern is the cars going into the  
12 property, pulling up to the window and  
13 someone taking longer than they should,  
14 you know, what happens then? And then  
15 there's a backup of cars. Even at the  
16 window, orders are incorrect. This isn't  
17 my order. You know, they have to do it  
18 again. These are all variables that I'm  
19 not sure have been taken into  
20 consideration other than, you know,  
21 getting your coffee in two minutes. Um, I  
22 don't. I don't know. I just find a lot of  
23 people drink a lot of fancy drinks at  
24 Starbucks that take more than two minutes  
25 to put together. But I'm not the expert.

1  
2 I'm just putting it out there.

3 SUPERVISOR SALADINO: But you've  
4 lived there for how long now?

5 MS. FITTERMAN: Thirty four years, I  
6 think.

7 SUPERVISOR SALADINO: You've  
8 experienced quite a bit in those 34  
9 years. We can tell.

10 MS. FITTERMAN: Yeah. It's a  
11 challenge. It's always been a challenge.  
12 But, you know, we got the reprieve when  
13 it went on fire. Now it's back again. So  
14 not looking forward to it. Hopefully, we  
15 can make some compromises. And again, not  
16 adverse to Starbucks. The drive-thru and  
17 the dumpster are concerns.

18 SUPERVISOR SALADINO: Okay.

19 We're going to be leaving the record  
20 open at the end of this hearing for 30  
21 days.

22 MS. FITTERMAN: Okay.

23 SUPERVISOR SALADINO: If more things  
24 come to mind, please feel free to contact  
25 the town, but also contact the counsel,

1  
2 Howard Avrutine.

3 MS. FITTERMAN: Yes, he gave me his  
4 card. I appreciate that.

5 SUPERVISOR SALADINO: And let us  
6 know how those communications, those  
7 those conversations go. We would be very,  
8 very interested.

9 MS. FITTERMAN: Yeah, I appreciate  
10 that. And my fear is that it will happen,  
11 um, because it usually does. And again,  
12 you know, where's the justice? What's my  
13 recourse? Just having to put up with it?  
14 It's become very difficult.

15 SUPERVISOR SALADINO: You can be  
16 sure I'll be asking that question this  
17 evening.

18 MS. FITTERMAN: I appreciate that.  
19 Thank you.

20 SUPERVISOR SALADINO: You're  
21 welcome. And thank you for coming here  
22 this evening and providing us this very  
23 important information.

24 MS. FITTERMAN: Thank you.

25 SUPERVISOR SALADINO: Okay. You did



1  
2 a great job.

3 Serena Sun?

4 MS. SUN: Good evening, Supervisor  
5 and board member. My name is Chin Chao  
6 Sun (phonetic). That's my legal name.  
7 Serena Sun it's easier to put and  
8 pronounce so I put it there. I'm the  
9 current owner of 7 Humphrey Drive.

10 SUPERVISOR SALADINO: So you are  
11 immediately adjacent to this property on  
12 the north side?

13 MS. SUN: Yeah. So before this,  
14 I thought I'm lucky. And now I feel like  
15 I'm not the lucky one (crying). Sorry.

16 SUPERVISOR SALADINO: It's okay.  
17 We're here to listen. You're among  
18 friends. Please don't be nervous. It's  
19 very important what you want to tell us.  
20 And it's very important for us to hear  
21 you. So relax and know you're among  
22 friends and we are here to listen.

23 MS. SUN: Okay. So forgive me for  
24 this, but I'm just being a little  
25 emotional and upset.

1  
2 SUPERVISOR SALADINO: It's okay.

3 MS. SUN: So we move into this house  
4 beginning of 2022 because we expanding  
5 our family. We have a new baby who is 13  
6 months now. So we have a new baby who is  
7 like 13 months right now living with us  
8 and then another four years old and with  
9 my parents also, who are over sixty years  
10 old. Our property is right next to the  
11 Burger King location right now. And we  
12 even measure, it's about like 17 or 18ft,  
13 roughly 18ft from the fence to the Burger  
14 King property right now.

15 And so I actually echo Laraine.  
16 Like I'm not against the Starbucks  
17 myself, but it really just a drive-thru  
18 is the deal breaker here. Like, I cannot  
19 imagine when the drive-thru got set up  
20 there. My normal life, my normal life  
21 will get ruined.

22 SUPERVISOR SALADINO: Tell us about  
23 the sound from the drive-thru when you're  
24 living there. Burger King was opened?

25 MS. SUN: No. So when I moved in,

1  
2 the Burger King is already closed.

3 SUPERVISOR SALADINO: Already  
4 closed.

5 MS. SUN: So we move in last year.  
6 And then so right now, first of all, the  
7 drive-thru is right in front of my  
8 kitchen window. So I always open up the  
9 window and I can literally see everything  
10 from the Burger King. So the trees are  
11 actually filled or planted by the prior  
12 owner, which I just ask. It's not built  
13 by Burger King property owner. It's built  
14 by the prior owner from his house, like  
15 my house. So it's our property.

16 MS. SUN: It's not their property,  
17 that six foot setback; it's your  
18 property.

19 MS. SUN: So they have a six foot  
20 fence there, but the tree within the  
21 fence is our property.

22 SUPERVISOR SALADINO: Do you believe  
23 the fence is on your property line, or do  
24 you believe the fence is set back toward  
25 their building on their property? Do you

1  
2 believe the fence is on the property  
3 line?

4 MS. SUN: I think the fence is on  
5 the property line.

6 SUPERVISOR SALADINO: You believe  
7 the fence is on the property. You've seen  
8 your survey and it would appear that way  
9 from your survey that the fence is on the  
10 property line and that setback is your  
11 property, not theirs.

12 MS. SUN: Yeah, but I just know that  
13 the trees is definitely ours, but I'm not  
14 sure if the fence, to be honest. I know  
15 the tree is definitely ours.

16 SUPERVISOR SALADINO: All of those  
17 trees.

18 MS. SUN: Right. Because the prior  
19 owner of this property plant this tree  
20 themselves. And then I just confirmed  
21 with them. So right now, from my window,  
22 kitchen window, I can literally see the  
23 Burger King window. And then so the tree  
24 is not dense. To answer your prior  
25 question, the tree is not dense and I can

1  
2           literally see everything. And then so I  
3           think the future drive-thru, if really  
4           gets put in it, will create really a real  
5           issue to my family.

6           And then I appreciate all the  
7           questions the Board are asking because  
8           that's the question I want to ask. The  
9           noise pollution, the air pollution,  
10          because there will be a lot of car idling  
11          there waiting for the order, and that  
12          will create air pollution from the car.  
13          And then our window -- I cannot just keep  
14          my window closing 24/7. I have to enjoy  
15          the fresh air. So that will be an issue  
16          for us with the noise, with the air  
17          pollution because of the drive-thru.

18          And then it's just because the  
19          Burger King property is so close to our  
20          property. Like even though they're saying  
21          the speaker will be on the east side and  
22          they're saying it's probably like a 40ft,  
23          but still that's really, really close.  
24          And I have a kid, I have two kids, two  
25          younger kids, two older peoples in my

1  
2 family. I hope they can enjoy at least a  
3 little bit quieter space living space  
4 here. That's the reason I moved to  
5 Syosset.

6 COUNCILMAN HAND: Would you be in  
7 favor of the PVC fence at whatever height  
8 we would agree to, six foot or eight  
9 foot, would that be amenable to you?

10 MS. SUN: So regarding about the  
11 fence, obviously, I prefer the higher the  
12 better. And I even prefer if they really  
13 wanted to do something, I even prefer a  
14 concrete wall if that's possible, because  
15 that will be possibly helping us with the  
16 noise or air pollution. But still, I  
17 don't think drive-thru is reasonable here  
18 for that whole setting, the whole zoning  
19 setting here right now with the single  
20 family of my house so close to this  
21 property, I just don't think the  
22 drive-thru is reasonable.

23 SUPERVISOR SALADINO: So we'd like  
24 to talk to you about and ask you some  
25 questions about what preferences you

1  
2 would have. In terms of the dumpsters, we  
3 truly believe it's important for you to  
4 speak to the attorney for this company  
5 and work out what would make this better  
6 for you and tell them your whole list.  
7 That's important because I want them to  
8 come up with solutions to the problems  
9 that you have with this application.

10 So let me ask you about this.  
11 Currently, the dumpsters have been in the  
12 northwest corner of the property, which  
13 is immediately adjacent to your property.  
14 They have now proposed to move them with  
15 a wall around them. Is that wall made of  
16 concrete?

17 MR. AVRUTINE: Yes.

18 SUPERVISOR SALADINO: Yes. With the  
19 concrete wall around the dumpsters. Did  
20 you say seven feet tall?

21 MR. AVRUTINE: Yeah.

22 MR. WHITNEY: It's 7'6".

23 SUPERVISOR SALADINO: Seven foot six  
24 inches tall. And it will be on three  
25 sides of the dumpsters.

1

2

MR. WHITNEY: Correct.

3

4

5

6

7

SUPERVISOR SALADINO: Okay. So they're right now talking about a seven foot, six inch high enclosure. Three walls around the dumpster, no roof over it, I assume.

8

9

10

11

MR. WHITNEY: No.

SUPERVISOR SALADINO: Okay. So around three sides including the side that faces your property.

12

13

14

15

16

17

We have talked about a fence along that entire property line that you share with them to be eight foot tall. How do you feel about having the dumpsters moved to this new location that they're proposing?

18

19

MS. SUN: So the new location is going to be on the east side, right?

20

21

SUPERVISOR SALADINO: Northeast from the northwest.

22

23

MS. SUN: Which is close to my driveway enter?

24

25

SUPERVISOR SALADINO: Yes. So the apron of your driveway as opposed to the



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25

very back of the corner of your property.

MS. SUN: I don't think that's a  
good place either.

SUPERVISOR SALADINO: If you were to  
propose a compromise --

MS. SUN: I would imagine it would  
be moved to the closer to Jericho  
Turnpike and then closer to the whatever,  
supermarket.

SUPERVISOR SALADINO: That's  
southwest corner of the property, right  
on Jericho Turnpike. The supermarket is  
on the west side. Jericho Turnpike is the  
south. So that corner is the southwest.

MS. SUN: Yeah.

SUPERVISOR SALADINO: How would you  
feel if they proposed to move it back to  
the northwest corner?

MS. SUN: That's not possible  
because it's close to my backyard and my  
kids always play in the backyard. Okay. I  
just don't want to see rodents or  
anything running over and then they got  
scared.

1  
2 SUPERVISOR SALADINO: Okay. So  
3 that's why we ask the questions.

4 So you would like to see an  
5 amendment to the plan that has the  
6 dumpsters surrounded by an enclosure on  
7 the southwest corner of the property.  
8 That's something you could live with.

9 MS. SUN: Yeah.

10 SUPERVISOR SALADINO: Now, let's  
11 talk about the fence. You like the idea  
12 of the fence going and stopping at a  
13 point before the curb line. If that fence  
14 went around that corner and then started  
15 coming south up until a point where those  
16 four spots are, would that address your  
17 concerns on Humphrey Road or does that  
18 not make a difference to you on Humphrey,  
19 it's your property line that you're  
20 concerned about?

21 MS. SUN: I mean, the fence, for the  
22 fence that close to my property, I would  
23 just prefer as tall as possible.

24 SUPERVISOR SALADINO: As high as  
25 possible with plantings perhaps on your

1  
2 side of that fence. Additional plantings.

3 MS. SUN: Yes.

4 SUPERVISOR SALADINO: I'm going to  
5 be asking to see their survey. So we'll  
6 determine from that survey whether that's  
7 your property or the applicant's  
8 property.

9 MS. SUN: But again, I really want  
10 to emphasize, even though with the fence,  
11 I don't think I can accept the  
12 drive-thru.

13 SUPERVISOR SALADINO: Just to be  
14 complete with my questions, is there a  
15 speaker direction? Away from your home?  
16 Is there a, some sort of a redesign of  
17 this that would turn it into a compromise  
18 for you?

19 MS. SUN: I don't think so. Based on  
20 my neighbor's experience, I'm worried and  
21 I'm concerned too. Quite concerned about  
22 that. No matter what kind of technology  
23 put on, it's always going to be some  
24 cases happen. Like in the summer when the  
25 car pass by waiting for their order, they

1  
2 lower down their window and listening to  
3 music. That's not because of the speaker.  
4 That's because of the customer. And then  
5 because of the drive-thru, you cannot  
6 really control the customer what they are  
7 doing. So that would definitely create a  
8 lot of noise there.

9 SUPERVISOR SALADINO: Okay.

10 MS. SUN: And then our window is --  
11 I can even take the order from the  
12 customer if they're driving through my  
13 window.

14 And then the air pollution from the  
15 moving vehicles, that's a real issue. And  
16 I just did a little research myself or  
17 homework. I think now a lot of states and  
18 places, including even some towns in New  
19 York, they're trying to ban the  
20 drive-thru because they start to realize  
21 the drive-thru is creating health issue  
22 because of the pollution. And my mom had  
23 historical (sic) cancer, and this is  
24 something I definitely want to avoid. And  
25 that's the reason we're moving into such

1  
2 a nice neighborhood. But, yeah.

3 SUPERVISOR SALADINO: Okay. Is  
4 there anything else you'd like us to  
5 know?

6 MS. SUN: I just know that's my two  
7 concerns. First concern drive-thru is  
8 creating air pollution, noise pollution.  
9 And second thing is dumpster location.  
10 Those two are the major issues that I  
11 have.

12 And like Laraine said, I think all  
13 the board members understand that. I  
14 understand the business is for the  
15 community, but I also hope you understand  
16 that no matter what kind of service is  
17 served to the community, our neighbors  
18 should be heard for all this kind of  
19 issues, so that we are not getting hurt  
20 in different aspects.

21 SUPERVISOR SALADINO: All right.  
22 Thank you very, very much. We're not  
23 deciding on this this evening. We're  
24 leaving the record open. If you think of  
25 other things you may contact us by

1  
2 e-mail, by regular mail too. That will  
3 also be considered in the record, if  
4 other thoughts come to mind.

5 Thank you very much for joining us  
6 this evening. We really appreciate it.

7 MS. SUN: Thank you.

8 SUPERVISOR SALADINO: The next  
9 speaker will be Charles Hearon. Mr.  
10 Hearon, please.

11 MR. HEARON: Charles Hearon, 10  
12 Fireplace Lane, Hicksville.

13 So I'm kind of using this as a  
14 learning experience because you do a lot  
15 of building in Hicksville, right? Which  
16 is a good thing. Don't get nervous. If  
17 you could bring up that one picture that  
18 kind of threw me off. The hotel I mean,  
19 the Starbucks with the house.

20 (Whereupon, Slide is  
21 displayed and referred to.)

22 MR. HEARON: With the -- Yeah, right  
23 there. The house. Right there. See what  
24 they did? For the house, they cut all  
25 your shrubbery that you're asking these

1  
2 guys to fill in for, in my book, you  
3 know, to hide something. Now, this is on  
4 Jericho Turnpike, right? Am I confused of  
5 what it is? And it used to be a Burger  
6 King. A Wetson's years ago.

7 SUPERVISOR SALADINO: It is on  
8 Jericho Turnpike, yes.

9 MR. HEARON: So it's not something  
10 new.

11 SUPERVISOR SALADINO: It's been  
12 there for a long time.

13 MR. HEARON: A long time. So before  
14 the residents moved in there. And I'm not  
15 knocking them, you know, you buy a house  
16 where you buy a house, but then you don't  
17 ask -- you're on Jericho Turnpike. And I  
18 know the pollution and everything like  
19 that. Because I'm thinking about these  
20 apartments that you're building in  
21 Hicksville. I was thinking about moving  
22 over there. But then the light went on.  
23 It's an industrial park over there, kind  
24 of like. There's a transmission place,  
25 there's a gas station across the street,

1  
2 and I wouldn't expect them to move. I  
3 think you guys listed shopping center  
4 next door. There's a hotel, there's gas  
5 stations. In fact, I go to the Syosset  
6 guy over there who's been great and he  
7 does a good business. Terrible to pull in  
8 and out. I have to wait in traffic.  
9 Underhill Boulevard is right over there I  
10 think. Traffic is horrible. Breathing  
11 is -- tractor trailers. I feel bad if  
12 someone's got cancer or something like  
13 that, but this is not the location for  
14 them.

15 And I don't see anything. You guys  
16 are very generous with the time and  
17 everything. I don't see there's anything  
18 possible for you guys to make that  
19 resident happy or the person across the  
20 street who's been dealing with it for 40  
21 years. You know, Jericho Turnpike,  
22 commercial zone. I don't see how it would  
23 be fair to them. I don't expect an  
24 answer. You're looking at me like you  
25 fell asleep.



1  
2 SUPERVISOR SALADINO: No, not at  
3 all. We're listening to every word  
4 you're saying. Every resident may come  
5 forward and speak.

6 MR. HEARON: And like I said, I'm  
7 using this as a tool for me moving in  
8 Hicksville or something. Is there a way  
9 that you could change that? You think you  
10 have an idea for them that I could maybe  
11 think of the same thing if I move into  
12 those apartment buildings now.

13 COUNCILMAN IMBROTO: The subject of  
14 this is just this application.

15 SUPERVISOR SALADINO: Yeah, we're  
16 going to listen to everyone. We're going  
17 to listen to all the ideas and the  
18 concerns and everything that's being  
19 presented to us. And everything will be  
20 taken into consideration in making a  
21 decision.

22 MR. HEARON: Because to me, I'm  
23 looking at it. That's like impossible. If  
24 you didn't see it, you're not going to  
25 change that at all.

1  
2 I feel bad for the residents, but,  
3 you know, it's like, you know, when you  
4 move into an airport, you want them to  
5 stop landing airplanes over there because  
6 you just bought your house. It's too  
7 noisy; ain't going to happen. I don't  
8 think so.

9 I mean, I guess I'll read about it  
10 if this doesn't go through. I'll read  
11 about it and find out what they did  
12 wrong. Right. So, I can learn from it.

13 COUNCILMAN IMBROTO: We can have a  
14 conversation about a different place, a  
15 different location, another time. But  
16 this is a hearing just on this  
17 application.

18 MR. HEARON: Okay.

19 SUPERVISOR SALADINO: But we  
20 understand what you've come here for. To  
21 learn more about the process in the  
22 different decision making you're making  
23 in Hicksville.

24 MR. HEARON: Right.

25 SUPERVISOR SALADINO: Okay. We

1  
2 understand what you've come here to tell  
3 us. And we thank you very much.

4 MR. HEARON: Okay. That to me is a  
5 commercial and where he cut the tree to  
6 benefit probably more space and  
7 everything for them. And Burger King did  
8 nothing. They left it all up there nice.  
9 I don't know. Did you guys do a survey?

10 SUPERVISOR SALADINO: Sir, if you  
11 could direct your questions this way or  
12 your comments this way.

13 MR. HEARON: Okay. They did a lousy  
14 job with the survey.

15 SUPERVISOR SALADINO: So what you do  
16 is you stay after the hearing, and speak  
17 to their representatives and ask them  
18 your questions. That goes for everyone.  
19 Everyone is welcome to come up to be  
20 heard, whether you live in the  
21 neighborhood or not. We want to hear from  
22 anyone who would like to be heard. And we  
23 will ask the representatives to stay  
24 because we want the dialogue. That's  
25 always helpful.

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COUNCILMAN IMBROTO: Charles, you know, you're always welcome to talk to me. We talk at the civic meetings.

MR. HEARON: I love the Town of Oyster Bay.

SUPERVISOR SALADINO: Thank you.

MR. HEARON: Thank you.

COUNCILWOMAN WALSH: Charles, I would like to thank you too. Because when there's little things that happen in the neighborhood, you're always e-mailing us to let us know.

MR. HEARON: I try to get my money's worth out of my taxes.

COUNCILWOMAN WALSH: Thank you.

MR. HEARON: Thank you. You reminded me of it. Thank you for Hicksville, Gregory Museum. My job.

My question is, are you going to -- because I asked the president, he said he's not even asking you, are you going to put a lease, give us a ten year lease on that thing? Because I'm nervous. After you fix it up you're going to make

1  
2 a Starbucks over there.

3 SUPERVISOR SALADINO: We're not gong  
4 to get Starbucks there.

5 MR. HEARON: Will you give us a  
6 lease?

7 SUPERVISOR SALADINO: We'll discuss  
8 that with counsel.

9 MR. HEARON: I got 20 minutes left,  
10 so don't cut me short.

11 SUPERVISOR SALADINO: You don't have  
12 20 minutes left. Thank you. Mr. McKenna's  
13 patiently waiting now, and we don't want  
14 you to take up his time.

15 COUNCILMAN IMBROTO: At the end of  
16 the meeting, we have what's called public  
17 comment. That's on any subject on the  
18 face of the earth.

19 MR. HEARON: One other thing.

20 COUNCILMAN IMBROTO: But right now,  
21 this is their application.

22 SUPERVISOR SALADINO: One other  
23 thing as it relates to this application.  
24 All right.

25 MR. HEARON: Starbucks costs a lot

1  
2 of money. But you know what? They have  
3 great coffee and I like it hot.

4 SUPERVISOR SALADINO: You like your  
5 coffee hot. Okay. Thank you.

6 MR. HEARON: I might be selfish.  
7 But I want it hot. Thank you.

8 SUPERVISOR SALADINO: Thank you  
9 very.

10 MR. HEARON: Thank you, sir. Thank  
11 you all. Thank you all. Also and all you  
12 secretaries to do a fine job putting up  
13 with me.

14 SUPERVISOR SALADINO: Kevin, come on  
15 up.

16 Hi, Kevin. How are you?

17 MR. MCKENNA: Tough act to follow.

18 Kevin McKenna. I live in Syosset at  
19 night. I live pretty close to the site.  
20 I'm very familiar with the site. I  
21 actually used to many, many years ago,  
22 actually worked at the Burger King in  
23 that drive-thru window.

24 SUPERVISOR SALADINO: For how long,  
25 Kevin? How long were you working the

1  
2 drive-thru window or working for Burger  
3 King?

4 MR. MCKENNA: About a year. Okay.  
5 And when it was a Burger King, it was  
6 extremely, extremely busy. Big problem  
7 with the drive-thru and the people trying  
8 to -- Burger King, you have a lot of  
9 people going to the drive-thru and at the  
10 same time, especially lunch time, dinner  
11 time, you have a lot of people wanting to  
12 go through the drive-thru and park their  
13 car at the same time.

14 Listen, I'm a fan of Starbucks,  
15 okay? I go to the Starbucks on the other  
16 side of the street down the block. The  
17 reason I'm sure that Starbucks wants to  
18 move here is because in the mornings  
19 people are going westbound to go to work  
20 and they're going to get a lot more  
21 business in this site than they get down  
22 the block, which I frequent and that's  
23 very, very busy.

24 What has been failed to be mentioned  
25 here is that and I'm hoping that you guys

1  
2 take this into consideration; first off,  
3 you've already set a precedent, a  
4 precedent by declining a drive-thru not  
5 too far from this site. On the other side  
6 of the street about a year ago, you  
7 declined the drive-thru at the proposed  
8 Taco Bell that they wanted to put where  
9 the in-between was. Rightfully so. You  
10 declined that drive-thru because of  
11 almost identical concerns from the  
12 neighbors in the backyard. Okay.

13 Aside from that, what's failed to be  
14 mentioned here in the so-called traffic  
15 analysis is that they haven't brought up  
16 the fact that there is a Dunkin' Donuts  
17 right next to where the Starbucks is  
18 proposed. I'm not a lawyer, but if I'm  
19 Starbucks and you guys approve a  
20 drive-thru for this site, then I would  
21 think that that Dunkin' Donuts right next  
22 door, they're also going to want to have  
23 a drive-thru and then you're going to  
24 have a double problem right next to each  
25 other. I don't see how you could. If you



1  
2 approve this drive-thru, I don't see how  
3 you could decline Dunkin' Donuts from  
4 wanting to have a drive-thru. Because  
5 they will want to have a drive-thru to  
6 compete with Starbucks right next door.  
7 Right.

8 The big problem that I see is that I  
9 can foresee this location the amount of  
10 people that are going to want -- listen,  
11 all you have to do -- tomorrow, I promise  
12 you tomorrow, I am going to go tomorrow  
13 to show you. I'm going to live stream  
14 tomorrow. The Hicksville drive-thru near  
15 the Broadway Mall. I'm going to show you  
16 tomorrow on a live stream the problem  
17 where people are coming to the  
18 drive-thru, as well as people who are  
19 wanting to walk into the restaurant where  
20 there are almost near-miss accidents with  
21 people backing out at the same time the  
22 people -- they have the statistics. They  
23 know how many people, what percent of  
24 business goes to the drive-thru, what  
25 percent goes to the restaurant.

1  
2           Hicksville, you have a lot of young  
3 kids that sit at the tables on their  
4 computers and they make it their office.  
5 I do it myself sometimes as well. So not  
6 only do you have, as the neighbor said,  
7 you know, you're going to have employees,  
8 six or eight employees taking up spots.  
9 You could have during the daytime, kids  
10 get out of school, they're going there.  
11 Starbucks is known for they want people  
12 to sit there and hang out. Right.

13           I would love to be able to see a  
14 drive-thru at this location. I can't see  
15 how you could even consider having a  
16 drive-thru at this location with the  
17 amount of backup that's going to -- it's  
18 going to happen onto Jericho Turnpike,  
19 especially in the morning. I know the  
20 site. I know.

21           And the other big thing is, is that  
22 as far as the sound; the speaker. There  
23 are places where you pull in and there's  
24 a sign that says Tune to Channel AM 660  
25 and they talk to the speaker inside the

1  
2 car. I don't know if Starbucks has ever  
3 done that to eliminate the speaker on the  
4 outside of the building.

5 SUPERVISOR SALADINO: Kevin, we're  
6 sorry to interrupt you. Where did you see  
7 that? I want to take note.

8 MR. MCKENNA: Well, you go into a  
9 you go into a drive-in movie, right?

10 SUPERVISOR SALADINO: Well, that's  
11 the way we did our drive in concerts  
12 during the pandemic, that very way.

13 MR. MCKENNA: So I don't see why  
14 they have to have a speaker on the  
15 outside of a board. No matter where it  
16 is, those neighbors, I feel bad for those  
17 neighbors. Because not only are they  
18 going to hear the speaker for ordering,  
19 but these kids, a lot of kids go to  
20 Starbucks and when they pull in there,  
21 the speakers on their car radios are  
22 going to be blaring at the same time  
23 they're trying to order on the speaker.

24 Lastly, with the amount of cars and  
25 people that are going to want to go to

1  
2 that Starbucks. It's going to be a busy  
3 location. Great for Starbucks. I can't  
4 see how you could allow people when  
5 they're pulling out of that lot to make a  
6 left turn. I would hope that the  
7 Department of Transportation has a plan  
8 to not allow a left turn coming out of  
9 that parking lot.

10 But the big thing is I don't think  
11 that you want to set a precedent and put  
12 a drive-thru here because then Dunkin'  
13 Donuts is going to want one right next  
14 door and you can have a big problem.  
15 Thank you very much.

16 SUPERVISOR SALADINO: Kevin, thank  
17 you. You apparently have experience at  
18 this location. You claimed you had worked  
19 there for a year. But I want to thank  
20 you in the way in which you presented  
21 your information. Personally, from me to  
22 you.

23 MR. MCKENNA: Thank you. I'm  
24 getting older, I'm getting a little  
25 older.

1  
2 SUPERVISOR SALADINO: Starting to  
3 show.

4 MR. MCKENNA: Thank you. I haven't  
5 been here in a while.

6 SUPERVISOR SALADINO: The next  
7 speaker is Michael Blaymore.

8 MR. BLAYMORE: Supervisor Saladino,  
9 members of the board, my name is Michael  
10 Blaymore. I'm an attorney with Salamon  
11 Gruber Blakemore & Strenger, 97  
12 Powerhouse Road, Roslyn Heights, New York  
13 11577.

14 We represent 321 Partners LLC.  
15 They're the owner. They're the landlord.  
16 I have two of the principals back there.  
17 Mary De Aquilla and Terry De Aquilla.  
18 Their families have owned this property  
19 for over 60 years. And unfortunately, as  
20 you know, over the past five or six  
21 years, the property has been vacant. And  
22 that was during COVID, too. So it's  
23 caused a severe hardship on their  
24 families that they haven't been receiving  
25 any rent at all. They're carrying the

1  
2 property.

3 Despite that, they have been very  
4 determined to get a highly reputable and  
5 experienced operator, which we found with  
6 Starbucks. So we are wholeheartedly in  
7 favor of this application, which will be  
8 a big benefit to my clients and we think  
9 to the community at large. Certainly you  
10 take into account what you've heard, but  
11 I just want to put a face on the fact  
12 that this is a family-owned property and  
13 they've been hurting. They've been  
14 hurting. So we urge that the Board grant  
15 the relief subject to the things we're  
16 talking about.

17 SUPERVISOR SALADINO: Counsel, may I  
18 ask you a question?

19 MR. BLAYMORE: Sure.

20 SUPERVISOR SALADINO: Has this  
21 family ever been the operators of any of  
22 the fast food at this location? They have  
23 been solely landlords?

24 MR. BLAYMORE: No, no. They're the  
25 owners, they have not been operating a

1  
2 restaurant.

3 SUPERVISOR SALADINO: We've heard a  
4 lot of consternation as it specifically  
5 applies to the drive-in. If they were  
6 able to proceed without the drive-in,  
7 would there still be a contract? Is this  
8 something that's up for discussion?

9 MR. BLAYMORE: I can't speak for  
10 Starbucks. I mean, this is a joint  
11 application.

12 SUPERVISOR SALADINO: Of course you  
13 can't. In terms of your clients.

14 MR. BLAYMORE: Well, I think they  
15 want to have Starbucks as a tenant and it  
16 would depend on Starbucks' position under  
17 the permitting provisions of the lease.

18 SUPERVISOR SALADINO: But that would  
19 be something you would negotiate for?

20 MR. BLAYMORE: I would listen to  
21 Starbucks. I would need input from  
22 Starbucks and speak to my clients. But  
23 that was not something that we considered  
24 when we went into the lease.

25 SUPERVISOR SALADINO: Okay. Thank

1  
2           you, sir.

3           MR. BLAYMORE: Thank you.

4           SUPERVISOR SALADINO: Much  
5           appreciate it.

6           Our next speaker will be Patrick  
7           Dillon. Hi, Mr. Dillon. How are you?

8           MR. DILLON: Okay. How are you?

9           SUPERVISOR SALADINO: Could you  
10          please start off by giving your full name  
11          and your full address for the record?

12          MR. DILLON: Patrick Dillon,  
13          Syosset, New York 11791.

14          SUPERVISOR SALADINO: Where in  
15          Syosset do you reside?

16          MR. DILLON: 18 Winthrop Avenue.

17          SUPERVISOR SALADINO: Please  
18          proceed, sir.

19          MR. DILLON: So I live in the area  
20          and you have to look at it -- I've been  
21          in the area since 2010, and when you buy  
22          a house -- when I was looking at  
23          properties, one of the things that I  
24          would say is if it's right next to a food  
25          establishment or a vacant building, I'd



1  
2 say, are they going to be good tenants?  
3 Are they going to keep it neat? So that's  
4 something, you know, I'm not knocking  
5 these people out there. You have to, you  
6 know, choosing to come in to the area,  
7 you have to say, you know, there's going  
8 to be people there. It's a food  
9 establishment is people coming and going.

10 So one of the things is since the  
11 property has been vacant, I've called  
12 when it said for sale or for lease, the  
13 big sign. And I said, listen, you better  
14 get over there and maintain your  
15 property. I said, because it's looking a  
16 little bit run down and dumpy. Oh yeah,  
17 yeah, yeah, yeah. And I've called  
18 numerous times. They've addressed it,  
19 whatever.

20 But as far as a drive-thru, my  
21 daughter is a senior in the high school.  
22 My son is a junior. Let me tell you.  
23 That's now the chatter of the Syosset  
24 High School. We can't wait. We hear  
25 Starbucks is coming in. Kids are all

1  
2 excited. The seniors and even juniors  
3 that drive. It's going to back up  
4 traffic. Let's face it.

5 But you have to remember, whatever  
6 goes in there, it's a commercial area.  
7 It's a major road. So if it's not  
8 Starbucks, it'll be something else.

9 And one of the things that they were  
10 discussing, as far as the plantings by  
11 the people's house where they said I  
12 understood it to be, it was either going  
13 to be on their property or the owner's  
14 property of the site, if you're going to  
15 plant trees, the bushes there, you may  
16 want to consider an irrigation system.  
17 Because if you don't have an irrigation  
18 system, and I've seen it where I used to  
19 work, stuff will die if you don't get  
20 adequate rainfall. So that's something to  
21 consider.

22 And one other side note is and I'm  
23 not bashing any is up there, I happen to  
24 notice the sign on the door, no food or  
25 drinks. So I think what applies to all

1  
2 should apply to you too, personally.  
3 Everybody up on the Town Board up here  
4 with open drinks. So if I can't drink,  
5 bring a drink in. No offense, you know,  
6 it doesn't make sense. Thank you.

7 SUPERVISOR SALADINO: Thank you,  
8 sir. We appreciate you coming in.

9 Are there any other speakers that  
10 would like to be heard on this  
11 application? Please step forward.

12 MS. ARDOLINO COMERFORD:

13 My name is Rita Ardolino Comerford. I am  
14 a longtime resident of Syosset. I live  
15 at 22 Edward Avenue, which is one block  
16 north of the current location that we're  
17 speaking of. So I am on the corner of  
18 Edward and Humphrey.

19 The concern I have is about the  
20 traffic. I mean, I happen to be a  
21 Starbucks Starbucks purist. I love  
22 Starbucks. And I was very happy to hear  
23 that there might be one up the block from  
24 my house. The concern I have is, number  
25 one, the drive-thru. And number two, the

1  
2 fact that my street from Jackson Avenue  
3 goes -- I'm on the corner -- is a cut  
4 through from Jackson Avenue up to Jericho  
5 Turnpike already as it is. And we also  
6 live down the block from Variety Child  
7 Learning Center. So there's more traffic  
8 there as a result of that.

9 So my concern is that the people  
10 want to avoid the light on Jackson Avenue  
11 and Jericho Turnpike that want to go to  
12 Starbucks are going to come up Edward  
13 Avenue and then up Humphrey Drive to go  
14 to Starbucks. And I can tell you as it is  
15 right now even, the fact that Dunkin'  
16 Donuts is across the street from a  
17 proposed Starbucks, it just seems there's  
18 already difficulty with people turning  
19 into Dunkin' Donuts. I can't imagine  
20 people turning into Dunkin' Donuts and  
21 Starbucks in the morning when you're  
22 trying to drive west. It's just very  
23 difficult. I perceive this as an accident  
24 waiting to happen.

25 The other thing is the turning

1  
2 lanes. Like if you're going east on  
3 Jericho Turnpike and you want to make a  
4 left onto Humphrey Drive, there's a  
5 turning lane. And the people going into  
6 Starbucks are going to be in that turning  
7 lane. So if I want to get to my house, I  
8 have to be behind the people that are  
9 going into Starbucks and wait for them to  
10 go into Starbucks. And then that turning  
11 lane with the turning lane going west is  
12 difficult enough because it's just it's  
13 just awkward, so to add this on top of  
14 it.

15 SUPERVISOR SALADINO: May I ask you  
16 a question. I'm sorry to interrupt you.

17 MS. ARDOLINO COMERFORD: That's all  
18 right.

19 SUPERVISOR SALADINO: Okay. So this  
20 is currently zoned commercial and there's  
21 been a commercial business here for a  
22 long time and it's reasonable, I assume  
23 that you feel it's reasonable that  
24 another commercial establishment will  
25 apply to be here.

1

MS. ARDOLINO COMERFORD: Absolutely.

2

3

SUPERVISOR SALADINO: Don't we have

4

the problems that you're referring to no

5

matter who goes in there, there'll always

6

be cars entering the site and leaving the

7

site?

8

MS. ARDOLINO COMERFORD: If there's

9

a drive-thru. Yes.

10

SUPERVISOR SALADINO: Even if

11

there's not a drive-thru or it's not a

12

fast food place. Is it reasonable to

13

assume that no matter what business goes

14

into this location, there'll be cars with

15

within some parameters, there'll be cars

16

that will be entering, perhaps parking,

17

and there'll be cars that will leave the

18

site. Therefore, you'll have cars turning

19

onto Jericho Turnpike from this site.

20

MS. ARDOLINO COMERFORD: Right. But

21

maybe not with the frequency that they

22

would with a drive-thru.

23

SUPERVISOR SALADINO: With a

24

drive-thru, you feel increases the

25

frequency.

1  
2 MS. ARDOLINO COMERFORD: Yeah.

3 Definitely. And with the popularity of  
4 Starbucks is much more, in my opinion,  
5 than a Burger King. I mean, I've lived  
6 there when it was Wetson's. I've lived  
7 there when it was an Italian restaurant  
8 way back before that. I'm a lollypop farm  
9 girl, you know, I've been around a long  
10 time. I understand that there has to be  
11 an establishment, and I would be happy if  
12 it were a Starbucks. It's just that I  
13 think the drive-thru is going to be  
14 problematic with traffic.

15 I had to put signs up around my  
16 house when Kashi opened because they were  
17 valet parking all around my house to the  
18 point where no one could park on the  
19 street. So I had signs. And there are  
20 signs all the way down Humphrey Drive, no  
21 parking signs. So the point that Laraine  
22 brought up about the parking for the  
23 employees, where else are they going to  
24 park? You can't park on Humphrey Drive.  
25 You can't even technically park on

1  
2 certain spots on Edward Avenue, a lot of  
3 spots. You know, if somebody parks, we'd  
4 have to call the police and they would  
5 get ticketed. I don't really want to do  
6 that, you know.

7 So there's some of the points that  
8 from my point of view, on the corner of,  
9 of Edward Avenue and Humphrey Drive, I  
10 just think it would be make it more  
11 problematic.

12 SUPERVISOR SALADINO: So what you  
13 told us is that you've lived here for a  
14 long time. You're very familiar with the  
15 site. I want to make sure we have your  
16 statement correct. That you would be in  
17 favor of this application if it didn't  
18 have a drive-thru, but opposed to this  
19 application if it does have a drive-thru.

20 MS. ARDOLINO COMERFORD: Correct.

21 SUPERVISOR SALADINO: Thank you very  
22 much. Very helpful.

23 MS. ARDOLINO COMERFORD: Thank you.

24 SUPERVISOR SALADINO: Is is there  
25 anyone else who would like to be heard?



1  
2 Please, sir, come up. When you're  
3 all done speaking, if you fill out that  
4 form so we can keep track of all those  
5 speakers. And if you'd kindly begin with  
6 your full name and address.

7 MR. LI: Yeah. My name is Shao Li.  
8 I'm currently 9 Humphrey Drive, Syosset,  
9 New York 11791. I'm the previous owner of  
10 7 Humphrey Drive. I was there from 2015  
11 to 2022. So like almost seven years. So I  
12 echo a lot of the points that Serena and  
13 Laraine were making.

14 I just have two quick points to add  
15 to the discussion. One would be, I know  
16 we're talking about like, oh, Burger King  
17 used to be there and why can't there be a  
18 Starbucks now? But I don't think we  
19 mentioned the two businesses have very  
20 different operating models. Right? Like  
21 for Burger King, it gets busy around  
22 noon. I was there. I can put up with the  
23 noise at noon. It doesn't mean like I  
24 want to put up with the noise at like 6  
25 a.m. in the morning where, like,

1  
2 Starbucks will get busy. Um, that's my  
3 first point.

4 And my second would be, you know,  
5 good for a Starbucks. Like, they're a lot  
6 more popular than Burger King. So,  
7 obviously, there's going to be like a lot  
8 more traffic, compared to Burger King. So  
9 that kind of amplifies the noise and the  
10 pollution, all of the issues that, you  
11 know, we used to have.

12 That's my kind of two quick  
13 additions to the discussion.

14 SUPERVISOR SALADINO: Thank you very  
15 much, sir. It's very, very helpful.

16 Would you please give the resident a  
17 form? Why don't you fill that form out?  
18 Would be very helpful for us to keep  
19 track of everyone who has spoken here.

20 Now, who else would like to be heard  
21 on this application?

22 (Whereupon, no verbal  
23 response.)

24 SUPERVISOR SALADINO: Is there  
25 anyone here for the application?.

1  
2 (Whereupon, no verbal  
3 response.)

4 SUPERVISOR SALADINO: No. Okay.  
5 Please let the record reflect that no one  
6 else has identified that they'd like to  
7 be here.

8 Mr. Avrutine?

9 MR. AVRUTINE: We certainly heard  
10 what the community has had to say and the  
11 suggestions from board members.

12 So we can certainly relocate the  
13 dumpster. We've talked about that  
14 already. The question is how far south of  
15 the northerly property line on that  
16 westerly side do we consider putting it?  
17 I don't know whether the Board wants to  
18 see it very apparent from Jericho  
19 Turnpike or somewhat set back.

20 SUPERVISOR SALADINO: We're under  
21 the belief that you wouldn't see the  
22 dumpsters because it would be surrounded  
23 by a decorative three sided structure.

24 MR. AVRUTINE: Well, it would be,  
25 but you'll see the structure as opposed

1  
2 to.

3 SUPERVISOR SALADINO: The structure.

4 MR. AVRUTINE: Right. You'd see it,  
5 it's there. And there's the fourth side  
6 has to be visible because that's how the  
7 garbage trucks -- so in theory, cars  
8 traveling from the east west will see  
9 that fourth side.

10 SUPERVISOR SALADINO: Unless that  
11 opening is in a northerly direction.

12 MR. AVRUTINE: I'm not an engineer.  
13 I couldn't tell you how that would work  
14 because then they'd have to access it  
15 from parking spaces.

16 SUPERVISOR SALADINO: Right.

17 MR. AVRUTINE: But then you'd need  
18 more than the three spaces.

19 SUPERVISOR SALADINO: Don't they  
20 come overnight to empty the dumpsters or  
21 the very early hours?

22 MR. AVRUTINE: I didn't think that's  
23 what we wanted. We don't want that. We  
24 want them coming during business hours to  
25 avoid --

1  
2 SUPERVISOR SALADINO: The sound.

3 MR. AVRUTINE: But I think we can  
4 come up with a location and a  
5 configuration that is satisfactory. I  
6 don't know if it's satisfactory to  
7 everyone because someone may have a  
8 different opinion about exactly where it  
9 should go. But I think the general  
10 feeling, if I'm not mistaken, is westerly  
11 side, not in the corner, not in the  
12 northwest corner, but further south  
13 somewhere in that area. And we can  
14 certainly explore that and figure that  
15 out. If that's going to happen, then  
16 clearly we can put more landscaping in  
17 the area where the enclosure and the  
18 containers was originally planned to be,  
19 so there could be more landscaping there.

20 The other thing we talked about  
21 during the time that some of the folks  
22 were speaking is that we can extend  
23 fencing from the northerly area to the  
24 easterly property line and then south  
25 along Humphrey. So we can put a barrier,

1  
2 it's going to be a barrier of some sort  
3 of -- it's not going to be pretty, but at  
4 least it will provide a visual --

5 SUPERVISOR SALADINO: So that we're  
6 clear on this, are you suggesting a  
7 barrier which is a combination of a  
8 continued vinyl fence and then plantings  
9 out in front of it on the east easterly  
10 side of that fence to shield? So, for  
11 instance, when Mrs. Fitterman looks out  
12 her window across the street, she sees  
13 more plantings, more green than she sees  
14 the vinyl wall.

15 MR. WHITNEY: Yeah. And it will also  
16 help buffer sound.

17 MR. AVRUTINE: And in theory,  
18 depending upon the height of it, it  
19 should also help diminish sound  
20 emanation. If we went six feet, I don't  
21 know. I don't know if the board would  
22 want to see an eight feet fence along  
23 that area on the residential street. But  
24 that, again, is something that they'll  
25 certainly work with the Board on in terms

1  
2 of the height that it would want. But  
3 it'll certainly provide a visual  
4 improvement and sound reduction  
5 improvement if we did that. So we would  
6 certainly agree to that. We would agree  
7 to whatever height of fence that the  
8 Board wants. We'll certainly agree to  
9 additional landscaping along the  
10 northerly border. Certainly agree to  
11 additional landscaping on the northerly  
12 neighbor's property.

13 SUPERVISOR SALADINO: And the  
14 easterly border as well.

15 MR. AVRUTINE: Yes, absolutely. In  
16 that area, that whole area, we can put  
17 additional plantings there.

18 So we think that those things will  
19 help alleviate the concerns that we've  
20 heard along in terms of what the real  
21 problems are while still preserving the  
22 application and preserving the relief  
23 that the applicants are seeking, which is  
24 the drive-thru.

25 SUPERVISOR SALADINO: I don't know

1  
2 if I heard a single resident speaker come  
3 here and not complain about the  
4 drive-thru. The folks who are the  
5 residents of that area. I don't believe  
6 there was one who didn't mention the  
7 biggest problem they have is the noise  
8 and the other issues associated with the  
9 drive-in. So how what are you proposing  
10 as a compromise to recognize and respect  
11 the wishes of the neighbors in the  
12 immediate area?

13 MR. AVRUTINE: All we can do, Mr.  
14 Saladino, is to try to mitigate those  
15 concerns by reducing visual impact and  
16 reducing sound impact.

17 Eliminating the drive-thru is not an  
18 option here. Starbucks exists right down  
19 the road. The whole purpose of this  
20 endeavor was to have a drive-thru  
21 facility for Starbucks in Syosset. If if  
22 this was just going to be a Starbucks  
23 store, there's no impetus for them to  
24 move from their current location. That's  
25 why they're --



1  
2 SUPERVISOR SALADINO: I don't know  
3 how the residents feel about it, we  
4 didn't discuss it when they were up here,  
5 but I haven't heard you talking about  
6 moving the window, the speaker, all the  
7 accoutrements to the far west side,  
8 furthest away from their homes.

9 MR. AVRUTINE: I don't -- I can't  
10 speak to that. Maybe you can. I don't  
11 know that that from a functionality level  
12 that works.

13 SUPERVISOR SALADINO: And I don't  
14 know if that's something the community  
15 would --

16 I would hope we are looking at  
17 every single option to be respectful of  
18 the residents who would have to deal with  
19 the hardship.

20 MR. WHITNEY: So to answer your  
21 question, the drive-thru window is on the  
22 west side of the building. The pick up  
23 and the speaker ar on the east side.

24 SUPERVISOR SALADINO: So talk to us  
25 about if it's possible to reverse that.

1  
2 MR. WHITNEY: We can't reverse it  
3 because if you were to reverse it, you'd  
4 be handing coffee through the passenger  
5 seat of a car, which isn't a very easy  
6 task for a driver to do, to grab a coffee  
7 in that way. So we're forced with a  
8 certain -- the way our cars are, we drive  
9 on the right, so we have to orientate the  
10 site for the driver to be able to reach  
11 the coffee.

12 As far as the spacing between it, as  
13 I talked earlier, that has to do with the  
14 timing to prepare an order and when the  
15 queue is full. So the closer we get to  
16 the window, the more time you're going to  
17 be stuck waiting for them to finish  
18 preparing your order at the window, which  
19 causes the queue to be more likely to  
20 back up. So there's a science within fast  
21 food industry, which is how long does our  
22 orders take and how do we space that menu  
23 board, that order point from the window  
24 so that the handoff is as quick as  
25 possible, because that's what keeps the

1  
2 line moving.

3 So that is where we place this, at  
4 the eighth car to be in their optimal  
5 zone for that timing. This project takes  
6 the existing menu board, which is on the  
7 north elevation that the prior tenant  
8 used and relocates it to the east  
9 elevation, taking it away from the  
10 closest residents further than the  
11 existing condition. So that is an upside  
12 to the location that we have chosen,  
13 whether it makes everyone happy, I can't  
14 speak to that. But that is why we chose.

15 As Howard said, we are willing to  
16 extend plantings along Humphrey and  
17 extend the fencing along Humphrey to help  
18 screen the operations of the drive-thru  
19 from Humphrey and the neighbor across the  
20 street. So there is at least some barrier  
21 there, more than just some shrubs.  
22 Especially if we're moving that trash  
23 that takes away that solid wall as well.  
24 So this would be a compromise to help  
25 mediate what's going on visually and

1  
2 sonically that way.

3 SUPERVISOR SALADINO: Is there a  
4 technology that has a shape of a tunnel?  
5 Maybe it's made of lucite or plastic,  
6 like the screen that's between us as you  
7 speak and we listen to you? Is there a  
8 technology that would allow a car and the  
9 microphone and speaker to be enclosed in  
10 an area? Obviously, you'd have to be open  
11 on two sides. Do you know of anything in  
12 the industry, maybe a cutting edge  
13 technology, maybe a newer invention that  
14 would provide a dome of quiet and buffer  
15 sounds from escaping out of that  
16 structure?

17 MR. WHITNEY: I have not come across  
18 that in any trade journals or anything  
19 that I read up on this industry. It's  
20 something that I know Starbucks does not  
21 have in their kit of parts for stores and  
22 operations. Operations takes time to get  
23 in place and approved. So something like  
24 that, even if it did exist, would have to  
25 go through internal testing and several

1  
2 years of planning before they would  
3 actually put something into a test mode.  
4 So I don't know of that technology  
5 existing, and if it did exist, it would  
6 take a long time for them to get through  
7 a Corporate approval process to institute  
8 some sort of new technology. They are  
9 constantly upgrading their systems. We  
10 used to place the menu board at the fifth  
11 car that it was the sixth car, and now we  
12 know it's the seventh car. These things  
13 evolve over time. They evolve as the  
14 chain changes their menu and their  
15 equipment. And all these things are  
16 constantly being balanced to try to  
17 deliver the optimal service time that  
18 they can provide. And we'll do things  
19 like move menu boards to a new location  
20 at an old location just to help bring  
21 things up. And here we're instituting  
22 their most current standards to have as  
23 quick service as possible.

24 SUPERVISOR SALADINO: I'm not trying  
25 to paraphrase you, but your statement

1  
2 leads us to believe corporate is very  
3 slow to embrace newer or better  
4 technologies. I sense that that was part  
5 of what you were saying to us. Having  
6 said that --

7 MR. WHITNEY: I wouldn't say it's  
8 very slow, there's there's a process.

9 SUPERVISOR SALADINO: You told us  
10 years to --

11 MR. WHITNEY: It's not one person's  
12 decision. It takes a long time for a  
13 corporation --

14 SUPERVISOR SALADINO: However it has  
15 to happen, I suspect that.

16 MR. WHITNEY: It goes through a  
17 testing process before it would ever be  
18 able to be implemented.

19 SUPERVISOR SALADINO: So how are we,  
20 this board and the residents, to feel  
21 confident that their speaker is a much  
22 newer technology which broadcasts in a  
23 much shorter distance than the old  
24 technology that Burger King utilized?

25 MR. WHITNEY: I can provide a cut

1  
2 sheet of the current speaker they're  
3 using.

4 SUPERVISOR SALADINO: And do you  
5 know what Burger King used decades ago?

6 MR. WHITNEY: Well, I don't know the  
7 model or make or what Burger King's  
8 equipment was at the time.

9 SUPERVISOR SALADINO: Do you have  
10 some sense that this is a cutting edge  
11 technology that reduces that broadcast  
12 offsite of sound?

13 MR. WHITNEY: Correct. What I spoke  
14 of earlier is it has a volume control  
15 that they can set to an appropriate  
16 decibel level for whatever the Town  
17 standards are or what what needs to be at  
18 the site to keep it. At a minimum, it has  
19 an automatic adjusting for ambient sound.  
20 So if, let's say, someone's using a  
21 jackhammer on on the road, it would raise  
22 while it's --

23 SUPERVISOR SALADINO: It would have  
24 to get very, very loud.

25 MR. WHITNEY: I'm just using an

1  
2 extreme example. But if there was a loud  
3 ambient sound, let's say there's a loud  
4 truck idling at the traffic light, it  
5 would raise it so that the person could  
6 have a smooth transaction, but it would  
7 drop it back down to the low setting.

8 SUPERVISOR SALADINO: What does that  
9 specifically mean to residents who live  
10 next door or across the street or  
11 diagonally, as compared to the audio that  
12 they have heard for years and have told  
13 us about in their most ardent complaints  
14 tonight?

15 MR. WHITNEY: So in an older  
16 technology where you just have a volume  
17 dial, let's say you would set it probably  
18 higher because you want all your  
19 transactions to go smoothly. So you're  
20 going to set that speaker in an older  
21 model at a louder sound level. So you  
22 have a continuous flow of people even if  
23 there's ambient noise. Because the  
24 person's not going to be sitting there  
25 with the dial up and down, up and down.



1  
2 With the passive system, it allows them  
3 to keep the sound at a lower level and it  
4 would only raise automatically if it's  
5 needed. So, therefore, they can set the  
6 default level at a lower decibel sound  
7 than people would have 20 years ago.

8 SUPERVISOR SALADINO: We do  
9 appreciate your explaining that to us.  
10 But in addition to that feature there, is  
11 there anything else built into this  
12 microphones have direct directional  
13 microphones, omni directional  
14 microphones? Speaker Technology has  
15 grown. We go through a whole list of  
16 brand names of the amazing things that  
17 speaker companies are coming up with. Has  
18 the technology and speakers changed since  
19 the Burger King speaker system to not  
20 allow that sound to pass, to go beyond  
21 the confines of the property?

22 MR. WHITNEY: We have someone from  
23 Operations here that we can have speak  
24 more about the operations. Maybe that  
25 would be good, better.

1  
2 SUPERVISOR SALADINO: The speaker is  
3 what we're concerned most concerned  
4 about.

5 Can you start off by giving us your  
6 name and address and your company status?

7 MS. FITZSIMMONS: Sure. Eileen  
8 Fitzsimmons, 35 Meadow Lane, Levittown,  
9 New York 11756. Currently, I'm a district  
10 manager at Starbucks.

11 What I was sharing with them is that  
12 in my drive-thru stores during peak  
13 times, which is several hours a day, we  
14 eliminate the use of the speaker by using  
15 a handheld order device, similar to  
16 Chic-fil-A. So we have an employee  
17 outside with an iPad that takes the  
18 customer's order right at their car  
19 window. So there is then, at that point,  
20 no speaker noise or any noise pertaining  
21 to the speaker. And this increases the  
22 efficiencies and the speed at which the  
23 customers move through and prevent back  
24 up onto the road, if that makes sense.

25 SUPERVISOR SALADINO: It does make

1  
2 sense. It makes a lot of sense. During  
3 what hours will this employee be at the  
4 window, in essence, of the customers  
5 taking their order so there is no use of  
6 a speaker? During what hours?

7 MS. FITZSIMMONS: So, typically,  
8 it's from 7:00 a.m. to 10:00 a.m. and on  
9 weekends it's usually in a bulk of the  
10 afternoon. Because the busier times on  
11 weekends shift.

12 SUPERVISOR SALADINO: Only 7:00 to  
13 10:00 a.m., and what are your hours of  
14 operation proposed?

15 MS. FITZSIMMONS: It's from 6:00  
16 a.m. to 11:00 p.m.

17 SUPERVISOR SALADINO: So from 6:00  
18 a.m. to 7:00 a.m. for the residents who  
19 are looking to sleep, you're using the  
20 speaker and then you shut it off at 7:00  
21 until a minute after ten, and then we're  
22 back to the speaker. And then what about  
23 in the evening hours?

24 MS. FITZSIMMONS: Well, in the rest  
25 of the hours that fall outside of that,

1  
2 we don't have as much of a customer flow  
3 as we do during the 7:00 to 10:00 day  
4 part, which is why we currently use it  
5 during that day part, but we can  
6 implement it in other parts of the day.

7 SUPERVISOR SALADINO: Perhaps this  
8 is a question for counsel, would you  
9 consider in your restrictions agreeing to  
10 not using the speaker from the time you  
11 open to a time that could be mutually  
12 agreed upon with the residents? Maybe  
13 noon?

14 MS. FITZSIMMONS: Yeah. Yeah,  
15 absolutely.

16 SUPERVISOR SALADINO: And that would  
17 be that would be part of the Covenants  
18 and Restrictions of this application.

19 MR. AVRUTINE: Yes.

20 MS. FITZSIMMONS: I was just going  
21 to add that it's dependent on also the  
22 weather. We don't expect an employee to  
23 be out there when it's zero degrees out  
24 or when it's 100 degrees out. So we do  
25 take that into consideration just for,

1  
2 you know, work safety issues. And then we  
3 wouldn't use it after dark either.

4 SUPERVISOR SALADINO: Well, thank  
5 you very much for your honesty. It's  
6 greatly appreciated.

7 MS. FITZSIMMONS: Okay. You're  
8 welcome.

9 SUPERVISOR SALADINO: Okay.  
10 Counselor?

11 MR. AVRUTINE: So we'll certainly  
12 keep the dialogue open, both with the  
13 liaison to the Board and with the  
14 community for the 30 day period to see  
15 what the reaction is from the residents.  
16 But we are, as you can see, we're willing  
17 to work toward a solution that works for  
18 the for the Board, for the community and  
19 for us.

20 SUPERVISOR SALADINO: Mr. Avrutine,  
21 it is critical for all of us on this Town  
22 Board for you to continue that dialogue  
23 in a very meaningful way with these  
24 residents. They have been respectful,  
25 they have been open minded, but they have

1  
2 communicated their feelings, I thought,  
3 exceptionally well in a way that was very  
4 direct, polite and understanding of the  
5 needs of business, but also respectful of  
6 their own needs. So it is critical to us  
7 that this communications continue in a  
8 very meaningful way with not only the  
9 residents here tonight, but all the  
10 residents of that immediate area.

11 MR. AVRUTINE: Sure. I agree.  
12 Unfortunately, I don't think we ever can  
13 satisfy everyone on every point, but we  
14 can do the best we can.

15 SUPERVISOR SALADINO: I heard -- not  
16 to complicate what you'd like to tell us,  
17 but I heard something loud and clear from  
18 these residents that sounds like that  
19 would satisfy each and every one of the  
20 people we listened to tonight; 100% of  
21 them.

22 MR. AVRUTINE: Well, I'm not sure  
23 that -- if you're thinking it's the same  
24 thing I'm thinking, which is to eliminate  
25 the drive-thru. That's not something that

1  
2 my client can go forward with on this  
3 project. The drive-thru is essential to  
4 this this application. It's the  
5 centerpiece of it as far as they're  
6 concerned.

7 SUPERVISOR SALADINO: Maybe the  
8 applicant with your guidance should take  
9 a very long, hard look at whether or not  
10 there's an absolute necessity for that  
11 speaker at all.

12 MR. AVRUTINE: Well, I can't speak  
13 to the operational ability to take orders  
14 without any sort of speaker system.

15 SUPERVISOR SALADINO: There's a lot  
16 of new technology out there. And I'm  
17 sure someone as sharp as you, and you're  
18 one of the best attorneys we've seen come  
19 before us, one of the echelons, you and  
20 your team, can provide can provide them  
21 some guidance as to what is available in  
22 cutting edge technologies.

23 We've heard this evening, as a  
24 matter of fact, that many people place  
25 their orders before they even hit the

1  
2 curb cut of the facility that they're  
3 utilizing for their food and they order  
4 online. That's one of numerous ways. So  
5 sharpen your pencil and let's see what  
6 you and they can come up with.

7 MR. AVRUTINE: Thank you, Mr.  
8 Supervisor.

9 COUNCILMAN IMBROTO: And given the  
10 breadth of the issues that need to be  
11 discussed, I think we should leave the  
12 record open for 45 days instead of the  
13 typical 30.

14 SUPERVISOR SALADINO: I would agree.  
15 Is there anything else, Counselor?

16 MR. AVRUTINE: No, sir.

17 SUPERVISOR SALADINO: Thank you for  
18 all you've presented this evening, and  
19 I'd like to thank the residents for doing  
20 an exceptionally incredible job. Very,  
21 very professional. And for us, this,  
22 obviously, is a difficult decision. But  
23 it makes it so much easier when you all  
24 conduct yourselves the way you have.  
25 We're exceptionally proud of each and



1  
2 every one of you.

3 With that, is there any  
4 correspondence?

5 TOWN CLERK: The attorney for the  
6 applicant has filed the Affidavit of  
7 Service and Disclosure the communications  
8 as follows:

9 We have memos from the Department of  
10 Planning and Development, including a  
11 review of the required off street  
12 parking.

13 The Nassau County Land and Tax Map  
14 indicates the property is Section 15  
15 Block E, Lot 195.

16 According to the Town of Oyster Bay  
17 zoning maps, the property is located  
18 within a NB neighborhood business zone.

19 There is an open prior Code  
20 Enforcement Bureau case in Town Board  
21 Resolutions on file.

22 There is one letter of  
23 correspondence.

24 SUPERVISOR SALADINO: Thank you very  
25 much, Mr. LaMarca. With that, may we

1  
2 have a motion, please?

3 COUNCILMAN IMBROTO: Supervisor,  
4 move to close the public portion of the  
5 Hearing and keep the record open for 45  
6 days.

7 COUNCILMAN HAND: Second.

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

10 (Whereupon, all members of  
11 the Town Board respond in favor  
12 with, "Aye".)

13 SUPERVISOR SALADINO: Those opposed,  
14 "Nay".

15 (Whereupon, no verbal  
16 response.)

17 SUPERVISOR SALADINO: The ayes have  
18 it.

19 Thank you very much, everyone.

20  
21 (Whereupon, above matter  
22 concludes, 10:24 p.m.)  
23  
24  
25

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of March, 2023.

Karen Lorenzo  
KAREN LORENZO

<b>\$</b>	<b>2022</b> <sup>[2]</sup> - 81:4, 120:11	<b>6</b>	22:17, 23:4, 27:2, 29:23, 48:2, 52:24, 52:25, 53:15, 123:14
<b>\$71,000</b> <sup>[1]</sup> - 45:23	<b>2023</b> <sup>[2]</sup> - 1:6, 146:13	<b>6</b> <sup>[2]</sup> - 34:8, 120:24	<b>accessible</b> <sup>[1]</sup> - 30:8
<b>1</b>	<b>21</b> <sup>[1]</sup> - 1:6	<b>60</b> <sup>[1]</sup> - 108:19	<b>accessory</b> <sup>[1]</sup> - 45:14
<b>10</b> <sup>[4]</sup> - 9:6, 60:18, 69:7, 93:11	<b>2116</b> <sup>[2]</sup> - 3:3, 4:15	<b>660</b> <sup>[1]</sup> - 105:24	<b>accident</b> <sup>[1]</sup> - 115:23
<b>100</b> <sup>[1]</sup> - 139:24	<b>21st</b> <sup>[1]</sup> - 146:13	<b>6:00</b> <sup>[4]</sup> - 8:15, 62:18, 138:15, 138:17	<b>accidents</b> <sup>[3]</sup> - 21:16, 70:9, 104:20
<b>100%</b> <sup>[1]</sup> - 141:20	<b>22</b> <sup>[2]</sup> - 58:23, 114:15	<b>6ft</b> <sup>[3]</sup> - 33:21, 33:25, 35:12	<b>accommodate</b> <sup>[1]</sup> - 56:19
<b>1000ft</b> <sup>[1]</sup> - 52:7	<b>220</b> <sup>[2]</sup> - 3:6, 23:17	<b>7</b>	<b>accommodated</b> <sup>[1]</sup> - 55:3
<b>10:00</b> <sup>[3]</sup> - 138:8, 138:13, 139:3	<b>24</b> <sup>[1]</sup> - 26:21	<b>7</b> <sup>[3]</sup> - 29:8, 80:9, 120:10	<b>accordance</b> <sup>[1]</sup> - 6:13
<b>10:24</b> <sup>[1]</sup> - 145:22	<b>24,000ft<sup>2</sup></b> <sup>[1]</sup> - 48:6	<b>7'3</b> <sup>[1]</sup> - 31:14	<b>According</b> <sup>[2]</sup> - 52:11, 144:16
<b>11</b> <sup>[1]</sup> - 55:2	<b>24/7</b> <sup>[1]</sup> - 84:14	<b>7'6"</b> <sup>[1]</sup> - 86:22	<b>accordingly</b> <sup>[1]</sup> - 8:24
<b>11'2</b> <sup>[1]</sup> - 17:21	<b>246-9</b> <sup>[1]</sup> - 46:2	<b>71</b> <sup>[1]</sup> - 37:25	<b>account</b> <sup>[1]</sup> - 109:10
<b>11577</b> <sup>[1]</sup> - 108:13	<b>24ft</b> <sup>[1]</sup> - 8:12	<b>7:00</b> <sup>[5]</sup> - 138:8, 138:12, 138:18, 138:20, 139:3	<b>accountrements</b> <sup>[1]</sup> - 128:7
<b>11710</b> <sup>[2]</sup> - 3:6, 23:18	<b>25</b> <sup>[8]</sup> - 5:3, 7:2, 9:4, 16:22, 19:19, 54:16, 54:21, 58:23	<b>8</b>	<b>acknowledge</b> <sup>[1]</sup> - 39:4
<b>11756</b> <sup>[1]</sup> - 137:9	<b>2:00</b> <sup>[1]</sup> - 67:8	<b>88</b> <sup>[2]</sup> - 4:21, 6:12	<b>act</b> <sup>[1]</sup> - 101:17
<b>11791</b> <sup>[2]</sup> - 111:13, 120:9	<b>3</b>	<b>8:03</b> <sup>[1]</sup> - 1:7	<b>add</b> <sup>[4]</sup> - 22:14, 116:13, 120:14, 139:21
<b>11:00</b> <sup>[3]</sup> - 8:15, 62:18, 138:16	<b>3</b> <sup>[2]</sup> - 14:6, 34:17	<b>8ft</b> <sup>[1]</sup> - 34:8	<b>added</b> <sup>[1]</sup> - 47:24
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TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
March 21, 2023  
11:24 p.m.

HEARING  
Fire Protection Contracts

**JOSEPH SALADINO**  
SUPERVISOR

**RICHARD LaMARCA**  
TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

A P P E A R A N C E S

P R E S E N T:

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

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

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

APPEARANCES:

ELIZABETH FAUGHNAN, ESQ. DEPUTY TOWN ATTORNEY

1  
2 SUPERVISOR SALADINO: Mr. LaMarca,  
3 would you please call the next hearing?

4 TOWN CLERK: The final hearing  
5 tonight is to Consider the 2023 Fire  
6 Protection Agreements with the Roslyn  
7 Highlands Hook & Ladder, Engine and Hose  
8 Company, Inc., and the Rescue Company  
9 Hook and Ladder Company No. 1. (Aka  
10 Roslyn Rescue), as well as the 2023-2025  
11 Fire Protection Agreement with Bayville  
12 Fire Company No. 1, Inc.

13 SUPERVISOR SALADINO: Good evening.

14 DEPUTY TOWN ATTORNEY: Good evening,  
15 Supervisor, members of the Town Board.  
16 Elizabeth Faughnan, Deputy Town Attorney,  
17 Office of the Town Attorney.

18 I'll try to be painlessly brief, but  
19 also try and get everything in for  
20 purposes of the record.

21 As you all very well know, New York  
22 State Town Law Section 184 that requires  
23 in an area where there is a Fire  
24 Protection District and not a Fire  
25 District with elected commissioners, the

1  
2 Town Board sits in the role as a fire  
3 commissioner to ensure there is fire  
4 protection for the residents in that  
5 area.

6 To that end, each year the Town  
7 enters into agreements with numerous  
8 different fire companies. In this case,  
9 the Town Attorney's Office is requesting  
10 approval for agreements with the Roslyn  
11 Highlands Hook and Ladder Engine and Hose  
12 Company, Inc and the Rescue Company Hook  
13 and Ladder Company No. 1; otherwise,  
14 known as Roslyn Rescue. Both of those  
15 companies provide protection in the  
16 Greenvale Fire Protection area, which is  
17 a very small area in the Town of Oyster  
18 Bay, as you know, on the western end on  
19 the boarder of Northern Boulevard and  
20 Glen Cove Road, northeastern corner.

21 The Town of Oyster Bay is less than  
22 1% of the total area protected by the  
23 Roslyn Fire Company. As a result, our  
24 proportionate share of their cost is in  
25 relationship to that 1% cost.

1  
2 The Town Attorney's Office would  
3 like to request contracts with those two  
4 fire companies for the calendar year 2023  
5 with Roslyn Highlands in a contract in an  
6 amount not to exceed \$11,300, and a  
7 contract with Rescue Hook and Ladder, a  
8 contract not to exceed \$11,556.

9 With respect to the Bayville Fire  
10 Company, the Town has traditionally had  
11 two different contracts. One for the  
12 Bayville Fire Protection District one For  
13 Certain Other Territory, which  
14 encompasses the difference between the  
15 high water mark and the low water mark up  
16 on the north shore.

17 The Fire Company has approached the  
18 Town Attorney's Office and has requested  
19 a three year contract in order to better  
20 plan for their financial needs, and also  
21 for the Town to be able to plan  
22 accordingly and project what the costs  
23 would be over a three year term rather  
24 than suffer a spike.

25 So the Town Attorney's Office would

1  
2 like to request a contract with the  
3 Bayville Fire Company for the Bayville  
4 Fire Protection District for calendar  
5 year 2023 in a total amount \$36,452; for  
6 Calendar year 2024 for the Bayville Fire  
7 Protection District, an amount not to  
8 exceed \$38,276; and a contract for  
9 calendar year 2025 for the Bayville Fire  
10 Protection District in a total amount not  
11 to exceed \$40,190.

12 With respect to the smaller contract  
13 for Certain Territory, the Town  
14 Attorney's Office would like to request a  
15 contract for '23 for a total amount of  
16 \$7,922; for calendar year 2024; a total  
17 amount not to exceed \$8,318; and for  
18 calendar year 2025, a total amount not to  
19 exceed \$8,734.

20 In addition to the Fire Protection  
21 costs, the Town is also responsible as a  
22 member of the Joint Sponsoring Board for  
23 the Roslyn Fire Company's LOSAP program,  
24 the Length of Service Award Program. The  
25 Town of Oyster Bay as a joint sponsor has

1  
2 a responsibility to help fund the LOSAP  
3 program. As a result, the Town  
4 Attorney's Office is asking also for  
5 permission to pay the 2023 costs of the  
6 Town's share of the Roslyn LOSAP program  
7 in an amount not to exceed \$25,000.  
8 Obviously, if our proportionate cost is  
9 less, we will not be spending. That is  
10 just a maximum number.

11 In addition, just as the Town  
12 acquires Volunteer Firefighter Benefit  
13 Law Coverage for the firefighters in the  
14 Town of Oyster Bay, in Glenwood, in  
15 Oyster Bay, in East Norwich, because  
16 those fire houses are contained within  
17 the boundaries of the Town of Oyster Bay,  
18 the Village of Roslyn, or sometimes the  
19 Town of North Hempstead, will procure the  
20 Volunteer Firefighters Benefit Coverage  
21 for the Roslyn Fire Companies and the  
22 Town is required to pay its proportionate  
23 share. So we are requesting permission  
24 for the Town to pay its proportional  
25 share of the VFBL for the Roslyn Fire

1  
2 Companies. I apologize.

3 With respect to Bayville, the  
4 Village of Bayville procures the  
5 Volunteer Firefighter Benefit Coverage  
6 because the Bayville Firehouse is in the  
7 village of Bayville. We are requesting  
8 permission for three years; '23, '24, '25  
9 to be able to reimburse the Village of  
10 Bayville for our proportionate share of  
11 the Bayville VFBL Coverage, Volunteer  
12 Firefighter Benefit Law Coverage, which  
13 is required by law. For lack of a better  
14 term, it's like a worker's comp for  
15 volunteer firemen if they're injured  
16 while they're performing their duties.  
17 We are requesting an amount not to exceed  
18 \$30,000 for all three years for Bayville.  
19 So it will be \$30,000 cumulative for '23,  
20 '24, '25.

21 Then we are just requesting  
22 permission for the contracts. I  
23 apologize. I know that was kind of  
24 staccato and brief, but I'm trying to hit  
25 all the points and not give unnecessary



1  
2 information.

3 SUPERVISOR SALADINO: Counselor, for  
4 the purposes of the public who may be  
5 suffering from insomnia right now, can  
6 you please tell us why this is needed to  
7 come before the Oyster Bay Town Board.

8 DEPUTY TOWN ATTORNEY: Because New  
9 York State Town Law Section 184 says, in  
10 Syosset there is a Fire District with  
11 elected commissioners, in the Greenvale  
12 Fire Protection District, there are no  
13 elected commissioners; it's a fire  
14 Protection District, not a Fire District.  
15 As a result, the town board members serve  
16 as, for lack of a better term,  
17 commissioners and are tasked with the  
18 responsibility of ensuring there is fire  
19 protection coverage for the residents in  
20 that area. So Section 184 of New York  
21 State Law requires this.

22 SUPERVISOR SALADINO: And if we  
23 passed this ask, who would be responsible  
24 for paying for it?

25 DEPUTY TOWN ATTORNEY: I apologize.

1  
2 The residents of each fire protection  
3 district bear the cost of the fire  
4 protection in there area. For instance,  
5 Greenvale fire protection costs are paid  
6 for by residents of Greenvale, Bayville  
7 are paid by Bayville. Massapequa has  
8 nothing to do with it because they have  
9 their own fire district.

10 SUPERVISOR SALADINO: I will re-ask  
11 almost the same question for everybody  
12 who is listening. So the taxpayers at  
13 large are not going to be paying any  
14 portion of these costs. It is singled  
15 out to the residents who receive that  
16 service in that specific outlined area.

17 DEPUTY TOWN ATTORNEY: Absolutely  
18 correct, Supervisor.

19 SUPERVISOR SALADINO: Thank you.

20 DEPUTY TOWN ATTORNEY: Thank you.

21 SUPERVISOR SALADINO: One last  
22 question. Is this something we have  
23 continually done for decades?

24 DEPUTY TOWN ATTORNEY: Yes,  
25 Supervisor. Every year there is a fire

1  
2 protection agreement with each one of the  
3 fire companies to ensure there is no  
4 lapse in coverage.

5 SUPERVISOR SALADINO: And this has  
6 been going on since they were created?

7 DEPUTY TOWN ATTORNEY: Since they  
8 were created.

9 SUPERVISOR SALADINO: Thank you.

10 DEPUTY TOWN ATTORNEY: Thank you,  
11 Supervisor.

12 I would just ask the Board that this  
13 decision on the hearing is on tonight's  
14 agenda as proposed Resolution 211.  
15 Obviously, we hope that you would approve  
16 that Resolution this evening.

17 SUPERVISOR SALADINO: Are there any  
18 questions?

19 (Whereupon, no verbal  
20 response.)

21 SUPERVISOR SALADINO: May I have a  
22 motion, please?

23 COUNCILMAN IMBROTO: Motion to close  
24 the public portion of the hearing and to  
25 vote on this tonight.

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COUNCILMAN HAND: Second.

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

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

SUPERVISOR SALADINO: Those opposed,  
Nay.

(Whereupon, no verbal  
response from the Town Board.)

SUPERVISOR SALADINO: The "Ayes"  
have it.

(Whereupon, above matter  
concludes.)

SUPERVISOR SALADINO: That concludes  
our work on the public hearings. We still  
have our Resolution Calendar, but we will  
require Executive Session. For that, may  
I have a motion?

COUNCILMAN IMBROTO: Supervisor, I  
make a motion that we enter Executive  
Session for the purpose of discussion  
pending litigation.

COUNCILMAN HAND: Second.

1  
2 SUPERVISOR SALADINO: All in favor,  
3 please signify by saying, "Aye".

4 (Whereupon, all members of  
5 the Town Board respond in favor  
6 with, "Aye".)

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

9 (Whereupon, no verbal  
10 response.)

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

13 (Whereupon, Executive  
14 Session, 11:34 p.m. - 12:16  
15 a.m.)  
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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of March, 2023.

Karen Lorenzo  
KAREN LORENZO

TOBAY TOWN BOARD MTG 03.21.23 FIRE CONTRACT HEARING			
<b>\$</b>	<b>agreement</b> <sup>[1]</sup> - 11:2 <b>Agreements</b> <sup>[1]</sup> - 3:6 <b>agreements</b> <sup>[2]</sup> - 4:7, 4:10 <b>aka</b> <sup>[1]</sup> - 3:9 <b>almost</b> <sup>[1]</sup> - 10:11 <b>amount</b> <sup>[9]</sup> - 5:6, 6:5, 6:7, 6:10, 6:15, 6:17, 6:18, 7:7, 8:17 <b>ANTETOMASO</b> <sup>[1]</sup> - 2:15 <b>apologize</b> <sup>[3]</sup> - 8:2, 8:23, 9:25 <b>APPEARANCES</b> <sup>[1]</sup> - 2:18 <b>approached</b> <sup>[1]</sup> - 5:17 <b>approval</b> <sup>[1]</sup> - 4:10 <b>approve</b> <sup>[1]</sup> - 11:15 <b>area</b> <sup>[8]</sup> - 3:23, 4:5, 4:16, 4:17, 4:22, 9:20, 10:4, 10:16 <b>ATTORNEY</b> <sup>[9]</sup> - 2:19, 3:14, 9:8, 9:25, 10:17, 10:20, 10:24, 11:7, 11:10 <b>Attorney</b> <sup>[2]</sup> - 3:16, 3:17 <b>Attorney's</b> <sup>[6]</sup> - 4:9, 5:2, 5:18, 5:25, 6:14, 7:4 <b>Award</b> <sup>[1]</sup> - 6:24 <b>Aye"</b> <sup>[4]</sup> - 12:4, 12:7, 13:3, 13:6 <b>Ayes</b> <sup>[2]</sup> - 12:12, 13:11	<b>boundaries</b> <sup>[1]</sup> - 7:17 <b>brief</b> <sup>[2]</sup> - 3:18, 8:24 <b>BY</b> <sup>[1]</sup> - 1:25	<b>Coverage</b> <sup>[5]</sup> - 7:13, 7:20, 8:5, 8:11, 8:12 <b>created</b> <sup>[2]</sup> - 11:6, 11:8 <b>cumulative</b> <sup>[1]</sup> - 8:19
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<b>\$11,300</b> <sup>[1]</sup> - 5:6 <b>\$11,556</b> <sup>[1]</sup> - 5:8 <b>\$25,000</b> <sup>[1]</sup> - 7:7 <b>\$30,000</b> <sup>[2]</sup> - 8:18, 8:19 <b>\$36,452</b> <sup>[1]</sup> - 6:5 <b>\$38,276</b> <sup>[1]</sup> - 6:8 <b>\$40,190</b> <sup>[1]</sup> - 6:11 <b>\$7,922</b> <sup>[1]</sup> - 6:16 <b>\$8,318</b> <sup>[1]</sup> - 6:17 <b>\$8,734</b> <sup>[1]</sup> - 6:19			
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<b>2023</b> <sup>[6]</sup> - 1:6, 3:5, 5:4, 6:5, 7:5, 14:13 <b>2023-2025</b> <sup>[1]</sup> - 3:10 <b>2024</b> <sup>[2]</sup> - 6:6, 6:16 <b>2025</b> <sup>[2]</sup> - 6:9, 6:18 <b>21</b> <sup>[1]</sup> - 1:6 <b>211</b> <sup>[1]</sup> - 11:14 <b>21st</b> <sup>[1]</sup> - 14:13	<b>Bay</b> <sup>[7]</sup> - 4:18, 4:21, 6:25, 7:14, 7:15, 7:17, 9:7 <b>BAY</b> <sup>[1]</sup> - 1:4 <b>Bayville</b> <sup>[16]</sup> - 3:11, 5:9, 5:12, 6:3, 6:6, 6:9, 8:3, 8:4, 8:6, 8:7, 8:10, 8:11, 8:18, 10:6, 10:7 <b>bear</b> <sup>[1]</sup> - 10:3 <b>Benefit</b> <sup>[4]</sup> - 7:12, 7:20, 8:5, 8:12 <b>better</b> <sup>[3]</sup> - 5:19, 8:13, 9:16 <b>between</b> <sup>[1]</sup> - 5:14 <b>Board</b> <sup>[8]</sup> - 3:15, 4:2, 6:22, 9:7, 11:12, 12:6, 12:11, 13:5 <b>BOARD</b> <sup>[1]</sup> - 1:3 <b>board</b> <sup>[1]</sup> - 9:15 <b>boarder</b> <sup>[1]</sup> - 4:19 <b>Boulevard</b> <sup>[1]</sup> - 4:19		
<b>A</b>			
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<p><b>R</b></p> <p>rather <sup>[1]</sup> - 5:23</p> <p>re <sup>[1]</sup> - 10:10</p> <p>re-ask <sup>[1]</sup> - 10:10</p> <p>receive <sup>[1]</sup> - 10:15</p> <p>RECEIVER <sup>[1]</sup> - 2:16</p> <p>record <sup>[1]</sup> - 3:20</p> <p>REGULAR <sup>[1]</sup> - 1:5</p> <p>reimburse <sup>[1]</sup> - 8:9</p> <p>relationship <sup>[1]</sup> - 4:25</p> <p>request <sup>[3]</sup> - 5:3, 6:2, 6:14</p> <p>requested <sup>[1]</sup> - 5:18</p> <p>requesting <sup>[5]</sup> - 4:9, 7:23, 8:7, 8:17, 8:21</p> <p>require <sup>[1]</sup> - 12:19</p> <p>required <sup>[2]</sup> - 7:22, 8:13</p> <p>requires <sup>[2]</sup> - 3:22, 9:21</p> <p>Rescue <sup>[5]</sup> - 3:8, 3:10, 4:12, 4:14, 5:7</p> <p>residents <sup>[5]</sup> - 4:4, 9:19, 10:2, 10:6, 10:15</p> <p>Resolution <sup>[3]</sup> - 11:14, 11:16, 12:18</p> <p>respect <sup>[3]</sup> - 5:9, 6:12, 8:3</p> <p>respond <sup>[2]</sup> - 12:6, 13:5</p> <p>response <sup>[3]</sup> - 11:20, 12:11, 13:10</p> <p>responsibility <sup>[2]</sup> - 7:2, 9:18</p> <p>responsible <sup>[2]</sup> - 6:21, 9:23</p> <p>result <sup>[3]</sup> - 4:23, 7:3, 9:15</p> <p>RICHARD <sup>[2]</sup> - 1:15, 2:14</p> <p>Road <sup>[1]</sup> - 4:20</p> <p>role <sup>[1]</sup> - 4:2</p> <p>Roslyn <sup>[11]</sup> - 3:6, 3:10, 4:10, 4:14, 4:23, 5:5, 6:23, 7:6, 7:18, 7:21, 7:25</p>	<p>serve <sup>[1]</sup> - 9:15</p> <p>Service <sup>[1]</sup> - 6:24</p> <p>service <sup>[1]</sup> - 10:16</p> <p>Session <sup>[3]</sup> - 12:19, 12:23, 13:14</p> <p>set <sup>[1]</sup> - 14:12</p> <p>share <sup>[5]</sup> - 4:24, 7:6, 7:23, 7:25, 8:10</p> <p>shore <sup>[1]</sup> - 5:16</p> <p>signify <sup>[2]</sup> - 12:4, 13:3</p> <p>singled <sup>[1]</sup> - 10:14</p> <p>sits <sup>[1]</sup> - 4:2</p> <p>small <sup>[1]</sup> - 4:17</p> <p>smaller <sup>[1]</sup> - 6:12</p> <p>sometimes <sup>[1]</sup> - 7:18</p> <p>specific <sup>[1]</sup> - 10:16</p> <p>spending <sup>[1]</sup> - 7:9</p> <p>spike <sup>[1]</sup> - 5:24</p> <p>sponsor <sup>[1]</sup> - 6:25</p> <p>Sponsoring <sup>[1]</sup> - 6:22</p> <p>SS <sup>[1]</sup> - 14:4</p> <p>staccato <sup>[1]</sup> - 8:24</p> <p>State <sup>[4]</sup> - 3:22, 9:9, 9:21, 14:8</p> <p>STATE <sup>[1]</sup> - 14:4</p> <p>STENOGRAPHER <sup>[1]</sup> - 1:25</p> <p>stenographic <sup>[1]</sup> - 14:11</p> <p>STEVE <sup>[1]</sup> - 2:9</p> <p>still <sup>[1]</sup> - 12:17</p> <p>suffer <sup>[1]</sup> - 5:24</p> <p>suffering <sup>[1]</sup> - 9:5</p> <p>SUPERVISOR <sup>[20]</sup> - 1:16, 2:5, 3:2, 3:13, 9:3, 9:22, 10:10, 10:19, 10:21, 11:5, 11:9, 11:17, 11:21, 12:3, 12:8, 12:12, 12:16, 13:2, 13:7, 13:11</p> <p>Supervisor <sup>[5]</sup> - 3:15, 10:18, 10:25, 11:11, 12:21</p> <p>Syosset <sup>[1]</sup> - 9:10</p>	<p>Territory <sup>[2]</sup> - 5:13, 6:13</p> <p>THOMAS <sup>[1]</sup> - 2:8</p> <p>three <sup>[4]</sup> - 5:19, 5:23, 8:8, 8:18</p> <p>tonight <sup>[2]</sup> - 3:5, 11:25</p> <p>tonight's <sup>[1]</sup> - 11:13</p> <p>total <sup>[6]</sup> - 4:22, 6:5, 6:10, 6:15, 6:16, 6:18</p> <p>Town <sup>[29]</sup> - 3:15, 3:16, 3:17, 3:22, 4:2, 4:6, 4:9, 4:17, 4:21, 5:2, 5:10, 5:18, 5:21, 5:25, 6:13, 6:21, 6:25, 7:3, 7:11, 7:14, 7:17, 7:19, 7:22, 7:24, 9:7, 9:9, 12:6, 12:11, 13:5</p> <p>TOWN <sup>[15]</sup> - 1:3, 1:4, 1:16, 2:14, 2:15, 2:19, 3:4, 3:14, 9:8, 9:25, 10:17, 10:20, 10:24, 11:7, 11:10</p> <p>town <sup>[1]</sup> - 9:15</p> <p>Town's <sup>[1]</sup> - 7:6</p> <p>traditionally <sup>[1]</sup> - 5:10</p> <p>transcription <sup>[1]</sup> - 14:10</p> <p>try <sup>[2]</sup> - 3:18, 3:19</p> <p>trying <sup>[1]</sup> - 8:24</p> <p>two <sup>[2]</sup> - 5:3, 5:11</p> <p><b>U</b></p> <p>unnecessary <sup>[1]</sup> - 8:25</p> <p>up <sup>[1]</sup> - 5:15</p> <p><b>V</b></p> <p>verbal <sup>[3]</sup> - 11:19, 12:10, 13:9</p> <p>VFBL <sup>[2]</sup> - 7:25, 8:11</p> <p>VICKI <sup>[1]</sup> - 2:11</p> <p>Village <sup>[3]</sup> - 7:18, 8:4, 8:9</p> <p>village <sup>[1]</sup> - 8:7</p> <p>Volunteer <sup>[4]</sup> - 7:12, 7:20, 8:5, 8:11</p> <p>volunteer <sup>[1]</sup> - 8:15</p> <p>vote <sup>[1]</sup> - 11:25</p>	<p>WHEREOF <sup>[1]</sup> - 14:12</p> <p>WITNESS <sup>[1]</sup> - 14:12</p> <p>worker's <sup>[1]</sup> - 8:14</p> <p><b>Y</b></p> <p>year <sup>[10]</sup> - 4:6, 5:4, 5:19, 5:23, 6:5, 6:6, 6:9, 6:16, 6:18, 10:25</p> <p>years <sup>[2]</sup> - 8:8, 8:18</p> <p>York <sup>[4]</sup> - 3:21, 9:9, 9:20, 14:8</p> <p>YORK <sup>[1]</sup> - 14:4</p>
<p><b>S</b></p> <p>SALADINO <sup>[20]</sup> - 1:15, 2:5, 3:2, 3:13, 9:3, 9:22, 10:10, 10:19, 10:21, 11:5, 11:9, 11:17, 11:21, 12:3, 12:8, 12:12, 12:16, 13:2, 13:7, 13:11</p> <p>Second <sup>[2]</sup> - 12:2, 12:25</p> <p>Section <sup>[3]</sup> - 3:22, 9:9, 9:20</p>	<p><b>T</b></p> <p>TAKEN <sup>[1]</sup> - 1:25</p> <p>tasked <sup>[1]</sup> - 9:17</p> <p>TAXES <sup>[1]</sup> - 2:16</p> <p>taxpayers <sup>[1]</sup> - 10:12</p> <p>term <sup>[3]</sup> - 5:23, 8:14, 9:16</p>	<p><b>W</b></p> <p>WALSH <sup>[1]</sup> - 2:11</p> <p>water <sup>[2]</sup> - 5:15</p> <p>western <sup>[1]</sup> - 4:18</p>	

**TOWN BOARD**

**TOWN OF OYSTER BAY**

REGULAR MEETING

March 21, 2023

12:16 a.m.

\*\*\*

**ACTION CALENDAR**

\*\*\*

**JOSEPH SALADINO**

SUPERVISOR

\*\*

**RICHARD LaMARCA**

TOWN CLERK

TAKEN BY: KAREN LORENZO, STENOGRAPHER

A P P E A R A N C E S

P R E S E N T:

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

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

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

PUBLIC COMMENT:

ARTHUR ADLEMAN  
KEVIN MCKENNA

1  
2 SUPERVISOR SALADINO: May I have a  
3 motion, please?

4 COUNCILMAN IMBROTO: Supervisor,  
5 I'll make a motion to close the Executive  
6 Session. No action being taken.

7 COUNCILMAN HAND: Second.

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

10 (Whereupon, all members of  
11 the Town Board respond in favor  
12 with, "Aye".)

13 SUPERVISOR SALADINO: Those opposed,  
14 "Nay".

15 (Whereupon, no verbal  
16 response.)

17 SUPERVISOR SALADINO: They "Ayes"  
18 have it.

19 With that, here is the Town Clerk  
20 and we will call for the regular Action  
21 Calendar to be brought to the table.

22 Clerk LaMarca, would you call the  
23 regular Action Calendar?

24 TOWN CLERK: May have a motion to  
25 suspend the rules and add Resolution 212

and 213-2023. On the motion motion?

COUNCILMAN IMBROTO: So moved.

COUNCILMAN HAND: Second.

TOWN ATTORNEY: Hold on. Rich, one  
second.

(Whereupon, a brief pause.)

TOWN ATTORNEY: Sorry, Supervisor.  
All good.

TOWN CLERK: On the vote, Supervisor  
Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilwoman Maier?

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to suspend the  
rules and add Resolution 212 and 213-2023  
passes with five "Ayes".

May I have a motion to table  
Resolution 206-2023?

On the motion.

COUNCILMAN IMBROTO: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: Motion made by  
Councilman Imbroto and seconded by  
Councilman Hand.

On the vote, Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilwoman Maier?

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to table  
Resolution 206-2023 passes with five  
"Ayes".

May have a motion to resuspend the  
rules and walk on Resolution  
214-217-2023. Resolution 214 is a  
Resolution appointing Supervisor Joseph  
S. Saladino as a marriage officer to

perform a wedding on April 14th, 2023.

Resolution 215 is a Resolution authorizing award of a contract number DPW23-264 Soil Investigation at Bethpage Community Park, Account Number PKSH7197200000002302001.

Resolution 216-2023 is a Resolution authorizing the supervisor to acknowledge and consent to the proposed tax exemptions extension agreement between Nassau County and Central Park Estates.

And Resolution 217-2023 is a resolution authorizing a License Agreement to operate the Harry Tappen Beach food concession services for a three year period beginning April 1st, 2023 through December 31st, 2025, with a provision for three one year extensions.

COUNCILMAN IMBROTO: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: Motion made by Councilman Imbroto and seconded by Councilman Hand.

On the vote, Supervisor Saladino?

1  
2 SUPERVISOR SALADINO: I recuse  
3 myself on Resolution 214 and vote Aye on  
4 all the rest.

5 TOWN CLERK: Councilman Imbroto?

6 COUNCILMAN IMBROTO: Aye.

7 TOWN CLERK: Councilman Hand?

8 COUNCILMAN HAND: Aye.

9 TOWN CLERK: Councilwoman Maier?

10 COUNCILWOMAN MAIER: Aye.

11 TOWN CLERK: Councilwoman Walsh?

12 COUNCILWOMAN WALSH: Aye.

13 TOWN CLERK: Motion to resuspend the  
14 rules of procedure and add walk on  
15 Resolutions 214 passes with four "Ayes"  
16 and one recusal. Motion to resuspend the  
17 rules of procedure and add walk on  
18 Resolution 215-217-2023 passes with five  
19 "Ayes".

20 COUNCILMAN IMBROTO: We did 212 and  
21 213, correct?

22 TOWN CLERK: Yes.

23 May have a motion to adopt  
24 Resolution number P-7-23 through to  
25 217-2023, noting that Resolution 206-2023



has been tabled.

On the motion?

COUNCILMAN IMBROTO: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: Motion made by  
Councilman Imbroto and seconded by  
Councilman Hand. And I think we have a  
couple of speakers.

(Whereupon, Supervisor  
Saladino steps off the podium  
for a brief off the record  
discussion.)

COUNCILMAN IMBROTO: Supervisor,  
should we have the speakers while you are  
--

SUPERVISOR SALADINO: Yeah. You can  
begin.

COUNCILMAN IMBROTO: We have a  
quorum. The first speaker is Arthur  
Adelman.

MR. ADELMAN: My name is Arthur  
Adelman.

COUNCILMAN IMBROTO: How many  
resolutions are you speaking on?

1  
2 MR. ADELMAN: Three. You've tabled  
3 one. Net two.

4 My name is Arthur Adelman, 110  
5 Dubois Avenue Sea Cliff, New York.

6 First order of business is the draft  
7 for the transfer of funds. Shows the  
8 number 01123 Department for an increase  
9 of \$2 million and then followed by an  
10 increase of \$2 Million. I think that's a  
11 typo and it should be corrected before it  
12 goes in to final resolution. It should be  
13 a decrease in Town A and an increase in  
14 department of the Attorney General.  
15 What's it called? Inspector General.

16 Anyway, the transfer of funds  
17 resolution to transfer \$2 million  
18 increase into the Department of the  
19 Inspector General should be voted down in  
20 light of the fact that 207 has been  
21 lifted from the calendar, that \$2 Million  
22 movement of funds was to fund a contract  
23 for a company named Enterprise Mutual  
24 Sorry, 206, which is tabled. So we're  
25 tabling the resolution and the \$2 million

1  
2 supposed to fund that. So, number one, it  
3 should be removed from the transfer list.  
4 The Inspector General doesn't need the  
5 funds right now. That's number one.

6 And number two, I was going to speak  
7 on that anyway. The \$2 million being the  
8 fact that the first quarter of the year  
9 has already passed us by. The amount  
10 needed for funding in this year, this  
11 fiscal year, should only be \$1.5 million.  
12 The first quarter is gone. So if you need  
13 \$2 million, you don't need \$2 million for  
14 nine month's work, only 1.5 million. So  
15 even if you decide to pass that  
16 resolution and the transfer of funds to  
17 move funds from Town A to the Inspector  
18 General, I beseech you to decrease it  
19 from \$2 million to \$1.5 million, even  
20 though you're moving funds when we don't  
21 have a contract.

22 COUNCILWOMAN MAIER: Arthur, It  
23 wasn't for a calendar year. It was for a  
24 period of one year starting March 21st.

25 COUNCILMAN IMBROTO: He's talking

about the transfer of funds.

MR. ADELMAN: The transfer of funds is for the fiscal year.

COUNCILWOMAN MAIER: Okay. I thought you were referring to the Resolution 206.

MR. ADELMAN: The \$2 million that we would have to fund the first quarter of next year for next year's budget.

COUNCILMAN IMBROTO: Arthur, we'll take it under advisement. We'll make any necessary amendments to the transfer.

MR. ADELMAN: Number two. I think we mentioned Enterprise Security Solutions. Is it possible that this company that this resolution was tabled because back six months ago or so when we signed a previous contract with this company under resolution --

COUNCILMAN IMBROTO: Arthur, that resolution has been tabled tonight.

MR. ADELMAN: Anyway, we signed a contract with them last August. I had made note at that meeting that this company was not a registered company in

1  
2 New York State, and Mr. Scalera had  
3 stated at that time, before any contract  
4 was signed, he would make sure that this  
5 company, Enterprise Security Solutions,  
6 did get themselves registered as a  
7 foreign company, in fact, they are in New  
8 Jersey LLC, that they would be registered  
9 in New York State. As of this morning,  
10 they still were not registered in New  
11 York State.

12 MR. ADELMAN: Arthur, Resolution 206  
13 has been tabled. This is the time to  
14 talk about the resolutions on the  
15 Calendar.

16 MR. ADELMAN: If it gets untabled  
17 with the same party, we should make sure  
18 that company is a registered entity in  
19 New York State.

20 The last thing I wanted to talk  
21 about was number 205. This has to do with  
22 De Bruin getting ready for construction  
23 and reconstruction of tennis courts. And  
24 now it seems that that was the original  
25 reference resolution when De Bruin got

1  
2 the contract, 939-2022. De Bruin was to  
3 construct and reconstruct tennis courts  
4 only. No mention of pickleball courts.  
5 Now we're talking about adding pickleball  
6 courts to Anchor Park.

7 I'm curious to know a couple of  
8 things. Number one, why are the planning  
9 of tennis and pickleball courts the  
10 purview of DPW and not the Parks  
11 Department? It seems that it would be a  
12 Parks Department project. And why are all  
13 the pickleball courts -- I don't know how  
14 many they plan to do for Anchor, if it's  
15 going to be 1 or 2, but we already have  
16 ten plan in the Town of Oyster Bay. All  
17 ten of them are south of Jericho  
18 Turnpike. There are none planned for  
19 either Tappen or Gaynor Park. The people  
20 of Glen Head, Glenwood Landing, play  
21 pickleball. And we are a little taken  
22 back that Parks and DPW are treating us  
23 like Cinderella, you know, no respect.  
24 Just no respect. All the pickleball  
25 courts will be south of Jericho Turnpike.

1  
2 At least 10. Ten without the addition of  
3 an Anchor Park project.

4 So with 206 eliminated. Really taken  
5 back that I waited five hours to speak on  
6 it and then it's tabled. As I said for  
7 last meeting, when an item was tabled  
8 that I wanted to chat about, I want to  
9 make notice that should this item come up  
10 again and be untabled that the public  
11 should be forewarned and told that such  
12 and such a resolution, in this case,  
13 206-22 will be taken off the table and  
14 voted on at a specific meeting. It should  
15 not just be thrown at it. That's it.

16 I think I would appreciate it if you  
17 would correct the transfer of funds of  
18 the \$2 million, bring it down to \$1.5  
19 million, or eliminate it completely as  
20 there is no outstanding contract to spend  
21 that money on. Thank you.

22 COUNCILMAN IMBROTO: All right,  
23 Arthur. Thank you very much.

24 MR. ADELMAN: And good morning.

25 SUPERVISOR SALADINO: Anything else,

1  
2 Arthur?

3 MR. ADELMAN: No. No public comment  
4 tonight.

5 SUPERVISOR SALADINO: You're okay.  
6 You have nothing else to speak to us  
7 about. Do you have time left? I just want  
8 to make sure, respectfully.

9 MR. ADELMAN: No. We stopped when  
10 you walked out. No.

11 SUPERVISOR SALADINO: Do you want to  
12 finish your comment?

13 MR. ADELMAN: I'm done. Oh, one  
14 more thing.

15 SUPERVISOR SALADINO: You do have  
16 public comments.

17 MR. ADELMAN: As you can see from  
18 the empty room, night meetings don't  
19 bring out a bigger crowd. So we can have  
20 our meetings during the day. But what's  
21 nice about the night meetings is the  
22 availability of parking.

23 So what are we going to do about the  
24 transfer of funds?

25 SUPERVISOR SALADINO: I have the



1  
2 counsel looking at it right now. We will  
3 be reporting back momentarily. Thank you  
4 for your patience.

5 MR. ADELMAN: How come DPW takes  
6 care of pickleball and tennis courts and  
7 not Parks?

8 COUNCILMAN IMBROTO: Because they're  
9 dealing with engineering firms.

10 SUPERVISOR SALADINO: Yeah,  
11 engineering is part of the Department of  
12 Public Works. All right.

13 So just give us a moment and then  
14 we'll be hearing from Kevin. Did Kevin  
15 speak yet?

16 COUNCILMAN IMBROTO: No.

17 SUPERVISOR SALADINO: Okay. How are  
18 you this evening, Kevin?

19 MR. MCKENNA: Well, I'm just dandy.

20 SUPERVISOR SALADINO: Good.

21 MR. MCKENNA: Kevin McKenna,  
22 Syosset, New York.

23 I want to first talk about Personnel  
24 Resolution P-7-23. I want to point out  
25 that you, once again, you're violating

1  
2 New York State Open Meetings law by not  
3 making the public available of the names  
4 of the person on the Resolution that you  
5 left on the table over there. And now I  
6 understand why you don't put the names on  
7 that sheet on the table. Because you  
8 don't want the public to see some of the  
9 percent increases that are being given to  
10 top people in the Town. For instance,  
11 last year you gave almost 12% pay  
12 increase to Vicki Spinelli in order to  
13 prevent her from going to Nassau County.  
14 Even though she had a going away party  
15 here in the town, you then gave her  
16 almost a 12% pay increase. And in if her  
17 name would have been on that that sheet  
18 that once again you don't have the names,  
19 the public wouldn't be able to voice  
20 their opinion about somebody getting an  
21 11 to 12% pay increase.

22 And I'm also told and I don't know  
23 if there's any truth to it, but I'm also  
24 told that the Town, in addition to giving  
25 her an almost 12% pay increase, they also

1  
2 assigned her a Town-owned truck. And I'd  
3 like to know if that's true and if she  
4 does have a truck, I'd like to know if  
5 she does moving at night. I want to know  
6 what she uses that taxpayer provided  
7 truck for.

8 But why don't you put the names? I  
9 just told you why you don't put the names  
10 on the on the resolution. Because you  
11 don't want the taxpayers to know who  
12 you're giving pay increases to. And that  
13 violates New York State Open Meetings  
14 Law. And I would think that council folks  
15 like Councilwoman Walsh, like Councilman  
16 Hand, like Councilwoman Maier, I would  
17 think that you would voice your opinion  
18 and also want the Town to follow the New  
19 York State Open Meetings Law instead of  
20 sitting there like puppets.

21 Now we're going to talk about the \$2  
22 million. Since you tabled Resolution 206,  
23 like Arthur said, it's important that you  
24 go on the record tonight and you do on  
25 the record correct -- you should remove

1  
2 the \$2 Million because you pulled  
3 Resolution 206.

4 SUPERVISOR SALADINO: Mr. McKenna,  
5 if you'd be kind enough to wait a few  
6 minutes, we're going to get all that  
7 resolved.

8 COUNCILMAN IMBROTO: We're going to  
9 amend the transfer of funds.

10 SUPERVISOR SALADINO: We're getting  
11 all this resolved, and we're going to  
12 report to the public.

13 MR. MCKENNA: Okay. So let me  
14 finish. You can do that when I'm done.

15 SUPERVISOR SALADINO: Yes. But we  
16 are pulling 206, so if you would like to  
17 speak about that at the meeting where we  
18 bring that up.

19 MR. MCKENNA: I'm not talking about  
20 206. I'm talking about the \$2 Million  
21 that right now is still --

22 COUNCILMAN IMBROTO: You're talking  
23 about the transfer of funds resolution.

24 MR. MCKENNA: It's still on the,  
25 it's still on the -- -

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SUPERVISOR SALADINO: Mr. McKenna.  
We understand.

MR. MCKENNA: No, I'm talking about  
the \$2 million. When I get done then you  
can --

SUPERVISOR SALADINO: Mr. McKenna,  
we are going to resolve that.

MR. MCKENNA: I want to put the Town  
Board on notice right now.

SUPERVISOR SALADINO: Mr. McKenna, I  
know what you --

MR. MCKENNA: Built into that \$2  
Million is a kickback.

SUPERVISOR SALADINO: Mr. McKenna.

MR. MCKENNA: It's a kickback  
that --

SUPERVISOR SALADINO: Mr. McKenna,  
if you're going to start --

MR. MCKENNA: I spoke to Michael --

(Whereupon, court reporter  
asks for one speaker at time.)

SUPERVISOR SALADINO: Mr. McKenna, if  
you're going to go on and not listen to  
the rules --

1  
2 MR. MCKENNA: I spoke to Michael  
3 Esposito today, who is a representative  
4 from Enterprise --

5 SUPERVISOR SALADINO: Mr. McKenna.

6 MR. MCKENNA: He admitted to me on  
7 audio. I haven't it recorded.

8 SUPERVISOR SALADINO: If you're  
9 going to continue on with this nonsense.

10 (Whereupon, Mr. McKenna  
11 ignores request, crosstalk.)

12 MR. MCKENNA: You can't allow a  
13 company to build in a kickback in the \$2  
14 million bid. Thank you very.

15 SUPERVISOR SALADINO: Mr. McKenna,  
16 none of that is true.

17 (Whereupon, Mr. McKenna  
18 continues dialogue while  
19 walking out.)

20 SUPERVISOR SALADINO: At this time,  
21 I'm going to ask for two motions  
22 separately. Starting with the first  
23 motion from Councilman Imbroto.

24 COUNCILMAN IMBROTO: Supervisor, I  
25 make a motion to amend Resolution

211-2023 to approve the contract term and expenses for only calendar year 2023.

COUNCILMAN HAND: Second.

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

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

SUPERVISOR SALADINO: Those opposed, "Nay".

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: The ayes have it.

Mr. Imbroto, would you please bring the next motion?

COUNCILMAN IMBROTO: Supervisor, I make a motion to amend Resolution TF-4-23 to delete proposed Item 11-23, the Transfer of Funds.

COUNCILMAN HAND: Second.

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

(Whereupon, all members of

1  
2 the Board respond in favor  
3 with, "Aye".)

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

6 (Whereupon, no verbal  
7 response.)

8 SUPERVISOR SALADINO: The ayes have  
9 it.

10 Is there anyone else who would  
11 like to be heard on these resolutions?

12 (Whereupon, no verbal  
13 response.)

14 SUPERVISOR SALADINO: Please let the  
15 record reflect that no one has indicated  
16 they'd like to be heard.

17 With that, Mr. LaMarca, would you  
18 please take a vote?

19 TOWN CLERK: I would like to just  
20 clarify the the call on this, please.

21 I'm going to ask for a motion to  
22 adopt Resolution P-7-23 through 217-2023,  
23 noting that Resolution 206-2023 has been  
24 tabled, that resolution TF-4-23 has been  
25 amended, and that Resolution 211-2023 has



also been amended.

On the motion?

COUNCILMAN IMBROTO: So moved.

COUNCILMAN HAND: Second.

TOWN CLERK: Motion made by  
Councilman Imbroto and seconded by  
Councilman Hand.

On the vote, Supervisor Saladino?

SUPERVISOR SALADINO: I recuse  
myself on Resolution number 214 and vote  
Aye on all the rest.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: I vote Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilwoman Aye?

COUNCILWOMAN MAIER: Aye on all.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye on all.

TOWN CLERK: Resolution P-7-23.

Passes with five "Ayes". Resolution  
TF-4-23 has been amended and passes with  
five "Ayes". Resolution 191 through  
205-2023 passes with five "Ayes".

Resolution 206-2023 has been tabled.

Resolution 207 through 210-2023 passes with five "Ayes". Resolution 211-2023 as amended, passes with five "Ayes".

Resolution 212 and 213 passes with five "Ayes". Resolution 214 passes with four "Ayes" and one recusal; and Resolution 215 through 217 passes with five "Ayes".

The Calendar is complete.

SUPERVISOR SALADINO: Thank you.

Thank you so much.

May we have a motion to close the meeting?

COUNCILMAN IMBROTO: So moved.

COUNCILMAN HAND: Second.

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

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

SUPERVISOR SALADINO: Those opposed, "Nay"?

(Whereupon, no verbal response.)

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SUPERVISOR SALADINO: The ayes have  
it.

(Whereupon, the meeting  
concludes, 12:41 a.m.)

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set  
my hand this 21st day of March, 2023.

Karen Lorenzo  
KAREN LORENZO

**TOBAY TOWN BOARD MTG 03.21.23 ACTION CALENDAR**

<b>0</b>	<b>214-217-2023</b> <sup>[1]</sup> - 5:23	<b>amendments</b> <sup>[1]</sup> - 11:12	<b>beseech</b> <sup>[1]</sup> - 10:18
<b>01123</b> <sup>[1]</sup> - 9:8	<b>215</b> <sup>[2]</sup> - 6:3, 25:9	<b>amount</b> <sup>[1]</sup> - 10:9	<b>Bethpage</b> <sup>[1]</sup> - 6:5
<b>1</b>	<b>215-217-2023</b> <sup>[1]</sup> - 7:18	<b>Anchor</b> <sup>[3]</sup> - 13:6, 13:14, 14:3	<b>between</b> <sup>[1]</sup> - 6:11
<b>1</b> <sup>[1]</sup> - 13:15	<b>216-2023</b> <sup>[1]</sup> - 6:8	<b>ANTETOMASO</b> <sup>[1]</sup> - 2:15	<b>bid</b> <sup>[1]</sup> - 21:14
<b>1.5</b> <sup>[4]</sup> - 10:11, 10:14, 10:19, 14:18	<b>217</b> <sup>[1]</sup> - 25:9	<b>Anyway</b> <sup>[2]</sup> - 9:16, 11:22	<b>bigger</b> <sup>[1]</sup> - 15:19
<b>10</b> <sup>[1]</sup> - 14:2	<b>217-2023</b> <sup>[3]</sup> - 6:13, 7:25, 23:22	<b>anyway</b> <sup>[1]</sup> - 10:7	<b>Board</b> <sup>[5]</sup> - 3:11, 20:10, 22:8, 23:2, 25:20
<b>11</b> <sup>[1]</sup> - 17:21	<b>21st</b> <sup>[2]</sup> - 10:24, 27:13	<b>appointing</b> <sup>[1]</sup> - 5:24	<b>BOARD</b> <sup>[1]</sup> - 1:2
<b>11-23</b> <sup>[1]</sup> - 22:20	<b>3</b>	<b>appreciate</b> <sup>[1]</sup> - 14:16	<b>brief</b> <sup>[2]</sup> - 4:7, 8:12
<b>110</b> <sup>[1]</sup> - 9:4	<b>31st</b> <sup>[1]</sup> - 6:18	<b>approve</b> <sup>[1]</sup> - 22:2	<b>bring</b> <sup>[4]</sup> - 14:18, 15:19, 19:18, 22:16
<b>12%</b> <sup>[4]</sup> - 17:11, 17:16, 17:21, 17:25	<b>9</b>	<b>April</b> <sup>[2]</sup> - 6:2, 6:17	<b>brought</b> <sup>[1]</sup> - 3:21
<b>12:16</b> <sup>[1]</sup> - 1:7	<b>939-2022</b> <sup>[1]</sup> - 13:2	<b>Arthur</b> <sup>[10]</sup> - 8:20, 8:22, 9:4, 10:22, 11:10, 11:20, 12:12, 14:23, 15:2, 18:23	<b>Bruin</b> <sup>[3]</sup> - 12:22, 12:25, 13:2
<b>12:41</b> <sup>[1]</sup> - 26:5	<b>A</b>	<b>ARTHUR</b> <sup>[1]</sup> - 2:21	<b>budget</b> <sup>[1]</sup> - 11:9
<b>14th</b> <sup>[1]</sup> - 6:2	<b>a.m</b> <sup>[2]</sup> - 1:7, 26:5	<b>assigned</b> <sup>[1]</sup> - 18:2	<b>build</b> <sup>[1]</sup> - 21:13
<b>191</b> <sup>[1]</sup> - 24:24	<b>able</b> <sup>[1]</sup> - 17:19	<b>ATTORNEY</b> <sup>[3]</sup> - 2:17, 4:5, 4:8	<b>Built</b> <sup>[1]</sup> - 20:13
<b>1st</b> <sup>[1]</sup> - 6:17	<b>Absent</b> <sup>[2]</sup> - 2:6, 2:9	<b>Attorney</b> <sup>[1]</sup> - 9:14	<b>business</b> <sup>[1]</sup> - 9:6
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