

TOWN BOARD

TOWN OF OYSTER BAY

REGULAR MEETING

February 27, 2024

10:25 a.m.

SPECIAL PRESENTATION

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

PRAYER:

REV. KENT EDMONSTON

PLEDGE:

DOUGLAS CHANDLER, MOUNT OLIVE BAPTIST

1
2 SUPERVISOR SALADINO: Good morning,
3 ladies and gentlemen. Welcome to the
4 meeting of the Oyster Bay Town Board for
5 Tuesday, February 27, 2024.

6 For those joining this morning, you
7 have an opportunity to be heard on
8 matters brought before the Town Board as
9 well as during the public comment portion
10 which is at the end of the meeting.

11 As always, this meeting is being
12 live streamed and social media, and on
13 the Town's website, Oysterbaytown.com.
14 These proceedings are recorded and later
15 transcribed.

16 Your voice is important to us.
17 Statements and comments and input from
18 the public relative to our meetings are
19 always welcome. If you'd like to be
20 heard, you need to fill out one of these
21 slips (indicating). If you'd like to be
22 heard on a resolution, your comments must
23 be just about that resolution on the
24 Calendar. If it's not related to
25 something that we're doing, you can be

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2 heard during the public comment portion
3 on whatever you'd like to speak about.
4 If you're here for any of the hearings,
5 please fill out a slip and make sure you
6 write on there which hearing you're here
7 for.

8 Everyone can submit comments on line
9 by e-mailing publiccomment@OysterBay-ny.gov,
10 or you can mail us at the Office of the
11 Town Attorney, 54 Audrey Avenue, Oyster
12 Bay, New York 11771.

13 We lead every town board meeting
14 with prayer, and we are very lucky and
15 blessed to have with us a very, very
16 special friend, and that's Reverend Kent
17 Edmonston of the Mount Olive Baptist
18 Church in Oyster Bay. Reverend, it's so
19 great to see you.

20 It is Black History Month here in
21 America and the Town of Oyster Bay. And
22 we had a very special program just the
23 other evening in this very room. But it's
24 also at the town board meeting where we
25 will be recognizing some very important

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2 people of history, of color, but they are
3 important people for all Americans. And
4 we'll be talking about that in just a
5 minute.

6 So what a great way to kick off this
7 meeting to hear from our dear friend
8 leading us in prayer, Reverend Kent
9 Edmonston. Would everyone please rise?

10 REVEREND EDMONSTON: Let us pray.
11 Our father and our God, we are grateful
12 for your love and your kindness, for your
13 tender mercy toward the children of men.
14 We thank you, dear Lord, that you've
15 allowed us to come together in these
16 chambers, Oh, Lord.

17 We thank you, dear father, that you
18 have allowed us to come before our
19 supervisor, the Board, oh, God, and the
20 Town of Oyster Bay.

21 We thank you for the history that is
22 being made on this day. For we recognize
23 that this is the day the Lord has made,
24 and we've come to rejoice and to be glad
25 in it, and to thank you for where you

brought us from.

We ask now, dear Lord, that you
continue to crown us with the wisdom and
the knowledge and the understanding that
we need to operate and to administrate
accordingly, oh, God.

Thank you for all that you have
already done and all that you're going to
do. Continue to guide us, oh, thou great
Jehovah, through this pilgrim land. We're
weak, but thou art strong. Hold us in the
heart of thy hand, and we shall never,
ever forget all that you've done for us.

In Jesus' name we pray. Amen.

(Whereupon, all, Amen.)

SUPERVISOR SALADINO: Thank you
Reverend. We greatly appreciate your
friendship. Everything you do for our
town and for your congregation.

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2 SUPERVISOR SALADINO: Leading us in
3 the Pledge of Allegiance this morning is
4 Airman First Class Douglas Chandler of
5 the United States Air Force, who served
6 from 1973 through 1975 when he received
7 his honorable discharge. Airman Chandler
8 is also a deacon.

9 Airman, would you please step up and
10 join us? If you kindly step up to the
11 podium.

12 (Whereupon, the Pledge of
13 Allegiance is said.)

14 SUPERVISOR SALADINO: Thank you so
15 much for your service to America.

16 Before we are seated, I'm going to
17 ask everyone for a moment of silence as
18 we think of the men and women in the
19 United States Armed forces serving here
20 and abroad, in recognition of the men and
21 women in law enforcement, all of our
22 first responders who are our heros, our
23 emergency responders, firefighters,
24 ambulance and medics and, of course, all
25 of our healthcare heroes. Let us also

pray for all those we have lost in recent weeks including the wonderful and dear mother of our Town Clerk. And let's pray that the hostages return safe and soon.

(Whereupon, moment of
silence observed by all.)

SUPERVISOR SALADINO: Thank you.
Please be seated.

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2 SUPERVISOR SALADINO: So folks, we
3 have a couple of programs that we would
4 like to partake in and then we will get
5 right into our Calendar and start off
6 with our three hearings. Again, if
7 anyone would like to be heard, please
8 fill out the slip, whether it's on a
9 hearing, whether it's on the Resolution
10 Calendar, or if you'd like to be heard on
11 something different than what we're
12 talking about today and dealing with
13 today, you can be heard during the public
14 comment portion at the end of the
15 meeting.

16 And now for our programs. This month
17 marks the 48th annual Black History Month
18 in America. It's a celebration of the
19 achievements and advancements of African
20 Americans and the positive impact they've
21 had on our nation, on our world, on our
22 community, including the Town of Oyster
23 Bay. This morning, we're proud to join
24 with Oyster Bay Historical Society
25 Executive Director, Dr. Denice Evans-

1
2 Sheppard. Why don't you give a wave?

3 (Whereupon, applause.)

4 SUPERVISOR SALADINO: And her
5 family. Together we will unveil a very
6 important historical marker for Carll
7 Hill Road, which the marker will be
8 situated near the intersection of Carll
9 Hill Road and Pine Hollow Road in Oyster
10 Bay.

11 This marker is named in honor of a
12 Civil War veteran and hero, David Carll.
13 He was a free black man who volunteered
14 in 1864 to serve in the 26 New
15 York-United States Colored Troop
16 Regiment. Obviously, at that time, our
17 United States armed forces were
18 segregated. This troop regiment was
19 funded through a government stipend and
20 by philanthropists, including James
21 Roosevelt, uncle of President Theodore
22 Roosevelt.

23 Upon returning home after the war in
24 1865 and soon after, President Abraham
25 Lincoln signed the Emancipation

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2 Proclamation, David Carll and his wife,
3 Louisa Appleford Carll purchased land in
4 the Pine Hollow community that has housed
5 six generations of his descendants.

6 It is now the home of the Carll
7 family descended Dr. Denice
8 Evans-Sheppard. This is an absolutely
9 amazing story. Denise, through her
10 efforts with the Oyster Bay Historical
11 Society and as a proud member of the
12 Carll Family, is truly keeping history
13 alive in our town and, quite frankly, for
14 America.

15 Remember, folks, we've all said this
16 so many times. Black history is American
17 history. And that's very, very important
18 to us to educate our communities and our
19 residents. And by doing so, set the tone
20 for the rest of the country. That's what
21 we do in Oyster Bay. We set the bar,
22 whether it's recognizing the history of
23 African American heroes, whether it's in
24 sports and education, in all that our
25 residents and professionals, we set the

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2 bar. Our firefighters and emergency
3 responders certainly do that on a daily
4 basis.

5 So back to Denice. Denice is a
6 fourth generation descendant, and she is
7 joined by her family members. As I call
8 your name out, just raise your hand so
9 everybody can see you're here.

10 (Whereupon, the following
11 acknowledge there presence.)

12 SUPERVISOR SALADINO: Percy Carl,
13 the great great grandchild;

14 Marchia Whitfield, also a great
15 grandchild, third generation descendant;

16 Iris Williams, fourth generation
17 descendant;

18 Kaleo Williams, the great great
19 great grandchild, fifth generation
20 descendant;

21 Sylvia Whitfield, a great great
22 grandchild;

23 Kai Sheppard, great, great, great
24 grandchild, fifth generation descendant;

25 Unable to make it with us to join us

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2 today is a very another very famous
3 member of the family. You have a lot of
4 talent in your family. So listen to this
5 folks. This is very exciting. Unable to
6 make it is a fourth generation descendant
7 and the great great granddaughter of
8 David Carll, whose mom and dad grew up in
9 the Carll home. She is a singer whose
10 name and music you will certainly
11 remember. And her name is Vanessa
12 Williams, miss America, extremely
13 amazing, right? And they are such a
14 talented family. And of course, when it
15 came to announcing her name, I "saved the
16 best for last".

17 So Vanessa is a Tony and Emmy Award
18 winner and recipient of multiple Grammy
19 Award nominations. She had planned to
20 attend the unveiling of our last board
21 meeting on February 13th, but the
22 ceremony had to be cancelled because of
23 the winter storm, and of course, we
24 rescheduled for today, but she sends her
25 regards and her congratulations to her

1
2 family and to the Town of Oyster Bay. She
3 happens to now be in London starring in a
4 theatrical production of The Devil Wears
5 Prada. How about a big shout out for
6 Vanessa and the entire Carll Family.

7 (Whereupon, applause.)

8 SUPERVISOR SALADINO: David Carll's
9 legacy is an important chapter in the
10 history of Oyster Bay and of course, our
11 nation. He did the right thing. Think
12 about it, think about it. How African
13 Americans were treated at that time, and
14 people who were not treated well by any
15 means and any measure, took up and went
16 as a volunteer to put -- in his case,
17 Carll's life on the line -- to protect
18 America at war. That's something very,
19 very special to do, especially in trying
20 times.

21 So this historical marker is
22 emblematic of the rich history and the
23 major contributions of African American
24 soldiers who fought for liberty during
25 the Civil War. There is the Pine Hollow

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2 Cemetery, just a little further south on
3 the road from from here. And we all
4 suggest that you visit it. Go see the
5 names, understand some of the history.
6 Look it up. Look up the Oyster Bay
7 Historical Society, it does a wonderful
8 job in preserving that history.

9 But that's a living history,
10 American history. Because, as we said,
11 black history is American history. And we
12 have an important part of it right here.

13 So before we unveil a sign, I'd like
14 to invite up Dr. Denice Evans-Sheppard to
15 address our friends. Let's give her a big
16 hand.

17 (Whereupon, applause.)

18 MS. SHEPPARD: Good morning,
19 everyone. Thank you so much for taking
20 the time to acknowledge my family. I have
21 to say this has been a great year for
22 acknowledgement. I, too, lost my mom in
23 August, so this is kind of in our honor
24 because she had been the keeper of
25 history in our family as well. So I kind

1
2 of inherited that from her, along with
3 other family members that took pride in
4 the family history.

5 I just want to say how this whole
6 thing became alive. It started out in
7 Rich LaMarca's office. We talked about
8 it. He presented the idea along with the
9 hometown hero signage, which looked
10 beautiful down in the Roosevelt Park.
11 From there it went to Kurt Ludwig, who
12 took the bull and ran with it. I have to
13 say it, it was beautiful. I thank you. I
14 cannot even thank you enough. I was
15 looking at a little sign that said Carll
16 Hill, because people would get mixed up
17 with another road, had no sign. But when
18 I saw that he took the initiative to make
19 it an actual marker. It really did
20 something to my heart and I really do
21 appreciate it. As well, Esther looking
22 around, trying to figure out where we're
23 going to locate the signage one day. But
24 I just want to say everyone included,
25 Brian Nevins, Esther, Iris Williams, as

1
2 we all sat in the office to further
3 discuss it. It meant a lot to me.

4 And I do want to say thank you to
5 the Town of Oyster Bay for including us
6 again in this program. You guys are doing
7 a great job. I tell everyone how
8 progressive the Town has been since the
9 beginning. Pine Hollow is a special place
10 that welcomes everyone throughout
11 generations, whether African American,
12 Irish, Polish or Italian. And I want to
13 say thank you. I appreciate it. Thank
14 you.

15 (Whereupon, applause.)

16 SUPERVISOR SALADINO: We are all
17 honored to take part in this and all of
18 my colleagues on the town board, we
19 appreciate it. Especially the North
20 Shore contingency with Rich LaMarca and
21 Vicki Walsh and my dear friend to my
22 right, who is all things North Shore, all
23 things Town of Oyster Bay. She really
24 loves this town, Michele Johnson and of
25 course. And of course, the Public

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2 Information office who did such a
3 wonderful job. Brian Nevins' entire team.
4 Thank you, Esther, for the wonderful job.
5 And Kurt Ludwig. Boy, oh, boy. This guy
6 makes us look good every day. This man's
7 been with Oyster Bay so long that I think
8 he used to go out to lunch with David
9 Carll (laughter); therefore, he had so
10 much affinity for this project.

11 So with that, let's have all the
12 elected officials and the family and all
13 the Carll descendants. Please circle
14 around with the unveiling. Please come on
15 up.

16 (Whereupon, unveiling of
17 sign.)

18 SUPERVISOR SALADINO: Again. Our
19 past is our future. We will always
20 embrace our history. One of the most
21 historical towns in America. And now we
22 continue to prove that everyone has a
23 seat at the table in the Town of oyster
24 Bay.

25 Melissa, thank you for your help all

1
2 the time. Stately and historic, Kurt
3 Ludwig. A big shout out to General
4 Services, thank you for all your help as
5 well. And I know Highway will be helping
6 out by installing the sign. Isn't that
7 beautiful, folks? You can see it from
8 both sides and we really appreciate it.
9 Make sure you get to the Pine Hollow
10 Cemetery and see everyone there,
11 including 12 Civil War veterans.
12 Everyone there is special.

13 An entire community from Virginia
14 decided they wanted a fresh start in a
15 much better place in town, where they
16 would be respected, where they would be
17 honored, a town with great parks and
18 beautiful beaches. And that whole town of
19 African Americans moved from Accomack
20 County, Virginia. And where do they
21 choose the best place to live in America?
22 Oyster Bay.

23 Let's have a big hand for Dr. Denice
24 Evans-Sheppard and the whole team.

25 (Whereupon, applause.)

SUPERVISOR SALADINO: God bless all
of you. Thanks for being here.

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2 SUPERVISOR SALADINO: Again, I want
3 to thank everyone who joins us for Black
4 History Month celebration right here at
5 Town Hall last week. It was very
6 successful, and we learned a lot about
7 history and saw some very unique
8 displays. It was absolutely wonderful.

9 And now for a final presentation
10 here this morning by welcoming an
11 incredible person in our community,
12 actually a group of folks.

13 Youth is our country's most precious
14 resource, and the education of our youth
15 is the way to ensure a better future. And
16 that hope for the future and those who
17 give of their time and talents to helping
18 young people develop their full potential
19 with bringing their potential to the
20 fullest, are deserving of our highest
21 admiration. Whether it is in history and
22 academics or sports and all the many
23 pursuits that people focus on, on young
24 people, there are times when an
25 exceptional individual comes forward and

1
2 brings out the best in people. We see
3 that in pro sports. If you have a lot of
4 channels, you can see the history of
5 whether it's the NFL. I was watching the
6 Doug Williams special the other day, the
7 first African-American quarterback in the
8 NFL's history to win the Super Bowl. But
9 there are many people like that,
10 including right here in the Town of
11 Oyster Bay. And that's why all of my
12 colleagues here at the town board, all of
13 our elected officials and our town, we
14 are proud and pleased to recognize Coach
15 Wally Bachman, long time and venerable
16 coach of the Jericho High School boys
17 varsity basketball team.

18 Coach Bachman has coached for 31
19 years at Jericho High School and
20 previously for 15 years at Valley Stream
21 North, and recently in an incredible
22 milestone of 500 wins as a head coach.

23 (Whereupon, applause.)

24 SUPERVISOR SALADINO: Oh, boy. A
25 lot of personalities to deal with in

1
2 those 500 wins.

3 So, Coach Bachman, I want to
4 recognize the others that have joined you
5 here from the Jericho school District,
6 your colleagues, the Administration,
7 starting off with somebody I admire
8 tremendously. He's like a superstar among
9 the school superintendents nationally.
10 And that's the Jericho School District
11 school superintendent, Hank Grishman;
12 High school principal, David Cohen;
13 Assistant principal, Brian Cummings; AD
14 or athletic director, John Mankowich; and
15 the assistant varsity coach Barry Coval.

16 So Bachman, a member of the New York
17 State Basketball Hall of Fame and the
18 cousin of Saint John's coach, Rick Pitino
19 -- Do you call for advice, or as he calls
20 you, for advice? (Laughter) has led this
21 Jayhawks squad to many winning campaigns.
22 His legacy of excellence has been
23 cemented as the driving force between a
24 high school program that is highly
25 regarded on Long Island. His

1
2 extraordinary efforts over the years have
3 empowered young people to hone athletic
4 skills and develop character, which maybe
5 you could tell us, but that might even be
6 the tougher part, because you're training
7 boys to become men and adults. And
8 through this process, over the years, you
9 have empowered young people to have the
10 drive necessary to achieve their goals in
11 life professionally, family, personal
12 goals.

13 Coach Bachman works diligently to
14 instill the values of dedication,
15 sportsmanship, perseverance, and always
16 makes it a point to remind his players
17 that learning goes hand in hand with
18 having fun. So, on behalf of the Town's
19 300,000 residents, we commend Jericho
20 High School boys varsity basketball coach
21 Wally Bachman for winning 500 wins as
22 head coach and for serving as an
23 important role model for players students
24 both past and present.

25 Now I'm going to put him on the

1
2 spot. Would you mind saying a few words?
3 Would that be okay? But before you do,
4 I'm going to put my dear friend on the
5 spot to introduce you. Superintendent
6 Grishman, would you come on up?

7 As I said, this man is a national
8 superstar, another person with the awards
9 to prove it.

10 SUPERINTENDENT GRISHMAN: You sound
11 just like my mother. Thank you very much.
12 I always appreciate the love and support
13 that we receive from the Town of Oyster
14 Bay and from Supervisor Saladino. So to
15 start with, we always appreciate the
16 support, the kind words about the
17 accomplishments of our students, the
18 accomplishments of our staff.

19 We're here to support Wally Bachman.
20 I have worked with many, many coaches
21 over my many years as a school
22 administrator. And I will tell you, Wally
23 gives 1,000% to his kids. And I think you
24 underlined just not basketball skills,
25 but what Wally has done in developing

1
2 character, taking our kids, 15/16 year
3 old kids and developing them into young
4 adults who have a good sense of right,
5 wrong, and where they're going in life.
6 And Wally has really impacted the Jericho
7 School community in such an incredible,
8 positive way. I thank all of you for
9 recognizing him this morning. And with
10 that, it's really my pleasure to
11 introduce my friend and colleague, Coach
12 Bachman.

13 COACH BACHMAN: My family moved here
14 back in the day in 1962. Rick Pitino's
15 family moved into Bayville and we moved
16 into Jericho. So my family's part of town
17 for many, many, many years.

18 I just want to thank everyone here
19 today for having me come up here. But I
20 couldn't be here if it wasn't for the
21 people that's sitting behind me.
22 Especially, Mr. Grisham, who has been by
23 my side at Jericho for all these years
24 and have him supporting myself and my
25 team all these years. The best

1
2 superintendent you could possibly work
3 for. He's a wonderful man, and there's
4 nobody better. I thank you so much, Hank.
5 Thank you.

6 (Whereupon, applause.)

7 COACH BACHMAN: I have two of my
8 coaches here. He became an administrator.
9 He was a JV coach many years ago. Mr.
10 Cummings, now assistant principal
11 Jericho. And without my main man next to
12 me, Coach Coval, has been with me for
13 many years. He actually got one of my
14 wins this year because I had Covid. Thank
15 you for that win, Coach. And I've gone
16 through many, many athletic directors
17 throughout my years and I've been
18 fortunate my last couple of years have
19 Mr. Mankowich. I go to him every day for
20 therapy at 3:00, and I sit down and we
21 discuss what's going on in life and
22 without him -- It's been a wonderful
23 ride. Thank you so much. I've had
24 wonderful players, wonderful community,
25 and I thank you for having me here today.

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2 Thank you so much.

3 (Whereupon, applause.)

4 SUPERVISOR SALADINO: We're not done
5 with you. We have one of the very highest
6 honors, a town citation signed by all the
7 elected officials. And to present this,
8 we have another superstar of the North
9 Shore, our wonderful sister, Councilwoman
10 Michele Johnson. If you would kindly make
11 this presentation, and we're going to ask
12 you and all of your colleagues from
13 Jericho High School to join us at the
14 rail.

15 (Whereupon, citation
16 presented and photos taken.)

17 SUPERVISOR SALADINO: If you're
18 looking for a sub player. I was with --
19 not me, trust me. I was with Bruce
20 Blakeman, our county executive. I went
21 with him to the opening of a new
22 basketball court in Roosevelt. Doctor Jay
23 joined us. It was a very, very exciting
24 program. So cool to see Doctor Jay. But
25 Bruce Blakeman at the exact midcourt --

1
2 if only he was listening -- with his back
3 to the net over his shoulder. Full half
4 court, "swish", nothing but net. It was
5 amazing. So if you need a guy in a pinch,
6 call County Executive Bruce Blakeman.

7 Congratulations to you. Let's hear
8 it for Wally Bachman.

9 (Whereupon, applause.)

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2 SUPERVISOR SALADINO: Just a couple
3 of quick announcements, folks.

4 We're proud to host a pet food and
5 supply drive in partnership with Long
6 Island Cares throughout the month of
7 March, with the focus on collecting for
8 the family members of most vulnerable to
9 hunger and residents pets. So that's pet
10 food and of course, a variety of
11 different family needs. Food and supply
12 donations can be dropped into boxes at
13 Town Hall North and Town Hall South.

14 Additionally, I invite residents to
15 donate at our next blood drive on
16 Tuesday, March 26th, from 1 p.m. to 7
17 p.m. at the Hicksville Athletic Center,
18 located at 167 South Broadway in
19 Hicksville. I'd like to thank Councilman
20 Tom Hand for his assistance in
21 coordinating the efforts of this blood
22 drive. And please know that blood is
23 critically low and needed for local
24 hospitals to meet the demand to continue
25 saving lives. To find out more or to make

1
2 an appointment, visit our website.
3 Oysterbaytown.com. That is again,
4 Oysterbaytown.com or call public
5 information of the Town of Oyster Bay at
6 (516) 624-6380.

7 Folks, I know we'll be doing this at
8 the next board meeting, but there is
9 another exciting challenge coming up in
10 March, and I see some smiles of people
11 who know what I'm talking about. Anybody
12 who's smiling is a volunteer. We're all
13 going to run in together into the
14 freezing cold water. So far we have one
15 taker; I'll be doing it, our Polar Plunge
16 March 23rd at Tobay beach. We're looking
17 for volunteers. Armand, if you'd like to
18 jump into the freezing cold water with us
19 (laughter). Saturday, the 23rd of March
20 at Tobay Beach. We will be announcing it
21 again. But join us. It's a lot of fun.
22 It's very, very exciting and it's for a
23 great cause.
24
25

So now it's time to move forward
with the business of the day.

(Whereupon, above matter
concludes, 10:57 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 27th day of February, 2024.

Karen Lorenzo
KAREN LORENZO

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TOWN BOARD

TOWN OF OYSTER BAY

REGULAR MEETING

February 27, 2024

10:57 a.m.

Hearing 1

To consider the application of
Martesjam Holdings, LLC, fee co-owner, Vitrano
Holdings LLC, fee co-owner, and Ink
Properties, LLC, contract Vendee, for a
special use permit on premises located at 506
West Old Country Road, Hicksville, New York.
(M.D. 1/23/24 #32)

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

ALSO APPEARED:

JUDY SIMONCIC, ESQ. FORCELLI DEEGAN

AARON MACHRAY, VHB

TOM WHITNEY, CATAPANO ENGINEERING

JEFF BERINGER, STARBUCKS

1
2 SUPERVISOR SALADINO: With that,
3 Clerk Rich LaMarca, would you please poll
4 the Board?

5 TOWN CLERK: Supervisor Saladino?

6 SUPERVISOR SALADINO: Present.

7 TOWN CLERK: Councilwoman Johnson?

8 COUNCILWOMAN JOHNSON: Present.

9 TOWN CLERK: Councilman Imbroto

10 COUNCILMAN IMBROTO: Here.

11 TOWN CLERK: Councilman Hand.

12 COUNCILMAN HAND: Present.

13 TOWN CLERK: Councilman Labriola is
14 absent.

15 Councilwoman Maier.

16 COUNCILWOMAN MAIER: Present.

17 TOWN CLERK: Councilwoman Walsh.

18 COUNCILWOMAN WALSH: Present.

19 TOWN CLERK: We have a quorum,
20 Supervisor.

21 SUPERVISOR SALADINO: Thank you.

22 Rich LaMarca, would you kindly call
23 the first hearing?

24 TOWN CLERK: Today's hearing is to
25 consider the application of Martesjam

1
2 Holdings, LLC, fee co-owner; Vitrano
3 Holdings LLC, fee co-owner; and Ink
4 Properties, LLC, contract Vendee, for a
5 special use permit on premises located at
6 506 West Old Country Road, Hicksville,
7 New York.

8 MS. SIMONCIC: Good morning,
9 Supervisor, members of the Town Board.

10 SUPERVISOR SALADINO: Good morning,
11 Counselor.

12 MS. SIMONCIC: Judy Simoncic,
13 Forcelli, Deegan, Terano, offices at 333
14 Earl Ovington Boulevard in Uniondale.
15 Appearing on behalf of this application.

16 First, technology is a wonderful
17 thing. But it must be working. So I
18 wanted to advise the board, and I
19 apologize. We had submitted our thumb
20 drive yesterday, and we were planning on
21 presenting using the technology. It's not
22 working this morning. So thank you to the
23 IT gentleman that was helping us
24 reproduce prints of our presentation,
25 which we'll be using. So we're going to

1
2 do it the old fashioned way using paper.
3 So we don't have the technology this
4 morning. So I apologize for that. We were
5 prepared to do that. And it goes along
6 lines with my architect getting locked
7 out of his car this morning. So we've had
8 quite a morning getting before you today.

9 With that said, I want to submit
10 paper copies (handing). I have copies for
11 each town board member. The IT gentleman,
12 he was terrific.

13 SUPERVISOR SALADINO: I'm going to
14 interrupt you for just a second. Is there
15 any residents here for this hearing? I
16 want to make sure that you can see. We
17 have just a couple of folks, anybody
18 raising their hands so that we can ensure
19 that you can see everything. Are you
20 good where you are seated?

21 (Whereupon, member of public
22 affirms.)

23 SUPERVISOR SALADINO: You're okay.
24 All right. Very good. Please proceed.

25 MS. SIMONCIC: The application was

1
2 filed in the name of Ink Properties, LLC.
3 They're the contract vendee. Martesjam
4 Holdings LLC and Vitrano Holdings LLC are
5 the owners.

6 This application to construct a new
7 Starbucks with a drive-thru. Starbucks
8 Corporation was not named in the
9 application, but it will be leasing and
10 operating the proposed Starbucks. So for
11 the record, I'd ask if you could add
12 Starbucks Corporation to the application
13 as a named applicant if the board has no
14 objection.

15 SUPERVISOR SALADINO: Do you have
16 one more of these?

17 MS. SIMONCIC: Yes.

18 SUPERVISOR SALADINO: Would you just
19 kindly hand it to the gentleman? There's
20 one person here who raised his hand.
21 Would you kindly give it to that person
22 so they can follow along? Thank you.

23 (Whereupon, complies.)

24 MS. SIMONCIC: Again, I apologize.

25 SUPERVISOR SALADINO: Don't worry,

1
2 don't worry. There's at least one, maybe
3 two people here. I just want to make sure
4 they can follow along, too. Thank you
5 very much.

6 Please proceed, Counselor.

7 MS. SIMONCIC: So I was just
8 requesting if we could amend the
9 application to add Starbucks Corporation
10 as a named applicant for the record. If
11 the Board has no objection, we were asked
12 by the Town Attorney to do that.

13 SUPERVISOR SALADINO: I see Tom
14 Sabellico nodding, so that would be fine.
15 We're happy to do that.

16 MS. SIMONCIC: Okay.

17 SUPERVISOR SALADINO: Please enter
18 that into the record. Please proceed.

19 TOWN ATTORNEY: We would ask for a
20 motion at amend the application to add
21 Starbucks Corporation.

22 MS. SIMONCIC: Because they would
23 have to sign the declaration of
24 restrictive covenants, if the Board
25 approves the application and will submit

1
2 disclosure affidavits for Starbucks
3 Corporation.

4 TOWN ATTORNEY: Motion is to amend

5 --

6 COUNCILWOMAN JOHNSON: Supervisor,
7 I'll make a motion --

8 SUPERVISOR SALADINO: Do that now,
9 Frank?

10 TOWN ATTORNEY: Yes, I would do it
11 now to keep it clean.

12 COUNCILWOMAN JOHNSON: Supervisor, I
13 will make a motion to amend this
14 application to include Starbucks
15 Corporation as a named petitioner.

16 COUNCILMAN IMBROTO: And I'll second
17 that motion.

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

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

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

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The ayes have
it.

MS. SIMONCIC: Thank you. That will
make it clear in the end.

TOWN ATTORNEY: Did you put on a
record that they're going to get,
Starbucks Corporation will be submitting
all disclosures and all necessary
paperwork in our application process?

MS. SIMONCIC: Yes. I indicated
that. That's correct. We also mentioned
required disclosures and signing
necessary documentation needed for them
to be named applicant as well.

With me today is Tom Whitney. He's
our project engineer with Catapano
Engineering; Aaron Machtay, traffic
engineer with VHB; Jeff Beringer who's a
representative of Starbucks Corporation.

The subject premises is 506 West Old
Country Road in Hicksville. It's
designated a Section 11, Block H, Lot 476

1
2 on the Nassau County Land and tax map. It
3 has lot size of 24,696ft², and it's zoned
4 general business.

5 If you refer to the first area of
6 the packet that I submitted, you'll see
7 the red pin on the subject property. The
8 property is approved with approximately
9 2600ft² of building area consisting of an
10 1800 square foot brick building that
11 contains three service bays, gas pump
12 canopy, which you can see with a pin on
13 the aerial photo, is located, and an 878
14 square foot metal detail shop.

15 The rest of the site, as you can see
16 on the photo, is all concrete and asphalt
17 paving. There are no landscape buffers.
18 No landscaping at all on this property.

19 The property has been historically
20 used as a public garage and gasoline
21 filling station, which was pursuant to
22 special permit granted by this board in
23 1969. Since its approval in 1969, there
24 really been no upgrades to this property
25 whatsoever. It's generally remained in

1
2 the same condition as it's been since
3 1969, except that the tanks have been
4 removed and the site no longer sells
5 gasoline.

6 As part of the 1969 approval,
7 restrictive covenants were adopted that
8 relate to the gas station use and public
9 garage use, and as part of the
10 application today, we're seeking to
11 rescind those covenants and restrictions
12 since they will no longer be applicable
13 to the Starbucks use.

14 If you turn to the second aerial
15 photo in the packet, which is a larger
16 bird's eye view of the property and the
17 surrounding area, in terms of the
18 surrounding area and its character, as
19 you can see, the property is on the north
20 side of West Old Country Road, which is a
21 four lane heavily traveled road with a
22 center turn lane. We're bounded on the
23 east by Tech Street, which is a private
24 street. The closest intersection that you
25 can see on the aerial is Levittown

1
2 Highway. That's to the east, which is a
3 signalized intersection.

4 The north side of West Old Country
5 Road, as you can see on the aerial, is an
6 area that's predominantly used for
7 commercial industrial properties. Those
8 properties are zoned general business as
9 well. Some are also light industry.

10 You have Stop and Shop as you can
11 see the footprint of that to the west and
12 other commercial fast food restaurants to
13 the east.

14 South of the premises on the aerial
15 on the opposite side of West Old Country
16 Road are residential homes that are zoned
17 R17 district.

18 So the application that we're
19 seeking today is three things:

20 First, we're looking for a special
21 use permit to operate a Starbucks fast
22 food restaurant with the drive-thru.

23 We're seeking, as I indicated,
24 revocation of 1969 covenants and
25 restrictions, and site plan approval

1
2 pursuant to the Oyster Bay code, Section
3 246-9.3.2 to permit the development and
4 use of the Starbucks with an accessory
5 drive-thru.

6 Before I have Tom Whitney go through
7 the site plan, I just wanted to point out
8 some key facts about this proposal. I
9 know that the Board is very familiar with
10 Starbucks and has approved in the past
11 many locations throughout the town, but
12 this really is going to be the gold star
13 of Starbucks in Town Oyster Bay, for a
14 number of reasons in terms of the site
15 design and operations.

16 Now, first, if you turn to the site
17 plan, which is fourth sheet, you'll see
18 that with respect to queuing and
19 potential overflow onto surrounding
20 roads, which is always something that
21 this board is concerned with, this site
22 has been designed so that the drive-thru
23 wraps around the entire site. It can
24 accommodate 17 vehicles from the
25 drive-thru window and 11 vehicles from

1
2 the menu board. The Town Code requires
3 six stacking vehicles to be provided for.
4 So this will absolutely ensure that there
5 will be no possibility that cars will
6 back up onto Country Road, which we
7 believe this is a really key design
8 feature. That's something that the Town
9 has never seen before. Typically you
10 don't see more than, say, ten cars to be
11 queued. We are almost two times the
12 requirements. So we believe that this
13 will absolutely be a benefit for this
14 particular project and certainly in the
15 area. And you'll hear more about that
16 from our our traffic engineer.

17 Second, another exciting feature for
18 this property is this will be the first
19 Starbucks in Long Island that will have
20 solar panels on the roof. So that is
21 something that we're very proud of.
22 Starbucks is looking towards renewable
23 energy. And certainly the Town Smart
24 Climate Principles is aligned with that.
25 So this will be the first one in Long

1
2 Island that will have solar panels that
3 will be used to power the building, which
4 is a very positive thing for the
5 environment.

6 In terms of the building, the
7 proposed building itself fully complies
8 with the Town's dimensional requirements
9 and the site design standards. We have
10 full compliance with the parking
11 requirements. The code requires 19
12 spaces, we're providing 20.

13 In terms of landscaping, as you can
14 see from the aerial of the college site
15 plan, we are greatly improving the
16 landscaping on site. As stated, there's
17 almost no landscaping currently. So we're
18 going to be providing landscaping on the
19 southeast and southwest corners of the
20 property along West Old Country Road.

21 We also have a minimum six foot wide
22 landscape buffer around the entire
23 perimeter of the site, which is also in
24 accordance with the Town site design
25 standards.

1
2 One other point I wanted to make
3 before I have to go through the site plan
4 with the Board, the hours of operation
5 for the site are proposed to be 5 a.m. to
6 11 p.m., seven days a week. If the Town
7 Board grants us special use permit
8 requests, we will need to obtain a
9 variance from the Zoning Board of Appeals
10 to allow Starbucks to open one hour
11 earlier than what's permitted on the
12 code, because we are within 100ft of the
13 residential properties that are located
14 to the south across Old Country Road. So
15 if you look at the page before, I have an
16 exhibit that shows the distances. It
17 shows that we're approximately 90ft from
18 the corner of the site to the residential
19 district on the south side of Old Country
20 Road. Town Code 246-5.5.33 limits the
21 hours of operation for commercial use to
22 6 a.m. to 11 p.m., if you're within 100ft
23 of a part of the commercial zoning
24 district line. But the exhibit shows that
25 the site has been designed so that the

1
2 menu board is all the way to the north of
3 the property and it faces north, so it's
4 approximately 142ft from the front
5 property line, which results in 232ft
6 from the residential district. So we
7 don't believe that there's going to be
8 any adverse impact as a result of us
9 being within that perimeter and opening
10 one hour before. So I wanted to point
11 that out.

12 At this point, what I'd like to do
13 is have Tom Whitney walk the Board
14 through the site plan and renderings that
15 are in the packet, unless the Board has
16 any questions before I do that.

17 SUPERVISOR SALADINO: Questions,
18 anyone?

19 (Whereupon, no verbal
20 response.)

21 SUPERVISOR SALADINO: Okay. Please
22 proceed.

23 MR. WHITNEY: Tom Whitney, Catapano
24 Engineering, 175 Broad Hollow Road,
25 Melville, New York. I'm the project

1
2 manager for our company, and we developed
3 a site plan and the architectural
4 drawings for both Starbucks and the
5 property owner at this site. We worked
6 closely with the Planning Department as
7 well as Nassau County, on the development
8 of the site plan.

9 The main traffic, there's two curb
10 cuts here. One is a two way curb cut and
11 additional egress only curb cut. The
12 site plan was designed to intake all cars
13 at the two way curb cut and then allow
14 for the drive-thru queue to have the
15 option to either recirculate on site to
16 keep that traffic off of the road, or to
17 egress directly out to help free the
18 entrance curb cut from any additional
19 traffic. We were able to space the curb
20 cuts out you go with Nassau County to
21 provide safety and provide some areas of
22 no parking to ensure safety at the
23 curbside with the additional traffic.

24 Cars coming from the westbound
25 direction would use the existing turn

1
2 lane. There are no commercial uses or
3 curb cuts on the south side of the road.
4 So therefore that turn lane is a left
5 only turn lane. So, therefore, there
6 isn't a conflicting flow of traffic
7 there. So we work very closely with
8 Nassau County to ensure directional
9 traffic and any requirements for the area
10 was met.

11 We also worked with your team to
12 ensure the adequate buffer around the
13 property, which I think we all agree will
14 not only improve the property, but also
15 help shield the Tech Street development,
16 which is an industrial use from Old
17 Country Road through fencing and
18 landscape. So it'll be a visual benefit
19 to the community and also, I would
20 assume, to the residences across the
21 street to have something that's improved.

22 We were able to meet the 19 parking
23 stall requirement by centralizing the
24 parking lot and also able to provide a
25 loading area in front of the trash to

1
2 meet that requirement as well. Again,
3 from the pickup window to the end of the
4 queue, we have 17 cars in queue. From
5 the order board to meet the time
6 requirement, we have ten, which is four
7 cars in excess of the Town requirement
8 for that run from the order point to the
9 end of the queue. An additional one/one
10 and a half cars could probably fit from
11 the end of the queue to the street as
12 well.

13 Although we have ample queue to this
14 degree, we think largely in most hours of
15 operation, this queue will not be full to
16 the end like that. But we want to plan
17 for the biggest flow of traffic in this
18 area and try to accommodate as many cars
19 and keep that traffic flow on site and
20 off site clear.

21 The building we propose is 2226ft²,
22 which will just be a standard Starbucks
23 cafe with back office areas. There'll be
24 a small patio in the front with some
25 outside seating. Eight seats will be

1
2 proposed there.

3 I'm open to any any questions the
4 Board might have.

5 COUNCILWOMAN WALSH: When you come
6 out and make the turn from the exit, the
7 right hand turn coming out, how far do
8 you go up the block before you can make a
9 U-turn or make a left to come back
10 around? When customers come in, they get
11 the coffee, they come out. Now they make
12 the right on West Old Country Road, how
13 far down do they have to go before they
14 can make a turn?

15 MR. WHITNEY: In which direction? If
16 they're heading west? That's a good
17 question.

18 COUNCILWOMAN WALSH: Will they be
19 trying to come out and make a left and go
20 across like human nature?

21 MR. WHITNEY: Probably going to be a
22 better question to have the traffic
23 engineer.

24 COUNCILWOMAN WALSH: Okay. We will
25 wait for that.

1
2 MR. WHITNEY: But just so you know,
3 this is "left out only" to promote safety
4 and for people not crossing over the road
5 making lefts out of the site. That was
6 considered with Nassau County for safety
7 and everything will be adequately striped
8 and signed in that way.

9 Again, Nassau County is also having
10 us provide some areas of no parking along
11 the north side to ensure our curb cut and
12 the abutting areas have safety along that
13 street. And it does give an extra area
14 should a car maybe slow down or pulls to
15 the side as they're turning. It gives
16 them a buffer to do that and not hold up
17 the traffic headed west on Old Country
18 Road.

19 SUPERVISOR SALADINO: Thank you.

20 MR. WHITNEY: Thanks.

21 MS. SIMONCIC: At this time, Aaron
22 Machtay, our traffic engineer, will
23 address the Board.

24 MR. MACHTAY: Good morning.

25 SUPERVISOR SALADINO: Good morning.

1
2 MR. MACHTAY: For the record, Aaron
3 Machtay, VHB Engineering, offices at 100
4 Motor Parkway in New York.

5 Just to answer the question before I
6 do my presentation so I don't forget, the
7 the most likely route would probably take
8 them down to Duffy Avenue. Just about
9 1000ft. In which case, then you do, you
10 know, just a series of right turns and
11 then the left turn back on the West Old
12 Country Road.

13 COUNCILWOMAN WALSH: Thank you.

14 MR. MACHTAY: It should be noted,
15 though, that the majority of the traffic,
16 as I'm going to present, is pass by. It's
17 traffic that's passing the site on its
18 way to a primary destination. So it would
19 be expected that they would not do that
20 maneuver because they're not coming back
21 from where they came.

22 COUNCILWOMAN WALSH: They would just
23 keep going.

24 MR. MACHTAY: Exactly.

25 COUNCILWOMAN WALSH: Thank you.

1
2 MR. MACHTAY: VHB has performed a
3 detailed and comprehensive traffic impact
4 study to evaluate the potential impacts
5 of transportation associated with this
6 project. Traffic study was prepared in
7 accordance with standard engineering
8 practices and procedures, and it was
9 submitted and reviewed by the Town's
10 professional transportation consultants,
11 as well as the Nassau County Department
12 of Public Works.

13 Furthermore, the study was prepared
14 in a manner formatted to evaluate the
15 items that are detailed in the Town of
16 Oyster Bay Department of Environmental
17 Resources 2020 Transportation Information
18 Request Addendum. That is a checklist
19 which allows us to speak to specific
20 questions and concern, which the
21 Department of Environmental Resources
22 raises during review of an application.

23 The study concluded that the
24 proposed Starbucks would not have a
25 significant impact on area traffic

1
2 conditions. And that was to the
3 satisfaction of both the consultants and
4 the environmental resources consultant.

5 With regard to the site and site
6 access, the project is located on the
7 north side of West Old Country Road,
8 approximately 250ft west of the
9 intersection between West Old Country
10 Road and Levittown Parkway. Currently,
11 the site is occupied by a decommissioned
12 service station, and it's utilized for
13 vehicular service.

14 With regards to the scenario for
15 traffic entering the site, the
16 applicant's and our team has worked with
17 the Nassau County DPW to develop a
18 desirable scenario, which will commence
19 entering left and right turns from West
20 Old Country Road. This is aided by the
21 presence of an existing left turn lane
22 along the property frontage, which
23 facilitates access for all properties,
24 not just this one along the north side of
25 the roadway.

1
2 Based upon the project team's
3 correspondence with the DPW, they are
4 going to allow the left turns into the
5 site to continue.

6 An Adapt Study, at their request,
7 was prepared to demonstrate that the
8 existing flow of traffic on West Old
9 Country Road would allow the new activity
10 to enter safely.

11 With regards to the exiting traffic,
12 the DPW indicated that left turns out of
13 the site would not be permitted owing to
14 that existing left turn. You're not
15 supposed to turn across it, which we
16 obviously are accommodating.

17 All traffic, therefore, is expected
18 to perform the right turns out primarily
19 continuing on into the westbound
20 direction of travel.

21 Overall, the entering traffic will
22 be accommodated from a single driveway
23 30ft in width, which will also
24 accommodate exiting right turns from the
25 parking area. There's a second exiting

1
2 right turn only lane, which will be
3 provided as an immediate exit for the
4 drive-thru lane. And this will aid for
5 the internal flow of traffic to the site,
6 as the people coming through the
7 drive-thru lane will be going through the
8 parking area. And that's a bit of a
9 desirable scenario.

10 With regards to the traffic
11 generation, in accordance with our
12 standard manuals, the peak hour trips are
13 anticipated to be as high as 196 per hour
14 during the AM period, but it's important
15 to note that the majority of visitors to
16 this site will come from the existing
17 traffic that is presently on the roadway.
18 These vehicles are not new trips, as most
19 of the visitors are already on the road
20 and simply stop at Starbucks on the way
21 to their primary destination.

22 These pass-by trips generally result
23 in a lesser impact to roadway operations
24 and as a result, do not cause as much
25 congestion.

1
2 From a review of published data, we
3 would expect that upwards of 90% of the
4 traffic generated by this use, and
5 perhaps even higher, would be passed by
6 in nature.

7 Regardless, to provide a more
8 conservative estimate of future traffic
9 conditions, the study assumed that only
10 50% of the traffic would be pass by; even
11 though in practice we expected that it
12 would be much higher.

13 With regard to the potential impacts
14 to the proposal, the detailed analysis in
15 our study shows that the levels of
16 service for the site access would be good
17 and would not impact the flow of traffic
18 on West Old Country road in a significant
19 manner. It can, therefore, be stated that
20 the project would not have a significant
21 impact to the overall area traffic.

22 Another topic that was examined in
23 the TIS was the queuing for the proposed
24 drive-thru window. As was mentioned by
25 both Ms. Simoncic and Mr. Whitney, the

1
2 site is somewhat unique in all of the
3 locations that I'm aware of throughout
4 Nassau County and that it allows for
5 really substantial onsite queuing before
6 the window.

7 Review of the site plan indicates
8 that the space for at least 17 vehicles
9 before it would be expected to back up
10 into West Old Country Road.

11 Despite this being greater than just
12 about every site that I'm aware of off
13 the top of my head, DPW did ask us to
14 demonstrate that the window wouldn't back
15 up into the municipal right, which is
16 reasonable. So we sought to do so by
17 performing queuing observations at an
18 existing similar Starbucks location. That
19 location that we selected was the one
20 that's situated at 580 Hempstead Turnpike
21 in West Hempstead. The site provides a
22 drive-thru window, and the traffic
23 passing by the property on Hempstead
24 Turnpike is similar in volume to West Old
25 Country Road. This is a key

1
2 consideration to this application because
3 when you factor in the fact that the
4 volume of traffic generated by the use is
5 primarily pass by, you would expect that
6 the traffic passing the site is going to,
7 to a large degree, drive the amount of
8 traffic it generates. So again, we chose
9 a location that's receiving similar
10 traffic to what we would expect for this
11 site.

12 Given all these similarities, we
13 observed that the maximum queue at the
14 West Hempstead location was nine
15 vehicles. That's about the level of
16 activity that we would project to the
17 future for this site as well. And that's
18 well below the 17 vehicle queue that we
19 provide on our site. As a result, to the
20 satisfaction of the DPW, we don't think
21 that the drive-thru queue is going to
22 back up.

23 In closing, based on our detailed
24 study, it's my professional opinion that
25 the approval and operation of the site as

1
2 proposed will not result in any negative
3 impacts on traffic conditions.

4 I thank you for the opportunity to
5 present, and I'm available for any
6 questions.

7 SUPERVISOR SALADINO: Thank you.
8 Thank you so much.

9 Counselor? Before we call to hear
10 from anyone in the public.

11 MS. SIMONCIC: In conclusion, as you
12 can see, this project will be a
13 tremendous improvement to this particular
14 site as well as the surrounding area. We
15 don't believe that it will have an
16 adverse impact on surrounding properties
17 or traffic. We've done comprehensive
18 traffic studies, queuing studies. County
19 of Nassau has granted approval for this
20 site. Based on everything you've heard,
21 we respectfully request the Board approve
22 the application.

23 COUNCILMAN IMBROTO: Thank you. I'm
24 very glad that you were able to have that
25 significant amount of queuing, because

1
2 that was my biggest concern about the
3 project, and it's been adequately
4 addressed to my satisfaction.

5 MS. SIMONCIC: Thank you. And we
6 went out of our way to to ensure that we
7 have adequate queuing. We know that's
8 always a concern of this Board and the
9 Town, and also the way the site was
10 designed, as I indicated before, having
11 the menu board as far north as possible
12 so it will not have any adverse impact on
13 surrounding properties and certainly not
14 residential properties.

15 SUPERVISOR SALADINO: Can you tell
16 me if you have heard from any neighbors,
17 anyone in the community, any of the
18 businesses or employees of the
19 businesses?

20 MS. SIMONCIC: We have not heard
21 from anybody. We sent out the notices.
22 The property was posted. We have not
23 heard from anybody. And again, it's on
24 the north side of West Old Country Road,
25 where there's obviously a lot of

commercial industrial properties, but we haven't had any inquiries at all.

SUPERVISOR SALADINO: Okay.

Thank you very much.

MS. SIMONCIC: Thank you.

SUPERVISOR SALADINO: So at this point, we call on anyone in the public who would like to be heard on this application. For against or any questions.

(Whereupon, no verbal response.)

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

Is there any correspondence?

TOWN CLERK: Supervisor, the attorney for the applicant has filed the Affidavit of Service and Disclosure. Communications are as follows:

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

1
2 parking;.

3 The Nassau County Land and Tax Map
4 indicates the property is Section 11,
5 Block H, Lot 476;

6 According to the Town of Oyster Bay
7 zoning maps, the property is located
8 within a General Business (GB) Zone;

9 There are no open prior Code
10 Enforcement Bureau cases. However, there
11 is a variance in Town Board resolutions
12 on file;

13 We have affidavits of posting a
14 publication. There is no further
15 correspondence.

16 SUPERVISOR SALADINO: Thank you.

17 May I have a motion?

18 COUNCILWOMAN JOHNSON: Supervisor,
19 I'll make a motion that the public
20 portion of this hearing be closed and the
21 record be kept open for 30 days.

22 COUNCILMAN IMBROTO: I will second
23 that motion.

24 SUPERVISOR SALADINO: All in favor,
25 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.)

SUPERVISOR SALADINO: The ayes have
it.

Thank you to you and your team.

(Whereupon, above matter
concludes, 11:29 a.m.)

INDEX

Exhibit

Name

1

Paper Presentation

(Whereupon, handed to Town Clerk.)

(Submitted, but not marked by reporter.)

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 27th day of February, 2024.

Karen Lorenzo
KAREN LORENZO

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TOWN BOARD

TOWN OF OYSTER BAY

REGULAR MEETING

February 27, 2024

11:29 a.m.

Hearing 2

To consider an amendment to the 2022 and 2025
fire protection agreement for Oyster Bay Fire
Protection District. (M.D. 2/23/24 #33)

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

ALSO APPEARED:

Elizabeth Faughnan, Esq.

Deputy Town Attorney

1
2 SUPERVISOR SALADINO: Rich LaMarca,
3 would you kindly call the next hearing?

4 TOWN CLERK: The next hearing is to
5 consider an amendment to the 2022 and
6 2025 Fire Protection Agreement for Oyster
7 Bay Fire Protection District.

8 DEPUTY TOWN ATTORNEY: Good morning,
9 supervisor and members of the Town Board,
10 Elizabeth Faughnan, Deputy Town Attorney,
11 Office of the Town Attorney.

12 I'm here today for this hearing to
13 request an amendment to the existing Fire
14 Protection Agreement for the years 2022
15 through 2025.

16 For purposes of the record, I know
17 you're all very much aware of this, but
18 in other areas of the Town of Oyster Bay,
19 such as Jericho, Hicksville, Massapequa,
20 there is an actual fire district with
21 elected commissioners that are elected by
22 the residents of that fire district. Here
23 in Oyster Bay Hamlet, there is a fire
24 protection area which is served by a
25 private not-for-profit volunteer fire

1
2 company, actually two: Atlantic Steamer
3 and Fire Company and Oyster Bay Fire
4 Department. The Town has a contract, an
5 existing contract with those two
6 entities, and us members of the Town
7 Board sit for this purpose as
8 commissioners of that fire protection
9 area.

10 At this time, we have been asked by
11 the Oyster Bay Fire Department for
12 permission to bill for emergency
13 ambulance service and to set the pricing
14 of the emergency ambulance provided. The
15 reason being that New York State law was
16 recently amended, so that we are the last
17 state that allows a volunteer fire
18 company that provides ambulance service
19 to bill for that service.

20 There are a lot of caveats that are
21 actually built into this State
22 Legislation in Section 209 B of the
23 General Municipal Law. It provides:

24 Number one, that if a person that
25 needs ambulance service does not have

1
2 insurance, they are not to be built
3 according to the state law.

4 Number two, the individual that is
5 billed is not to pay a co-pay if they
6 live in the Oyster Bay Fire Protection
7 Area. Being that they pay property taxes,
8 the property taxes that the Town collects
9 are used to pay the fire protection
10 contract with the fire company. As a
11 result, the resident is not to pay a
12 co-pay. The only thing that is to happen
13 is that the appropriate insurance company
14 is to be built, and what the insurance
15 company pays is what the Fire Department
16 receives.

17 In addition, if there is an
18 individual that does need financial
19 assistance, there will be a very liberal
20 financial assistance program. It will be
21 a requirement of the Town's amendment to
22 the contract with the Oyster Bay Fire
23 Department, and it is a part of the
24 contract that Oyster Bay Fire Department
25 has with its billing company.

1
2 I should point out that Oyster Bay
3 Fire Department maintains two ambulances.
4 They have over 800 medical calls a year.
5 They have at least a dozen volunteer
6 medics, paramedics and EMTs. But at this
7 time, the volume has become so great that
8 they have instituted a supplemental paid
9 medical provider to be on hand. The cost
10 of that each year is approximately
11 \$350,000.

12 Which brings me to my last point
13 that the State Law requires, and that, of
14 course, our contract will require as
15 well, that the funds received by the Fire
16 Department are required to go back into
17 the emergency ambulance program. This is
18 simply a cost recovery program to allow
19 the Fire Department to continue to
20 maintain and supplement the wonderful
21 volunteers that we have in Oyster Bay
22 Hamlet, many of whom are with us here
23 today. And unfortunately, Supervisor, one
24 probably won't make the polar plunge
25 because he'll probably be out on an

1
2 ambulance call on March 23rd. But they do
3 a phenomenal job, but they do need a
4 little bit of help because the volume is
5 just growing in terms of emergency
6 ambulance calls. This would help them to
7 continue serving their neighbors and
8 friends that come to the Hamlet and in
9 their time of need, they will be able to
10 provide an inshore ambulance service.

11 Which brings me to my last point.
12 And that is that the fees to be charged,
13 the State Law requires:

14 Number one, that the Town Board
15 approve the billing.

16 Number two, approve the billing
17 rates, the billing rates proposed, or the
18 usual reasonable and customary rates.
19 They're all essentially a starting point,
20 because, again, the law only allows the
21 fire company to receive what the
22 insurance company will pay. Nothing more,
23 nothing less. Well, I will say there will
24 be a very liberal financial assistance
25 program.

1
2 So they're requesting permission to
3 build for basic life support services in
4 an amount not to exceed \$1,500;

5 Advanced life support emergency
6 service and amount not to exceed \$2,200;

7 Advanced life support to emergency
8 services, an amount not to exceed \$3,000;

9 And transportation per loaded mile
10 and amount not to exceed \$35 per mile.

11 But again, these are all reasonable
12 and customary charges that the fire
13 companies are charging for the emergency
14 ambulance service, they are all starting
15 at these rates and again, it's what the
16 insurance company will pay.

17 And that concludes my presentation
18 unless you have any questions.

19 SUPERVISOR SALADINO: Counselor,
20 just a very brief review so everybody
21 understands what this is.

22 This is something that has been
23 passed in State Law. And now we must pass
24 this to put it into effect in our region.

25 DEPUTY TOWN ATTORNEY: Correct,

1
2 Supervisor.

3 SUPERVISOR SALADINO: And what it
4 amounts to is that if someone has
5 insurance, they will be able to get
6 funding through their insurance. What
7 happens if a resident doesn't have it or
8 someone who's injured doesn't or needs
9 assistance, doesn't have insurance?

10 DEPUTY TOWN ATTORNEY: They are not
11 allowed to be billed. The law
12 specifically states there is no bill to
13 be sent to an uninsured patient.

14 SUPERVISOR SALADINO: And who has
15 asked for this?

16 DEPUTY TOWN ATTORNEY: The Oyster
17 Bay Fire Department. Again, they
18 maintain two ambulances at all times.
19 They have over 800 medical calls a year.
20 And there are a dozen volunteers that
21 take the time out of their day to
22 respond. But this is a way to assist them
23 in volunteering.

24 SUPERVISOR SALADINO: And that's
25 part of the point here. They are

1
2 volunteers, and they take up their time
3 tremendously to assist the public,
4 whether they're residents or not.

5 DEPUTY TOWN ATTORNEY: Correct.

6 Okay. Thank you very much.

7 COUNCILWOMAN WALSH: I do have one
8 comment that I have to make, because this
9 has been something that I've been asking
10 about for a few years now.

11 A few years ago, my son -- it took
12 15 minutes. You guys thankfully got to
13 him. He was having a seizure. And since
14 then, I've spoken to the Town Attorney's
15 Office and different people. We have a
16 shortage of volunteers, and we have more
17 and more residents moving into the
18 communities. So I think this is a
19 no-brainer that we have to assist these
20 guys. You hear the calls, you hear the
21 sirens going off all the time. And I
22 don't know how we're even keeping up
23 with it all. So thank you guys. I say it
24 all the time, if they didn't show up that
25 day, a 15 minute seizures a long time.

1
2 And thankfully we had qualified Oyster
3 Bay volunteers to be there. So thank you.

4 SUPERVISOR SALADINO: They certainly
5 are qualified. We're aware of just some
6 of the voluminous training that they all
7 undertake. It's an enormous amount of
8 training that goes on, so we know they
9 are the best of the best.

10 In addition to all of that and what
11 Councilwoman Walsh mentioned, we also are
12 aware of staggering rising costs of
13 everything from the medical supplies they
14 need, the cost of the fuel, the cost of
15 the vehicles, all the costs. And in
16 addition to all of that, we know that
17 over many years they have been drowning,
18 if you will, in unfunded mandates from
19 the State where the State mandates, they
20 have to have this, they have to have
21 that, but don't provide the funding or
22 the majority of the funding for that.
23 That comes from the taxpayers. So not
24 only are they volunteers, but the
25 staggering costs of everything they need

1
2 to undertake those services continues to
3 skyrocket and they haven't been
4 reimbursed properly. And this is one of
5 the ways to do just that.

6 DEPUTY TOWN ATTORNEY: Correct,
7 Supervisor. Yes.

8 SUPERVISOR SALADINO: Okay.
9 Anyone else with any other
10 questions?

11 (Whereupon, no verbal
12 response.)

13 SUPERVISOR SALADINO: Is there any
14 correspondence -- before we do that, is
15 there anyone that would like to be heard
16 on this hearing?

17 (Whereupon, no verbal
18 response.)

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

22 TOWN CLERK: Supervisor, we have
23 affidavits of posting and publication.
24 There is no further correspondence.

25 SUPERVISOR SALADINO: Okay. Thank

1
2 you.

3 May I have a motion?

4 COUNCILWOMAN JOHNSON: Supervisor, I
5 make a motion of the public portion of
6 this hearing be closed, decision to be
7 voted on today.

8 COUNCILMAN IMBROTO: Second.

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

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

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

17 (Whereupon, no verbal
18 response.)

19 SUPERVISOR SALADINO: The "Ayes"
20 have it unanimously.

21 DEPUTY TOWN ATTORNEY: Thank you,
22 Supervisor.

23
24 (Whereupon, above matter
25 concludes, 11:39 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 27th day of February, 2024.

Karen Lorenzo
KAREN LORENZO

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TOWN BOARD

TOWN OF OYSTER BAY

REGULAR MEETING

February 27, 2024

11:39 a.m.

Hearing 3

To Consider a Local Law to Add Section
246-5.5.35 to Chapter 246 of the Code of
Oyster Bay to Impose a Six (6) Month
Moratorium on the Establishment of Battery
Energy Storage Systems (BESS) in the Town
Oyster Bay. (M.D. 2/13/24 #44

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

ALSO APPEARED:

MATTHEW FERNANDO, ESQ.

DEPUTY TOWN ATTORNEY

ANDREW THYBERG

1
2 SUPERVISOR SALADINO: Mr. LaMarca,
3 would you kindly call the next hearing?

4 TOWN CLERK: To consider a local law
5 to add Section 246-5.5.35 to Chapter 246
6 of the code of Oyster Bay to impose a six
7 (6) month moratorium on the establishment
8 of Battery Energy Storage Systems (BESS)
9 in the Town Oyster Bay.

10 DEPUTY TOWN ATTORNEY: Good
11 morning, Supervisor, Town board members.
12 Matthew Fernando, Deputy Town Attorney,
13 Office of the Town Attorney.

14 Resolution 149 of 2024, which was
15 adopted by the Town board on February
16 13th of this year called for this
17 hearing. I believe public notice has been
18 duly posted. And the Town Clerk has the
19 Affidavit of Posting.

20 This public hearing is with respect
21 to consider a moratorium for battery
22 energy storage systems. In recent years,
23 there has been a growing public concern
24 about these facilities throughout New
25 York state and on Long Island. I believe

1
2 at this time we have Andrew Thyberg of
3 Bay Environmental to speak on this
4 matter.

5 SUPERVISOR SALADINO: Thank you.

6 MR. THYBERG: Good morning, Mr.
7 Supervisor, members of the board.

8 My name is Andrew Thyberg and I am
9 an environmental consultant with Bay
10 Environmental Consulting.

11 The Town requested us to assist with
12 reviewing Town Code, reviewing the zoning
13 codes and other concerns related to
14 battery energy storage systems. And we
15 are here today to recommend the Town
16 Board amend the Town Code by adopting a
17 new local law, which imposes a six month
18 moratorium on battery energy storage
19 systems.

20 I have submitted to the record a
21 report and my resume, as well, which you
22 should have.

23 I have been involved in the planning
24 and early development stages for battery
25 and storage systems on the Island. I am

1
2 familiar with the benefits they can
3 provide, as well as some of the risks
4 they may pose to the public and the
5 environment.

6 So, briefly, these battery energy
7 storage systems are a form of energy
8 storage, which New York State has
9 identified as playing a critical role in
10 achieving their climate goals under the
11 Climate Leadership and Community
12 Protection Act.

13 The primary role of battery energy
14 storage systems are to store energy from
15 the grid during off peak hours, and then
16 they can discharge that back during peak
17 demand. This process can improve the
18 reliability of the grid. It can reduce
19 costly upgrades to the grid, and it also
20 can lower fossil fuel emissions.

21 However, this technology is not
22 without its potential risks. Four recent
23 fires at battery energy, storage systems
24 in New York have highlighted these
25 potential risks and have raised concerns

1
2 over public safety, the safety of first
3 responders, and there are also
4 environmental concerns such as air, water
5 or soil contamination that can result
6 from these fires.

7 In July 2023, so last year, Governor
8 Hochul established the Interagency Fire
9 Safety Working Group and in December, I
10 believe they released a preliminary
11 investigation that concluded that at
12 these four fires, there were no reported
13 injuries, there were no harmful levels of
14 toxins detected and no long term offsite
15 impacts involving any migration of
16 contaminants associated with these fires.

17 And while these initial findings
18 appear to show that BESSes (battery
19 energy storage system) have limited long
20 term impacts to health safety in the
21 environment, additional investigations
22 and further review of the existing data
23 is warranted to confirm these findings.

24 In addition, this same working group
25 of the Governor's office released their

1
2 draft fire code recommendation reports
3 last month, I believe and the report
4 includes changes, including updates to
5 existing fire codes, completely new fire
6 codes, and additional considerations such
7 as requiring third party peer review of
8 all battery energy storage projects in
9 New York State. They are currently
10 requesting public comment from subject
11 matter experts and stakeholders on this
12 report, and those comments are due by
13 March 5th. So this is like a draft report
14 that hasn't hasn't even been finalized or
15 hasn't even finished public comments.

16 In light of the recent fires, the
17 pending changes to the fire code and the
18 public comment on that report, some
19 outstanding kind of environmental
20 concerns, and other considerations, we
21 are recommending a limited moratorium on
22 the processing of licenses, building
23 permits or any other approvals related to
24 battery energy storage systems concerning
25 any parcel of real property within the

unincorporated area of the Town of Oyster Bay.

A moratorium period of six months is recommended to allow for further review of the permitting of battery energy storage systems pursuant pursuant to Town Zoning Code, with two optional six month extensions by resolution of the Town Board if you determined it to be warranted.

Thanks for your time. If you have any questions, I'd be happy to answer.

SUPERVISOR SALADINO: Can you just in 1 or 2 sentences, tell us and the public why, after your in-depth study, you feel it is a good idea for the Town of Oyster Bay to pause for this six month moratorium?

MR. THYBERG: The battery energy storage systems popularity is growing very fast, and there's interest and there's incentives in New York State. So there's a lot of interest in it right now. And these four recent fires, this a

1
2 new technology so there's inherent risks,
3 potential risks. And while the Governor's
4 Office in New York State has determined
5 that these are very important, they're
6 important for our electrical grid and the
7 increase in renewable energies that are
8 coming online. So it's important that the
9 Town review it and do their due
10 diligence. And at this moment, we have
11 only a preliminary investigative report
12 that is not a final report.

13 SUPERVISOR SALADINO: So Since New
14 York State has not finalized their
15 report, it is prudent --

16 MR. THYBERG: Yeah. It's prudent to
17 wait and also give time to do your own
18 due diligence. New York State has their
19 agenda to move forward with these
20 systems. And there's plenty of them
21 around and they are generally safe. But
22 there's these four incidents. The Town
23 and the State need to make sure they do
24 their own due diligence. We might as
25 well wait for them to finalize their

1
2 report.

3 SUPERVISOR SALADINO: Thank you.
4 Does anyone have any questions?

5 (Whereupon, no verbal
6 response.)

7 SUPERVISOR SALADINO: Okay. We have
8 a speaker or more than one, perhaps two.

9 SUPERVISOR SALADINO: Lisa Cashman.
10 Can you just give us your full name and
11 address for the record?

12 MS. CASHMAN: Certainly. My name is
13 Lisa Cashman and I live in Seacliff, 85
14 Glenlawn Avenue. But I am here
15 representing the Coalition to Save
16 Hempstead Harbor. I also submitted a
17 copy of my comments that I'm going to
18 read here today. And with those comments
19 is a copy of the draft Fire Safety
20 Working Group recommendations so that
21 also these I have have my comments and
22 I'm not sure what the procedure is for
23 formally submitting these.

24 SUPERVISOR SALADINO: Hand it to the
25 Town Clerk.

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MS. CASHMAN: (Handing).

SUPERVISOR SALADINO: May I ask one quick question of you before you go on and proceed with your whole presentation. Can you tell us, are you in favor of the moratorium or opposed to the moratorium?

MS. CASHMAN: We are here in support of the moratorium.

SUPERVISOR SALADINO: Thank you.

MS. CASHMAN: Yes. And I can tell you why.

Thank you, supervisor and council people, for having us here for this important discussion. A little bit about the Coalition to Save Hempstead Harbor, though you are very supportive of us for many, many years. We've worked for 38 years to improve conditions in the local environment. We partnered with municipalities, agencies and NGO to attain significant improvements to water quality in Hempstead Harbor, thereby improving the quality of life for residents and harborside communities.

1
2 We appreciate this opportunity to
3 share comments regarding the Town of
4 Oyster Bay's consideration of a six month
5 moratorium on new facilities for battery
6 energy storage systems (BESS), as these
7 facilities may have a direct and
8 potentially adverse impact on Hempstead
9 Harbor and local communities.

10 At this time, we know of at least
11 two applications that have been submitted
12 for battery storage facilities to be
13 sited near the shoreline of Hempstead
14 Harbor.

15 CSHH supports a moratorium on BES
16 facilities. We believe it's prudent (your
17 word) to pause any proposed development
18 of these facilities while more
19 information is gathered about their
20 potential risks. A moratorium would allow
21 the Town time to create appropriate
22 procedures, policies and codes to
23 safeguard our community and local
24 environment.

25 Further, it's necessary to ensure

1
2 that procedures are in place to
3 coordinate with adjacent municipalities
4 to avoid siting these facilities within
5 close proximity of one another, as well
6 as within unsafe distances to
7 neighborhoods and schools of adjoining
8 communities.

9 We hope that the Town will be able
10 to address the following issues during
11 the moratorium:

12 First is fire safety. Governor
13 Hochul convened a fire safety working
14 group following a series of three fires
15 at BESS facilities in New York State last
16 year. The New York State
17 Interdisciplinary Working group Fire Code
18 resulted. Recommendations have not been
19 finalized. That's been discussed. The
20 draft concludes that both better
21 adherence to current fire codes and some
22 code adjustments will improve fire
23 safety. And again, we've submitted that
24 draft.

25 The CSH believes the community

1
2 deserves assurances that proposed fire
3 interventions are effective and pose
4 minimal risks to residents and Hempstead
5 Harbor.

6 Questions have been posed about the
7 toxicity of firefighting foams used to
8 contain BESS fires. A moratorium could
9 provide time for fire codes to be
10 updated, to reflect best practices, and
11 to mandate avoidance of known forever
12 chemicals, such as AFFF and PFOS, as well
13 as other pollutants.

14 Another issue that we'd like to see
15 address is sea level rise and coastal
16 flooding. The New York State Department
17 of Environmental Conservation has adopted
18 science based sea level rise projections
19 that are startling even at the
20 conservative side of the projections for
21 Long Island, i.e., a two inch rise within
22 the 2020s and an eight inch rise in the
23 2050s. The highest projections increased
24 to ten inches in the 2020s and up to 30in
25 in the 2050s.

1
2 Coastal flooding has become a
3 regular occurrence on Long Island. More
4 frequent and severe storms combined with
5 sea level rise projections, put all
6 utilities located near coastal areas in
7 jeopardy and should warn against siting
8 new facilities, let alone BESS facilities
9 in these areas. Given that even lithium
10 ion batteries and electric vehicles are
11 at high fire risk if exposed to
12 saltwater, the risk of coastal saltwater
13 exposure for BESS facilities must be
14 fully assessed before permitting these
15 facilities near our shorelines.

16 Coordinating of siting a facilities.
17 We urge the Town of Oyster Bay to work
18 with adjacent municipalities, as well as
19 with New York State and Nassau County, to
20 ensure that the sighting of potential
21 battery storage facilities is
22 coordinated. This would ensure that
23 facilities sited within different
24 municipal jurisdictions are not within
25 blocks of one another, as would be the

1
2 case for proposals in the Glenwood
3 Landing area. Without the coordination of
4 local municipalities, a siting of a
5 facility in one jurisdiction could create
6 risks for neighboring jurisdictions.

7 The CSHH is fully supportive of
8 renewable energy sources and the
9 transition to new technologies needed to
10 support them.

11 The CSHH also recognizes that all
12 efforts to supply needed energy to our
13 communities will have an impact on local
14 residents. For these reasons, we advocate
15 for a measured and informed process that
16 will minimize adverse impacts and
17 potential risks.

18 A moratorium will provide the time
19 needed to ensure the safety of residents
20 and protection of our local waters
21 respectfully.

22 Thank you.

23 SUPERVISOR SALADINO: Thank you very
24 much, Lisa. We really appreciate that.
25 That's all in the report?

1
2 MS. CASHMAN: It's written in the
3 letter.

4 SUPERVISOR SALADINO: We appreciate
5 it.

6 Our next speaker will be Grant
7 Neuberger.

8 MR. NEUBERGER: Thank you, Mr.
9 Supervisor.

10 Grant Neuberger, 390 River Road
11 Drive, Hauppauge, New York, on behalf of
12 the Building and Construction Trades
13 Council of Nassau and Suffolk counties.

14 For those who don't know, we
15 represent the 36 different unions and the
16 construction industry here on Long Island
17 and have a membership comprised of 65,000
18 strong, all local Long Islanders.

19 Proudly, I grew up in the Town of Oyster
20 Bay, so it's an extra special moment for
21 me to be here to address you personally.

22 Just very quickly. We as a Council,
23 we oppose this moratorium on the battery
24 storage for several simple reasons. First
25 and foremost, it's work for our

1
2 membership and so on that alone, it's
3 something that -- we always want to
4 encourage putting our members to work and
5 never put ourselves in a situation to
6 discourage any projects or to stop any
7 projects from coming through that would
8 put my membership to work.

9 Second, we're building nine
10 gigawatts of offshore wind here on Long
11 Island. That's just a fact. It's
12 incentivized by the State. We're building
13 it. We have members actively offshore
14 right now. Our regional use is three and
15 a half to five gigawatts max output. So
16 effectively, we're building about double
17 the electric output that we need. And so
18 where do we put it? Is the next question.
19 Right. And so the simple answer is these
20 battery storage facilities.

21 Four fires were cited in New York.
22 None of them have had injuries. I'll
23 cite the one most recently in East
24 Hampton. The fire suppression system
25 performed as intended. Again, there were

1
2 no injuries. The last injuries I'm aware
3 of at these facilities were in Surprise,
4 Arizona in the late 20 teens, which what
5 spurred the new layers of of fire code
6 and fire suppression regulation, which,
7 again, is performed as intended.

8 Lastly, the Governor's report is not
9 done yet. So to enact something saying
10 we're just stopping it until that
11 happens, I encourage you to not put a
12 moratorium, but wait for what the
13 Governor's report as it's finalized will
14 say. My hope, who knows how quickly the
15 state will function, but my hope is that
16 that will happen a lot sooner than six
17 months.

18 Thank you very much.

19 SUPERVISOR SALADINO: Mr. Neuberg,
20 just one or two questions.

21 Thank you for being here. Your
22 members are incredible. They build Long
23 Island, and they keep us strong. They
24 keep us updated.

25 MR. NEUBERGER: Thank you.

1
2 SUPERVISOR SALADINO: You and I have
3 talked about this subject.

4 MR. NEUBERGER: Yes.

5 SUPERVISOR SALADINO: And if I
6 remember correctly, you pointed out that
7 there are a multitude of different types
8 of technology being developed right now.

9 MR. NEUBERGER: Correct.

10 SUPERVISOR SALADINO: And with that,
11 it will take a little bit of time to
12 figure out which ones are superior to
13 others from a safety, from an efficiency
14 standpoint, storage standpoint.

15 MR. NEUBERGER: Certainly.

16 SUPERVISOR SALADINO: Is that what
17 we talked about?

18 MR. NEUBERGER: Yes.

19 SUPERVISOR SALADINO: I want to
20 thank you for enlightening me about that.
21 You clearly or somebody who knows your
22 stuff, and we appreciate that education
23 that you gave us.

24 MR. NEUBERGER: We appreciate the
25 Town of Oyster Bay listening. It's

1
2 simply put. We appreciate you
3 tremendously.

4 SUPERVISOR SALADINO: Thank you.

5 MR. NEUBERGER: Thank you so much.

6 SUPERVISOR SALADINO: Would anyone
7 else like to be heard on this hearing?

8 (Whereupon, no verbal
9 response.)

10 SUPERVISOR SALADINO: Please let the
11 record reflect that no one else would
12 like to be heard, but I do thank the two
13 speakers who came here with a tremendous
14 amount of information. It's very helpful
15 in not only our decision making, but in
16 our understanding how to address this
17 going forward and that there's a lot of
18 information.

19 We appreciate it.

20 With that, is there any
21 correspondence?

22 TOWN CLERK: We have affidavits of
23 posting and publication. There is no
24 further correspondence.

25 SUPERVISOR SALADINO: May I have a

1
2 motion, please?

3 TOWN ATTORNEY: I'm sorry. Just a
4 little housekeeping.

5 SUPERVISOR SALADINO: Can you
6 identify yourself for the record, please?

7 TOWN ATTORNEY: Frank Scalera, Town
8 Attorney, just for housekeeping before
9 you close out.

10 Andrew Thyberg from Bay
11 Environmental submitted a report, to the
12 Clerk. Is that correct?

13 TOWN CLERK: Correct. And his
14 resume.

15 TOWN ATTORNEY: In addition, we're
16 asking for 14 days to keep the record
17 open. You have his resume, so that's part
18 of the record as well.

19 Just to close out, our office is
20 asking for 14 days that the record be
21 kept open.

22 SUPERVISOR SALADINO: Mr. Scalera,
23 would you come up, please?

24 (Whereupon, off the record
25 discussion.)

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

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

8 COUNCILMAN IMBROTO: Second the
9 motion.

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

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

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

18 (Whereupon, no verbal
19 response.)

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

22
23 (Whereupon, above matter
24 concludes, 12:00 p.m.)
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 27th day of February, 2024.

Karen Lorenzo
KAREN LORENZO

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TOWN BOARD

TOWN OF OYSTER BAY

REGULAR MEETING

February 13, 2024

12:00 p.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
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
JEFFREY P. PRAVATO	RECEIVER OF TAXES
FRANK SCALERA, ESQ.,	TOWN ATTORNEY

1
2 SUPERVISOR SALADINO: With that, we
3 are done with our hearings, may we please
4 proceed with the regular Action Calendar?

5 TOWN CLERK: May I have a motion to
6 remove and withdraw Resolution 91-2024
7 from the table; it was tabled on February
8 13, 2024.

9 On the motion?

10 COUNCILWOMAN JOHNSON: So moved.

11 COUNCILMAN IMBROTO: Second.

12 TOWN CLERK: Motion made by
13 Councilwoman Johnson and seconded by
14 Councilman Imbroto.

15 On the vote, Supervisor Saladino?

16 SUPERVISOR SALADINO: Aye.

17 TOWN CLERK: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: Aye.

19 TOWN CLERK: Councilman Imbroto?

20 COUNCILMAN IMBROTO: Aye.

21 TOWN CLERK: Councilman Hand?

22 COUNCILMAN HAND: Aye.

23 TOWN CLERK: Councilwoman Maier?

24 COUNCILWOMAN MAIER: Aye.

25 TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to remove and
withdraw Resolution 91-2024 passes with
six ayes.

1
2 TOWN CLERK: May I have a motion to
3 suspend the Rules and add Resolution 174
4 through 176-24?

5 On the motion?

6 COUNCILWOMAN JOHNSON: So moved.

7 COUNCILMAN IMBROTO: Second.

8 TOWN CLERK: Motion made by
9 Councilwoman Johnson and seconded by
10 Councilman Imbroto.

11 On the vote, Supervisor Saladino?

12 SUPERVISOR SALADINO: Aye.

13 TOWN CLERK: Councilwoman Johnson?

14 COUNCILWOMAN JOHNSON: Aye.

15 TOWN CLERK: Councilman Imbroto?

16 COUNCILMAN IMBROTO: Aye.

17 TOWN CLERK: Councilman Hand?

18 COUNCILMAN HAND: Aye.

19 TOWN CLERK: Councilwoman Maier?

20 COUNCILWOMAN MAIER: Aye.

21 TOWN CLERK: Councilwoman Walsh?

22 COUNCILWOMAN WALSH: Aye.

23 TOWN CLERK: Motion to suspend the
24 Rules and add Resolution 174 through
25 176-2024 passes with six ayes and zero

1
2 nays.

3 TOWN CLERK: May I have a motion to
4 adopt Resolution P-5-2024 through
5 176-2024 and 91-2024 which has been
6 removed from the table.

7 On the motion?

8 COUNCILWOMAN JOHNSON: So moved.

9 COUNCILMAN IMBROTO: Second.

10 TOWN CLERK: Motion by Councilwoman
11 Johnson, seconded by Councilman Imbroto.

12 We have speakers, Mr. Supervisor.

13 SUPERVISOR SALADINO: We have two
14 speakers who would like to be heard. The
15 first one would be Vincent Alu.

16 MR. ALU: Good morning. Vincent Alu,
17 116 Parkhill Avenue, Massapequa in New
18 York.

19 Good morning, Supervisor, Town
20 Council. Thank you very much for having
21 us. It's a great day to be here with you
22 on this topic of construction site
23 safety. Construction site safety.

24 Just a bit of background on myself.
25 I grew up in Massapequa. My family moved

1
2 out there from Corona, Queens in 1968. My
3 family still owns a house, third
4 generation, in Massapequa. I graduated
5 from Massapequa High School myself in
6 1986. Grew up very close with Assemblyman
7 Healey, a family friend, so we go way
8 back in Massapequa. It's a point of
9 pride for me to be here to be able to
10 address you on something that's very
11 important to not just my membership of
12 Local 66, I'm the vice president of the
13 Laborer's Union, but for the building
14 trades at large, and really more so for
15 individuals working in the construction
16 industry beyond the unionized trades,
17 because the problems we see with site
18 safety happen more with the untrained
19 individuals than it does with our sites.
20 So I'm here fully in support of this OSHA
21 standard being implemented into the
22 building code.

23 And I want to say it's been an
24 absolute pleasure to work with your Town
25 Legal team, Mr. Scalera and the whole

1
2 team. Very patient and understanding and
3 hearing our concerns. About six, seven,
4 eight months ago when we put a pause on
5 it here in Town of Oyster Bay to better
6 refine and build out this legislation
7 gave us an opportunity to talk to the
8 development community and really come
9 together in my conference room, actually
10 in Melville and come up with a better
11 version of this legislation. So I want to
12 give you a lot of credit for actually
13 saying, let's get all the parties to talk
14 to each other rather than at each other.
15 It made a really big difference. I give
16 you a lot of credit for that. So thank
17 you very much.

18 SUPERVISOR SALADINO: You're
19 welcome.

20 MR. ALU: Thank you.

21 I want to put a couple of stats on
22 the record. As I was sitting here with
23 Grant talking about this legislation, how
24 important it is, these are 2022 stats
25 coming out of OSHA:

1
2 They currently have 1850 compliance
3 officers for the entire country. That
4 represents 130 million working Americans
5 on 8 million job sites, which translates
6 into one OSHA compliance officer for
7 every 70,000 American workers. So this is
8 not an issue that OSHA is going to be
9 able to tackle itself; site safety. This
10 is a culture that has to be built from
11 the ground up with the boots on the
12 ground, with the workers on these sites.
13 We have to be able to encourage employers
14 to help their employees buy in to the
15 culture of safety and create this culture
16 throughout our job sites, because one
17 compliance officer for every 70,000
18 American workers is not going to be
19 enough to police these sites for these
20 compliance and safety issues.

21 With that being said, I just want to
22 say thank you again for the patience and
23 the understanding. I know, Mrs. Walsh was
24 very involved. Lou was very involved with
25 this. And I just want to say thank you,

1
2 everybody, for being very patient and
3 understanding of our issues here. Thank
4 you.

5 SUPERVISOR SALADINO: Vincent, we
6 are extremely happy and privileged to
7 work with you and all of the other
8 leadership among the unions. We're very
9 happy to hear that once again, the Town
10 of Oyster Bay has created a model that
11 hopefully the rest of the municipalities
12 in the state will follow. And by bringing
13 together all of the parties on all sides
14 of this and hearing your compliments to
15 us, that that improved the process, but
16 also the product, fills our hearts with
17 joy and pride. The safety of our
18 residents, the safety of people working
19 on the jobsite, the safety of the union
20 workforce and non-union workforce, it's
21 all extremely important to us. Safety
22 overall is such a high priority, and we
23 continue to prove that with our
24 procedures, with our codes and with all
25 that the Town of Oyster Bay employees do.

1
2 But a special thank you to you, your
3 union, the other leadership teams for
4 coming together and negotiating to get an
5 even better product. That's very special
6 to us.

7 SUPERVISOR SALADINO: Yeah. Like you
8 said, it puts you at the forefront of
9 this movement for worker safety, it
10 really does.

11 SUPERVISOR SALADINO: Would you call
12 the Town of Oyster Bay, perhaps, the best
13 town in the state (laughter)?

14 MR. ALU: I have grown up here most
15 of my life. I'd have to say absolutely.
16 And I hope, Supervisor Panico is not
17 listening because I happen to live in
18 Brookhaven now.

19 SUPERVISOR SALADINO: I'll remind
20 him.

21 MR. ALU: I bet you will (laughter).
22 But I thank you. I really I can't say
23 thank you enough. It's really that
24 important.

25 SUPERVISOR SALADINO: Thank you very

1
2 much. Very important to us.

3 Our next speaker will be Grant
4 Neuberger.

5 MR. NEUBERGER: Thank you, Mr.
6 Supervisor. Thank you, Town Board.

7 I'm going to say very similar things
8 to to my compatriot back there. Just in
9 particular, I want to give a shout out to
10 Vinny because he is an OSHA trainer. And
11 when you get him as the spokesman
12 standing up to say thank you for
13 increasing these OSHA standards that
14 really speaks volumes because he's the
15 one on the ground doing the training.

16 I'd like to just add a couple more
17 statistics that are really scary:

18 A construction worker dies on the
19 job in New York once every five days.

20 Across the country, a construction
21 worker dies on the job once every 96
22 minutes.

23 They're scary. It's terrible. It's a
24 very dangerous field. We can't say thank
25 you enough for being on the forefront of

1
2 increasing these safety measures here on
3 Long Island. And we can't say thank you
4 enough to the Supervisor for sitting down
5 with us consistently to get this done.
6 Thank you very much.

7 SUPERVISOR SALADINO: Grant, we'd
8 like to thank you for all the reasons
9 that I mentioned to Vincent just earlier.
10 We appreciate working collaboratively
11 with everyone. It's one of the reasons we
12 get the job done right in this town. And
13 then to hear of the success of coming
14 together, work force, developers, the
15 builders and the people who are on the
16 job to get a better product, to do more
17 to protect the safety of our residents,
18 the workforce, everyone on the job and
19 your concerns for people who are union
20 and non-union is admirable, tremendously
21 admirable. We enjoy working with you. It
22 is a privilege. You come to the table
23 with an enormous amount of knowledge, not
24 only about your specific field, but
25 overall worker safety and other fields

1
2 that, well, during the last hearing, you
3 just proved another expertise that helps
4 us in the decision making process.

5 So once again, working together,
6 being collaborative, we all prove that is
7 the path to get the best outcomes. We
8 thank you from the bottom of our hearts.

9 MR. NEUBERGER: Thank you very much.

10 SUPERVISOR SALADINO: With that, is
11 there anyone else who would like to be
12 heard on this hearing?

13 (Whereupon, no verbal
14 response.)

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

18 With that, is there any
19 correspondence?

20 TOWN CLERK: There's no further
21 correspondence.

22 May I have a motion?

23 (Whereupon, clarification
24 made.)

25 SUPERVISOR SALADINO: May I have a

1
2 motion on the vote for this --

3 Is there anyone else that would like
4 to be heard on any other item on the
5 Calendar?

6 Please step forward.

7 COUNCILMAN IMBROTO: Is this on the
8 calendar or public comment?

9 TOWN CLERK: This would be public
10 comment.

11 SUPERVISOR SALADINO: I think for
12 you it's on the calendar would be my
13 guess. So please step forward and let us
14 know what you would like us to know.
15 Would you kindly begin by giving your
16 full name and address for the record?

17 MS. CLARK: My name is Harriet
18 Gerard Clark, 75 Cove Road, Oyster Bay.
19 And I'm the director of Raynham Hall
20 Museum right here in Oyster Bay. As you
21 know, Friends of Raynham Hall were
22 founded in 1953. We've been in
23 partnership with the Town of Oyster Bay
24 for about 70 years now operating the
25 Raynham Hall Museum. And I think we have

1
2 a good collaboration on that, a great
3 partnership. I am delighted to see that
4 we have the possibility of a contract
5 coming through. I am a little puzzled by
6 the the manner of negotiation, if you
7 will, because I started this process, I
8 think, in June asking for a new contract.
9 We had a ten year contract previously. I
10 asked for an increase in the contract
11 term and the time.

12 I'm sorry. I'm a little nervous
13 because I hate speaking in public.

14 So I asked for an increase in time
15 and an increase in the stipend. And just
16 this morning at 10:00, I heard that this
17 was on the Calendar. And it's the first
18 time I realized that we've been cut back
19 to half the time that we now have and
20 probably no increase in the stipend,
21 which is fine, it's your property. But as
22 I said, we've had this partnership for a
23 long time, and it would have been nice to
24 have heard it from somebody else than
25 just, you know --

1
2 I'm assuming that there is still
3 some time, some room for discussion.
4 Unless I don't really understand how this
5 works. Is this take it or leave it kind
6 of thing, or how does --

7 SUPERVISOR SALADINO: If you
8 conclude your comments what you'd like us
9 to know, we'll bring Frank Scalera, our
10 Town Attorney up to explain that to you.

11 MS. CLARK: Great.

12 SUPERVISOR SALADINO: Is there
13 anything else you'd like us to know, any
14 other comments you'd like to make?

15 MS. CLARK: Just that we're always
16 grateful for your collaboration and
17 partnership. I think we do our best to
18 deliver history education to thousands of
19 kids, which is, I think we all agree, an
20 important thing that we all do together.

21 Thank you.

22 SUPERVISOR SALADINO: Agreed.

23 Mr. Scalera.

24 TOWN ATTORNEY: Frank Scalera, Town
25 Attorney.

1
2 I'm sorry, Ms. Clark, that this
3 occurred. I didn't know there was a
4 disconnect. We do have a meeting next
5 week, March 5th. We can move it to next
6 week if you choose.

7 SUPERVISOR SALADINO: Ms. Clark, if
8 we table this resolution for a short
9 period of time to review your request,
10 would that at all affect your ability to
11 perform the services and functions of
12 Raynham Hall?

13 MS. CLARK: No, we'd be delighted.

14 TOWN ATTORNEY: I would suggest we
15 make a motion during this open period to
16 table this resolution. I think it would
17 be best to the Historical Society and
18 Earle Wightman House. Let's just do both
19 of them for next week, next Tuesday. I
20 don't want anybody leaving here not
21 having any comfort level. That's not what
22 it was intended.

23 SUPERVISOR SALADINO: That's fine
24 with both entities.

25 MS. CLARK: Yes.

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

4 TOWN CLERK: May I have a motion,
5 please to table Resolution 175 and 176
6 2024; on the motion?

7 COUNCILWOMAN JOHNSON: So moved.

8 COUNCILMAN IMBROTO: Second.

9 TOWN CLERK: Motion made by
10 Councilwoman Johnson, seconded by
11 Councilman Imbroto.

12 On the vote, Supervisor Saladino?

13 SUPERVISOR SALADINO: Aye.

14 TOWN CLERK: Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: Aye.

16 TOWN CLERK: Councilman Imbroto?

17 COUNCILMAN IMBROTO: Aye.

18 TOWN CLERK: Councilman Hand?

19 COUNCILMAN HAND: Aye.

20 TOWN CLERK: Councilwoman Maier?

21 COUNCILWOMAN MAIER: Aye.

22 TOWN CLERK: Councilwoman Walsh?

23 COUNCILWOMAN WALSH: Aye.

24 TOWN CLERK: Motion to table
25 Resolution 175 and 176 passes with six

1
2 ayes.

3 I'm going to recall the Calendar.

4 SUPERVISOR SALADINO: Please.

5 TOWN CLERK: May I have a motion to
6 adopt Resolution P-5-2024 through
7 174-2024 and 91-2024 which has been
8 removed from the table?

9 On the motion?

10 COUNCILWOMAN JOHNSON: So moved.

11 COUNCILMAN IMBROTO: Second.

12 TOWN CLERK: Motion by Councilwoman
13 Johnson, seconded by Councilman Imbroto.

14 SUPERVISOR SALADINO: I think we
15 have one more speaker.

16 MS. COPERA: I have a question on a
17 resolution.

18 SUPERVISOR SALADINO: If you would
19 start by giving us your full name and
20 address for the record.

21 MS. COPERA: My name is Betsy
22 Copera, 38 Melbourne Street, Oyster Bay.

23 I just had a question on the way the
24 resolution is worded:

25 "Authorizing the exchange of the

1
2 western waterfront from the DEC and the
3 Underhill Preserve from the Town. So
4 what's the exchange?

5 SUPERVISOR SALADINO: We're doing a
6 land swap that we have been working for
7 quite a long period of time with the
8 State, so that we can get full control of
9 the Western Waterfront for all the
10 multitude of of the purposes. The State
11 is going to deed that over to us, and
12 then in exchange, take a piece of
13 property that is immediately adjacent to
14 SUNY Old Westbury campus in Old Westbury.
15 That way, we can have full control not
16 only of Theodore Roosevelt Park, but of
17 the Western Waterfront in total. And the
18 state can expand what they would like for
19 their uses at that Old Westbury property.

20 MS. COPERA: Okay, so that's my
21 concern because there's a lot of talk
22 about the Western Waterfront being
23 developed into stores and restaurants. So
24 if it's going to be removed from the DEC,
25 is that something we should be concerned

1
2 about?

3 SUPERVISOR SALADINO: I'm going to
4 ask our Town Attorney to come up and
5 respond to your question so you can hear
6 it right from our top legal counsel.

7 Thank you.

8 TOWN ATTORNEY: Frank Scalera, Town
9 Attorney.

10 The entire waterfront area, that
11 which is owned by the State, that which
12 is owned by the Town, I think it was back
13 in 2008, maybe sooner, the whole mission
14 was to keep that as an environmental
15 waterfront in that particular portion.
16 That's why the Town, even though the we
17 didn't own the property, we're in
18 agreement with the State to run it for
19 purposes of waterfront activities.

20 Now, private property owners, we
21 don't have -- if anybody who owns private
22 property along the waterfront, we can't
23 stop them if they want to make an
24 application, just to be sure.

25 But as far as the Town and the State

1
2 were concerned, we have been working
3 collaboratively for almost 20 years now
4 for the very purposes. That's why the
5 state gave us over the authority to a
6 license, a permit to, to operate. So the
7 answer to your question is it will be
8 continued in keeping with what has been
9 what has been used for.

10 And the other property, the one that
11 to preserve that was in connection with
12 the development that was done many years
13 ago with the Hamlet Estates, where I
14 believe 30 acres was given to the County
15 of Nassau, State of New York, and Town of
16 which the bay the biggest portion is the
17 state. There's like a tripartite
18 agreement where we kind of maintain it.
19 The whole basis of that property was to
20 remain open space in the preserve.

21 So that will, when the State gets
22 our piece, they will continue to run it
23 as a preserve as it is now as well. So it
24 all stays status quo in that respect.

25 SUPERVISOR SALADINO: You may have

1
2 heard hubbub in and around the community
3 that relates to proposals on the eastern
4 waterfront portion. Is that what you
5 might be thinking of in your comments
6 about?

7 MS. COPERA: Yeah. Maybe it's the
8 eastern.

9 SUPERVISOR SALADINO: Perhaps that's
10 what it is.

11 And there's been no hearing, or
12 there is no plan to set a hearing for any
13 development on that site yet. But there
14 are people looking and different thoughts
15 about what might be the best use of that
16 eastern, privately owned property. And
17 if such a time comes that there is a
18 proposal, we of course, want to get all
19 of the insight and the opinions of
20 everyone in the public. All right. Thank
21 you very, very much.

22 With that, is there anyone else who
23 would like to be heard on anything on the
24 regular Action Calendar?

25 (Whereupon, no verbal

response.)

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

Would you kindly take a vote?

TOWN CLERK: Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: 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 adopt Resolution P-5-2024 through 174 2024. Passes with six ayes; Resolution 175 and 176 2024 have been tabled; and Resolution number 91-2024 passes with six ayes and zero nays.

Calendar is complete, Supervisor.

1
2 SUPERVISOR SALADINO: Before we
3 close out the meeting, we are going to
4 include a public comment.

5 (Whereupon, public comment.)

6 SUPERVISOR SALADINO: Okay. May I
7 have a motion, please?

8 COUNCILWOMAN JOHNSON: At this time,
9 I'll make a motion to go into Executive
10 Session for the purpose of discussing
11 proposed and pending litigation.

12 COUNCILMAN IMBROTO: Second.

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

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

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

21 (Whereupon, no verbal
22 response.)

23 SUPERVISOR SALADINO: The ayes have
24 it.
25

(Whereupon, Executive
Session, 12:22 to 1:46 p.m.)

SUPERVISOR SALADINO: May I have a
motion to close executive session?

COUNCILWOMAN JOHNSON: Supervisor, I
make a motion to close executive session.
No action was taken.

COUNCILMAN IMBROTO: Second.

SUPERVISOR SALADINO: All those 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.)

SUPERVISOR SALADINO: The ayes have
it.

SUPERVISOR SALADINO: May I have a
motion to close the meeting?

COUNCILWOMAN JOHNSON: Supervisor, I
make a motion to close the meeting.

COUNCILMAN IMBROTO: Second.

1
2 SUPERVISOR SALADINO: All those in
3 favor, 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: The ayes have
12 it.

13 *****

14
15 (Whereupon, above matter
16 concludes, 1:47 p.m.)
17
18
19
20
21
22
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 27th day of February, 2024.

Karen Lorenzo
 KAREN LORENZO

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