

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
February 11, 2020
10:48 a.m.

HEARING - FINANCE

To consider the application from the Bethpage Water District to issue bonds for Improvements to said Water District. (M.D. 1/7/20 #21).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

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
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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Clerk LaMarca,
2 would you please poll the Board?

3 MR. LaMARCA: Supervisor Saladino?

4 SUPERVISOR SALADINO: Present.

5 MR. LaMARCA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: Here.

7 MR. LaMARCA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: Present.

9 MR. LaMARCA: Councilman Hand?

10 COUNCILMAN HAND: Here.

11 MR. LaMARCA: Councilman Labriola?

12 COUNCILMAN LABRIOLA: Here.

13 MR. LaMARCA: Councilwoman Maier?

14 COUNCILWOMAN MAIER: Here.

15 MR. LaMARCA: Councilwoman Walsh?

16 COUNCILWOMAN WALSH: Here.

17 SUPERVISOR SALADINO: Thank you, Clerk
18 LaMarca.

19 So for everyone's education, we have a
20 very packed day and we appreciate your patience.
21 We have three hearings going on. We will be
22 discussing our regular Action Calendar. We will
23 have to break for Executive Session. That's where
24 the Board meets with our counsel. That will take a
25 little while. I know the stenographer appreciates

1 a break at that point.

2 Then after we are done with the entire
3 regular Action Calendar, that's when people can
4 speak on whatever issue they so choose and everyone
5 -- I just ask that we show politeness and mutual
6 respect -- and as every speaker comes up, let's
7 give them the benefit of paying attention to them
8 even though it may be a long day. And we
9 appreciate that.

10 So without further ado, Town Clerk
11 LaMarca would you kindly call the first hearing.

12 MR. LaMARCA: The first hearing is to
13 consider the application for the Bethpage Water
14 District to issue bonds for Improvements to said
15 Water District.

16 SUPERVISOR SALADINO: Sir, before you
17 get started, I'd like to take the opportunity to
18 introduce all of our commissioners and water
19 experts. These individuals are extraordinary and
20 they have to work very hard to continue to provide
21 us clean water sometimes in very difficult
22 circumstances and one of them you may be hearing
23 about today.

24 But I'd like to thank all of those in
25 attendance today.

1 From the Bethpage Water District,
2 Commissioner John Sullivan. Thank you John for
3 being with us.

4 Commissioner Terry Black. Thank you.

5 Commissioner John Commata, I appreciate
6 it.

7 Superintendent of the Bethpage Water
8 District, Michael Boufus, is here.

9 The past Chairman, Sal Greco, we
10 appreciate you being here with us.

11 From Massapequa Water District,
12 Superintendent Stan Carey is with us.

13 I may get in trouble for this, but
14 perhaps one of the brightest minds on water quality
15 and engineering, Richard Common [sic]. Rich,
16 you're always here for us and for the community.
17 Let's thank them all for their very hard work.

18 (Clapping.)

19 SUPERVISOR SALADINO: I don't know why
20 I got it wrong, but it's Rich Humann, by the way, a
21 very human moment.

22 So, Counselor, if you would, please
23 begin your presentation.

24 MR. INGHAM: I appreciate the
25 introductions.

1 Supervisor Saladino, Members of the
2 Town Board, I am honored to be general counsel of
3 the Bethpage Water District. They're all here to
4 support this petition. I'll be the principal
5 presenter, but Mr. Humann will come up and he will
6 also give you a brief breakdown of the 12 projects
7 that are part of the bond.

8 A special shout out and congratulations
9 to new Councilwoman Ms. Maier and Ms. Walsh. Good
10 luck and much success in your new positions.

11 SUPERVISOR SALADINO: Would you kindly
12 begin with your presence?

13 MR. INGHAM: I'm trying to. We -- just
14 one brief note.

15 It's a hard act to follow. These guys
16 are great. There's no question about it. I've
17 done 30 half marathons. Unfortunately, the last
18 was a couple of years ago, but what this guy did is
19 beyond my imagination and his devotion to that
20 cause is spectacular. So that's just a brief note
21 for me.

22 SUPERVISOR SALADINO: They are all
23 amazing and in that instance of that one runner his
24 super human legs are exceeded by his super human
25 heart, and which always brings me back to

1 Councilwoman Maier who does an amazing job of
2 leadership in circumstances that would make most of
3 us fold. Your strength and your passion and your
4 courage and your leadership, not only as an elected
5 official, but as a mom, is an exemplary to all of
6 us.

7 MR. INGHAM: So putting it into
8 perspective, that's exactly what I'd like to do at
9 this moment. The Board -- most of the Board was
10 here with my presentations in the Fall for both
11 Plainview and for Jericho. So, I will not go
12 through all of the information we shared at that
13 point regarding 1,4 Dioxane. However, the
14 historical perspective here is important for
15 Bethpage.

16 This whole Grumman situation -- the
17 whole Grumman plume started back in the 1970s. At
18 that point, Grumman had 12 major supply wells on
19 site. The legacy of their contamination began in
20 the '70s when their wells were polluted. The wells
21 were shut down and they turned to Bethpage Water
22 District provide them with water.

23 The man who is here today, Mr. Sal
24 Greco, was the Chairman of the Board when that task
25 came. He is a living legend in our industry and in

1 Bethpage, not only because of his service as
2 chairman for twenty years from the '70s to the
3 '90s, but before that, his father served as
4 Chairman of the Bethpage Water District in the '50s
5 and '60s.

6 The whole Board and Sal and Mike and
7 Richie are just living figures today of generations
8 of men and women who've devoted their lives to the
9 mission of Long Island Water Conference, as
10 Councilman Hand knows, to deliver clean and clear
11 water to the best of their ability and they've done
12 so under the hardest of circumstances.

13 For Bethpage, those circumstances hit
14 us in the '80s when the first wave of the plumes
15 from Grumman Navy hit us. By the '90s, five of our
16 major wells were hit and we needed treatment. Two
17 wells at Plant 6, two at Plant 4 and one at Plant
18 5. So for the last thirty years, Bethpage has
19 shouldered the burden of cleaning this plume to the
20 best of their ability. They had drawn tons of
21 contaminants from the plume, and in doing so, they
22 became really the first hydraulic barrier to
23 protect the Districts to their south.

24 So, we've done our best to assist South
25 Farmingdale and Massapequa. We hope the plume

1 never hits them. We hope the DEC's new amended rod
2 will help them again, but thanks to the guys at
3 Bethpage who shouldered this burden for thirty
4 years, they're better off for that effort.

5 Second, the nexus local perspective and
6 there's only four. There's a recent one.

7 The first wave of pollution hit us back
8 in the '90s. About twelve years ago another whole
9 new wave of contamination was threatened in Plant
10 4, much higher concentrations. The District,
11 proactive again, went out and built treatment
12 facilities under the guidance of Mr. Humann which
13 would protect us from this new wave of pollution of
14 OU3.

15 We tried to negotiate with Grumman,
16 that failed. We had to sue them. Unfortunately,
17 that lawsuit ended in failure, because we were hit
18 by the Second Circuit with a decision that said the
19 statute of limitations had already run.

20 From that sacrifice, this past
21 November, the legislature and a bill signed by the
22 governor has eliminated all statutes of limitation
23 for all water providers throughout the State
24 forevermore.

25 So building again on the experience of

1 Bethpage that new statute is due to their efforts.

2 Lastly, let's talk briefly about the
3 1,4 Dioxane regulations. These regulations were
4 promulgated -- offered by the Department of Health
5 last Summer. The industry put a lot of comments
6 together. The original regulations that were
7 proposed would have gone into effect next month, in
8 March.

9 Had the original regulations been
10 enforced, Notifications of Violations would have
11 been sent in April and many of the hardest hit
12 Water Districts would have been in an extremely
13 dire position. Bethpage did not do that. They
14 went out ahead and they utilized the past
15 experience that they did in developing the first
16 AOP system in Nassau County approved by the Health
17 Department which is now operating and in working
18 order and delivering clean water to Plant 6.

19 We're building on our knowledge and
20 Mr. Humann's guidance. We were able to go ahead --
21 recognizing we might be shut down in March
22 and, hopefully, by this June, we will be online to
23 serve water in our District which is treated for
24 1.4 and we will not have to be worried about that
25 situation.

1 When it was last year back in November,
2 I indicated that we made major efforts to try to
3 get a phase-in program for the implementation of
4 1.4 MCLs. I'm pleased to report that those efforts
5 were successful, and in January, the Department of
6 Health amended their regulations to provide for a
7 three-year phase in period.

8 So, it is really, again, the efforts of
9 Bethpage in letting the Department of Health know
10 how bad that rule was that we got a phase-in
11 period. We won't have to use it, thank God, but we
12 had to be upfront to get that done.

13 So, that's the historical perspective.

14 Now, today, we are looking to do a
15 \$66 million bond. That may sound like a lot of
16 money, but it's really in perspective of exactly
17 what's happening throughout the industry today.

18 I was in here September and Plainview
19 had a \$30 million bond, just for treatment.
20 Jericho was here for a \$33 million bond, and as
21 Councilman Labriola noted, only \$400,000 of that
22 bond was for pilot studies.

23 Together treatment and upgrades for
24 Jericho are going to be \$63 million because in May,
25 we will be back for another 30 million for

1 treatment.

2 So, those numbers are the numbers that
3 are going on out there right now. Albertson
4 presented a bond, they're a smaller Water District
5 for 32 million in North Hempstead. In Westbury,
6 I'm working on Westbury now for 45 million. That's
7 what's going on.

8 So, we have a legacy here of industrial
9 pollution which we must confront with and also a
10 legacy of farming and no cesspools and that's
11 nitrate.

12 Bethpage is going to introduce today, a
13 nitrate treatment facility for \$18.5 million.
14 Jericho's was being put in now, but it was proposed
15 several years ago, and these are extremely
16 important facilities because we have to treat the
17 nitrates.

18 So, the bond today, while \$66 million,
19 it really breaks down into \$34 million in
20 treatment. Plant 6, the AOP treatment is 5
21 million. For BGD, it's 6.5. For Plant 5 the AOP
22 treatment and building is 4 and the nitrate
23 facility is 18.5. That's 34 million in forced
24 treatment -- mandated treatment that we must
25 undertake and 32 are for capital upgrades.

1 The good news is -- the good news is,
2 we have made substantial progress in moving the
3 State in granting grants or authorizing grants for
4 these treatments. The past system, in 2017/2018,
5 only allowed \$3 million per district per year.
6 That's totally insignificant.

7 They recently changed their regulations
8 and have now committed \$120 million in treatment
9 just for Long Island and they're looking to fund 60
10 percent of all capital treatment in the future,
11 which is absolutely fantastic.

12 There's still a shortfall though. Even
13 if they come through will all 60 percent of the
14 capital, there's a 40 percent deficit and these
15 grants don't cover operation and maintenance costs,
16 which are going to be millions of dollars into the
17 future.

18 I can now report that the litigation
19 that we have against DOW Chemical started by Sher
20 Edling Suffolk Water Authority for 23
21 municipalities here on Long Island is progressing
22 extremely effectively and we intend, hopefully, to
23 bring in substantial moneys from that DOW
24 litigation and for PFOS contamination also by Sher
25 Edling against the 3M company. Those are

1 progressing pretty well.

2 So, in the end, we hope that we can be
3 able to take these grants and we can take recovery
4 from the DOW litigation and pay down the bands that
5 we're going to have because of these necessary
6 treatments.

7 We mentioned before, and Mr. Delorenzo
8 will certainly confirm, that the Water Districts do
9 not have to convert their bands to bonds. We can
10 keep them open at relatively short low interest
11 rates, so when the moneys come in from the grants
12 and from the DOW litigation, we should certainly be
13 able to reduce the bond and indebtedness by paying
14 off these bands and not converting them to bonds.

15 So, before I bring Mr. Humann up to
16 give you a brief rundown of the 12 projects that
17 we're working on, are there any questions from the
18 Board.

19 SUPERVISOR SALADINO: Yes.

20 Before I open the floor up to the
21 Board, there is a question in the mind of many
22 residents. So, let's start off with why you're
23 here. You have an independently elected Board of
24 Commissioners. You hold regular meetings, but when
25 it comes to bonding, the State Legislature has

1 created this mandate.

2 Can you please explain that to the
3 public.

4 MR. INGHAM: Briefly again, not going
5 back too far, back to 1934, all of the Districts
6 were created by an act of State Legislature. Those
7 Districts which had previously existed were
8 eliminated. If they were going to be continued,
9 there had to be a referendum and a vote by the
10 taxpayers in those districts. All this which you
11 have in front you on Long Island were created in
12 1934.

13 During that period of time, bond
14 indebtedness was foreseen and the State Legislature
15 indicated that the Towns would devote their full
16 faith and credit to the bonds for each individual
17 Water District, Sewer District, Park District.

18 So, that was the creation of the bonded
19 procedure where we have to go through the Town to
20 secure our bonds on their full faith and credit.
21 And that's how that works.

22 SUPERVISOR SALADINO: And we've had
23 these conversations before at Board meetings --

24 MR. INGHAM: We have.

25 SUPERVISOR SALADINO: -- and elsewhere

1 where we believe -- we know that it would be far
2 wiser for districts -- whether they be Fire
3 Districts, Water Districts, municipalities of all
4 sorts -- to do their bonding through the State.
5 They'd get better rates. It would make much more
6 sense and we're appealing to Albany to change the
7 law so you do your bonding through them.

8 MR. INGHAM: That would probably bring
9 us lower rates. I hope it would. I know this Town
10 has done a great deal to improve it's bond rating.

11 SUPERVISOR SALADINO: We are.

12 MR. INGHAM: So, I'm not really certain
13 it's going to be better off for us to go to the
14 State. I'm not a 100 percent certain that'll work
15 given their \$6 billion deficit.

16 SUPERVISOR SALADINO: It would put it
17 on the radar, so they could better appreciate what
18 this is costing.

19 MR. INGHAM: Correct. I do believe
20 they have gotten a --

21 SUPERVISOR SALADINO: In terms of their
22 mandates on you.

23 MR. INGHAM: -- a pretty good grip on
24 it at this point with the efforts that our
25 Districts have put on, put on the Department of

1 Health. And the State has now stepped up to put
2 \$120 million down. And that's pretty much a down
3 payment on what's going forward in the future. So
4 that is good news for everybody.

5 SUPERVISOR SALADINO: That \$120 million
6 is to be shared by all of the districts statewide?

7 MR. INGHAM: No. That's just for Long
8 Island.

9 SUPERVISOR SALADINO: Just for Long
10 Island.

11 MR. INGHAM: It's 450 statewide. So,
12 they are stepping up. It's a good sign that
13 they're recognizing this is a real issue and that
14 they're doing their best -- as far as I can see at
15 this stage of the game, for the commitment. We're
16 really hopeful it comes through because it's to the
17 benefit of every taxpayer on Long Island if they do
18 that.

19 SUPERVISOR SALADINO: And, finally,
20 when it's time to pay off these notes, these would
21 not be paid off by the Town of Oyster Bay's
22 taxpayers at large?

23 MR. INGHAM: Unfortunately, that's
24 true, but I really have to indicate that Bethpage
25 has shouldered a great deal of this on their own.

1 SUPERVISOR SALADINO: Clearly.

2 MR. INGHAM: To the benefit of many of
3 the Water Districts. They've been out there doing
4 the pilot studies for the AOP which is now going to
5 be used by everybody in Nassau County. And they've
6 done a great deal to protect Massapequa and South
7 Farmingdale and that, unfortunately, that burden is
8 directly on their shoulders.

9 SUPERVISOR SALADINO: We recognize that
10 and we appreciate the current Board and we
11 appreciate all who came before.

12 A real Yeoman's effort in difficult
13 situations and the people town wide and especially
14 in Bethpage should understand the commitment of the
15 Water District to deal with this very difficult
16 situation. They did not put the contaminates
17 there.

18 Grumman -- Northrop Grumman and the
19 United States Navy are 100 percent responsible for
20 this. This is not something that the people -- the
21 residents of Bethpage should shoulder any
22 responsibility for and yet we find ourselves here
23 today.

24 MR. INGHAM: It's the good fight and
25 Sal's been leading that since 1972.

1 SUPERVISOR SALADINO: Thank you to Sal
2 Greco.

3 COUNCILMAN LABRIOLA: Counselor, if I
4 could.

5 Last we spoke --

6 MS. FAUGHNAN: Can you state your
7 appearance.

8 MR. INGHAM: Mike Ingham, Carman,
9 Callahan & Ingham.

10 COUNCILMAN LABRIOLA: -- good
11 developments have happened, Mr. Ingham, including
12 the fact that the State has promised this grant
13 funding and, of course, your litigation against DOW
14 Chemical might ease the burden.

15 Considering -- I guess what I'm asking
16 you to tell me is in terms of the impact upon the
17 rate payers under the worst-case scenario which
18 would be that you would shoulder the burden with
19 just the State grant, and under the best case
20 scenario, what would be the impact in terms of the
21 individual rate payer from a dollar and cents
22 standpoint?

23 MR. INGHAM: Well, I'm not an
24 accountant, so, I can't give you that, but what I
25 can give you is our worst-case scenario.

1 If we spent all of the \$66 million and
2 that would increase the average rate to our
3 taxpayer by about \$374 per year, \$32 per month.
4 And, again, we're certainly not going to spend that
5 because we're going to have substantial grants and
6 clearly a substantial hit from the litigation by
7 DOW.

8 COUNCILMAN LABRIOLA: The grant
9 funding, when it does finally arrive, and meets
10 into the Bethpage bank account, will that -- that
11 will be into a dedicated fund which would be
12 designed to pay down the principal and interest so
13 that -- in other words, that funds will not mix
14 with other funds?

15 MR. INGHAM: The grants are given after
16 we have put in remediation treatment for 1.4, so
17 it's reimbursement. So we go out, we borrow the
18 money, we're going to put the treatment in, the
19 grants come back, and at that stage, they are used
20 to offset the bands. There will be an offset.
21 They're dedicated. That's my understanding.

22 COUNCILMAN LABRIOLA: So, you're not
23 going to follow a paydown schedule because they're
24 not bonds; you're saying you're going to keep them
25 as bands?

1 MR. INGHAM: Well, the bands -- we are
2 going to keep them as bands and we're allowed to do
3 that, so once we get the grants that come in, those
4 bands can be paid down.

5 COUNCILMAN LABRIOLA: Great. That's
6 really what my question was. Thank you.

7 Thank you, Mr. Ingham.

8 MR. INGHAM: At this point, I'd like to
9 turn over the presentation to Mr. Humann. He'll
10 give you the rundown of the projects.

11 SUPERVISOR SALADINO: Just one moment.
12 Are there any questions for Mr. Ingham.
13 (No response.)

14 SUPERVISOR SALADINO: Thank you.

15 MR. HUMANN: Richard Humann,
16 H-U-M-A-N-N, H2M Architects and Engineers,
17 538 Broadhollow Road, Melville, New York 11747.

18 Good morning, Supervisor.

19 SUPERVISOR SALADINO: Good morning.

20 MR. HUMANN: Good morning, Town Board
21 Members and thank you for the opportunity to
22 present to you today.

23 Mr. Ingham stole a bit of my thunder,
24 which is okay. He did a pretty nice job there for
25 an attorney. Don't take that personally, please.

1 So, I'll get into really the meat of
2 the projects and they really fall into three main
3 categories. The emerging compounds that Bethpage
4 Water District is going to have to deal with and
5 Mr. Ingham presented what some of the requirements
6 were.

7 So, there are two main emerging
8 compounds, 1,4 Dioxane and perfluorinated compounds
9 that the Bethpage Water District is going to have
10 to respond to. And the challenge is that
11 conventional water treatment processes are
12 ineffective at removing these emerging compounds.

13 So, the Water District is going to have
14 to install treatment for five of its supply wells
15 in addition to the advanced treatment technologies
16 that already exist at the plants and the treatment
17 process is called Advanced Oxidation. It's
18 commonly referred to as AOP. So, you might hear
19 that.

20 Essentially, what the process does is
21 it physically destroys 1,4 Dioxane. You might have
22 seen treatment systems called granular activated
23 carbon GAC, where it filters out contaminants or
24 aeration, airstripping actually strips contaminants
25 from water and causes a vapor discharge.

1 In this case, 1,4 Dioxane is so soluble
2 in water that you can't remove it physically. You
3 need to remove it chemically.

4 So, the treatment process that the
5 Water District is implementing utilizes ultraviolet
6 light and a strong oxidant in the form of hydrogen
7 peroxide. That's a catalyst to drive the chemical
8 reaction and ends up destroying the 1,4 Dioxane.

9 Roughly, the cost for those systems are
10 \$5 to \$6 million per well. The treatment equipment
11 is very expensive, because it uses electricity as
12 the primary operating mechanism. It's going to be
13 a very expensive system also to operate because the
14 cost of power on Long Island is fairly expensive.

15 We took a look at other alternatives
16 and through years of testing and research and
17 determined that AOP was the most effective way to
18 deal with 1,4 Dioxane. So, we have a number of
19 projects that fall into that kind of broad
20 category.

21 The second group of projects -- the
22 last time we were here in front of the Town Board
23 to talk about projects that the District was
24 undertaking, as Mr. Ingham had explained, Bethpage
25 has been impacted by the Navy Grumman plume really

1 since the mid 1970s and has been providing advanced
2 treatment for its wells for over thirty years.

3 And, you know, even taking a look at
4 the New York State DEC's final amended record of
5 decision that came out of an updated feasibility
6 study, you know, the plume is as long as wide as
7 deep as it has ever been.

8 So, from Bethpage's perspective, you
9 know, they had made a decision years ago
10 strategically that they were going to be looking to
11 really reshape and redefine where their source
12 water came from. Although, they are completely
13 dedicated and providing clean drinking water every
14 day. It's very challenging. The more treatment
15 that is required, the more risks there is.

16 So, if your mission is to provide clean
17 drinking water, you need to mitigate risks as best
18 you can. So, they are also in the process of
19 developing sources outside the boundaries of the
20 plume. They've constructed one supply well in the
21 northern part of the Bethpage State Park property.

22 They are now in the process of
23 constructing a second well within the Bethpage
24 State Park property on an easement that they
25 currently have with New York State Parks. And we

1 are working very closely with several State
2 agencies to identify additional sites so that
3 ultimately their source location will be outside
4 the boundary of the plume.

5 As part of that, if the Town has, you
6 know, taken a look at the Amended Record of
7 Decision, the operation of the five wells of Plants
8 4, 5, 6 are important to mitigating the movement of
9 the plume and to remove mass.

10 So, we are working very closely with
11 the State, whereby whether it's New York State or
12 one of the polluters, somebody is going to be
13 charged with coming in and continue to operate
14 those wells for purposes of remediation when
15 Bethpage is no longer using them for purposes of
16 providing clean drinking water. So, there are a
17 number of projects in our report that discuss that
18 real occasion of source supply.

19 The last piece of it that is also
20 significant is with all the treatment requirements
21 that the District has, they still can't ignore
22 their infrastructure. And, you know, so many
23 demands on water suppliers to continue to invest in
24 treatment and in cleaning their drinking water
25 causes them to have to prioritize that and that's

1 always going to come out on top, but the
2 infrastructure you don't see and how you deliver
3 water to people's homes is also critical, you know,
4 and the Water District has existing infrastructure
5 that is between 80 and 100 years old.

6 They've got certain sections of their
7 service area that have excessive water main breaks.
8 Knock on wood -- the Superintendent probably
9 doesn't want me to do that. You know, very weather
10 dependent, so when you have free storm conditions
11 and you have a lot of new service area that has
12 cast iron pipe, the sewerage of the District has
13 impacted water distribution systems in many places
14 in Nassau County. So, they also have to have a
15 program in place where they're systematically
16 upgrading their existing underground
17 infrastructure.

18 So, broadly speaking, those are the
19 three priority areas that are identified in our
20 capital plan that are part of this bond request.

21 That's, in essence, what the projects
22 are, so if the Supervisor or the Town Board has any
23 questions, I would gladly answer any questions.

24 COUNCILMAN HAND: Mr. Humann, real
25 quick, you referred to Well Sites 4, 5 and 6, and

1 we appreciate what Bethpage has done consistently
2 for the last thirty years in treating those sites,
3 because that is the epicenter of where these
4 pollutants are coming from; my question is, what
5 commitment have you received from the DEC, the EPA
6 or the PRPs, responsible parties, in this case Navy
7 and Grumman, to take over 4, 5 and 6 to help you
8 offset your costs?

9 MR. HUMANN: So the -- we are in fairly
10 constant communication with New York State DEC,
11 Deputy Commissioner Lorne Brand and his team. The
12 record of decision is clear that the wells need to
13 operate in order for the plan to be successful.

14 It also clearly identifies some
15 elements of financial support to assist the Water
16 District in developing sources outside the plume.
17 As part of that, it also clearly indicates that
18 whoever is responsible to implement the plan,
19 whether that's the State or the PRPs, that they'll
20 have responsibility to run the existing wells as
21 part of mass removal and remediation.

22 We don't -- so that's as far as the
23 commitment is, there is not yet any agreement in
24 place between PRPs or the State that really
25 ratifies how that's going to work, so, but we

1 expect that that should be in place soon. We
2 understand that the State is actively meeting and
3 negotiating with Grumman and the Navy to identify
4 who's going to be responsible for what and, you
5 know, we're eager to understand what the outcome of
6 that is going do be.

7 COUNCILMAN IMBROTO: But, just so our
8 residents are clear, those wells are going to
9 continue to operate, even as you relocate outside
10 the plume?

11 MR. HUMANN: So, the way it stands
12 right now is we operate the wells because we have
13 to, to the meet demand. As we are phasing and
14 moving our wells outside the plume, there will be
15 another agency, another PRP; however, the State
16 identifies it so that those wells will operate in
17 concert with all the other work that's going to be
18 done to remediate the total plume.

19 You know, how that's planned out, I
20 know the State is currently doing some predesign to
21 understand what that is.

22 It's not a situation where the wells
23 need to operate all the time. Right now, the
24 District doesn't operate them all the time. It's
25 Winter and water demand is down, so the wells

1 really don't operate much at all. When the peak
2 period comes up is typically when the wells are
3 operating more. But the State recognizes that
4 there is significant benefit that -- environment
5 benefit -- if the well is operating. One way or
6 another, I'm pretty sure the State is going to have
7 somebody run those wells, but it's not going to be
8 the Bethpage Water District.

9 COUNCILMAN IMBROTO: And I just want to
10 take a moment to thank the Bethpage Water District,
11 thank the Commissioners, and the Superintendent for
12 the great work that you do in providing clean water
13 to the Bethpage community and to the surrounding
14 communities protecting them and keeping them safe
15 from the plume. You, really, guys do a great job
16 every single day. I know the stress that you deal
17 with because we talk about it all the time, but you
18 do an amazing job.

19 Thank you.

20 COUNCILMAN LABRIOLA: Mr. Humann?

21 MR. HUMANN: Yes.

22 COUNCILMAN LABRIOLA: If I understand
23 correctly, these wells have to operate because it
24 would affect the way the plume would travel
25 underground to other -- and negatively affect other

1 Water Districts; is that what you're telling me.

2 MR. HUMANN: So -- not exactly.

3 To date, if you take a look at which
4 wells that are currently impacted by the plume,
5 whether it's Bethpage wells or remediation wells
6 that -- so the Navy has a GM38 remediation system.
7 So, it kind of treats a small portion of the plume.

8 Over the years, Bethpage Water
9 District, just by the nature of running their wells
10 and treating their water, has been removing the
11 majority of, you know, any compounds that are found
12 in the plume, but that's not, you know, that's not
13 done as part of a State plan or remediation plan.
14 That's done as needed, as they need the water. As
15 the community needs the water, then the wells
16 operate.

17 So, there's never been a requirement on
18 Bethpage to have to run the wells. There's never
19 been a study done by the State that says that
20 Bethpage must run the wells, you know, this much
21 during this time period in order to mitigate the
22 movement of the plume. I believe that's going to
23 happen.

24 When they now are going to create what
25 the overall design is of their kind of full

1 remediation process, they probably will identify
2 how often do those wells need to operate. So, it's
3 a little bit in there, but it's not specifically
4 prescribed yet, but I believe it will be once the
5 State finishes putting their plan together.

6 COUNCILMAN IMBROTO: Like you said
7 before, it's contemplated that those wells will
8 continue to operate in some capacity as you locate
9 outside the plume?

10 MR. HUMANN: Right.

11 COUNCILMAN LABRIOLA: What I'm getting
12 at, Mr. Humann, is that from a cost benefit
13 standpoint, at what point do you determine that
14 it's too expensive to get clean, safe water for the
15 residents and then abandon the well and find
16 another source or -- I know you have these
17 interconnection with neighboring Water Districts.
18 I know there's talk about tapping into the New York
19 City water supply.

20 I mean, at what point do you make that
21 decision or recommend that decision to the
22 Commissioners to abandon the well?

23 MR. HUMANN: It's essentially been made
24 already. The District over the last five years,
25 they've already constructed one of their source

1 wells outside the plume. They constructed a new
2 reservoir right on Plainview Road at their existing
3 BGD plants.

4 So, they have already been in the
5 process strategically of moving outside the plume.
6 So, they've already made a decision that the -- you
7 know, to the extent to which they have to treat the
8 water is significantly more expensive, especially
9 in the long term than it would be to develop
10 sources outside the plume.

11 So, really now, we're kind of in this
12 transition period, and from a financial
13 perspective, the -- one of the biggest challenges
14 here is that until they are at a point where they
15 can satisfy the entire demand of their community
16 with wells outside the plume, they have to put
17 treatment on their existing wells and they have to
18 use them because they have to provide drinking
19 water. They have to provide fire protection for
20 the community.

21 So, they're in this transition period
22 where they need to put money into developing
23 sources outside the plume, but at the same time,
24 they have to put money into treating the existing
25 wells because they have no choice.

1 COUNCILMAN IMBROTO: That's part of
2 what they're seeking today.

3 COUNCILMAN LABRIOLA: Thank you.

4 MR. HUMANN: You're welcome.

5 SUPERVISOR SALADINO: Mr. Humann, for
6 the purposes of the public, the residents of
7 Bethpage and residents throughout the Town
8 listening to try to understand, would it be factual
9 to say that the team at Bethpage is very cognizant
10 of the hydrostatic pressures that influence not
11 only this process, but the cleanup of the plume and
12 that they're acting in a way that's diligent in
13 terms of both goals?

14 MR. HUMANN: Sure.

15 SUPERVISOR SALADINO: Thank you.

16 MR. HUMANN: You're welcome.

17 SUPERVISOR SALADINO: Any other
18 questions?

19 This may be -- I have one last question
20 and maybe a question for your counsel, but of this,
21 if you are to get this bond amount, can we expect
22 that in time the polluters will pony up part of
23 this -- these revenues?

24 I know it's been a long haul and,
25 again, we compliment the patience and the diligence

1 of the District who continue to push.

2 MR. INGHAM: Clearly, we have an
3 expectation that the Navy will step up at Well 6
4 for 1,4 Dioxane. We're in the process of talking
5 to them now on that. So, that may be eliminated
6 from the situation for the bond.

7 As Mr. Humann also talked about, we're
8 also talking to the DEC about grants to facilitate
9 down payment of the bands at this point as well.

10 So, we are making our best efforts to
11 negotiate with both the Navy and also with Grumman
12 at this point to assist us in getting it done, but
13 the real issue in terms of payback is if they don't
14 agree to work with us, we are going to commence
15 full thwarted litigation against them to make them
16 pay.

17 SUPERVISOR SALADINO: And would the
18 borrowing be structured in a way that if and when
19 you do receive those checks, you can pay it down
20 more quickly and save the taxpayers interest?

21 MR. INGHAM: That's why we're going to
22 keep the bands and not convert any of this to
23 bonds.

24 SUPERVISOR SALADINO: Thank you.

25 MR. INGHAM: You got it.

1 Anymore questions?

2 We're taking a lot of time for a lot of
3 people, but at least this audience had a good
4 understanding of where we've been and where we're
5 going.

6 SUPERVISOR SALADINO: And I think it
7 demonstrates our commitment to work with the
8 District to protect the water users in Bethpage and
9 throughout the Town of Oyster Bay.

10 We have a long, long record of working
11 with all of you, working with Albany, working with
12 all the stakeholders, and we are going to continue
13 on our part. We know you are on your part and we
14 will see the day when this will be just an ugly
15 chapter of the past.

16 MR. INGHAM: We hope. We hope and
17 pray.

18 SUPERVISOR SALADINO: That's the goal.

19 MR. INGHAM: It's been a long haul.
20 It's not going to be an easy haul.

21 Thank you for your efforts.

22 SUPERVISOR SALADINO: Put pressure on
23 Northrop Grumman and the Navy.

24 MR. INGHAM: That's what we're doing.

25 SUPERVISOR SALADINO: This is their

1 responsibility. They polluted and it's up to them.
2 I'm speaking to you, but I'm sending a much larger
3 message.

4 This is the responsibility of Northrop
5 Grumman and the United States Navy.

6 We were there for them, people in
7 Bethpage and around Long Island. Rosy, the
8 Riveter, and her families were there for America
9 when America needed the most and it is their turn
10 to be here for us now to get the mess they made
11 cleaned up.

12 MR. INGHAM: With your help and the
13 DEC's help, we'll get it done.

14 Thank you.

15 Any more questions?

16 COUNCILWOMAN WALSH: I just want to
17 have a comment for you all.

18 I met most of you about a year ago and
19 I speak too often and I see how exhausting -- I
20 can't even imagine what you've been going through
21 all these years and I just have to say that even
22 though I don't live in Bethpage, I see all the
23 efforts you put into it and I'm hoping -- and I
24 spoke to you last week that I think -- I think this
25 will all be -- we'll be looking back one day, but I

1 wanted to thank you. We appreciate all you're
2 doing for Bethpage and for South Farmingdale and
3 for Massapequa and all the residents.

4 Thank you.

5 MR. INGHAM: Thank you, guys.

6 Appreciate it.

7 SUPERVISOR SALADINO: That concludes
8 your presentation?

9 MR. INGHAM: Gracefully, that concludes
10 the presentation.

11 We'd urge the Town Board to approve the
12 bond petition and to be able to assist us with our
13 capital improvement plan.

14 Thank you very much.

15 SUPERVISOR SALADINO: Thank very much.

16 MR. INGHAM: I did briefly introduce
17 myself as Mike Ingham, the attorney for Bethpage
18 Water District. My firm is Carman, Callahan &
19 Ingham, 266 Main Street, Farmingdale, New York. I
20 have been working with the industry since 1982.

21 Thank you all.

22 SUPERVISOR SALADINO: Do you need a
23 break right now?

24 THE STENOGRAPHER: Yes.

25 SUPERVISOR SALADINO: Let's give our

1 reporter a break, but if there is anyone who would
2 like to be heard on this particular hearing, please
3 standby as soon as we take a five or ten-minute
4 break, we'll give you an opportunity to be heard.

5 Thank you.

6 (Whereupon, at 11:31 a.m. a recess was
7 taken and at 11:42 a.m. the proceedings resumed as
8 follows:)

9 SUPERVISOR SALADINO: Ladies and
10 gentlemen, if you would all please take your seats.

11 Ladies and gentlemen, if I can have
12 your attention please, so we can proceed.

13 We have some -- well, two residents who
14 would like to speak on this hearing. If anyone
15 else would like to speak on this specific hearing,
16 we ask you to come up front and please fill out a
17 sheet and first we will hear from Commissioner of
18 the Bethpage Water District Terry Catapano. She's
19 still outside.

20 Thank you.

21 So next -- we'll put that on hold. She
22 can speak when she comes in.

23 Our Superintendent -- yes, Commissioner
24 Catapano. You're up.

25 While she's walking up to the podium, I

1 do want to recognize two other commissioners we
2 have here with us, water commissioners, including
3 Oyster Bay's Bob McEvoy and Massapequa's Ray
4 Averna. And we thank all of the Water Districts
5 for all of their participation.

6 Ready? Come on up, Terry.

7 COMMISSIONER BLACK: I'm seriously out
8 of shape.

9 Hi. Terry Catapano Black, 6 Parkview
10 Court, Farmingdale, New York, Bethpage Water
11 District Commissioner.

12 And I would just like to say on behalf
13 of my fellow commissioners and myself that in our
14 pledge to the Bethpage residents to continue with
15 our plan to develop sources outside of the plume,
16 that's a very, very important plan that was
17 instituted about five years ago that we do -- and I
18 want to try -- I'm sorry, I'm a little unprepared
19 -- just to state that we, because of our past
20 history, are moving forward with this.

21 We do have plans, and as the attorney,
22 and Mr. Ingham, and Mr. Humann spoke, regarding
23 going to who should be paying for this, the
24 polluters, Northrop Grumman and the Navy, but in
25 the interim we cannot wait. We need to do this.

1 We need to move forward. We need to stay vigilant
2 and the Bethpage residents, of course, first and
3 foremost, the water that we serve them meets and
4 exceeds all State and Federal standards, but moving
5 forward, we have to be vigilant on this, because as
6 Mr. Humann spoke to the issue of treating the water
7 inside the plume.

8 So, we do look forward the Town of
9 Oyster Bay's help and all of our elected officials
10 because we do need the support, but in the interim,
11 we need to do this because there is no waiting and
12 the time is now.

13 Thank you very much for your attention.

14 SUPERVISOR SALADINO: Thank you very
15 much Commissioner Catapano Black.

16 The next person we will hear from is
17 the Superintendent of the District, Michael Boufus.

18 SUPERINTENDENT BOUFUS: Mike Boufus,
19 Superintendent, Bethpage Water District, 25 Adams
20 Avenue, Bethpage, New York 11714.

21 Supervisor, thank you very much.
22 Board, I appreciate the opportunity to speak.

23 I just first and foremost want everyone
24 to realize that my biggest question I get all the
25 time is, "Is the drinking water contaminated?" And

1 the answer is no. Your ground water is
2 contaminated. We take the water. We withdraw it
3 out of the aquifer. We clean it. We essentially
4 pasturize it similar to like milk. You can drink
5 it out of a cow. It's not really recommended.

6 You can do the same thing with, you
7 know, most of our water sources except the ones
8 that are located in the plume. We then treat it
9 and we essentially convert it to drinking water and
10 we really pride ourselves in trying to achieve
11 nondetectable levels. The reason we are moving
12 outside the plume is because it's getting very,
13 very expensive to stay inside the plume.

14 Our Plant 6, my normal monthly electric
15 bill is between 5 and \$7,000 a month. It is now
16 close to 19,000 a month because I'm running that
17 advanced oxidation treatment system and that's to
18 remove, you know, volatile organic compounds and
19 1,4 Dioxane. So, with the emergent contaminates
20 and with the further research and studying that is
21 going on inside the plume, we are finding more
22 contaminates. We're reacting to them.

23 So, it's a double edged sword for us.
24 We still need to upgrade our facilities so we can
25 provide safe drinking water, but we're also looking

1 to develop sources outside of the plume just for
2 the long-term operation, and maintenance will be a
3 lot less on the community and on the residents of
4 Bethpage.

5 So, thank you for your continued
6 support. You know, we don't do this in a vacuum.
7 For decades we've been fighting this battle and,
8 you know, you've heard me say it before this is
9 Biblical. This is David and Goliath and we're
10 constantly fighting them.

11 So thank you very much.

12 SUPERVISOR SALADINO: I hope in my days
13 when I served in the Assembly working for your
14 residents on this issue that I acted as the sling
15 that David used with Goliath and I know my
16 colleague Steve Labriola, my predecessor in the
17 Assembly, did the same. We're very happy to work
18 -- all of us are very happy to work with this
19 District.

20 SUPERINTENDENT BOUFUS: We take any --
21 any support we can get, we take. It affects
22 everyone.

23 SUPERVISOR SALADINO: I'm also going to
24 commit to our support with letters of support in
25 terms of the grants that you spoke of earlier and

1 we will continue to help with the enormous lobbying
2 effort in Albany.

3 SUPERINTENDENT BOUFUS: Thank you very
4 much.

5 SUPERVISOR SALADINO: Thank you,
6 Mr. Boufus.

7 Is there -- whether you put in a slip
8 or not, is there anyone else, residents of
9 Bethpage, who would like to be heard and a resident
10 who is not from Bethpage.

11 MR. McKENNA: Kevin McKenna, 3 Edna
12 Drive, Syosset, New York.

13 Thank you, everyone, for all you do.

14 Actually, Councilman Labriola a few
15 meetings ago had brought up an excellent question
16 and I was wondering if anybody behind me could
17 explain to us why we're not moving forward and
18 connecting to the New York City Water Supply.

19 Why are we spending exorbitant amounts
20 of money if we -- if there is the capability to
21 connect the New York City Water Supply and that was
22 actually a question that Councilman Labriola had
23 brought up meetings ago. If somebody could
24 elaborate on that, that would be great.

25 Thank you.

1 SUPERVISOR SALADINO: Mr. Humann, would
2 you like to step and address that question for the
3 public?

4 If you would start off by your
5 presence, please.

6 MR. HUMANN: Richard Humann, H2M
7 Architects and Engineers, 538 Broadhollow Road,
8 Melville, New York 11747.

9 So, yes, Councilman did, you know,
10 bring this up.

11 So the New York City Water Supply as a
12 potential to be able to provide, you know, drinking
13 water to Long Island is not new. The thought isn't
14 new. It's gained significant traction of late. I
15 think specifically because of the fact that Long
16 Island is probably the most impacted region from
17 the emerging contaminates that New York State is
18 currently in the process of regulating.

19 And I think that the potential to
20 study, you know, is that a possibility, is -- it's
21 kind of like, you know, the bridge to Connecticut.

22 It's a transformative, you know, not
23 something you look at where so Bethpage Water
24 District has contamination, can you just run a pipe
25 from Queens to Bethpage? That's infeasible and

1 impractical.

2 I do understand that -- I think Senator
3 Kaminsky was looking to put into the governor's
4 budget a study being done at the State level to
5 deal with New York City, to deal with Nassau County
6 and what the potential is.

7 So, I believe there is clearly going to
8 be some evaluation that is going to be done and
9 then out of that, you know, how do you go about
10 doing it and, you know, what some of the challenges
11 and obstacles might be. In the meantime, the need
12 to have to meet the drinking water standards
13 doesn't go away.

14 So, even though that might be an
15 alternative at some point in the future, it's not
16 an alternative available today. So, I mean, I
17 obviously don't get details to that effect, but I
18 do believe it's something New York State is going
19 to be looking into. I think further to that,
20 New York City is -- has risks to drought.

21 You know, there are periods where
22 New York City has to control its own water supply.
23 So, there are periods where New York City probably
24 has an overall abundance and can give lots of
25 water. There are going to be periods where that is

1 not the case.

2 I also don't think you're going to
3 eliminate the need to have to have water supply
4 available on Long Island regardless of whether or
5 not New York City becomes a viable potential water
6 supply.

7 So, you know, for us today, there is
8 really nothing that, you know, we can benefit from,
9 but I do think it's something that is going to get
10 some evaluation is probably the best way I can say
11 it.

12 SUPERVISOR SALADINO: In addition, you
13 spoke to the obstacles, drawing on our experience
14 that Councilman Labriola and I have from our days
15 in the State Assembly, members of the State's
16 Environmental Conservation Committee, we recognize
17 that some of this would have to take place as
18 legislation stands alone, environmental legislation
19 that those committees would have to pass, as well
20 as through issues through the New York State budget
21 and perhaps the gentleman who just spoke and asked
22 this question could lobby the folks that he
23 vigorously campaigned for to bring those bills and
24 get that passage in the legislature.

25 Thank you very much.

1 MR. HUMANN: You're welcome.

2 SUPERVISOR SALADINO: Okay.

3 Do we have any other speakers on this
4 hearing?

5 COUNCILWOMAN JOHNSON: I just have a
6 quick question/suggestion.

7 In terms of the electric bill, have you
8 looked into using maybe hydraulic generators for
9 the flow of water that's coming through? Do you
10 guys use that at all?

11 SUPERINTENDENT BOUFUS: Yes. We've
12 looked into all alternate sources to generate
13 electricity. We've looked into doing a solar farm
14 metering at one of our sites. It's all under
15 evaluation. I think when the MCL -- the proposed
16 MCL was thought about -- we're all for protecting
17 public health. So, it has nothing to do with that.
18 I don't think they thought the long term O&M costs.
19 You know, everyone looked at the capital costs.
20 The O&M costs are staggering. So, if there's a way
21 to offset it somehow, we're looking into that right
22 now as we move forward with our designs.

23 COUNCILWOMAN JOHNSON: We just had a
24 presentation actually made by the Robotics Club
25 from the local school and they had hydraulic

1 generators lighting the lights on the Bayport
2 Bridge. That was their proposal that made me think
3 of that, but it's a great idea and, hopefully,
4 you'll be able to use some of that technology going
5 forward.

6 SUPERINTENDENT BOUFUS: Thank you.

7 Good suggestion.

8 I actually spoke to a company in
9 California about, you know, with our elevated tanks
10 as the water leaves our elevated tanks, can it pass
11 some kind of turbine, so...

12 COUNCILWOMAN JOHNSON: Exactly.

13 SUPERINTENDENT BOUFUS: We're looking
14 things.

15 COUNCILWOMAN JOHNSON: Thank you.

16 SUPERINTENDENT BOUFUS: Thank you.

17 SUPERVISOR SALADINO: Any other
18 speakers on this hearing?

19 (No response.)

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

23 May I -- is there correspondence?

24 MR. LaMARCA: Supervisor, we have
25 affidavits of postings and publication.

1 There is no other correspondence.

2 SUPERVISOR SALADINO: Thank you.

3 COUNCILWOMAN JOHNSON: I make a motion
4 that this public hearing be closed and decision be
5 reserved.

6 COUNCILMAN IMBROTO: Second.

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

9 ALL: "Aye."

10 SUPERVISOR SALADINO: Those opposed,
11 "Nay."

12 (No response.)

13 SUPERVISOR SALADINO: The "Ayes" have
14 it.

15 Thank you. Thank you for everyone here
16 on this issue. We greatly appreciate it.

17 (TIME NOTED: 11:54 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
February 11, 2020
11:55 a.m.

HEARING - P-1-20

To consider the application of Harbour Green Shore Club, Inc., fee owner, for a Modification of the Conditions of a Special Use Permit for premises located at 38 Riviera Drive East, Massapequa, New York. (M.D. 12/24/19 #11)

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

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
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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

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

3 Obviously, everybody is welcome to stay
4 and be part of this hearing.

5 Kindly call the next hearing.

6 MR. LaMARCA: The next hearing is to
7 consider the application of Harbour Green Shore
8 Club Inc. fee owner, for a modification of the
9 conditions of a Special Use Permit for premises
10 located at 38 Riveria Drive, East Massapequa,
11 New York.

12 MR. BAKER: Good morning,
13 Mr. Supervisor, Members of the Board.

14 My name is Daniel Baker from the firm
15 Certilman, Balin, Adler & Hyman, 90 Merrick Avenue,
16 East Meadow, New York 11554.

17 Good morning still. I'm appearing
18 today on behalf of the petitioner and applicant
19 Harbour Green Shore Club, Inc.

20 We're seeking to amend existing
21 conditions to a Special Use Permit granted by this
22 Board in 1959 and then extended in 1964.

23 I am joined by members of the club's
24 Board and also members of the club themselves. If
25 there are any questions that I can't address, I do

1 have people here that can.

2 Harbour Green Shore Club is a club --

3 (An audience member sneezes.)

4 MR. BAKER: -- God bless you -- that

5 owns property at 38 Riviera Drive East in

6 Massapequa.

7 It's also known on the Nassau County

8 Land and Tax Map as Section 65, Block 227, Lots 65

9 and 66. It is located in an R1-10 zoning district.

10 I do have some Google Earth aerial

11 photographs that I'm going to pass up to the Board.

12 There are two of them. They just give some

13 perspective as to where the club lies. One is a

14 closeup. The other one is pulled back a little

15 more. It shows that it's really at the bottom of

16 the Harbour Green Peninsula (hanging).

17 So, the club is basically a beach club

18 that was established and set up at the time of the

19 original subdivision of this area. Approximately

20 400 homes had deeded rights to utilize this club;

21 although, only about half are members. You have to

22 pay a membership fee to become a member, but

23 anybody who wants to do that can do that on an

24 annual basis.

25 In 1959, the Town Board approved a

1 Special Use Permit to allow the construction and
2 establishment of the club. That Special Use Permit
3 was extended in 1964 and at that time the Board
4 imposed certain conditions which are the subject of
5 this application today. The premises are improved
6 with several small buildings for bathrooms and
7 storage and things like that.

8 There is a basketball court, there are
9 two pools, a regular sized pool and a children's
10 pool, a beach area, parking lot and other
11 improvements that are related to this use, but
12 that's just about it.

13 Our application today is seeking sort
14 of a relaxation of the existing conditions and an
15 Amendment to that set of conditions in order to
16 really memorialize what's been happening, what's
17 going on now and has been happening for years.

18 In essence, the nature of the club has
19 changed. The things that we are seeking to amend
20 relate to how the club is used and utilized at
21 nighttime, if there can be music, usage of the
22 pool, things like that, and really what we're
23 seeking to is enlarge the time that these
24 conditions allow for the usage of the club.

25 The reality is, is that the club has

1 seen a changeover. There are a lot of new members.
2 There's turnover in the neighborhood which leads to
3 turnover in the club. Younger families are coming
4 in. They have young children that are utilizing
5 the club during the day for swimming lessons or
6 whatever else they might do. The parents who are
7 working, many of which work in Manhattan. They
8 don't get home until, you know, a later time and
9 they want to be able to spend time at the pool,
10 whether it's during the week or on the weekends in
11 certain capacities.

12 Again, what has really changed over a
13 number of years is that the people utilizing the
14 club are doing so in a different manner, and while
15 it's not, you know, a wild party scene all the
16 time, this is a family club, the reality is, is
17 that certain things are happening now that might
18 not have happened fifty or sixty or even forty
19 years ago. Friday night having an acoustic guitar
20 and singer playing, you know, into the evening.
21 The same thing on Saturday night, but the reality
22 is that these initial conditions are set up and
23 maybe I'll read them out. They are outlined in the
24 petition, but they're pretty brief, so let me tell
25 you the three that we're looking to change are

1 these:

2 Condition No. 1, there shall be no
3 outdoor gatherings or parties nor shall the beach
4 or pool be open for swimming after 9:00 p.m. There
5 shall be only two community parties per season,
6 namely July 4th and Labor Day. We shall close no
7 later than 1:00 a.m.

8 No. 2, there shall be no outdoor loud
9 speaker or other outdoor sound reproduction or
10 amplification facilities or instruments used except
11 in case of emergency.

12 No. 3, there shall be no outdoor
13 illumination except such as is required for safety
14 for parking purposes and any such outdoor
15 illumination required for those purposes shall be
16 shielded and protected as to prevent the rays of
17 such lights from being cast directly upon any
18 adjacent or abutting property.

19 So, those are the three conditions that
20 exist right now.

21 What we are asking the Board to amend
22 and change to are the following:

23 No. 1, there shall be four floating
24 dates where outdoor gatherings or parties may occur
25 subject to the following conditions:

1 All outdoor loudspeakers, outdoor sound
2 preproduction or amplification facilities or
3 instruments and live musical entertainment shall
4 conclude by 11:00 p.m. Outdoor gatherings or
5 parties shall conclude be 1:00 a.m. and swimming in
6 the pool area shall conclude by 10:00 p.m.

7 Those are the floating dates that would
8 replace the two set dates of Labor Day and Fourth
9 of July.

10 No. 2, the next one is outdoor
11 gatherings or parties that occur on dates outside
12 of the floating dates on Friday and/or Saturday
13 evenings shall conclude by 11:00 p.m., shall be
14 permitted to have outdoor speakers -- loud
15 speakers, outdoor sound reproduction or
16 amplification facilities or instruments and live
17 musical entertainment that shall conclude by
18 10:30 p.m. and swimming in the pool area shall
19 conclude by 10:00 p.m.

20 The next one is outdoor gatherings or
21 parties that occur on dates outside of the floating
22 dates on Sunday through Thursday evenings, during
23 the week, shall conclude by 9:00 p.m. Outdoor
24 loudspeaker or other outdoor sound reproduction or
25 amplification facilities or instruments of live

1 musical entertainment shall be prohibited except in
2 case of emergency, and the swimming pool area shall
3 conclude by 9:00 p.m.

4 The next one is one date shall be
5 designated in the month of June as a day to
6 celebrate those children who graduated from the
7 local elementary school which shall occur on Monday
8 through Thursday, between the hours of 12:00 p.m.
9 and 7:00 p.m. and amplified music and live
10 entertainment may be provided and shall conclude by
11 6:00 p.m.

12 Just for your reference, that's been
13 going on. The local elementary school basically
14 has a graduation party and it's conducted down at
15 the club.

16 And the last one is outdoor
17 illumination shall be permitted insofar as the
18 restrictions set forth in connection with outdoor
19 illumination in the Town of Oyster Bay Code and
20 Ordinances and New York State Building Code and any
21 and all other applicable laws, regulations and
22 ordinance are complied with.

23 So, in essence, we're not asking to do
24 anything that's outside of the Town Code or
25 New York State Law in terms of the noise or

1 lighting. It's really more relaxation of when
2 people can gather. Again, as I stated at the onset
3 of my presentation, this has been happening for
4 many years.

5 The club does not want to be in a
6 position that they are open to violations or
7 summonses from the Town because they have done
8 something that is normal practice, not only for the
9 club or has been become normal practice for the
10 club, but seems to be the normal practice for the
11 other clubs in the area.

12 This is a discussion I've had with my
13 client who know their neighbors at other clubs.
14 There's one that's very closeby. There are others
15 that go through different areas of Massapequa. I'm
16 aware certainly there are others in Seaford. There
17 are ones in Huntington where I live. I belong to
18 one very similar to this.

19 SUPERVISOR SALADINO: One in Amity --
20 two in Amityville.

21 MR. BAKER: They're everywhere. The
22 reality is, is that these types of clubs which are
23 localized clubs that are enjoyed by the residents
24 of that area would like to utilize them in a manner
25 that is modern and where they're happening today.

1 So, that's really my presentation. If
2 there are any questions of the Board, I'll be happy
3 to answer or bring up one of the Board members to
4 answer any that you might have.

5 COUNCILWOMAN WALSH: I actually -- I do
6 have a question.

7 MR. BAKER: Sure.

8 COUNCILWOMAN WALSH: I am also part of
9 a club, my family in Babylon, and the question I
10 have is I'm not familiar with the other clubs in
11 Massapequa, but do they have properties directly
12 across from their beach clubs as this one does?

13 MR. BAKER: So, there are, and if you
14 look at the aerials that I provided, you can see
15 there's a little red arrow that indicates where the
16 club. You can see right across the canal there are
17 some homes there.

18 COUNCILWOMAN WALSH: Right.

19 This one does, but the other clubs that
20 you're talking about in Massapequa --

21 MR. BAKER: I can't speak to all of
22 them. I know that the closest one to this does not
23 because you can see on this aerial as well.

24 COUNCILWOMAN WALSH: Okay.

25 MR. BAKER: So, it only has the homes

1 that surround it, but not -- it sits on the open
2 bay, not on a canal.

3 COUNCILMAN LABRIOLA: In terms of
4 notice, I know that you met the legal requirements
5 and I'm sure we'll hear the Clerk announce that to
6 put that on the record, you mentioned that there
7 are 400 deeded properties in this community that
8 have the right to membership in the club and that
9 currently you said about half, 200 members, are
10 actually dues paying members?

11 MR. BAKER: Just slightly less than
12 200.

13 COUNCILMAN LABRIOLA: In your public
14 notice, did you -- even though you're not legally
15 required to as -- did you notify those other
16 property owners, the 400 people that have deeded
17 rights?

18 MR. BAKER: So, it's possible that some
19 of them were notified because they live within 300
20 feet.

21 So, aside from that, there was no
22 outreach by mail to any of those people; however,
23 there was an e-mail circulated by the Board to
24 anyone who is a member.

25 So, again, that would be almost half

1 the people deeded rights got it by e-mail. Anyone
2 who lives in 300 feet got it by my mailing notice.
3 Of course, we posted a sign as required by the Town
4 code, but outside of that if -- so, I guess the
5 answer is if you are outside of 300 feet from the
6 club and not a member, the only way you would have
7 been notified of this is somebody told you or you
8 drove by and saw the sign.

9 Again, we weren't required to do so.

10 COUNCILMAN LABRIOLA: I understand you
11 weren't required to do so, but would you have any
12 objection to notifying the deeded properties of the
13 same notice that the 300-foot radius received?

14 MR. BAKER: I guess, in theory, no, I
15 don't have any problem with that. We'd have to
16 track them down by having --

17 COUNCILMAN LABRIOLA: You mean there
18 isn't -- isn't there a master list filed with or
19 recorded with the actual beach club?

20 MR. RADIGAN: No.

21 MR. BAKER: If you're going to speak,
22 you have to --

23 MR. RADIGAN: I'm sorry.

24 Mike Radigan, Executive Board Member of
25 the club.

1 No, we do not have a master list of
2 every homeowner and their address within the
3 boundaries of the Homeowner's Association.

4 COUNCILMAN LABRIOLA: Is there a way
5 for the Board to know -- I'm just wondering maybe
6 through the receiver or through the assessor's
7 office how we can determine which property owners
8 were not noticed.

9 I mean, you know that there are 400 of
10 them, so somewhere there is a list. My own opinion
11 is being a Massapequa resident, I'd certainly like
12 to know what's going on with -- if it affects the
13 rights that are granted to me in my deed.

14 So, in other words, if they are not
15 noticed, they wouldn't know and maybe they would be
16 here today if they had known whether in support or
17 against. I mean, I just don't know how people feel
18 at this moment in time.

19 MR. BAKER: I mean, I appreciate what
20 you're saying. I think that could for anybody who
21 doesn't have deeded rights to the club either and
22 now we're talking about extending the notice that's
23 required under the code beyond what the code says
24 which is 300 feet.

25 I'm not trying to be --

1 COUNCILMAN LABRIOLA: It's an unusual --

2 MR. BAKER: I just don't know how easy or
3 hard it will be to do this.

4 COUNCILMAN LABRIOLA: It's an unusual
5 situation for the Board.

6 It's an unusual -- it's not a typical
7 commercial application for Special Use Permit or
8 modification of restrictive covenants where we only
9 involve the 300 residents and those who read the
10 legal notices.

11 This is a little different. It's very
12 personal. I think it, you know, it involves
13 people's property. And the people who've lived
14 there for the last half century under the
15 impression that these are the restrictions of the
16 club, so they may not know that there is a change.

17 I'm just saying as a courtesy and maybe
18 it's something that we, as the Town Board, should
19 require that they get noticed as a courtesy and, of
20 course, just being neighborly.

21 MR. BAKER: Yeah, I don't seem to have
22 a real objection to that. I just don't know how to
23 go about it or the practicality.

24 SUPERVISOR SALADINO: Counselor, if I
25 may boil this down due to time.

1 MR. BAKER: Sure.

2 SUPERVISOR SALADINO: One only has to
3 look at the map to see who would be most impacted.

4 For instance, perhaps walking a notice
5 to those residents on both sides of the canal might
6 be something within reason. Walking this notice to
7 people who live along the water and across the
8 street from the water within a certain distance of
9 the club.

10 I believe what the Councilman is asking
11 for is something that would notify those people
12 who, through common sense, would be the most
13 affected.

14 MR. BAKER: Yes, and, again, I --

15 COUNCILWOMAN JOHNSON: I think it goes
16 further than that because 400 homes is --

17 SUPERVISOR SALADINO: We're talking
18 about two different situations.

19 If you're referring to their rights
20 their or perceived rights through their deed is one
21 thing, but what I'm suggesting is that those who
22 would be most impacted by sound at least that would
23 be a simple starting point.

24 MR. BAKER: Supervisor, I don't think
25 we have any issue with that, and if that meant to

1 send notice to everyone who lives, I guess, through
2 the end of the canal up to --

3 SUPERVISOR SALADINO: On both sides of
4 the canal.

5 MR. BAKER: Yeah, on both sides. I
6 don't see that as an issue. I think we can do
7 that.

8 We've probably gotten close to half of
9 them just purely by our notice or because they were
10 members of the club and received the e-mail from
11 the Board.

12 So, again, we can do that, but I guess
13 then the question for me is, where are we going
14 from here, are we coming back for another hearing
15 or is this going to be something where we would
16 close up today, assuming we get to that point, and
17 the record is left open? We do -- we notify these
18 people however you prescribe that we do so and then
19 give time to respond --

20 SUPERVISOR SALADINO: As is typical of
21 our hearings, we would be leaving the record open
22 for correspondence and communication with the
23 community just like in every other hearing, so this
24 way we can get an assurance that -- that those who
25 would be most affected would be cognizant of this

1 and then have the ability to send us a letter, an
2 e-mail, a phone call.

3 MR. BAKER: Would there be a certain
4 period of time?

5 And I only ask this as I think they say
6 in the texting world, "gentle affect."

7 SUPERVISOR SALADINO: Yes, we can --

8 MR. BAKER: As the club is trying to, I
9 guess, establish their schedule for the Summer as
10 it's getting closer.

11 SUPERVISOR SALADINO: We understand the
12 concern, and we're here to be amenable and
13 conscious of folks on both sides of this issue.

14 We will be happy to leave the record
15 open through March 10th.

16 MR. BAKER: Would it be safe to
17 discuss, I guess, after the hearing with the Town
18 attorney or legislative affairs so as how we go
19 about --

20 SUPERVISOR SALADINO: Certainly, you
21 can discuss this with the Town attorney I just
22 don't want this to be a point in this hearing --

23 MR. BAKER: Yes.

24 SUPERVISOR SALADINO: -- where we get
25 caught up --

1 MR. BAKER: Sure.

2 SUPERVISOR SALADINO: -- on this one
3 issue because there are reasonable ways --

4 MR. BAKER: Sure.

5 SUPERVISOR SALADINO: -- to inform the
6 public.

7 MR. BAKER: Not a problem.

8 SUPERVISOR SALADINO: I would also
9 suggest that the homes to the west along the water
10 and across the street say between the two clubs be
11 notified as well.

12 That sounds to me, from a common sense
13 perspective, as getting the message out.

14 MR. BAKER: Okay.

15 SUPERVISOR SALADINO: And then I, of
16 course, leave things open for you to discuss with
17 our Town attorney as it relates to their deeds so
18 that we can cover that and any other legal issues
19 that could come up.

20 MR. BAKER: Very good.

21 SUPERVISOR SALADINO: And this
22 protects, obviously, the parties on both sides of
23 this issue.

24 COUNCILWOMAN MAIER: I have a couple of
25 quick questions.

1 Of the 400 deeded members, half are
2 actual club members.

3 Do you have a total membership?

4 MR. BAKER: I'm sorry.

5 COUNCILWOMAN MAIER: Do you have the
6 total membership of the club? You said it's 200
7 that are --

8 MR. BAKER: It's a little less than
9 200.

10 COUNCILWOMAN MAIER: Have you opened up
11 the membership to homeowners outside of that area?

12 MR. BAKER: No.

13 The membership is only open to -- the
14 total pool would be 400 deeded rights homes.

15 COUNCILWOMAN MAIER: Okay.

16 So then I guess that's different than
17 some of the other clubs because some of the other
18 clubs have opened it up.

19 MR. RADIGAN: That's correct.

20 COUNCILWOMAN MAIER: The floating
21 dates, are those four in addition to the already
22 two that you have scheduled?

23 MR. BAKER: No. No. Those would
24 include those two and likely might only be those
25 two.

1 If weather were cooperative, there
2 might be a Memorial Day event and then one more,
3 but in our discussion, this was -- the number four
4 came up just for in case there was some kind of
5 special event, community event that the club
6 thought would be beyond just a normal Friday or
7 Saturday night if there's something special.
8 There's nothing anticipated like that right now,
9 but, again, this was just to give a little more
10 leeway and protect the club against potential
11 violation.

12 COUNCILWOMAN MAIER: And how would you
13 -- so say those dates Memorial Day, another thing
14 comes up later in the year -- how are you
15 communicating that to the residents, the homeowner,
16 is a flyer going out or some sort of publication
17 making them aware of that?

18 MR. RADIGAN: We communicate -- we have
19 a website, a public website where we communicate
20 our events as well as e-mails to all the members.

21 Obviously, it's difficult to
22 communicate to nonmembers. We don't have contact
23 information other than postal mail, but we do have
24 a public website that publishes the calendar of
25 events.

1 COUNCILWOMAN WALSH: But it's seven
2 days, correct, it's seven days to a certain amount
3 time and then the floating days, it's extended
4 hours? Because it seems like for the club to have
5 music and entertainment for seven days but earlier
6 hours until 8 or 9 o'clock?

7 MR. BAKER: What do you mean by seven
8 days?

9 COUNCILWOMAN WALSH: Like the weekend,
10 every weekend.

11 MR. BAKER: We've only really asked for
12 that on Friday and Saturday. The weekdays are much
13 more limited in terms of having live music or
14 speakers or any kind of amplified --

15 COUNCILWOMAN WALSH: Okay.

16 But there could be during the week
17 amplification.

18 MR. BAKER: Only from those four.

19 COUNCILWOMAN WALSH: The floating.

20 MR. BAKER: Floating which again would
21 be -- would -- for all practical purposes be a
22 holiday because --

23 COUNCILWOMAN WALSH: Okay, right.

24 MR. BAKER: There's no point in having
25 -- hey, Tuesday night everybody come on down until

1 1:00 in the morning.

2 COUNCILWOMAN WALSH: Okay.

3 MR. BAKER: It just doesn't make sense.

4 MR. RADIGAN: Generally, you know, that
5 type of activity will have, you know, somebody with
6 an acoustic guitar come down and play on a Friday
7 or Saturday night up until 9:00 typically.

8 COUNCILWOMAN WALSH: Okay.

9 MR. RADIGAN: It's very low key. No
10 major gathering or anything like that.

11 COUNCILWOMAN WALSH: Right. It would
12 be --

13 MR. RADIGAN: Four floating days.

14 COUNCILWOMAN WALSH: Those four
15 floating days.

16 MR. RADIGAN: Like the two events we
17 have now are, you know, an adult evening where we
18 have a band come down and people bring food.

19 COUNCILWOMAN WALSH: But it could
20 potentially be every Saturday night?

21 MR. RADIGAN: No. Well, we -- no. The
22 Board couldn't afford to do that.

23 COUNCILWOMAN WALSH: Go ahead, Counsel.
24 I'm sorry.

25 COUNCILMAN IMBROTO: Is there any

1 attempt made to mitigate the impacts like the noise
2 on the surrounding community when you do have these
3 events?

4 MR. BAKER: I think the only way to do
5 that is really keep it within a respectable limit.

6 COUNCILMAN IMBROTO: Well, what's a
7 respectable limit? How do you quantify that?

8 MR. RADIGAN: For example, on the few
9 events we've had last year, I personally monitored
10 the noise because you can buy an app and go to the
11 edge of the property to see what kind of decibels
12 you're putting out.

13 COUNCILMAN IMBROTO: What's a
14 reasonable decibel level?

15 MR. RADIGAN: Less than 100 from the
16 property line trying to -- you know, what is the
17 Town ordinance.

18 COUNCILMAN IMBROTO: Do you affix the
19 speakers in a way that they wouldn't directly
20 face --

21 MR. RADIGAN: Face out toward the bay
22 and not towards any of these property lines where
23 there are neighbors. The speakers are always
24 facing out toward the bay.

25 COUNCILMAN IMBROTO: Is there any

1 barrier to mitigate noise or is that not feasible?

2 MR. RADIGAN: Well, we have six-foot
3 fences, solid fences along both property lines, but
4 they're six feet.

5 COUNCILWOMAN WALSH: Are you allowed
6 pull up on your boat to this club? Are we allowed
7 to pull up if you're a member?

8 MR. RADIGAN: No. We have --

9 COUNCILWOMAN WALSH: Can you bring your
10 boat around?

11 MR. RADIGAN: We have one floating dock
12 that's 30 feet, so it only accommodates one boat.
13 That's only during the day if a member wants to
14 jump in the pool and continue on their way to the
15 marina.

16 MR. BAKER: Just so everybody
17 understands, the club has a separate marina, but
18 it's not adjacent to this parcel. It's at the end
19 of the canal, so you have to -- you would have to
20 travel up the canal, whatever it is, nine or ten
21 homes.

22 COUNCILWOMAN WALSH: Around the
23 perimeter, okay.

24 COUNCILMAN LABRIOLA: Counselor, in
25 terms of the acoustic music versus live music,

1 electric amplified guitars and drums, et cetera --

2 COUNCILMAN IMBROTO: I think it's all
3 amplified. The acoustic, I think, is amplified.

4 MR. RADIGAN: Yes, technically, yes, it
5 has --

6 COUNCILMAN LABRIOLA: I think
7 unplugged, as they say. That's acoustic.

8 So all of it's amplified?

9 MR. RADIGAN: Yes, you would call that
10 amplified as well.

11 COUNCILMAN LABRIOLA: In terms of loud
12 music, you're talking about a band --

13 MR. RADIGAN: Yes.

14 COUNCILMAN LABRIOLA: I mean, electric
15 guitar, base --

16 MR. RADIGAN: Drums.

17 COUNCILMAN LABRIOLA: Is that the four
18 floating dates or is that going to be --

19 MR. RADIGAN: That's the four floating
20 dates.

21 COUNCILMAN LABRIOLA: You're going to
22 have live bands on those four dates?

23 MR. RADIGAN: Typically, yeah.

24 COUNCILMAN LABRIOLA: And on the other
25 weekend dates, it just might amplified music?

1 MR. BAKER: More like a --

2 COUNCILMAN LABRIOLA: A DJ? Like a DJ?

3 MR. RADIGAN: No.

4 MR. BAKER: Not so much. Friday and
5 Saturday would probably be -- this is through our
6 discussions -- more like a person playing an
7 acoustic guitar. It would be plugged into a
8 speaker just so that everybody could hear it,
9 but --

10 MR. RADIGAN: Or small speaker --

11 COUNCILMAN LABRIOLA: It doesn't really
12 travel --

13 MR. RADIGAN: Play through your phone,
14 music from Blue Tooth.

15 COUNCILWOMAN JOHNSON: Would you be
16 opposed to having a restriction on amplification as
17 opposed to -- as Councilman Labriola said like, an
18 unplugged as opposed to amplification?

19 MR. RADIGAN: Well, even the single
20 guitar, even though it's not electric, an acoustic
21 guitar still has a small amplifier.

22 COUNCILMAN IMBROTO: I mean, I think
23 really the way you got to judge is the decibel
24 level.

25 MR. RADIGAN: Exactly.

1 COUNCILMAN IMBROTO: I mean, if there's
2 Lawrence Welk there with no amplification, it's
3 still going to be loud.

4 COUNCILMAN LABRIOLA: Who's Lawrence
5 Welk.

6 COUNCILMAN IMBROTO: You don't have to
7 have electronic amplification for it to be loud.

8 MR. RADIGAN: We have a few 100 kids
9 running around the property as well.

10 MR. BAKER: I think the key here is
11 that this club is a community club. All of the
12 members live here. So, it's not even some of them.
13 They all live right here. So, they have to live
14 with the people who are not members who live right
15 there. These are their neighbors.

16 I don't believe that there has been a
17 recurring or ongoing problem where the Town has
18 received major complaints.

19 Is it possible they're receiving some
20 complaints or very few? That's possible. That
21 happens anywhere. I know the club I belong to we
22 have a similar situation. One or two times a year
23 we hear from people who live nearby. It's a very
24 similar kind of situation, but the reality is that
25 the club board, the club members want to be and

1 will be respectful to those around them whether
2 they're members or not.

3 I mean, there might be members who
4 don't like to hear the music or don't want to hear
5 the kids running around or don't want to hear
6 anything. I can't say what people want, but the
7 reality is they have to live together, and they do,
8 and I think respect is what will drive the sound
9 level the most.

10 COUNCILWOMAN WALSH: I'm sorry. I have
11 one last question.

12 MR. BAKER: Sure.

13 COUNCILWOMAN WALSH: How many Board
14 members or members of the club live across --
15 direct on the other side? Are there any Board
16 members that live on the other side on Club Drive
17 which is across from the club, directly across --

18 MR. RADIGAN: No.

19 COUNCILWOMAN WALSH: -- who would be
20 impacted probably? I would say that --

21 MR. RADIGAN: No.

22 COUNCILWOMAN WALSH: -- directly
23 across would be impacted the most, probably.

24 MR. RADIGAN: No. I know for a fact
25 those members do not because one house is actually

1 empty. They're just building that one going up
2 further north.

3 MR. BAKER: I just want to be clear,
4 are we talking members or Board members?

5 COUNCILWOMAN WALSH: Start with Board
6 members, does anybody on your Board live directly
7 across who would be impacted as they're sitting
8 there on Saturday night on their deck.

9 MR. RADIGAN: I don't think so, but we
10 have Board members who are on the adjacent streets
11 nearby, yes, that live there.

12 COUNCILWOMAN WALSH: Are any of those
13 property owners members of the club directly
14 across?

15 MR. RADIGAN: No, not that I -- I don't
16 believe so.

17 COUNCILWOMAN WALSH: Okay.
18 Thank you.

19 MR. RADIGAN: Oh, certainly up the
20 canal, yes, but directly across those one, two,
21 three houses, four houses, I don't believe so.

22 COUNCILWOMAN WALSH: Okay.
23 Thank you.

24 COUNCILMAN LABRIOLA: Another question.
25 Most of these dates that you would be

1 having, you know, all the families and the children
2 and everything, are most likely going to be in the
3 twelve weeks of Summer, I assume, right?

4 MR. RADIGAN: Yes.

5 COUNCILMAN LABRIOLA: Are these things
6 going on outside of those twelve weeks? I mean,
7 would you have something in the outdoors in the
8 Fall or in the, I guess, in the Spring?

9 MR. RADIGAN: No. The club basically
10 closes down on Memorial Day --

11 MR. BAKER: Labor Day.

12 MR. RADIGAN: I'm sorry, Labor Day.

13 One of the parties is usually the
14 weekend after Labor Day. Sometimes we leave the
15 club open because the weather is so warm. We let
16 the kids swim depending when school starts.

17 As soon as everybody goes back to
18 school and sports start, everything closes down and
19 it's gone. Sometimes we have a Summer closure
20 right at the end that isn't on Memorial Day. It's
21 an evening thing for parents.

22 COUNCILMAN LABRIOLA: As far as
23 membership, membership can bring guests.

24 Are there limits to the amount of
25 guests or can you bring as many guests as you want?

1 MR. RADIGAN: We limit and we also
2 charge for guests, so there's admission fees. It
3 kind of becomes self-throttling.

4 COUNCILMAN LABRIOLA: There's
5 nonmembers will help offset the cost of the food,
6 the band, et cetera, like that?

7 MR. BAKER: I think I can answer this
8 because we do this at my club.

9 The idea is to limit the amount of
10 guests that people will bring by charging. The
11 club members don't want to have a lot of guests
12 because it's their club and it's not very big. And
13 if you get a good crowd of your members there,
14 then, you know, it's pretty full.

15 I know we do that at the club I belong
16 to. We try to limit the number of guests. We
17 also, you know, say you can't bring guests every
18 week. Let them be a member or whatever it might
19 be, but that's I think the answer.

20 COUNCILMAN LABRIOLA: Is there any set
21 rule as to the amount of guests you can bring? Can
22 you bring -- is it two, five? I'm just wondering
23 if the club has rules, that maybe should be
24 covenanted into the --

25 MR. RADIGAN: Usually we don't allow

1 more than ten to come in. We consider that -- that
2 becomes like you're trying to have a private party.

3 We allow, for example, birthday parties
4 during the week for little kids during the day, you
5 now, so, we kind of make the rule anything over ten
6 becomes classified as you're having your own party,
7 in essence, which we don't allow on the weekend
8 anyway and usually those are just birthdays.

9 As far as the evenings, what we charge
10 for, you know, for these special events, you only
11 get two or three -- people bring one or two people
12 to one of these events, another couple as an
13 example.

14 COUNCILMAN LABRIOLA: Thank you. That
15 helps.

16 MR. RADIGAN: The actually area, I know
17 it's a difficult blowup of the area, but it's a --
18 we have a small patio area that typically you
19 gather on, so that really throttles how many people
20 you can have in the club.

21 COUNCILMAN LABRIOLA: And you have
22 people inside the clubhouse also, correct?

23 MR. RADIGAN: No, not really.

24 COUNCILMAN LABRIOLA: It's always
25 outside.

1 MR. RADIGAN: It's always outside,
2 yeah.

3 COUNCILMAN LABRIOLA: Thank you.

4 SUPERVISOR SALADINO: Are there any
5 other questions?

6 COUNCILWOMAN WALSH: Wait.

7 Do you have capability inside if you
8 wanted to do music inside? Is it big enough?

9 MR. RADIGAN: No. We have a small room
10 that's essentially a meeting room. It has a small
11 kitchenette in --

12 COUNCILWOMAN WALSH: So, it's small.

13 MR. RADIGAN: Yes.

14 COUNCILWOMAN WALSH: And then -- I
15 thought it's my last one now. The parking lot if
16 it's empty you think people walking if they're
17 drink and whatever, do you have anything happen in
18 the parking lot or do you keep it mostly on the
19 beach or do you have --

20 MR. RADIGAN: Only within the confines
21 of the club itself. Nothing happens in the parking
22 lot.

23 COUNCILWOMAN WALSH: Okay. Thank you.

24 SUPERVISOR SALADINO: Anyone else?

25 No.

1 SUPERVISOR SALADINO: Thank you.

2 Okay. We are going to hear from
3 members of the public now, but I just want to
4 reiterate, Counselor, that you will be meeting with
5 our -- or having a conversation with our Town
6 attorney in an effort to protect the rights of all
7 the residents of New Harbour Green as well as the
8 rights of the members of the club.

9 It's important that this issue be
10 addressed in terms of who should be informed of
11 this issue and we do plan to keep this hearing open
12 until March 10th, and that should give everyone
13 plenty of time, and I ask you to meet with Acting
14 Town Attorney so that that message can be delivered
15 in an appropriate way, so that everything's
16 covered, all the T's are crossed, all the I's are
17 dotted from every perspective that every resident
18 gets a chance to be heard.

19 MR. BAKER: Very good.

20 SUPERVISOR SALADINO: Thank you.

21 We have one slip only from someone who
22 would like to be heard on this.

23 If you'd like to be heard on this
24 hearing, we ask you to step forward and fill out a
25 slip.

1 So, we are going to now ask Domenico
2 Flavoni to please step up here.

3 Hello, sir. How are you today?

4 MR. FLAVONI: Wonderful.

5 How are you.

6 SUPERVISOR SALADINO: Sir, would you
7 start off by giving us your full name and address
8 for the record?

9 MR. FLAVONI: Sure.

10 My full name is Domenico Flavoni. I
11 live at 29 Club Drive in Massapequa.

12 SUPERVISOR SALADINO: Which for
13 everyone's information is across the canal from the
14 club, the subject of this hearing.

15 MR. FLAVONI: Now, having heard what
16 the -- these two gentlemen have said, if it was
17 near what they said, I don't think we would be
18 standing here today. But since I only have five
19 minutes, I'm going to get right to it.

20 My wife and I have lived at this home
21 for 25 years. For 25 years, we raised three
22 children there who went to the local schools, we
23 support the local businesses, and we've really
24 enjoy life here.

25 As most of you know, we probably pay

1 the highest taxes, not only in the Town, but in the
2 nation quite frankly.

3 When we bought this home, what
4 attracted us most was the fact that when I walked
5 up the front door, I said to my wife, "Listen."

6 "What? I don't hear anything."

7 I said, "That's right. This is a nice
8 quiet neighborhood."

9 We knew about the beach club. We knew
10 about the marina. We thought those were great
11 benefits to the community, but we understand it's
12 only for the community, but today we hear that that
13 community has expanded to outside the community as
14 far as memberships.

15 You now, since the '50s, the original
16 developers as well as the Town had determined that
17 this beach club is in a residential community, and
18 as such, you have to treat with respect all your
19 neighbors.

20 What's happened over the last couple of
21 years is that they've had approximately a dozen
22 parties and I can tell you how personally it
23 impacted me.

24 A year ago -- a year and a half ago, my
25 oldest daughter graduated with a doctorate in

1 pharmacy. We threw a nice party for her in the
2 backyard. We have these little rocks that play
3 music. No matter how loud I put I couldn't drown
4 out the music in the beach club.

5 Do I have a right in my own backyard to
6 have a celebration with my family in peace and
7 quiet? What if I want to just enjoy a little Frank
8 Sinatra or no music at all or just watch TV in the
9 backyard? Do I have that right instead of being
10 drowned out?

11 I'd also like to point out that in the
12 '50s when these rules were put in place, people
13 were playing record players with maybe little
14 speakers. Today we're talking about DJ equipment.
15 We're talking about loud music.

16 Now, across the canal and four houses
17 up, I just happen to be just over the 300 foot
18 line, so I didn't get the notice, but I'm
19 representing several of my neighbors here. I have
20 some letters. Some people couldn't be here today.
21 Some people are out of the country. Some people
22 for many different reasons don't want to be here
23 because for business reasons or otherwise, they
24 feel it will personally affect them, but rest
25 assured, there are many people who are being

1 affected here.

2 As the gentlemen already said, the
3 limitations on the current Special Use Permit, I
4 would like to add to that instead of reiterating
5 it, is that, in 2012, the club sought an opinion, a
6 legal opinion, from the Town as to what they could
7 do in terms of parties and so forth.

8 Again, the Town in 2013, reiterated the
9 fact that they are limited to two parties, no
10 outdoor loud music, no lighting, so on and so
11 forth. They're breaking every rule in the book and
12 they continue to do so. The last couple of years
13 they've had no regard whatsoever for the rules at
14 the expense of us neighbors across the hall --
15 across the canal.

16 We are here basically because the club,
17 while a great amenity to the community, and we
18 bought this home to be members of this community,
19 has gotten to the point that they actually go on
20 Google maps and they listed it as a nightclub in
21 Massapequa.

22 Now, I don't know how any of you feel
23 but --

24 SUPERVISOR SALADINO: Sir, who lists
25 there?

1 MR. FLAVONI: I have it here.

2 SUPERVISOR SALADINO: The beach club
3 itself?

4 MR. FLAVONI: There is an advertisement
5 on Google that it's listed as a nightclub in
6 Massapequa, and I would gladly show this to you.

7 SUPERVISOR SALADINO: By them or by
8 Google?

9 MR. FLAVONI: I'm sorry?

10 SUPERVISOR SALADINO: By them or by
11 Google?

12 MR. FLAVONI: You pay Google to
13 advertise on Google. That's the way it usually
14 works.

15 SUPERVISOR SALADINO: Rather than --
16 rather than any debate, would you please hand that
17 page to the Town Clerk so we can get a look at it?

18 Thank you, sir.

19 If you kindly continue.

20 (Audience members speak loudly.)

21 COUNCILWOMAN JOHNSON: Take it easy.

22 MR. FLAVONI: As I said, I know that
23 the Board has received numerous letters from some
24 of our neighbors. You also received a video, which
25 was set up earlier, but it's no longer there. You

1 received photographs and I have other letters from
2 additional people in the neighborhood, which I will
3 be happy to turn over, but we urge you keep our
4 community the way it has been, what's made our
5 community wonderful since the '50s.

6 This would be a great detriment, not
7 only to the quality of life, but also the property
8 values in the neighborhood.

9 And with that, I'm out of time.

10 Thank you very much.

11 SUPERVISOR SALADINO: I have a quick
12 question for you, sir.

13 Have you taken an opportunity to sit
14 with the president or the Board members and discuss
15 this and determine what compromises would be fair
16 for all of the residents, whether they are club
17 members or not?

18 MR. FLAVONI: I have not personally.

19 SUPERVISOR SALADINO: Would you?

20 MR. FLAVONI: I know that some of our
21 neighbors have.

22 SUPERVISOR SALADINO: Would you kindly
23 take that opportunity, sir, to sit with them,
24 whether it be today if you have time or set a date
25 in the near future before March 10th?

1 We'd be curious to hear the outcome of
2 those discussions because as was stated, everybody
3 in this here, to my knowledge, are members of
4 New Harbour Green, and they're all in this
5 together, and I encourage you to sit with the
6 president, sit with some of the Board members and
7 let them know about your desires and listen to
8 theirs and see if some compromise could be struck.

9 We are always interested in hearing
10 compromises and not only the issues, the negatives,
11 but what can be resolved among the parties.

12 MR. FLAVONI: A hundred percent. I'm
13 all for it.

14 Again, although I personally did not
15 sit down with them, but I know my neighbors have
16 and my neighbors who are out of town unfortunately
17 who actually were supposed to be here, Mr. and
18 Mrs. Edwards, I know they have had numerous
19 conversations over the past few years, so it's been
20 an ongoing issue, so -- but I certainly would be
21 willing.

22 SUPERVISOR SALADINO: Let me ask you a
23 question.

24 The way the beach club -- I'm a small
25 boater. Most people know I own a small, small

1 boat. I use it in Massapequa. And there is a
2 small building there which -- with Councilwoman's
3 question, small space with a kitchenette and
4 bathrooms and pool equipment and whatnot.

5 If anyone who is involved in music or
6 DJing and so forth situated themselves on -- along
7 the wall of that building on the opposite side of
8 your home and your neighbors' homes, would you
9 believe that would help in some sort of way to
10 mitigate the noise as opposed to having it in the
11 open on the side of the club that is closest to you
12 and your neighbors' homes?

13 MR. FLAVONI: I think a hundred percent
14 it would help, because, obviously, if the speakers
15 are pointing towards our homes, it's going to be a
16 lot louder than if they're pointing out toward the
17 open water.

18 SUPERVISOR SALADINO: And that wall
19 might serve as a means of reflecting the music away
20 from where you are and toward the open water?

21 MR. FLAVONI: I'm open to explore that.

22 SUPERVISOR SALADINO: So why don't you
23 take the opportunity if you have the time today to
24 sit with them and discuss some of those?

25 We'd love to hear directly from you,

1 through a phone call, letter, whatnot, what ideas
2 you're coming up with. You're clearly cognizant of
3 the issues and my belief everyone involved in this
4 are bright and good hearted people, and let's see
5 what kind of compromise you can all report back to
6 us.

7 MR. FLAVONI: Sure. I can't speak
8 today for all of my neighbors.

9 SUPERVISOR SALADINO: I understand.

10 MR. FLAVONI: I'm here because --

11 SUPERVISOR SALADINO: Speak on behalf
12 of yourself with them.

13 MR. FLAVONI: On behalf of myself, of
14 course.

15 SUPERVISOR SALADINO: We understand and
16 we greatly appreciate hearing about outcomes of
17 those discussions.

18 Government works best when we're all
19 listening to the residents and this is an issue,
20 obviously, between residents.

21 So we look forward to hearing back as
22 to the outcome of your discussions.

23 MR. FLAVONI: Very good.

24 SUPERVISOR SALADINO: Thank you, sir.

25 MR. FLAVONI: Thank you.

1 SUPERVISOR SALADINO: I don't have any
2 other slips.

3 Is there any other resident who would
4 like to be heard on that? Would you kindly step
5 forward, please.

6 Sir, sir, sir. Someone else has been
7 called up here.

8 Thank you for your ongoing input.

9 Would you kindly start off by giving us
10 your full name and address?

11 MS. LEVY: My name is Robin Levy and I
12 live at 400 Cameo Drive in Massapequa.

13 The reason I wanted to speak is just
14 the way that that was perceived is not the way that
15 -- you know, I'm head of the kids committee. We're
16 there for our kids. You know, we're not looking to
17 throw huge bashes every night or anything like
18 that.

19 We're looking to go down there with our
20 kids, you know, plan a S'mores night with an
21 acoustic guitar or something like that. Nothing
22 that is -- it's a family place. It's all families.
23 You know, there's nothing about it that is crazy.
24 It's not a nightclub. You know, I'm there with my
25 three small children every night. You know, maybe

1 people have some wine and stuff like that, but it's
2 not -- nothing crazy. I just felt that I needed to
3 speak up on our behalf.

4 COUNCILWOMAN WALSH: I want to just
5 comment because I do the same thing in my
6 community. And I have three small children and all
7 of us on the Board are in the same position where
8 we want to entertain them, but also it's -- I'm
9 glad you're talking about it.

10 I'm wondering because I have somewhat
11 of a same club in my place and we congregate with
12 boats, we tie up and we -- kids -- we all have a
13 great time.

14 Does that happen here? Do you guys do
15 that often, where you tie up with boats.

16 MS. LEVY: We don't tie up with boats
17 or anything like that. That would be in open
18 water.

19 COUNCILWOMAN WALSH: So that doesn't
20 happen at all over here --

21 MS. LEVY: No.

22 SUPERVISOR SALADINO: It has its own
23 marina.

24 COUNCILWOMAN WALSH: No. I understand
25 that, but it happens in the club I'm talking about.

1 But we don't have homes across. So I had to ask
2 that question. And the kids love it. I understand
3 the marina, but it could be done here if you wanted
4 to. And that's why I'm asking about it, but we
5 appreciate that because we're in the same position.

6 MR. RADIGAN: Actually, no. There's no
7 place that we could be anchoring our boats.
8 There's a channel. You're not allowed to anchor in
9 the channel across from the club. So there is no
10 -- any boating activity typically happens.

11 COUNCILWOMAN WALSH: So the kids -- the
12 activity for the kids is swimming when it comes to
13 the water?

14 MR. RADIGAN: And the beach. We have
15 basketball, paddle ball.

16 MS. LEVY: I mean I plan kids club
17 events, you know, as much as possible --

18 COUNCILWOMAN WALSH: Sure.

19 MS. LEVY: -- to entertain the kids,
20 whether it be, you know, or a S'mores night with an
21 acoustic guitar.

22 COUNCILWOMAN WALSH: Right.

23 MS. LEVY: Or you know, kids crafts and
24 stuff like that. We have an Easter Egg Hunt --

25 COUNCILWOMAN WALSH: The beach or the

1 pool.

2 MS. LEVY: Nothing that is crazy. You
3 know, I mean, we try and be respectful. You know,
4 we're all here for our small children to have, you
5 know, the best life and sacrifice as much as we can
6 to live there.

7 SUPERVISOR SALADINO: One last
8 question.

9 Would you please consider being
10 involved in discussions to --

11 MS. LEVY: Sure.

12 With residents.

13 MS. LEVY: We're never knew the
14 anonymous people, to be honest.

15 We're not looking to cause any
16 controversy. We're looking to all be in this
17 together. That was the point of us moving from
18 Massapequa Park to Massapequa. Really that was
19 what my family wanted was a community.

20 SUPERVISOR SALADINO: We look forward
21 to hearing back from all sides based on the
22 discussions.

23 MS. LEVY: Great. Thank you.

24 SUPERVISOR SALADINO: Thank you very
25 much.

1 COUNCILWOMAN WALSH: Thank you.

2 SUPERVISOR SALADINO: We plan on
3 leaving the hearing open until the 10th of March.

4 MS. LEVY: Thank you.

5 SUPERVISOR SALADINO: Mr. McKenna has
6 indicated that he'd like to be heard on an issue
7 that is very, very, very far from his home.

8 MR. MCKENNA: Kevin McKenna, 3 Edna
9 Drive, Syosset, New York.

10 After just listening to the resident
11 talk about how the club has at different times
12 ignored Town code, I heard your suggestion of
13 having the resident talk to the applicant here.

14 I just want to make a suggestion that
15 maybe it might be a good idea for them to first
16 meet with the Code Enforcement Department. Maybe
17 they don't understand what the rules and
18 regulations are in the Town of Oyster Bay and maybe
19 they should meet with them before you ask a
20 resident to do the job of Code Enforcement.

21 Thank you.

22 SUPERVISOR SALADINO: Thank you very
23 much.

24 I have no other slips, no other
25 residents who would like to be heard. Please let

1 the record reflect that.

2 COUNCILWOMAN JOHNSON: Supervisor, I'll
3 make a motion --

4 SUPERVISOR SALADINO: One moment. I
5 want to ask on correspondence.

6 COUNCILWOMAN JOHNSON: Sorry.

7 SUPERVISOR SALADINO: That's okay.
8 Our question for the Town Clerk, is
9 there any correspondence currently.

10 MR. LaMARCA: The attorneys for the
11 applicant filed their Affidavit of Service and
12 Disclosures.

13 The communications are as follows: We
14 have memos from the Department of Planning and
15 Development, the Nassau County Land and Tax Map
16 indicates the property is Section 65, Block 227,
17 Lots 65, 66.

18 According to the Town of Oyster Bay
19 zoning maps, the property is located within an
20 R1-10 zone. There is an open code compliance case
21 as well as Town Board Resolutions and Zoning Board
22 of Appeals decision on file.

23 We have Affidavits of Posting and
24 Publication. There are letters on file from
25 various residents which have -- which have been

1 distributed to the Town Board and the content of
2 which form part of the current record of this
3 hearing.

4 There is no further correspondence.

5 SUPERVISOR SALADINO: Thank you.

6 MR. BAKER: Supervisor, if I could,
7 just for the record, while I understand the open
8 violations show up that way in the record here with
9 the Clerk, that, in fact, was taking care of months
10 ago and a small fine was paid.

11 It related to much what we're talking
12 about tonight, something, I guess, a complaint that
13 was filed on I think it was the last weekend of
14 last Summer. We went to court, we addressed it and
15 took care of it right away.

16 SUPERVISOR SALADINO: And you have also
17 committed to having a conversation with the Town
18 attorney's office in terms of the notification so
19 that everyone including your client is protected?

20 MR. BAKER: Correct.

21 SUPERVISOR SALADINO: As well as the
22 residents who are not members of the club?

23 MR. BAKER: That's right. That's
24 correct.

25 And any other residents or neighbors

1 that want to discuss with me or the Board, we're
2 happy to do so.

3 SUPERVISOR SALADINO: Thank you very
4 much.

5 MR. BAKER: You're welcome.

6 SUPERVISOR SALADINO: May I have a
7 motion?

8 COUNCILWOMAN JOHNSON: Supervisor, I'll
9 make a motion that this hearing be kept open until
10 March 10, 2020 to allow the residents time for
11 additional input and comments and that this
12 decision be reserved.

13 COUNCILMAN IMBROTO: Second.

14 SUPERVISOR SALADINO: All in favor
15 please signify by saying yes -- "Aye."

16 ALL: "Aye."

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

19 (No response.)

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

22 Just to make it clear to everyone,
23 whether they're watching on their computer and
24 passing the word along, that we will be listening
25 to everyone on these issues through March 10th, at

1 least, and we appreciate everyone's input.

2 Thank you for coming in today.

3 Have a nice day.

4 Would the Town Clerk please call -- do
5 you need a break.

6 THE STENOGRAPHER: No, thank you.

7 (TIME NOTED: 12:42 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
February 11, 2020
12:43 P.M.

HEARING - P-2-20

To consider the application of Varun Realty, LLC, fee owner, for a Special Use Permit for premises located at Northwesterly Side of Jericho Turnpike, Jericho, New York. (M.D. 12/24/19 #12)

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

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
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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

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

3 MR. LaMARCA: Supervisor, this final
4 hearing to consider the application of Varun Realty
5 LLC, fee owner, for a Special Use Permit for
6 premises located at Northwesterly side of Jericho
7 Turnpike, Jericho, New York.

8 MR. AVRUTINE: Good afternoon,
9 Supervisor Saladino, Members of the Board.

10 Appearing for the applicant, Howard
11 Avrutine, 575 Underhill Boulevard, Syosset.

12 This is the application of Varun Realty
13 LLC for a Special Use Permit to utilize the
14 premises on Jericho Turnpike in Jericho for a
15 gasoline station and convenience store.

16 The premises under application is
17 located on the northwesterly side of Jericho
18 Turnpike 529.88 feet southwest of Old Jericho
19 Turnpike in Jericho. The premises has a street
20 address of 430 Jericho Turnpike. It is also known
21 Section 12, Block 37, Lot 143 on the Nassau County
22 land and tax map. The premises has a lot area of
23 10,885 square feet or .239 acres. It's located in
24 the NB, Neighborhood Business zoning district.

25 By Resolution issued on April 15, 1958,

1 the Town Board granted a Special Use Permit
2 authorizing construction and operation of a
3 gasoline service station on the premises.

4 At that time, it sold gasoline and also
5 performed automotive repairs. A copy of that
6 Resolution, the accompanying declaration and
7 restricted covenants and decisions of the Zoning
8 Board of Appeals under Case No. 58-914 in
9 connection with the use of the premises are part of
10 the materials that are on file with the Board.

11 Thereafter, the premises was developed
12 and utilized as a gasoline service station until
13 2005, at which time the station ceased operating,
14 and the existing, at that time, gasoline storage
15 tanks were removed.

16 The applicant before you today acquired
17 the premises in 2015 for the purpose of
18 rehabilitating and upgrading the facility to
19 current standards and to add a 1,799 square feet
20 convenience store retail use at the premises and,
21 of course, this would be if lieu of auto repairs,
22 so as we're seeing more commonly these days,
23 automotive repair shops exist as independent repair
24 shops without the sale of gasoline and gasoline is
25 sold at a separate retail facility.

1 It is proposed here to have a Citgo
2 gasoline station without any service aspect and
3 what we also commonly see, a convenience store to
4 buy items that one might need when passing by and
5 purchasing their gasoline.

6 After the applicant acquired title in
7 2015, building permits were issued authorizing
8 construction of the convenience store building and
9 also for installation and construction of
10 associated items on the property including fuel
11 dispensers, a generator and signage in accordance
12 with the plans that were filed at that time.

13 Construction under the aforesaid building permits
14 then ensued.

15 The applicant proceeded to install new
16 gasoline storage tanks and a foundation for the
17 canopy for the gasoline dispensers.

18 However, subsequent to that time, the
19 Town of Oyster Bay Department of Planning and
20 Development determined that the building permits
21 were issued in error since reconstructing and
22 rehabilitating the previously existing gasoline
23 service station and adding a retail convenience
24 store required a new Special Use Permit from the
25 Town Board.

1 As a result, by letter dated May 23,
2 2018, a copy of which is also part of the
3 submission before the Board, the building permits
4 that I mentioned were suspended.

5 Therefore, the applicant now applies to
6 the Town Board for a Special Use Permit and site
7 plan approval required in order to reconstruct and
8 rehabilitate the previously existing gasoline
9 station and add the convenience store.

10 The relief here is sought based upon --
11 on the basis, I should say, that the proposed use
12 is of the same general character as other uses
13 permitted in the District and that such use would
14 not be detrimental to the District, and that's
15 authorized by Section 5.2 of the Zoning Code.

16 The premises, as I indicated, is
17 located in the NB, Neighborhood Business district.
18 In that district, gasoline service station --
19 gasoline station, I should say, it's not expressly
20 authorized.

21 However, the determination was made
22 that because this property has been utilized for
23 this use since 1958, certainly it should be
24 characterized as something similar to committed
25 uses.

1 The proposed construction and
2 utilization of the premises will be in accordance
3 with the site plans prepared by High Point
4 Engineering which are before the Board. We have
5 some renderings also to go through in a few moments
6 as well.

7 I do have some photographs of existing
8 conditions. I have two panels I'd like to submit.
9 The Board would like to see. They depict the
10 subject premises in its current condition as well
11 as some of the properties adjacent to and
12 surrounding the area, just to give the Board a
13 sense of what the portion of Jericho Turnpike and
14 Jericho looks like, in case you haven't had the
15 chance to see it already.

16 If I may hand those up (handing).

17 SUPERVISOR SALADINO: Thank you,
18 Counselor.

19 MR. AVRUTINE: Certainly.

20 I also have mounted drawings, but I
21 have sets of the drawings that are mounted if the
22 Board wishes to look at these in addition to
23 looking at what's been mounted on the easel.

24 At this time, unless the Board has
25 questions for me, I would like to introduce David

1 Bittner from High Point Engineering who can take us
2 through the site plan.

3 SUPERVISOR SALADINO: Thank you.

4 MR. BITTNER: David Bittner,
5 representing High Point Engineering, 521 Conklin
6 Avenue, Farmingdale, New York 11735.

7 We are proposing to install roughly
8 1,800 square foot convenience store at the rear of
9 the property banked with seven parking stalls and
10 then 30-foot drive-out between that and the fueling
11 positions. We have three dispensers which provide
12 six fueling positions, and then there is a drive
13 aisle before the right-of-way which is quite large
14 and under State's jurisdiction.

15 Really, if there are any questions
16 related to the site, I can address them.

17 COUNCILMAN LABRIOLA: In terms of the
18 fuel delivery, the way it looks to me is that you
19 have to actually clear the parking lot in order to
20 get that fuel truck in there, so are you going to
21 make that delivery at a time when business is not
22 operational?

23 MR. BITTNER: We plan to do it in
24 off-peak hours, but the applicant has also agreed
25 to use a smaller fueling truck which actually would

1 not impact the parking stalls.

2 COUNCILMAN LABRIOLA: The drawings
3 indicated that it was regular sized.

4 MR. BITTNER: Yes.

5 Recently, the applicant told us that he
6 is going to utilize similar fueling trucks that are
7 used in New York City which are much smaller
8 because he has those at his disposal.

9 MR. AVRUTINE: If I can mention, excuse
10 me one second, Councilman Labriola, just in case in
11 the event the Board is inclined to approve the
12 application, we can specifically state that the
13 capacity of the reduced sized truck is 8,400
14 gallons and consists of a 40-foot trailer plus the
15 cab and we can specify that.

16 COUNCILMAN LABRIOLA: Thank you.

17 COUNCILWOMAN MAIER: Quick question,
18 proposed hours of operation for both the retail
19 store and the fueling station?

20 MR. AVRUTINE: The station will open at
21 6:00 a.m. and close at 10:00 p.m., seven days a
22 week.

23 COUNCILWOMAN MAIER: And the retail
24 store?

25 MR. AVRUTINE: Same hours.

1 COUNCILWOMAN MAIER: Thank you.

2 COUNCILWOMAN JOHNSON: So, I just want
3 to be clear, presently isn't there a Shell station
4 on the front side of Chillian or am I mistaken?

5 MR. AVRUTINE: The station you're
6 referring to is further to the east. It's at the
7 corner, if you will.

8 COUNCILWOMAN JOHNSON: On that
9 triangle?

10 MR. AVRUTINE: At the triangle.

11 COUNCILWOMAN JOHNSON: It's still like
12 right there.

13 MR. AVRUTINE: Well, it's about 500
14 feet further to the east.

15 COUNCILWOMAN JOHNSON: Okay.

16 Thank you, but that will remain there?

17 MR. AVRUTINE: That has nothing to do
18 with this application.

19 COUNCILWOMAN JOHNSON: Just making --

20 MR. AVRUTINE: I just want to make it
21 clear.

22 We have nothing to do with that
23 particular facility.

24 COUNCILMAN HAND: Is the convenience
25 store going to be selling alcohol and tobacco?

1 MR. AVRUTINE: Yes. We'll be selling
2 beer and tobacco, yes.

3 Obviously, in accordance with all local
4 and State regulations regarding the sale of those
5 items.

6 COUNCILWOMAN MAIER: Sorry. Don't go
7 away.

8 With that, will there also be vaping
9 products as well?

10 MR. AVRUTINE: I'm sorry?

11 COUNCILWOMAN MAIER: Vaping products?

12 MR. AVRUTINE: I honestly -- I don't
13 know the answer to that.

14 To the extent that something is legal
15 for sale, I presume that they would want the option
16 to sell it. And, obviously, something that's not,
17 they're not going to sell. But I know they're
18 certainly tobacco is contemplated as is beer.

19 COUNCILWOMAN MAIER: Than you.

20 COUNCILMAN LABRIOLA: The underground
21 storage tanks, these are upgraded?

22 MR. BITTNER: These were -- they were
23 installed when we had the permits, before the
24 permits were put on hold. They were with the
25 current standard of the Fire Department at the

1 time. Now, that the Health Department has taken
2 jurisdiction, we will make sure that they meet the
3 Health Department's requirements.

4 COUNCILMAN LABRIOLA: Thank you.

5 SUPERVISOR SALADINO: So, you have had
6 or will have all inspections and certifications?

7 MR. BITTNER: Correct.

8 SUPERVISOR SALADINO: Thank you.

9 No questions? No other questions?

10 (No response.)

11 SUPERVISOR SALADINO: Thank you.

12 MR. AVRUTINE: I have one more witness,
13 Mr. Supervisor.

14 SUPERVISOR SALADINO: Certainly.

15 MR. AVRUTINE: Andrew Villari,
16 Stonefield Engineering to testify regarding traffic
17 and parking.

18 MR. VILLARI: Good afternoon.

19 Thank you, Mr. Supervisor, Members of
20 the Town Board.

21 For the record, my name is Andrew
22 Villari, V-I-L-L-A-R-I. I'm a project manager at
23 Stonefield Engineering & Design located at
24 584 Broadway, Suite 310, New York, New York.

25 My office has reviewed the application

1 with our specific focus on the traffic impacts of
2 doing such a development. What's important to keep
3 in mind is where the site's located. So I'm just
4 going to approach the easel and put up an aerial
5 exhibit. Give me one second.

6 What's on the easel, there is an aerial
7 exhibit. I believe it's also in your packet. The
8 site is located on the westbound side of Jericho
9 Turnpike approximately equidistant between the
10 traffic signals at Merry Lane the west and then Old
11 Jericho to the east. This site is predominantly
12 going to be accessed by westbound traffic. Jericho
13 Turnpike is a DOT roadway, a major thoroughfare,
14 for east/west traffic is median divided. The only
15 way to access or predominant way to access the
16 facility will be from westbound traffic, and then
17 to leave the site, you'll be predominantly be going
18 westbound as well.

19 I believe that this is a perfect site
20 for a gas station-type use. I say because the site
21 previously functioned as a gas station and service
22 station and also based on the concept of pass-by
23 traffic, right.

24 Using -- when you look at gas station
25 convenience store, this may sound obvious but the

1 use is based on their convenience. You're going to
2 go there if it's convenient for you.

3 Pass-by traffic also is for cars that
4 are already on the roadway, not new cars, right.
5 You may be travelling westbound in the morning to
6 get to 106/107 and all other major highways. You
7 could be going westbound. You need to get gas.
8 You make a right turn in. You fuel. You get your
9 cup of coffee. You make a right turn out. And you
10 keep going in the same direction. You'd be on
11 westbound Jericho Turnpike regardless if this
12 project was there or not. So the net increase in
13 traffic associated with the use like a gas
14 station/convenience store is quite minimal.

15 Now, we're here in front of the Town
16 Board because we're asking for a Special Use
17 Permit. Existing zoning is a neighborhood
18 business. There are several uses that are
19 principal-permitted uses in the neighborhood
20 business zone that would generate more new traffic
21 than what you'd see with a gas station/convenience
22 store like we're proposing today.

23 You could have a bank that goes on the
24 property or a restaurant or a fast food restaurant
25 which are principally permitted uses in the

1 neighborhood zone where we don't need to seek any
2 further approval from the Town Board. Those are
3 generating more new traffic than what is associated
4 with this project.

5 In reviewing the site plan, we've also
6 looked at the orientation of the fuel pumps, where
7 the building is located, where parking stalls,
8 where the loading zone is located. The site's been
9 designed up to industry standards for parking stall
10 dimension, aisle width. There is sufficient
11 maneuvering for both patrons seeking parking and
12 also for fuel and store deliveries.

13 And just to recap, the application that
14 you have before you is not something that is
15 significantly adversely -- or is anticipated to
16 significantly adversely impact operating conditions
17 purely based on the concept of pass-by traffic.

18 People that will be going to this site
19 are already on westbound Jericho. You could have
20 more new traffic coming to this area with other
21 uses that are permitted in the neighborhood
22 business zone, but not specifically with a gas
23 station or convenience store.

24 So, thank you for the opportunity to
25 speak. I'd be happy to answer any questions that

1 you have.

2 SUPERVISOR SALADINO: Any questions?

3 Are you the professional responsible
4 for designing the ingress and egress from this site
5 as specifically to the pumps and from the pumps?

6 MR. VILLARI: I was not.

7 All coordination for that -- access
8 points were designed by High Point Engineering.
9 They needed a permit from State DOT.

10 It's my understanding that a permit --
11 a highway access permit has been pulled from the
12 DOT and all coordination on that has gone been
13 through High Point Engineering.

14 SUPERVISOR SALADINO: In terms of
15 travel onsite, has this site been designed in a way
16 that would give safe and easy access, for instance,
17 for a pickup truck pulling a trailer or a van
18 pulling a trailer?

19 MR. VILLARI: A pickup truck or a van
20 pulling a trailer, yes.

21 So, the drive by all dimensions on the
22 property are a minimum of 24 feet wide. That's
23 industry standard and that accommodates something
24 that you mentioned.

25 SUPERVISOR SALADINO: What about the

1 turn radius or radius -- radii on this site?

2 MR. VILLARI: We can provide that for
3 the Board.

4 We also have done an analysis to show
5 what the truck turning radii, you know, the fueling
6 delivery, it's done by a larger vehicle than the
7 vehicles you're mentioning and that sufficiently
8 circulates the site without impacting any parking
9 stalls.

10 SUPERVISOR SALADINO: Thank you.

11 Any other questions?

12 (No response.)

13 SUPERVISOR SALADINO: Thank you.

14 MR. AVRUTINE: As Mr. Villari
15 indicated, New York State DOT has approved the
16 design as far as the ingress and egress from the
17 site onto New York State Route 25 which is Jericho
18 Turnpike, and, of course, the DOT has that
19 jurisdiction because it's a New York State road.

20 Town of Oyster Bay Department of
21 Environmental Resources has determined this is a
22 Type II matter under the New York State
23 Environmental Quality Review Act, meaning that the
24 development will not result in significant
25 environmental impact.

1 As I indicated at the outset, the
2 premises has been operating as a gasoline service
3 station since 1958 and is an appropriate use for
4 the area. But I'd also like to mention that some
5 variance relief will be required from the Town
6 Zoning Board of Appeals.

7 The way the project was designed, the
8 building was placed on the northerly part of the
9 property as far to the rear as possible. It was
10 done because we believe that will create the least
11 amount of impact and that there will be no impact
12 on the surrounding properties considering the
13 nature of those uses.

14 In the event this Board determines that
15 this application should be approved, we will then
16 be proceeding with those variance requests; one of
17 which is for parking relief, but we will
18 demonstrate before the ZBA that the parking
19 provided which is seven spaces will be adequate
20 because typically when people come to a gasoline
21 station, even to use it for a convenience store,
22 they're fuelling at one of the fuel stations and
23 walking into the facility to buy their items. So,
24 an independent parking space to pull in just to buy
25 something is less typically seen. So that will be

1 shown to the Board, but I wanted to make it clear
2 that we will need variance relief in the event the
3 application is approved today.

4 And that completes our main
5 presentation subject to any questions that the
6 Board may have and any comments that the public may
7 have.

8 SUPERVISOR SALADINO: Thank you very
9 much.

10 MR. AVRUTINE: Thank you, sir.

11 SUPERVISOR SALADINO: Is there any
12 correspondence?

13 MR. LaMARCA: We have a speaker on
14 this.

15 SUPERVISOR SALADINO: Yes, we do.

16 Are there any other questions of the
17 Board members before we proceed with the public?

18 (No response.)

19 SUPERVISOR SALADINO: I have a request
20 to be heard from Mr. Arthur Adelman.

21 MR. ADELMAN: Good morning, folks.

22 Arthur Adelman, 110 Dubois Avenue,
23 Sea Cliff.

24 My question is that, regarding
25 proximity of this new service convenience store,

1 proximity to the proposed development of the
2 Milleridge Inn property and how that affects --
3 should they do their traffic study again because of
4 this new gas station? I don't want to speak
5 against the gas station or what they're doing.

6 My biggest problem is the procedural.
7 When we have these hearings, it would be really
8 nice for the public to be able to see these
9 photographs --

10 SUPERVISOR SALADINO: Yes. I'm going
11 to ask.

12 MR. ADELMAN: -- things that are
13 presented.

14 SUPERVISOR SALADINO: Yes, Arthur I was
15 planning to have that turned around so residents
16 can see as well.

17 MR. ADELMAN: I would like to know if
18 things like this could be posted on the website on
19 the day when the hearings are agenda sized I guess
20 that would be the word so we can see what the
21 hearing is about.

22 I saw this hearing. I had no idea
23 where the location was.

24 SUPERVISOR SALADINO: It didn't give an
25 address?

1 MR. ADELMAN: No.

2 SUPERVISOR SALADINO: We'll certainly
3 look into that.

4 MR. ADELMAN: The hearing that's for
5 premises located on northwesterly side of Jericho
6 Turnpike.

7 That's pretty vague. I was able to go
8 through the previous meetings' Resolutions where
9 this hearing was scheduled and thus -- and in the
10 backup data find where the property was.

11 SUPERVISOR SALADINO: I'm going to ask
12 the applicant if they have done their due diligence
13 with their mailing.

14 MR. ADELMAN: I'm just feeling that
15 procedurally the Town has to address the situation
16 with the all types of hearings where the backup
17 data is not shown in the Resolution of scheduling
18 the hearing, but with the day the hearing is being
19 held.

20 I have no reason to speak against this
21 use primarily because they were permitted once
22 already and I think if the Town erred in giving
23 that permit and they put into money into the
24 property, they shouldn't be penalized now, but I do
25 hope that some thought has gone into the proximity

1 to Merry Lane and the Milleridge Inn because that
2 is big. That's big. I mean the people on Merry
3 Lane are going to have to go east to go west to get
4 to this place.

5 There is no direct access to Merry
6 Lane, is there? No.

7 COUNCILMAN IMBROTO: What do you
8 envision the problem with there being a gas station
9 near a hotel being?

10 MR. ADELMAN: I don't. I just -- my
11 problem is that it's not part of the -- what do you
12 call it when have a big picture?

13 SUPERVISOR SALADINO: Full scope.

14 MR. ADELMAN: We call it master plan.
15 Right.

16 We are not considering all the other
17 projects going up. Last week we talked about the
18 project further east where the trailer park was.

19 COUNCILMAN IMBROTO: What affect do you
20 think this is going to have on that other project?

21 MR. ADELMAN: What?

22 COUNCILMAN IMBROTO: What impact do you
23 think this will have on that project?

24 MR. ADELMAN: I don't think any.

25 COUNCILMAN IMBROTO: What impact do you

1 think that project will have on this gas station?

2 MR. ADELMAN: I'm not really up here
3 fighting this particular item. My own thought was
4 procedurally speaking that when you have a hearing,
5 that everything should be open and there for the
6 people to see to find out if they want to talk
7 about it. I put in something that I wanted to talk
8 about this because I had no idea what was being put
9 there. I didn't know what a good job they did and
10 what they would do on presenting this. I wasn't
11 even going to talk. I just want to get this out.

12 SUPERVISOR SALADINO: Since they did a
13 very good job on their presentation, that's what
14 motivated you to speak?

15 MR. ADELMAN: No. I was going to keep
16 quiet because they -- the concept is good. The
17 pass-by traffic doesn't add to traffic flow. I
18 agree.

19 My whole thing is that this should all
20 be available to the public prior to opening up the
21 hearings so people can speak or not speak
22 logically.

23 Thank you.

24 SUPERVISOR SALADINO: Mr. Adelman, just
25 one last question, and sorry for keeping you up

1 here so long, but to bring clarity to your presence
2 today, are you in favor or in opposition to this
3 application?

4 MR. ADELMAN: I have no objection to
5 this application.

6 SUPERVISOR SALADINO: Thank you very
7 much.

8 I don't have any other slips on this.

9 MR. McKENNA: Supervisor, I'll fill out
10 a slip if I need to --

11 SUPERVISOR SALADINO: Of course.

12 MR. McKENNA: Do I need a slip?

13 SUPERVISOR SALADINO: Why don't you
14 just go ahead? It'll save time for everyone.

15 MR. McKENNA: Thank you,
16 Mr. Supervisor.

17 Kevin McKenna, 3 Edna Drive, Syosset,
18 New York.

19 If the applicants could just -- I'm
20 just interested to know, they mentioned they worked
21 with the Department of Health and I'm just curious
22 to know whether it was the Nassau County Department
23 of Health or whether it was the New York State
24 Department of Health and I have a reason for asking
25 that question.

1 Second point, I very, very much
2 appreciated Councilman Labriola again today --

3 COUNCILMAN LABRIOLA: Thank you.

4 MR. McKENNA: -- for being so concerned
5 about the Massapequa residents across the way from
6 the prior application at the beach club.

7 And I would just like to know from the
8 applicants here, the Jericho residents have been
9 shellshocked lately and I would just like to know
10 if the 20 or 30 homes that are right across the
11 street were notified and also, did you work with or
12 bring this to the attention of the Jericho
13 Birchwood Civic Association? I think that we
14 should have concern for the North Shore residents
15 just as much as we have concern for the South Shore
16 residents.

17 COUNCILMAN IMBROTO: We have concern
18 for all residents.

19 MR. McKENNA: And, yes, they did an
20 excellent presentation.

21 If they could answer those questions,
22 that would be great.

23 SUPERVISOR SALADINO: Counsel, if you
24 would be so kind.

25 MR. AVRUTINE: Absolutely,

1 Mr. Supervisor.

2 I would just like to note, we followed
3 all the Town's procedures regarding notification.

4 The way an application works for those
5 who aren't familiar, is when a hearing is
6 advertised in the newspaper, the applicant is
7 required to submit something that's called a short
8 description for advertising purposes. And that
9 specifically lists the Tax Map Section, Block and
10 Lot and also says where it is located on Jericho
11 Turnpike. It says specifically that it's at the
12 frontage of the property, the amount of frontage it
13 has on Jericho Turnpike, as well as where it is
14 located on Jericho Turnpike.

15 The issue of a street address is -- it
16 technically has a number; although, that it's not
17 required to be in the notification but there is no
18 structure on the property. So, there is no number
19 posted on the property. It would not have provided
20 any assistance.

21 So, we did provide all of the required
22 legal notifications that are necessary.

23 In addition, we sent notices to all
24 property owners within 300-foot radius of the
25 premises by certified mail, that included every

1 resident of the Manors Condominium Development
2 directly across Jericho Turnpike located on the
3 southerly side of Jericho Turnpike. So everyone
4 who lives there received notice.

5 I personally spoke with Roy Chipkin who
6 is the President of the Birchwood Civic Association
7 to discuss this project in advance of today's
8 hearing, and he indicated to me that he would
9 discuss it with his Board, his Civic Association
10 Board and get back to me if there were any
11 questions or concerns. He subsequently contacted
12 me and indicated there were no such questions or
13 concerns.

14 Regarding the issue of the -- an
15 evaluation of this project vis-à-vis any other
16 project, more specifically the Milleridge Inn
17 property, I would respectfully submit to the Board
18 that that is probably about a mile away from this
19 location, and as Mr. Villari indicated during his
20 remarks, this is a gasoline service station --
21 excuse me, a gasoline station with convenience
22 store, that is going to -- its customers are from
23 existing people on the road.

24 There is not a logical basis that one
25 can conclude that this application in some manner

1 impacts upon the Milleridge Inn development or vice
2 versa. It had been a gasoline station for fifty
3 years before it ceased operations. It's going to
4 resume that in the event this Board deems that
5 advisable and we obtain the necessary variances.

6 So, we believe we have established a
7 basis of evidence and documentation to support the
8 application and respectfully respect that the Board
9 grant it.

10 Thank you.

11 SUPERVISOR SALADINO: Thank you very
12 much.

13 MR. AVRUTINE: The Department of
14 Health, Nassau County Department of Health recently
15 assumed jurisdiction over the installation of
16 gasoline storage tanks for gasoline service
17 stations in Nassau County.

18 And that approval is required and any
19 necessary inspections and certificates will be
20 obtained as part of the ongoing process.

21 SUPERVISOR SALADINO: Thank you.

22 MR. AVRUTINE: Thank you.

23 SUPERVISOR SALADINO: Is there any
24 correspondence?

25 MR. LaMARCA: The attorney for the

1 applicant has filed his Affidavit of Service and
2 Disclosure.

3 The communications are as follow: We
4 have memos from the Department of Planning and
5 Development including a review of the required
6 off-street parking. The Nassau County Land and Tax
7 Map indicates the property is Section 12, Block 37,
8 Lot 143.

9 According to the Town of Oyster Bay
10 Zoning maps the property is located within NB,
11 neighborhood business zone. There is an open code
12 compliance case as well as the Town Board
13 Resolution and Zoning Board of Appeals decision on
14 file.

15 We have affidavits of posting and
16 publication.

17 We have a letter on file from a
18 resident which has been distributed to the Town
19 Board and the consent of which shall form part of
20 the permanent record of this hearing.

21 There is no further correspondence.

22 SUPERVISOR SALADINO: Thank you.

23 May I have a motion?

24 COUNCILWOMAN JOHNSON: Supervisor, I
25 make a motion that this public hearing be closed

1 and the decision be reserved.

2 COUNCILMAN IMBROTO: Second.

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

5 ALL: "Aye."

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

8 (No response.)

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

11 Thank you.

12 MR. AVRUTINE: Thank you very much
13 everyone.

14 COUNCILWOMAN JOHNSON: Supervisor, I'm
15 going to make a motion that the Board go into
16 Executive Session for the purpose of discussion
17 regarding proposed, pending or current litigation.

18 COUNCILMAN IMBROTO: Second.

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

21 ALL: "Aye."

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

24 (No response.)

25 SUPERVISOR SALADINO: The "Ayes" have

1 it.

2 Just for the purposes of information as
3 is our procedure, we go through the hearings where
4 people get to speak, the public gets to speak on
5 each individual hearing as it applies to their
6 needs.

7 Then we will come back, report any
8 findings, report any action taken in our Executive
9 Session, and then we will go to the regular Action
10 Calendar of the Town, after which and before
11 voting, anyone who would like to be heard on any
12 specific item on that calendar can speak and then
13 we close the Board meeting and then entertain all
14 public comment for anyone who would like to be
15 heard on any issue at all. So, this way everyone
16 knows what the expectations are and we will get
17 through the -- our next phase of this as quickly as
18 possible to not keep anyone waiting longer than
19 they have to. Okay? We will see you very shortly.

20 Thank you.

21 (Whereupon, the Executive Session began
22 at 1:14 p.m. and ended at 1:53 p.m. and the
23 proceedings resumed as follows:)

24 SUPERVISOR SALADINO: Ladies and
25 gentlemen, if you will all take your seats.

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Thank you very much for your patience.

Councilwoman, may we have a motion?

COUNCILWOMAN JOHNSON: Supervisor, I
make a motion that we close the Executive Session.

No action has been taken.

COUNCILMAN IMBROTO: Second.

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

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed,
"Nay."

(No response.)

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you.

(TIME NOTED: 1:54 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
February 11, 2020
1:55 P.M.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

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
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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will the Town
2 Clerk please call the regular Action Calendar?

3 MR. LaMARCA: Supervisor, we have some
4 Resolutions that we need to consider adding to the
5 calendar, so I'll start with that first.

6 May I have a motion please to suspend
7 the rules and add Resolution Nos. 134-2020 and
8 135-2020?

9 COUNCILWOMAN JOHNSON: So moved.

10 COUNCILMAN IMBROTO: Second.

11 MR. LaMARCA: A motion was made by
12 Councilwoman Johnson, and seconded by Councilman
13 Imbroto.

14 On the vote:
15 Supervisor Saladino?

16 SUPERVISOR SALADINO: "Aye."

17 MR. LaMARCA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: "Aye."

19 MR. LaMARCA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: "Aye."

21 MR. LaMARCA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. LaMARCA: Councilman Labriola?

24 COUNCILMAN LABRIOLA: "Aye."

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye."

2 MR. LaMARCA: Councilwoman Walsh?

3 COUNCILWOMAN WALSH: "Aye."

4 MR. LaMARCA: Motion to suspend the
5 rules and add Resolution Nos. 134-2020 and 135-2020
6 passes with seven "Ayes."

7 We have a couple of Walk-Ons. Let me
8 just briefly read them to you.

9 Resolution No. 136-2020; Resolution
10 pertaining to appointment of an independent
11 consistent in connection with a consent judgment
12 with United States Security and Exchange
13 Commission.

14 Resolution 137-2020; Resolution
15 supplementing Resolution 50-2020 relating to the
16 New York State Workers' Compensation Board.

17 May I have a motion resuspend the rules
18 and add the following walk on Resolutions 136-2020
19 and 137-2020?

20 On the motion:

21 COUNCILWOMAN JOHNSON: So moved.

22 COUNCILMAN IMBROTO: Second.

23 MR. LaMARCA: A motion made by
24 Councilwoman Johnson; seconded by Councilman
25 Imbroto.

1 **PERSONNEL RESOLUTION NO. P-4-20;**

2 Resolution pertaining to personnel of various
3 departments within the Town of Oyster Bay.

4 **TRANSFER OF FUNDS RESOLUTION NO.**

5 **TF-3-20;** Resolution pertaining to Transfer of Funds
6 within various departments' accounts for the Year
7 2020.

8 **RESOLUTION NO. 98-2020;** Resolution
9 authorizing the Town Wide Senior Trips for March
10 and April 2020, authorizing the Commissioner to
11 make any necessary changes. (M.D. 1/21/20 #4).

12 **RESOLUTION NO. 99-2020;** Resolution
13 authorizing acceptance of donation of a memorial
14 plaque from Sondra Camhi, to be placed under an
15 existing tree at Marjorie R. Post Community Park in
16 memory of Israel M. Horowitz. (M.D. 1/21/20 #5).

17 **RESOLUTION NO. 100-2020;** Resolution
18 authorizing a one-year extension of time to obtain
19 a Building Permit for 40 (a/k/a 100) Hicksville
20 Road, Plainedge, New York, from current expiration
21 date of September 12, 2019 through September 12,
22 2020. (M.D. 1/21/20 #10).

23 **RESOLUTION NO. 101-2020;** Resolution
24 authorizing the property cleanup assessment of
25 53 Melrose Avenue, Massapequa, New York, performed

1 on October 22, 2019, be referred to the County of
2 Nassau for placement on the Nassau County Tax
3 Assessment Rolls. (M.D. 1/21/20 #11).

4 **RESOLUTION NO. 102-2020;** Resolution
5 authorizing the property cleanup assessment of
6 87 Midwood Avenue, Farmingdale, New York, performed
7 on October 16, 2019, be referred to the County of
8 Nassau for placement on the Nassau County Tax
9 Assessment Rolls. (M.D. 1/21/20 #12).

10 **RESOLUTION NO. 103-2020;** Resolution
11 authorizing the property cleanup assessment of
12 49-51 Hamilton Avenue, Oyster Bay, New York,
13 performed on October 16, 2019, be referred to the
14 County of Nassau for placement on the Nassau County
15 Tax Assessment Rolls. (M.D. 1/21/20 #13).

16 **RESOLUTION NO. 104-2020;** Resolution
17 authorizing the property cleanup assessment of
18 101 Clocks Boulevard, Massapequa, New York,
19 performed on October 23, 2019, be referred to the
20 County of Nassau for placement on the Nassau County
21 Tax Assessment Rolls. (M.D. 1/21/20 #14).

22 **RESOLUTION NO. 105-2020;** Resolution
23 authorizing the property cleanup assessment of
24 224 Yoakum Avenue, Farmingdale, New York, performed
25 on October 8, 2019, be referred to the County of

1 Nassau for placement on the Nassau County Tax
2 Assessment Rolls. (M.D. 1/21/20 #15).

3 **RESOLUTION NO. 106-2020;** Resolution
4 authorizing the property cleanup assessment of
5 21 Maple Street, Massapequa, New York, performed on
6 October 11, 2019, be referred to the County of
7 Nassau for placement on the Nassau County Tax
8 Assessment Rolls. (M.D. 1/21/20 #16).

9 **RESOLUTION NO. 107-2020;** Resolution
10 authorizing renewal of memberships in the American
11 Public Works Association for a one-year period.
12 Account No. DPW A 1640 47900 000 0000. (M.D.
13 1/21/20 #19).

14 **RESOLUTION NO. 108-2020;** Resolution
15 authorizing an Extension of Contract No.
16 HCR17-160R-Requirements Contract for Concrete
17 Restoration, which was awarded by Resolution No.
18 79- 2019, for the period February 13, 2020 through
19 February 12, 2021. (M.D. 1/21/20 #20).

20 **RESOLUTION NO. 109-2020;** Resolution
21 authorizing use of a sub-consultant for the
22 collection of soil samples and pavement cores
23 relative to Contract No. H19-197, Highway
24 Improvements to the Intervale Avenue Area,
25 Farmingdale. (M.D. 1/21/20 #22).

1 **RESOLUTION NO. 110-2020;** Resolution
2 authorizing payment of the Town's annual
3 contribution in connection with the Inter-Municipal
4 Agreement that governs the Oyster Bay/Cold Spring
5 Harbor Protection Committee for the period, June 1,
6 2019 through May 31, 2020. Account No. DER A 8090
7 44900 000 0000. (M.D 1/21/20 #24).

8 **RESOLUTION NO. 111-2020;** Resolution
9 pertaining to Quantity Decrease No.1, Acceptance
10 and Final payment on Contract No. DP18-182,
11 Replacement of Two Synthetic Turf Fields at John J.
12 Burns Park & CPL Kevin T. Kolm Memorial Park. (M.D.
13 1/21/20 #26).

14 **RESOLUTION NO. 112-2020;** Resolution
15 pertaining to payment of outstanding invoices for
16 independent medical examinations in connection with
17 negligence matters. Account Nos. TWN AMS 1910 43010
18 602 0000 000 and TWN AMS 1910 43020 602 0000 000.
19 (M.D. 1/28/20 #8).

20 **RESOLUTION NO. 113-2020;** Resolution
21 pertaining to payment for outstanding invoices for
22 services provided by Court Mandated Court
23 Reporters. Account No. OTA A 1420 44110 604 0000.
24 (M.D. 1/28/20 #9).

25 **RESOLUTION NO. 114-2020;** Resolution

1 pertaining to payment for outstanding invoices for
2 legal services with respect to certain negligence
3 matters (MMPS). Account Nos. TWN AMS 1910 43010 602
4 0000 000 and TWN AMS 1910 43020 602 0000 000. (M.D.
5 1/28/20 #10).

6 **RESOLUTION NO. 115-2020;** Resolution
7 pertaining to payment for outstanding invoices for
8 legal services with respect to certain negligence
9 matters (CK). Account Nos. TWN AMS 1910 43010 602
10 0000 000 and TWN AMS 1910 43020 602 0000 000. (M.D.
11 1/28/20 #11).

12 **RESOLUTION NO. 116-2020;** Resolution
13 pertaining to payment for an outstanding invoice
14 for Non-Binding Mediation in connection with
15 *Majestic Adesanya v. Town of Oyster Bay et al.*,
16 Nassau County Index No. 602292/2016. Account No.
17 TWN AMS 1910 43010 601 0000 000. (M.D. 1/28/20
18 #12).

19 **RESOLUTION NO. 117-2020;** Resolution
20 authorizing the property cleanup assessment of
21 4 Addison Lane, Greenvale, New York, performed on
22 August 12, 2019, be referred to the County of
23 Nassau for placement on the Nassau County Tax
24 Assessment Rolls. (M.D. 1/28/20 #15).

25 **RESOLUTION NO. 118-2020;** Resolution

1 authorizing the property cleanup assessment of
2 19 Carman Boulevard, Massapequa, New York,
3 performed on September 18, 2019, be referred to the
4 County of Nassau for placement on the Nassau County
5 Tax Assessment Rolls. (M.D. 1/28/20 #16).

6 **RESOLUTION NO. 119-2020;** Resolution
7 authorizing the property cleanup assessment of
8 581 Hicksville Road, Massapequa, New York,
9 performed on October 11, 2019, be referred to the
10 County of Nassau for placement on the Nassau County
11 Tax Assessment Rolls. (M.D. 1/28/20 #17).

12 **RESOLUTION NO. 120-2020;** Resolution
13 authorizing the property cleanup assessment of
14 6 East Park Court, Old Bethpage, New York,
15 performed on September 3, 2019, be referred to the
16 County of Nassau for placement on the Nassau County
17 Tax Assessment Rolls. (M.D. 1/28/20 #18).

18 **RESOLUTION NO. 121-2020;** Resolution
19 directing the Town Clerk to publish a Notice of
20 Hearing on a Proposed Local Law entitled: "A Local
21 Law to Amend Section 96-21 of the Code of the Town
22 of Oyster Bay". Hearing date: February 25, 2020.
23 (M.D. 1/28/20 #19).

24 **RESOLUTION NO. 122-2020;** Resolution
25 directing the Town Clerk to publish a Notice of

1 Hearing on a Proposed Local Law to Add Chapter 95
2 Collection Bins, to the Code of the Town of Oyster
3 Bay. Hearing Date: February 25, 2020. (M.D. 1/28/20
4 #20).

5 **RESOLUTION NO. 123-2020;** Resolution
6 pertaining to Contract No. PWC07-18, On-Call
7 Engineering Services Relative to Civil Engineering,
8 in connection with design modifications, post
9 design analysis, and the renewal of permits with
10 the NYSDEC regarding the Lake Avenue C.V.M,
11 Building Extension. (M.D. 1/28/20 #22).

12 **RESOLUTION NO. 124-2020;** Resolution
13 pertaining to Contract No. PWC07-20, On-Call
14 Engineering Services Relative to Civil Engineering,
15 in connection with mitigation of tidal flooding
16 related problems at various locations within the
17 Town of Oyster Bay. (M.D. 1/28/20 #23).

18 **RESOLUTION NO. 125-2020;** Resolution
19 granting request from the Chamber of Commerce of
20 the Massapeguas, for Town assistance in conducting
21 their Annual Massapequa Community Street Festival
22 on June 7, 2020, the use of Town equipment and to
23 have Town Ordinance Ch. 82-3 waived for the event.
24 (M.D. 1/28/20 #25).

25 **RESOLUTION NO. 126-2020;** Resolution

1 granting request from Simply Royal, LLC d/b/a Desi
2 NYC, for Town assistance in conducting their Rang
3 De Holi Celebration on April 19, 2020, the use of
4 various Town equipment and to use Parking Field
5 H-11 in Hicksville. (M.D. 1/28/20 #26).

6 **RESOLUTION NO. 127-2020;** Resolution
7 directing the Town Clerk to advertise a Notice of
8 Hearing in connection with the application of
9 Seritage SRC Finance LLC, for a Special Use Permit
10 and Site Plan Approval to permit grade level
11 residential, residential over parking, residential
12 use not located over stores or offices, a fitness
13 center and a theater as part of a mixed-use
14 development for premises at 195 N. Broadway,
15 Hicksville, New York. Hearing Date: March 10, 2020.
16 (M.D. 1/28/20 #27).

17 **RESOLUTION NO. 128-2020;** Resolution
18 amending Resolution No. 341-2019 in order to
19 effectuate payment of outstanding invoices with
20 respect to litigation involving the judicial
21 determination of the boundary line between Oyster
22 Bay Harbor and Long Island Sound. Account No. OTA A
23 1420 4410 000 0000. (M.D. 1/28/20 #30).

24 **RESOLUTION NO. 129-2020;** Resolution
25 authorizing award of Contract No. DP19-202, Tobay

1 Beach Potable Water Treatment System Upgrade.
2 Account No. PKS H 7107 20000 000 2002 001. (M.D.
3 1/21/20 #21 & 2/4/20 #18).

4 **RESOLUTION NO. 130-2020;** Resolution
5 authorizing the Supervisor or his designee, to
6 enter into a Funding Agreement for Clean Vessel Act
7 Assistance Program with the New York State
8 Environmental Facilities Corporation thereby
9 securing grant funding to be applied to the
10 purchase of a floating pump-out dock to be placed
11 at Theodore Roosevelt Beach and Marina. (M.D.
12 1/28/20 #7 & 2/4/20 #8).

13 **RESOLUTION NO. 131A-2020;** Resolution/
14 Order pertaining to the decision on the application
15 of the Bethpage Water District for Bond Financing
16 to pay the cost of Improvements to the Water
17 District. Hearing held: February 11, 2020. (M.D.
18 1/7/20 #21).

19 **RESOLUTION NO. 131B-2020;** Resolution
20 authorizing the issuance of bonds to pay the cost
21 of Improvements to the Bethpage Water District.
22 Hearing held: February 11, 2020. (M.D. 1/7/20 #21).

23 **RESOLUTION NO. 132-2020;** Resolution
24 pertaining to the decision for the application of
25 Joel and Randy Sporn, for a Special Use Permit for

1 the conversion of commercial space to allow the
2 operation of an auxiliary automobile center for
3 premises located at 299 Duffy Avenue, Hicksville,
4 New York. Hearing held: December 10, 2019. (M.D.
5 12/10/19 #4).

6 **RESOLUTION NO. 133-2020;** Resolution
7 pertaining to Site Access Agreement for Northrop
8 Grumman Systems Corporation in connection with the
9 Grumman-Navy Plume, RW-21 Groundwater Remediation
10 System Recovery Well Vaults Installation. (M.D.
11 1/28/20 #24 & 2/4/20 #24).

12 **RESOLUTION NO. 134-2020;** Resolution
13 amending Resolution No. 79-2020 to remove the
14 requirement that the bonds have a maximum maturity
15 of five years. (M.D. 2/4/20 #22).

16 **RESOLUTION NO. 135-2020;** Resolution
17 authorizing for payment of court ordered fees in
18 connection with a civil action with the United
19 States Securities and Exchange Commission; Nassau
20 County Index No. 610827/2018. (M.D. 2/4/20 #23).

21 On the vote:

22 Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. LaMARCA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. LaMARCA: Councilman Imbroto?
2 COUNCILMAN IMBROTO: "Aye."
3 MR. LaMARCA: Councilman Hand?
4 COUNCILMAN HAND: "Aye."
5 MR. LaMARCA: Councilman Labriola?
6 COUNCILMAN LABRIOLA: "Aye."
7 MR. LaMARCA: Councilwoman Maier?
8 COUNCILWOMAN MAIER: "Aye."
9 MR. LaMARCA: Councilwoman Walsh?
10 COUNCILWOMAN WALSH: "Aye."
11 MR. LaMARCA: Motion to resuspend the
12 rules and procedures and add Walk-on Resolutions
13 136-2020 and 137-2020 passes with seven "Ayes."
14 And onto the calendar, I think we have
15 some speakers on some of the Resolutions before
16 we --
17 SUPERVISOR SALADINO: Yes, we do.
18 Thank you, Clerk.
19 Our first speaker will be Arthur
20 Adelman.
21 COUNCILMAN IMBROTO: Did we call the
22 calendar?
23 SUPERVISOR SALADINO: We called the
24 calendar, correct?
25 MR. LaMARCA: We didn't ask for a

1 motion for the calendar yet, no.

2 SUPERVISOR SALADINO: May I have please
3 have a motion on the calendar?

4 COUNCILMAN IMBROTO: So moved.

5 COUNCILMAN HAND: Second.

6 MR. LaMARCA: Motion made by Councilman
7 Imbroto; seconded by Councilman Hand.

8 Are we going to vote or do you want to
9 have the speakers first?

10 SUPERVISOR SALADINO: We're going to
11 listen to the speakers first.

12 So, our first speaker is Mr. Adelman.

13 MR. ADELMAN: Arthur Adelman,
14 110 Dubois Avenue, Sea Cliff, New York.

15 I'm here to speak about a couple of
16 things very quickly.

17 Resolution 100 is a request to make an
18 extension of an applicant to get -- push out -- the
19 desire to try to get a building permit on his
20 property and, unfortunately, is a former
21 application that was extended one year previously
22 expired in September 2019.

23 I see no reason why we should grant an
24 extension in February for something that expired in
25 2019. If they weren't up on their game and they

1 let it go, so should we. And they should start
2 their process all over again.

3 SUPERVISOR SALADINO: And if there were
4 extenuating circumstances?

5 MR. ADELMAN: There's nothing for me to
6 know that. You know if there is.

7 SUPERVISOR SALADINO: Okay.

8 MR. ADELMAN: I just want to get
9 through this very quickly.

10 Resolution 127 is regarding the setting
11 of a date for hearing for the Seritage property.

12 As I eluded to earlier, I think it's
13 very important that whenever we have a hearing
14 coming up that the -- not only the Board, but the
15 public be aware of what is going on.

16 Anything available to the Town should
17 be available to the public, not only at Town Hall,
18 but online so we make a click, see the link, see
19 what beautiful pictures are going to be and what
20 the developer really wants to do rather than
21 waiting to come here, see the presentation and then
22 go, oh, what do I like, what don't I like. It
23 makes it very hard to form an opinion about a
24 development, especially one of this size.

25 Lastly, I would like to know about

1 Resolution 128. I still don't understand why we --
2 we started the appeal of the State Court in this
3 matter. I felt it was done after we spent a
4 quarter of a million dollars. I'm pretty sure back
5 in January we approved funding 25 -- an additional
6 -- an initial \$25,000 for an appeal and now we're
7 looking for another 25, I think, or is this the
8 same 25? I don't know.

9 Forgive me, I said that was lastly.

10 Actually, lastly, could you read into
11 the record what Resolution 136 is all about? I
12 have -- I didn't quite catch it from that quick
13 synopsis.

14 That's it for today.

15 SUPERVISOR SALADINO: Okay.

16 Thank you.

17 MR. ADELMAN: You're welcome.

18 SUPERVISOR SALADINO: Would the Clerk
19 reread that Resolution 136 for the residents?

20 MR. LaMARCA: The Resolution pertaining
21 to the appointment of an independent consultant in
22 connection with the consent judgment with the
23 United States Security and Exchange Commission.

24 SUPERVISOR SALADINO: Mr. Scalera,
25 would you kindly step forward and if you would

1 explain --

2 MR. SCALERA: Good afternoon.

3 Frank Scalera, Chief Deputy Town
4 Attorney. 136 Walk-on is for the appointment of
5 the independent consultant pursuant to the consent
6 judgment that the Town had entered into in
7 connection with the SEC settlement in the civil
8 matter of -- that occurred some -- I guess it was
9 last year when we settled that matter.

10 SUPERVISOR SALADINO: It did not occur
11 last year. The settlement was last year.

12 MR. SCALERA: Yes, the settlement was
13 last year. And part of the settlement was to
14 retain an independent consultant to review policies
15 and procedures in connection with financial
16 disclosures and that is this Resolution to retain
17 Ankerer -- Ankerer Consultants which was approved
18 by the federal court.

19 SUPERVISOR SALADINO: And this is
20 related to issues from prior to 2017.

21 MR. SCALERA: Correct.

22 It had to do with -- right. It had to
23 do with issues prior to -- prior to 2017 before
24 most of you were here regarding certain disclosures
25 for -- on the bond disclosures going back to 2014

1 and '15.

2 SUPERVISOR SALADINO: Thank you very
3 much.

4 Would Commissioner Maccarone please
5 step up to the podium?

6 COMMISSIONER MACCARONE: Commissioner
7 Elizabeth Maccarone, Commissioner Planning and
8 Development.

9 SUPERVISOR SALADINO: Commissioner,
10 Resolution 100 is in question. One of the
11 residents is questioning the need for this.

12 Can you please give a brief synopsis of
13 the background and why we're entertaining this
14 today?

15 COMMISSIONER MACCARONE: Sure.

16 In 2010, the applicant came before the
17 Board at the time to obtain a Special Use Permit
18 for the Bolla Market at the subject premises. The
19 gas station was built.

20 In 2017, they came back for an amended
21 site plan approval to construct a 510-square foot
22 addition to the station to put in a future tenant
23 such as a fast food establishment.

24 Since then, they came in -- so that
25 Resolution was good for one year from 2017 to 2018.

1 In 2018, they came in and asked for a
2 one-year extension. They now had come back in to
3 ask --

4 SUPERVISOR SALADINO: And they were
5 granted that one-year extension?

6 COMMISSIONER MACCARONE: Yes.

7 SUPERVISOR SALADINO: Just like anyone
8 else in the Town?

9 COMMISSIONER MACCARONE: Right.
10 They now came back in for more or less
11 a second extension but a total of three years
12 because in the backup it indicates that they are
13 still pursuing an operator of the facility. They
14 have not come to terms with an establishment to run
15 this portion of the facility.

16 As some of you know, a few years ago,
17 under your tenure and some other of the other Board
18 members here, the Board did pass a new Resolution
19 indicating that an application is permitted to be
20 extended up to four years, and then at that point,
21 no further extensions are permitted, and they would
22 have to start the process all over again.

23 So, this would be their third extension
24 if the Board chooses to move forward but in any
25 event, no more than four can be granted. So, we

1 did put this Resolution forward to assist in seeing
2 if he's going to get an operator for this small
3 510-square foot addition to the building.

4 SUPERVISOR SALADINO: So that the
5 public understands why, we've changed this because
6 of numerous municipalities that have to weigh in on
7 these issues. Sometimes we wait quite some time
8 for the County --

9 COMMISSIONER MACCARONE: Absolutely.

10 SUPERVISOR SALADINO: -- to render a
11 decision.

12 Can you just describe a little of that
13 so the public understands.

14 COMMISSIONER MACCARONE: Sure. That
15 was the purpose of that hearing about two years ago
16 -- I believe it was the end of 2018.

17 Applications that come before you, in
18 many instances, they need to receive other
19 approvals from different jurisdictions, whether it
20 be Nassau County Planning Commission, Nassau County
21 Health Department, New York State DOT. We heard
22 about that today. New York State -- I'm sorry,
23 Nassau County DPW for the 239F reviews. Various
24 Water Districts, Sewer Districts.

25 SUPERVISOR SALADINO: New York State

1 Health Department.

2 COMMISSIONER MACCARONE: Right.

3 SUPERVISOR SALADINO: New York State
4 Department of Environmental Conservation.

5 COMMISSIONER MACCARONE: Certain
6 projects they get bounced back and forth. It's the
7 just nature of Long Island municipal approvals.

8 They get bounced back and forth between
9 these different agencies and sometimes they get
10 approvals from the certain agencies, and then when
11 it gets to a different agency, they make changes
12 which require the applicant to go back to the prior
13 boards because the plans ultimately have to match
14 throughout all the different agencies.

15 So we -- I believe back in 2018, there
16 was an application that had been going on for about
17 ten years and, at that point; although, we did go
18 forward with it because of all the different
19 requirements from all the different agencies, we
20 did have the special hearing. We changed the
21 ordinance to indicate after four years.

22 For most applications, it should take
23 no longer than four years. There is always going
24 to be those cases that go on longer, but at that
25 point, they would have to update all their

1 information and so forth.

2 SUPERVISOR SALADINO: When there are
3 comments in an environmental impact statement or in
4 the overall plan, they have to respond to those
5 comments and all of this takes time?

6 COMMISSIONER MACCARONE: Absolutely.

7 And just as applications come before
8 you, some of these applications have been working
9 through the process for a few years in the Planning
10 Department, in Environmental Resources, and then it
11 comes to you for a hearing, and as you see, as part
12 of the process, questions come up at the hearing.
13 The record is left open. The applicant has to
14 address those items. We have to review them and
15 ultimately a decision is made. Sometimes some
16 things will have to be referred back to another
17 agency.

18 SUPERVISOR SALADINO: If a resident
19 asks for a change in the plan and they say, yes, it
20 has to be redrawn --

21 COMMISSIONER MACCARONE: Absolutely.

22 If it's a curb cut -- if a curb cut,
23 for example, gets changed based upon comments that
24 come out in a meeting and it's a County or State
25 road, it has to go back to those agencies prior to

1 the Board making a determination on the
2 application.

3 SUPERVISOR SALADINO: On a separate
4 application, we've been waiting what over a year
5 for the County to finalize its traffic study, hold
6 their hearings and so forth?

7 COMMISSIONER MACCARONE: Yes.

8 SUPERVISOR SALADINO: Over a year on
9 that one application.

10 COMMISSIONER MACCARONE: Right.

11 SUPERVISOR SALADINO: Just Nassau
12 County's portion.

13 COMMISSIONER MACCARONE: Right. Nassau
14 County's portion of the traffic, correct.

15 SUPERVISOR SALADINO: Thank you,
16 Commissioner.

17 So, Mr. Adelman, as you hear, there are
18 items beyond our control. There's the reports and
19 this is all designed to approach every application
20 very fully with tremendous transparency, but also,
21 in responsiveness to the other municipalities and
22 to the residents.

23 To go back and forth takes time;
24 although, it's important, and even though you
25 previously said it's not a good idea, once you've

1 heard this, you understand why it's important to
2 listen to the public and to allow their input to
3 become part of the application.

4 MR. ADELMAN: However, my objection was
5 not for the extension. It's the timing of the
6 request. It should have been made in September
7 2019, not February or January 2020. That's my only
8 objection. The applicant must move in a timely
9 manner to adhere to the rules. I don't mind them
10 getting the extension. I just don't understand why
11 they couldn't do it in a timely manner.

12 SUPERVISOR SALADINO: So because
13 there's quite a bit to this, I suggest after the
14 meeting please speak with our commissioner. Please
15 speak with the attorney for the applicant. You can
16 call on them as well.

17 There's a lot of information and once
18 someone is deeply committed to a project, and it's
19 the kind of project the community wants, I don't
20 necessarily think it's fair to shut it down on a
21 hard and fast date while we -- the plural of "we,"
22 the government, continue to have requests of the
23 applicant that only help the public.

24 MR. ADELMAN: Okay.

25 SUPERVISOR SALADINO: I am looking to

1 see if there are other requests to speak on this.

2 Yes, of course.

3 Mr. McKenna.

4 Would you kindly step up to the podium,
5 Mr. McKenna?

6 COUNCILWOMAN JOHNSON: How many
7 Resolutions are you speaking on, Kevin?

8 SUPERVISOR SALADINO: One, two, three,
9 four, five, it looks like. Maybe it's four.
10 Actually, three. He wrote 135, 134, TF3 or 124, so
11 that's one. So there are three.

12 MR. ADELMAN: I'm still trying to find
13 out there might be a procedural change for the --
14 procedural change for hearings about dispensing of
15 information to the public on making it available.
16 If you would discuss that with your committees.

17 SUPERVISOR SALADINO: Okay.

18 MR. ADELMAN: And then why are we going
19 ahead with this appeal for the --

20 COUNCILWOMAN JOHNSON: Andros.

21 MR. ADELMAN: -- suit against the
22 State?

23 SUPERVISOR SALADINO: The Andros
24 Treaty.

25 That's designed to protect the Town's

1 rights of property ownership. So, if we don't go
2 forward, we lose rights to property that the
3 residents own.

4 COUNCILMAN IMBROTO: We're giving away
5 land.

6 SUPERVISOR SALADINO: We're giving away
7 land that the residents own.

8 MR. ADELMAN: But The Court already
9 ruled.

10 Why do we --

11 COUNCILMAN IMBROTO: That's why we're
12 appealing. We think they were wrong. They were
13 wrong.

14 MR. ADELMAN: I'm not a Water person.
15 I don't speak --

16 COUNCILMAN IMBROTO: The patent goes
17 back to 1600s --

18 SUPERVISOR SALADINO: Why don't you
19 spend some time and speak to an attorney? Speak to
20 our attorney.

21 MR. ADELMAN: Okay.

22 SUPERVISOR SALADINO: Speak to an
23 attorney so you will understand the legal
24 ramifications.

25 MR. ADELMAN: All right.

1 SUPERVISOR SALADINO: It's only
2 reasonable that our attorneys give you their time
3 so you can understand more deeply about all that
4 goes into this.

5 MR. ADELMAN: But you guys are in lock
6 step that's the way it should be -- the property
7 line should be where we say it is, not where the
8 government says it is?

9 SUPERVISOR SALADINO: Well, the Andros
10 Treaty is something that's an important document in
11 this country.

12 COUNCILMAN IMBROTO: An ancient
13 document, the Andros patent, ancient patent.

14 SUPERVISOR SALADINO: And it's also
15 referenced in legislation, in statewide
16 legislation. I mean this isn't something we can
17 ignore.

18 COUNCILWOMAN JOHNSON: Have you seen
19 it? You can look it up.

20 SUPERVISOR SALADINO: Have you seen it?

21 MR. ADELMAN: No.

22 SUPERVISOR SALADINO: Have you heard of
23 it?

24 MR. ADELMAN: I don't know anything.
25 I'm just looking at the dollars.

1 SUPERVISOR SALADINO: Read up on it.

2 COUNCILMAN LABRIOLA: Go to the Clerk's
3 office.

4 SUPERVISOR SALADINO: So you'll be
5 better informed on the whys and where and certainly
6 feel free to speak with our attorney so you can
7 learn more about the legal ramifications behind
8 these decisions.

9 MR. ADELMAN: Thank you.

10 SUPERVISOR SALADINO: All right.

11 Thank you, sir.

12 Mr. McKenna, what pearls of wisdom do
13 you have to share with us this afternoon?

14 MR. MCKENNA: Good afternoon.

15 Kevin McKenna, 3 Edna Drive, Syosset,
16 New York.

17 On Resolution P-4-20 which has to do
18 with personnel, various different departments, I
19 just wanted to take this opportunity since it is
20 about personnel to ask if we have yet -- if we have
21 -- if we have, and if we haven't, when do we plan
22 on putting in place a Commissioner of Environmental
23 Resources which is probably, right now, one of the,
24 if not, the most important position to have in the
25 Town of Oyster Bay in light of all the different

1 projects that are going on.

2 Just guessing we're probably -- I'm
3 just going to guess, five, six months we're without
4 a Commissioner of Environmental Resources. I'm
5 just wondering if we have appointed somebody today
6 in your Executive Session --

7 COUNCILWOMAN JOHNSON: No action was
8 taken.

9 SUPERVISOR SALADINO: No action was
10 taken. We would have reported that to you and to
11 everyone.

12 MR. McKENNA: Thank you.

13 Could you tell the public what the plan
14 is and since you haven't, I would imagine that you
15 some process in place right now to evaluate
16 candidates for that position? I would think that
17 that is going on and I was wondering if you could
18 shed any light on that for the public.

19 The other position right now that is
20 also probably just as important is, have we yet,
21 today, have we named a Town Attorney for the Town
22 of Oyster Bay? I know we have unbelievable
23 expertise in Frank Scalera, but to our knowledge,
24 we're still missing a Town Attorney and I'm
25 wondering what the plan is for that position. I'm

1 wondering what the process is to select.

2 Are we looking outside? What is it
3 that we're doing? It's a legitimate question.
4 That's on that.

5 Oh, also, on personnel, it's been
6 brought to my attention in your Executive Sessions
7 for the past meetings, and I'm not sure if it took
8 place today, but you have been giving pay increases
9 in Executive Session to a few at a time. You're
10 doing it every meeting where you're giving pay
11 increases to Highway, Highway workers and maybe
12 rightfully so.

13 I'm just wondering if you gave any
14 increases today in your Executive Session.

15 COUNCILMAN IMBROTO: Ms. McKenna, no
16 action has been taken.

17 COUNCILWOMAN JOHNSON: No action was
18 been taken.

19 COUNCILMAN IMBROTO: In Executive
20 Session.

21 SUPERVISOR SALADINO: We thank you.

22 COUNCILWOMAN JOHNSON: I can't remember
23 the last executive session where an action was
24 taken, so I don't know where you're getting this
25 information from.

1 SUPERVISOR SALADINO: Yes, that's not
2 correct information.

3 COUNCILMAN IMBROTO: Nor do we share
4 the contents of an Executive Session.

5 SUPERVISOR SALADINO: Generally,
6 they're our opportunity to listen to our legal team
7 and be briefed on issues and updates.

8 MR. McKENNA: In Executive Session,
9 today have you --

10 SUPERVISOR SALADINO: Mr. McKenna, just
11 a moment because I know you're here to speak -- you
12 put in a third or fourth or fifth slip to speak
13 today, which Resolution is this related to?

14 MR. McKENNA: Personnel P-4.

15 SUPERVISOR SALADINO: There is no
16 personnel item regarding --

17 MR. McKENNA: I don't know that because
18 we don't get to see. I'm just talking about
19 personnel.

20 SUPERVISOR SALADINO: There's nothing
21 regarding Executive Session on this agenda.

22 MR. McKENNA: Well, I'm talking about
23 personnel.

24 SUPERVISOR SALADINO: Why don't you
25 bring that up during -- at the end because you put

1 in a slip to speak at the end --

2 MR. McKENNA: Okay.

3 On personnel -- on personnel because
4 this next point has to do with personnel. It's
5 been brought to my attention that the part-time
6 workers in the Town of Oyster Bay prior to November
7 they were promised --

8 COUNCILWOMAN JOHNSON: Do you have
9 something specific to this personnel Resolution?
10 We're still on the regular Action Calendar.

11 MR. McKENNA: I'm talking about
12 personnel, though.

13 COUNCILWOMAN JOHNSON: Is it specific
14 to this Resolution that's on the calendar today?

15 MR. McKENNA: I don't know. I don't
16 know.

17 COUNCILWOMAN JOHNSON: That would be a
18 public comment.

19 COUNCILMAN IMBROTO: I think you do
20 know.

21 MR. McKENNA: I don't know what
22 personnel you discussed.

23 COUNCILMAN IMBROTO: You do know the
24 general concept personnel.

25 COUNCILWOMAN JOHNSON: There are people

1 waiting.

2 COUNCILMAN IMBROTO: It's outside the
3 scope of this Resolution.

4 MR. McKENNA: But I have six minutes
5 left, right?

6 COUNCILWOMAN JOHNSON: But you can't go
7 on and on about nothing that's on the calendar.

8 MR. McKENNA: But I can stand here
9 right now if I want.

10 COUNCILWOMAN JOHNSON: No, you can't.

11 MR. McKENNA: I'm just using my six
12 minutes, my five minutes.

13 SUPERVISOR SALADINO: Mr. McKenna --

14 COUNCILWOMAN JOHNSON: Absolutely not.
15 You can't.

16 MR. McKENNA: I'm trying to ask you
17 legitimate questions.

18 If you want to continue to fight with
19 me, that's fine.

20 COUNCILWOMAN JOHNSON: If it's relating
21 to a Resolution presently before the Board.

22 MR. McKENNA: It's been brought to my
23 attention that the part-time workers were promised
24 one and a half percent pay increase and they still
25 have not gotten it. I'm wondering when you plan on

1 providing that one and a half pay increase to the
2 part-time workers.

3 Moving to Resolution 124 -- actually,
4 no -- Resolution 128, you're giving payment for
5 outstanding invoices on litigation.

6 Could you tell us who you're making
7 that payment to, what law firm and how much?

8 On Resolution 129, you're awarding a
9 contract for Tobay Beach Water Treatment System.

10 Can you tell us who you're awarding
11 that contract to and how much the contract is for?

12 On Resolution No. -- lastly Resolution
13 135, authorizing payment for court ordered fees in
14 connection with a civil action with the United
15 States Security and Exchange Commission, could you
16 tell us how much that payment is and any detail you
17 want to share with the public about that
18 Resolution?

19 I'm going to give you my three minutes
20 and 56 seconds if you care to answer those
21 questions for the public.

22 Thank you.

23 SUPERVISOR SALADINO: Thank you.

24 So on 135, that's 35,000.

25 On 129, that's 429,000, Benson

1 Contracting.

2 There is the need for a new water
3 system at Tobay Beach to provide water for the
4 residents, for the bathrooms, for the -- portable
5 water, I'm sorry, portable water for the residents
6 for the concession which is -- relates to food that
7 our residents eat. It was determined that the new
8 system was required, and after extensive analysis,
9 we are supporting putting in that new water system.

10 Thank you.

11 MR. McKENNA: On the civil action, the
12 amount?

13 SUPERVISOR SALADINO: Civil action?

14 COUNCILMAN IMBROTO: You just said it.

15 SUPERVISOR SALADINO: Oh, 35,000.

16 MR. McKENNA: Thank you.

17 SUPERVISOR SALADINO: Any other
18 speakers?

19 I'm looking for the slips. It doesn't
20 appear as though there are any others who have
21 asked to speak on that.

22 Please let the record reflect that no
23 one has indicated that they would like to speak.

24 Our Town Clerk, are there filings,
25 affidavits and correspondence?

1 MR. LaMARCA: There are none.

2 SUPERVISOR SALADINO: We have a motion.

3 MR. LaMARCA: So we'll call for the
4 vote.

5 SUPERVISOR SALADINO: Call for the
6 vote, please.

7 MR. LaMARCA: Supervisor Saladino?

8 SUPERVISOR SALADINO: I am "Aye" on
9 all, except "no" on Resolution 135.

10 MR. LaMARCA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye" on all.

12 MR. LaMARCA: Councilman Imbroto?

13 COUNCILMAN IMBROTO: I "abstain" on
14 128.

15 I am "no" on 135 and "Aye" on all the
16 others.

17 MR. LaMARCA: You abstained on which
18 one, Councilman?

19 COUNCILWOMAN JOHNSON: 128.

20 MR. LaMARCA: Councilman Hand?

21 COUNCILMAN HAND: "Aye" on all.

22 MR. LaMARCA: Councilman Labriola?

23 COUNCILMAN LABRIOLA: "Aye" on all.

24 MR. LaMARCA: Councilman Maier --
25 Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye" on all.

2 I "recuse" myself from Resolution 100.

3 In my personal business, the law firm
4 of Altman & Brown has represented me, full
5 disclosure.

6 MR. LaMARCA: Councilwoman Walsh?

7 COUNCILWOMAN WALSH: "Aye" on all.

8 MR. LaMARCA: Resolution P-4-20 through
9 99-2020 passes with seven "Ayes."

10 Resolution 100-20 passes with six
11 "Ayes" and one "recusal."

12 Resolution Nos. 101-2020 through
13 127-2020 passes with seven "Ayes."

14 Resolution No. 128-2020 passes with six
15 "Ayes" and one "abstention."

16 Resolution Nos. 129-2020 through
17 134-2020 passes with seven "Ayes."

18 Resolution No. 135-2020 passes with
19 five "Ayes" and two "Nays."

20 Resolution Nos. 136 and 137-2020 passes
21 with seven "Ayes."

22 The calendar is complete.

23 SUPERVISOR SALADINO: Thank you.

24 May I have a motion?

25 COUNCILWOMAN JOHNSON: Supervisor, I'll

1 make a motion to close the meeting.

2 COUNCILMAN IMBROTO: Second that
3 motion.

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

6 ALL: "Aye."

7 SUPERVISOR SALADINO: Those who oppose,
8 "Nay."

9 (No response.)

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

12 Thank you.

13 (TIME NOTED 2:21 P.M.)

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