

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
AUGUST 20, 2019
10:19 A.M.

HEARING - LOCAL LAW

To consider a Local Law entitled: "A Local Law Amending Chapter 103 - Dogs and Other Animals, of the Town Code of the Town of Oyster Bay." (M.D. 7/16/19 #30).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: And now, will the
2 Town Clerk please call the Board?

3 MR. ALTADONNA: Supervisor?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: I am here,
9 Mr. Clerk.

10 MR. ALTADONNA: Yes, you are.

11 Councilwoman Johnson is travelling.

12 Councilman Imbroto?

13 COUNCILMAN IMBROTO: Present.

14 MR. ALTADONNA: Councilman Hand?

15 COUNCILWOMAN JOHNSON: Here.

16 MR. ALTADONNA: Last, but not least,
17 Councilman Labriola?

18 COUNCILMAN LABRIOLA: Here.

19 SUPERVISOR SALADINO: Would you please
20 call the first hearing?

21 MR. ALTADONNA: A hearing is a Local
22 Law to consider a Local Law entitled: "A Local Law
23 Amending Chapter 103 - Dogs and Other Animals, of
24 the Town Code of the Town of Oyster Bay."

25 MR. ROZEA: Good morning, Members of

1 the Board.

2 Matthew Rozea, Deputy Town Attorney.

3 COUNCILMAN MACAGNONE: Hi, Matthew.

4 MR. ROZEA: How are you?

5 The Local Law in front of the Board
6 today strengthens the protections already in place
7 in our Town code on behalf of our four-legged
8 friends, dogs and other animals.

9 But what we've done here is improve
10 upon the existing regulations in response, in part,
11 to some of the awful stories that we see in the
12 news regarding the way some animals are
13 unfortunately treated. And so there are new
14 restrictions in place. I will give just the
15 highlights.

16 Dogs will not be -- if adopted, dogs
17 will not be permitted to be tied, fastened, secured
18 or otherwise restrained for longer than two hours
19 in a continuous twelve-hour period. Anyone who
20 does tether a dog or restrain a dog will be
21 required to provide adequate food, water and
22 shelter to that animals so that they are not
23 without basic necessities.

24 The types of tethers are now regulated
25 so that it doesn't constrict the animals neck,

1 that's it's not undue weight -- too heavy of a
2 weight, cannot exceed one-eighth of the dog's total
3 body weight. It cannot be be tether that is not
4 designed for dogs. It cannot be the type of choke
5 collar that we've read about in some new stories.

6 To address perhaps some of the more
7 disturbing things -- issues that we've seen, dogs
8 will not be allowed to be restrained in a closed
9 vehicle without sufficient ventilation or without
10 other means to provide for a cool environment so
11 that the dog doesn't overheat and perish, and the
12 code amendment also would allow a peace officer, a
13 police officer or public safety officer to enter
14 the vehicle to remove the dog and bring it to a
15 shelter where it can receive the care that it
16 needs.

17 In addition, in the event that a dog
18 owner does decide to tether their dog outside, they
19 cannot tether the dog more than thirty minutes in
20 inclement weather, whether that be temperatures
21 below 32 degrees freezing or above 95 degrees or
22 other inclement conditions that could occur.

23 Now, we've also included provisions
24 which would allow dogs to be permitted in certain
25 dog parks and we've established dog parks within

1 the Town of Oyster Bay and this will allow the
2 Commissioner of the Department of Parks to
3 designate certain parks for which dog and other
4 animals may be permitted.

5 There will be a Companion Local Law
6 Noticed on this calendar, but it will be heard in a
7 public hearing in the September Town Board meeting
8 which will amend certain other provision of the
9 Town code in order to harmonize all provisions of
10 the code so that dogs would be permitted at the
11 Commissioner's discretion and subject to rules to
12 be promulgated by the Commissioner in Town parks.

13 So, as I've said, these are the
14 highlights of the local law.

15 If there are any questions, I'll
16 entertain them, otherwise...

17 COUNCILMAN MACAGNONE: It's a shame we
18 have to do this. People don't use common sense or
19 common decency. I wish we were voting on this
20 today.

21 MR. ROZEA: Yes, I certainly
22 understand. That's exactly what the local law
23 addresses. You know, you can't teach common sense
24 but unfortunately, sometimes we have to take these
25 type of actions to make it crystal clear.

1 COUNCILMAN MACAGNONE: It's common
2 decency.

3 MR. ROZEA: You're absolutely right,
4 Councilman.

5 COUNCILMAN LABRIOLA: My question is,
6 as a result of this change, our residents are able
7 to call up Public Safety Office now and they can
8 issue a Summons to somebody in violation of this
9 code?

10 MR. ROZEA: They can issue a Summons,
11 but even more important, the Public Safety Officer
12 can go to the site, go to the vehicle, if in the
13 case OF a vehicle and enter the vehicle without
14 liability to, in effect, rescue the animal.

15 COUNCILMAN MACAGNONE: I hope a
16 resident will take a brick and throw it threw the
17 window to help the animal, to be quite honest with
18 you, and not wait for Public Safety or the police.

19 MR. ROZEA: I think that a lot of us
20 share that sentiment.

21 SUPERVISOR SALADINO: Are there any
22 other questions?

23 (No verbal response given.)

24 SUPERVISOR SALADINO: Now, you and I
25 have talked about this at length.

1 MR. ROZEA: We have.

2 SUPERVISOR SALADINO: You know my deep
3 concern and love of animals and the reason we
4 wanted to do the -- the reasons we wanted to do
5 that, but can you share with the audience other
6 municipalities who have enacted pieces of this or
7 similar legislation?

8 MR. ROZEA: Well, yes. That's
9 absolutely correct, Supervisor.

10 I'm particularly aware of the Town of
11 North Hempstead, the Town of Hempstead. This is
12 not unique to local government, but as I mentioned
13 at the outset of the hearing, what we're doing here
14 and what's in front of the Board for consideration
15 are improvements to an existing code.

16 COUNCILMAN LABRIOLA: Another question.

17 In one section, you mention that time
18 stamped photographs, video, records of complaints
19 and sworn witness statements would be used in
20 support of the evidence against somebody violating
21 this code.

22 MR. ROZEA: Sure.

23 COUNCILMAN LABRIOLA: That means that
24 citizens came and do these time stamped
25 photographs, recordings, et cetera, turn them over

1 to the public safety officer.

2 MR. ROZEA: Absolutely.

3 COUNCILMAN LABRIOLA: Because
4 oftentimes when a complaint it made, by the time a
5 responding officer gets to the scene, sometimes the
6 situation is resolved in itself, but I know that in
7 the past with our noise ordinance, et cetera, it
8 was very weak in being used to defend these animals
9 that are being recklessly cared for.

10 So, I think that this is a very strong
11 statement. I think we should also help inform our
12 citizenry through our public newsletter how in
13 which they can help enforce this code when they see
14 something in their neighborhood; particularly, when
15 there is someone who is mistreating an animal that
16 we need to speak up and we need to be able to call
17 somebody and get a response right away.

18 MR. ROZEA: You said it exactly.

19 That's exactly right, Councilman.

20 SUPERVISOR SALADINO: Does anyone have
21 any questions?

22 (No verbal response given.)

23 SUPERVISOR SALADINO: This is something
24 that I know I'm very much in support of. I'm going
25 to assume that the entire Board is very much in

1 support of this, but we want to leave the roles
2 open to get more public input on this to make sure
3 we are doing the absolute best way.

4 May I have a motion, please? Oh, is
5 there any correspondence on this?

6 MR. ALTADONNA: We have affidavits of
7 postings and publications.

8 There are no other correspondence.

9 SUPERVISOR SALADINO: Okay.

10 And there are no speakers represented
11 on this.

12 COUNCILMAN MUSCARELLA: Supervisor, I
13 make a motion that this public hearing be closed
14 and the decision be reserved.

15 COUNCILMAN MACAGNONE: Second.

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

18 COUNCILMAN MUSCARELLA: "Aye."

19 COUNCILMAN MACAGNONE: "Aye."

20 COUNCILMAN IMBROTO: "Aye."

21 COUNCILMAN HAND: "Aye."

22 COUNCILMAN LABRIOLA: "Aye."

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

25 (No verbal response given.)

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SUPERVISOR SALADINO: The "Ayes" have
it.

Please call the next hearing.

(TIME NOTED: 10:30 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
AUGUST 20, 2019
10:31 A.M.

HEARING - P-5-19

To consider the application of 799 Old Country Road, LLC and Dallas 79, Inc. d/b/a The Main Event, for modification of conditions imposed by Resolution No. 244-1998 and modification of Declaration of Restrictive Covenants for premises located at 799 Old Country Road, Plainview, New York. (M.D. 7/16/19 #31).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 MR. ALTADONNA: Hearing P-5-19, to
2 consider the application of 799 Old Country Road,
3 LLC and Dallas 79, Inc. d/b/a The Main Event, for
4 modification of conditions imposed by Resolution
5 No. 244-1998 and modification of Declaration of
6 Restrictive Covenants for premises located at 799
7 Old Country Road, Plainview, New York.

8 COUNCILMAN IMBROTO: Before we begin,
9 can somebody fix the feedback on that microphone?

10 SUPERVISOR SALADINO: Would you like to
11 come up, please?

12 Thank you.

13 While we're waiting, Commissioner
14 Pinto, just a continuation on that issue, about
15 opportunities for residents to bring their dogs to
16 safe places, we'd like you to continue to work on
17 expanding the number of locations and opportunities
18 for residents to recreate with their dogs in our
19 facilities in a safe manner.

20 COMMISSIONER PINTO: Got it.

21 SUPERVISOR SALADINO: Thank you,
22 Commissioner.

23 Please proceed.

24 MR. APICELLA: Good morning,
25 Supervisor, Members of the Board.

1 My name is Vincent Apicella. I'm with
2 the Law Firm of Murphy & Lynch. We represent the
3 applicant, 799 Old Country Road, LLC, the owner of
4 the subject premises and Dallas 79, Inc. doing
5 business as The Main Event, the tenant.

6 This application is to increase
7 occupancy of the The Main Event up to a maximum of
8 222 occupants by converting an existing kitchen
9 storage area of 430 square feet to a dining area.
10 The conversion of the kitchen storage area will
11 allow for an additional 30 occupants with the area
12 to be used primarily for private parties.

13 With us this morning is the
14 representative for the applicants, Emanuel
15 Constantatos. Mr. Constantatos is the sole member
16 of the LLC and he is also the president of the
17 tenant corporation.

18 Also with us this morning is John
19 Smits, the architect, and we have as well Robert
20 Eschbacher, our traffic engineer.

21 Mr. Smits will address the proposed
22 interior modifications to the premises and proposed
23 modifications to the parking area.

24 Mr. Eschbacher will address the traffic
25 issues.

1 The property is approximately 1.2 acres
2 located at 799 Old Country Road in Plainview and is
3 designated on the Nassau County Land Tax Map as
4 Section 46, Block A, Lot 32. It is situated on the
5 south side of Old Country Road with part of the
6 property abutting Robbins Lane. The property is in
7 the neighborhood business zone.

8 As noted in greater detail in the
9 Verified Petition, the surrounding area consists of
10 residential property to the east and south with
11 neighborhood business and general business
12 districts on both side of Old Country Road.

13 799 Old Country Road, LLC acquired the
14 property in October 2002 and the tenant Dallas 79,
15 Inc. began operating the restaurant under the name
16 of The Main Event. Shortly thereafter upon
17 information and belief, various restaurants have
18 operated at that location since the early 1970s.

19 With the proposed increase in
20 occupancy, we're seeking to modify the Special Use
21 Permit under Town Board Resolution 244-98 which
22 permitted a prior owner and tenant occupancy of the
23 restaurant up to a maximum of 202 occupants.

24 We are also seeking to modify, of
25 course, the Declaration of Covenants and

1 Restrictions recorded on April 5, 1999 which follow
2 the Resolution.

3 The Resolution and the Covenants and
4 Restrictions are annexed as Exhibits A and B to the
5 Verified Petition.

6 As part of the application, we are also
7 seeking the approval of propose site plan dated
8 September 14, 2018 which was last revised on
9 April 9, 2011, copies of which have also been
10 provided to the Board.

11 Now, notwithstanding the changes in
12 terms of the parking area, we will continue to have
13 ample parking. 77 parking spaces are required. We
14 will have at the end of the day 79 parking spaces.

15 Over the last several months, the
16 applicants have worked very closely with the
17 Department of Planning and Development in making
18 revisions to the proposed site plan which will
19 result in an upgrading of the parking plan.

20 At this point, I would like to turn
21 this matter over to John Smits, the architect, to
22 address the issues pertaining to the interior
23 modifications and also the changes in the parking
24 area.

25 SUPERVISOR SALADINO: Would you kindly

1 step in front of the podium?

2 MR. SMITS: Supervisor Saladino,
3 Members of the Board, my name is John Smits. I am
4 architect for The Main Event restaurant.

5 We have prepared some boards here today
6 to illustrate more closely what was done. The
7 existing Main Event restaurant, for those of you
8 who have not been there, is a fairly open style
9 sports bar restaurant. There are no small
10 individual party rooms or anything along those
11 lines.

12 It was the owner's wish to try to
13 create a small room where he could host individual
14 parties, business meetings, things like that to be
15 used intermittently.

16 With the change in the way restaurants
17 operate and food service, things like that, he had
18 a large kitchen area that he did not use much
19 storage from what he had, so he came to us and
20 wanted us to take a section of the kitchen storage
21 area and convert it into a party room, so we
22 prepared these floor plans. We met with the Public
23 Assembly people in the Town of Oyster Bay to review
24 their requirements in terms of occupancy rating and
25 how that would affect parking.

1 And we prepared a site plan and we went
2 back and forth with the site plan with the Planning
3 Department to revise the current site.

4 The current site that is there is based
5 off an original 1995 application which was
6 completed around the year 2000/2001 by the time all
7 the construction was done. It existed in that
8 fashion until today.

9 Unfortunately, the earlier site plan
10 had been done based on manual hand drafting and
11 they discovered that a lot of the dimensions that
12 they had for clearances did not quite match up with
13 what was there, so as a result, some of the aisle
14 widths in the parking were deficient in the current
15 Town standards.

16 So, in working with the Town, we
17 decided to realign the parking lot to bring both
18 the stall sizes and the traffic aisle sizes in line
19 with current modern standards. We also adjusted
20 the handicap parking so that those stalls as well
21 met current standards.

22 So, what we have now is an updated site
23 plan that more closely aligns with Town of Oyster
24 Bay regulations, generally accepted standards
25 across the United States, as well as it provides

1 parking that is in excess of what is required under
2 the Town code for both the existing restaurant and
3 including that new spaced item.

4 COUNCILMAN IMBROTO: How many parking
5 spaces are there right now?

6 MR. SMITS: There's probably 85 or
7 something along those lines.

8 COUNCILMAN IMBROTO: How many would you
9 be providing?

10 MR. SMITS: We're going to provide 79.

11 COUNCILMAN IMBROTO: So you're going to
12 have fewer spots?

13 MR. SMITS: Fewer spots.

14 COUNCILMAN IMBROTO: And you're going
15 to increase the occupancy?

16 MR. SMITS: Yes.

17 COUNCILMAN IMBROTO: By how many
18 occupants?

19 MR. SMITS: It's 29 -- 30 occupants
20 increase.

21 COUNCILMAN IMBROTO: So 30 additional
22 occupants, six fewer spots?

23 MR. SMITS: Right.

24 COUNCILMAN IMBROTO: Have you ever been
25 to the Main Event?

1 MR. SMITS: Yes.

2 COUNCILMAN IMBROTO: Sometimes parking
3 is a little hairy there, so how are you going to
4 address that?

5 MR. SMITS: Well, it has always been
6 the type of restaurant where there are always going
7 to be times when it's very crowded because of the
8 nature of the special sports events going on or
9 functions what have you. Other nights you can go
10 there and there is ample parking. It's also in a
11 business type district where there is parking
12 across the street available from some of the office
13 buildings that are empty --

14 COUNCILMAN IMBROTO: Do you have
15 agreements with the office buildings to use their
16 parking?

17 MR. SMITS: I don't know.

18 COUNCILMAN MACAGNONE: We can't rely on
19 other property owners to be generous and allow
20 people to park on their property. We can't take
21 that into consideration at this hearing.

22 MR. SMITS: I understand that.

23 COUNCILMAN MACAGNONE: So, why are we
24 mentioning it?

25 MR. SMITS: I apologize for mentioning

1 it.

2 COUNCILMAN IMBROTO: We're not trying
3 to give you a hard time.

4 COUNCILMAN MACAGNONE: This is what we
5 deal with.

6 MR. SMITS: Part of the reason for
7 doing this also is that when the restaurant is
8 crowded right now, people tend to line up outside
9 and wait to get in. If we do have some additional
10 occupancy available, it would, in essence, actually
11 speed some of that movement in and out so that you
12 wouldn't have as much of a backup.

13 COUNCILMAN IMBROTO: But the additional
14 occupancy is for a private party room, right?

15 MR. SMITS: It is a private party room.

16 COUNCILMAN IMBROTO: Would that be
17 utilized during peak hours as a dining room?

18 MR. SMITS: It could be open as dining
19 room during peak hours if needed. It's not the
20 actual intent but, you know, if it's a major event,
21 when there is a lot people, for whatever reason,
22 that would be available as an option.

23 COUNCILMAN IMBROTO: So, are there
24 going to be any provisions to provide for the
25 parking if necessary during peak hours at the

1 neighboring properties or are you going to valet
2 cars over there or have you considered any of that?

3 MR. SMITS: That you would have to talk
4 to --

5 COUNCILMAN MACAGNONE: You're going to
6 have to have the agreement in writing at least for
7 a number of years similar to what the Old Maine
8 Maid Inn came up with. It has to be -- you have to
9 have something tangible before we can even consider
10 approving this.

11 MR. SMITS: When our traffic expert
12 comes up, I think he would be the best person to
13 address a lot of the issues with the traffic and
14 parking locations.

15 As I said, our concern when we met with
16 the Town or what the Town was concerned with was
17 bringing the parking lot as exists into conformance
18 with standards so that it was a safer environment
19 for the movement of cars and people and that all
20 stall sizes that were currently there would meet
21 current size requirements whereas now some of them
22 do not.

23 COUNCILMAN IMBROTO: But under the new
24 proposal, you would be in compliance with the
25 parking requirements?

1 MR. SMITS: We are two spaces in excess
2 of what is required. We required 77 with the
3 occupancy and we are providing 79, so we are in
4 compliance with the parking. It does not require a
5 variance. However, you are correct in that it is
6 less parking than what existed prior.

7 One more thing I can show. The
8 restaurant does abut the eastern property line and
9 the southern property line abuts residential areas.
10 The photo there shows landscaping. The existing
11 perimeter of those areas has been heavily
12 landscaped and remains to this day with existing
13 landscaping. The aerial view, you can see large
14 amount of trees that abut on both sides. The shot
15 from down in the corner, he always strives to
16 maintain a nice buffer between himself and the
17 residents that are local. Any areas where there
18 are missing trees, we are going to work with the
19 Town to install any new shrubs as required as part
20 of this site plan approval.

21 I can answer possibly any questions you
22 may have.

23 SUPERVISOR SALADINO: Does anyone have
24 any other questions for the applicant's architect?

25 (No verbal response given.)

1 SUPERVISOR SALADINO: Thank you very
2 much.

3 MR. SMITS: I'll hand it over to
4 Mr. Eschbacher.

5 SUPERVISOR SALADINO: Good morning.

6 MR. ESCHBACHER: Good morning,
7 Mr. Supervisor and Members of the Board.

8 My name is Robert Eschbacher with VHP
9 Engineering, located at 100 Motor Parkway in
10 Hauppauge.

11 I've been retained by the applicant to
12 study the traffic and parking aspects of the
13 proposed increase in the occupancy of The Main
14 Event restaurant to accommodate, as you've heard, a
15 private dining room for small group meetings or
16 parties.

17 As you have seen on the exhibits, the
18 restaurant is located near the southeast corner of
19 Old Country Road and Grohmans Lane in Plainview.

20 With respect to traffic, the site has
21 excellent access. Two curb cuts on Old Country
22 Road. One on Grohmans Lane. Both of these have
23 excellent visibility for cars that are leaving the
24 site.

25 There is also a left turn lane on

1 Old Country Road, so cars approaching from the east
2 can wait in the left turn lane as they turn into
3 either of the driveways. And also, for those
4 people leaving the site that choose not to make a
5 left turn directly onto Old Country Road, they can
6 exit on the side street and come out at the traffic
7 signal at Grohmans Lane.

8 The application is requesting approval
9 from this Board to convert 430 square feet of what
10 is kitchen storage area into a private dining room
11 which could accommodate 30 additional people. This
12 would increase the allowable occupancy of the
13 restaurant to 222. The impact on the traffic flow
14 associated with this will be minimal.

15 And when you go through the numbers and
16 traffic engineering formulas, this would generate,
17 on average, one additional car every four minutes
18 added to Old Country Road which will not have any
19 impact that is noticeable. And also for the most
20 part the use of the private party room would not
21 overlap with the peak traffic flow hours on Old
22 Country Road.

23 You have heard some information about
24 the parking. Although ten additional parking
25 spaces are required by the Zoning code, the total

1 required parking for the site, including the party
2 room, would be 77 parking spaces.

3 The plan provides for 79, even though
4 it's a decrease from what is out there today, we
5 feel that the benefits that would be achieved by
6 having a better layout, better circulation, better
7 stall dimensions would really make it an overall
8 improvement. In fact, these changes were suggested
9 by the Town's Planning and Development Department.

10 But in any event, we don't need a
11 parking variance. Nevertheless, in order to
12 evaluate this we conducted a series of parking
13 observations at different times to see how the
14 restaurant is functioning with the parking that is
15 there today. These were done on a number of
16 occasions and we notice there is a bit of a
17 difference Friday night versus Saturday/Saturday
18 night.

19 Friday night the parking lot is more
20 crowded than it is on Saturday, yet there are still
21 vacant parking spaces even at the busiest time. We
22 observed something in the order of about 20 vacant
23 spaces, but the Friday night customers that are
24 there are more small groups, couples, individuals
25 that are there for the sports bar aspect. So they

1 tend to come in more cars than you have on a
2 Saturday when it's more of a family type of
3 business where you have three/four in a car.

4 In fact, on Saturday, we did
5 observations from noon until 8:00 at night, because
6 it's expected the party room for meetings,
7 different types of celebrations would be more in
8 the afternoon. And we saw on Saturday afternoon as
9 many as 40 vacant parking spaces. Even on Saturday
10 night at the busiest time on Saturday night,
11 because of the more family-oriented aspect of it,
12 we still saw upwards of 30 to 35 vacant parking
13 spaces at night.

14 With the increased parking demand, we
15 expected, as I said, to be more in the afternoon.
16 In fact, in discussions with the owner, the kitchen
17 is pretty much operating at capacity at the present
18 time. So, they would not be encouraging use of
19 that private room on Saturday evenings, especially
20 on Friday evenings, because they just are not going
21 to be able to turn around the business.

22 COUNCILMAN IMBROTO: Would they be
23 willing to agree not to do that at all?

24 MR. ESCHBACHER: We'll ask the attorney
25 to address that. I can't speak for them.

1 COUNCILMAN IMBROTO: You would think
2 that somebody -- people that are going to a
3 conference are probably not going to be car
4 pooling. They're probably going to be taking their
5 own cars, if it's a business meeting or something
6 of that nature.

7 MR. ESCHBACHER: Sure.

8 COUNCILMAN IMBROTO: So, I would think
9 the impact would be greater than a table at a
10 restaurant where many people would be coming
11 together.

12 MR. ESCHBACHER: You're not going to
13 have a conference I think on an evening. It's
14 expected --

15 COUNCILMAN IMBROTO: Well, a fundraiser
16 or --

17 MR. ESCHBACHER: Since the kitchen
18 could not handle it, that would not be encouraged.

19 They're looking more for having
20 graduation parties, a Sweet 16, things like that
21 that would be more in the afternoon when certainly
22 there's clearly very adequate parking.

23 SUPERVISOR SALADINO: But they wouldn't
24 say no to someone wanting to book say a holiday
25 party in December at the height of holiday shopping

1 season when Old Country Road is probably at its
2 height of usage for the entire year, they wouldn't
3 say no to that?

4 MR. ESCHBACHER: I would not say no,
5 but I'm not the owner.

6 SUPERVISOR SALADINO: Is it possible
7 and was that calculated into your --

8 MR. ESCHBACHER: In terms of the Zoning
9 requirements, they're established strictly based on
10 the occupancy. When you go to that, you have --
11 we're not only complying with the code, we're
12 exceeding it.

13 And if we chose not to implement the
14 recommendation for the site improvements, we would
15 have additional parking spaces, but the Planning
16 and Development Department felt that in looking at
17 the overall situation, it would be better to lose a
18 few spaces and enable cars to circulate more
19 efficiently and safely on the site.

20 So, in conclusion, based upon the
21 results of my study and analysis as I presented to
22 you, it is my professional opinion that the
23 proposed private dining room and the parking
24 reconfiguration would not adversely affect traffic
25 flow.

1 It's a minimal amount of additional
2 cars added to a road that carries 30,000 vehicles
3 per day. And the parking will continue to be not
4 only be in compliance, but in excess of what the
5 code requires.

6 I would be happy to answer any further
7 questions that the Board may have.

8 (No verbal response given.)

9 SUPERVISOR SALADINO: Thank you.

10 COUNCILMAN HAND: One quick question.
11 I'm sorry.

12 Mr. Eschbacher, just a question in
13 regards to the study dates. I'm not questioning
14 your professionalism in the study, but as a sports
15 bar, I'm concerned was there an event going on such
16 as a PGA event, National Hockey League, Major
17 League Baseball or football --

18 MR. ESCHBACHER: There were no major
19 events going on. The observations were conducted
20 in the last -- within the last month and the busy
21 time on a Friday evening. So, there were no
22 championship events going on. Certainly golf would
23 not have -- a major event going on, on a Friday
24 evening.

25 In discussions with the owner, the

1 dates in which the study observations were
2 conducted were typical of year-round conditions.

3 COUNCILMAN HAND: Thank you.

4 MR. ESCHBACHER: You're welcome.

5 MR. APICELLA: To speak briefly with
6 regard to the revised parking plan, the applicants
7 over the last several months worked very closely
8 with Planning and Development.

9 Planning and Development were
10 incredibly generous in terms of the time and
11 attention they gave to this matter. Several
12 revisions were proposed. Those revisions were all
13 accepted by our clients, and I just want to
14 emphasize the point that what you see before you
15 now is essentially the plan as requested by
16 Planning and Development.

17 This is not something that we created
18 and then proposed to Planning and Development.
19 This is something that was worked from the ground
20 up from Day One going back to September 20th of
21 2018, working forward with Planning and Development
22 to make these appropriate revisions which Planning
23 and Development thought were appropriate and
24 warranted under the circumstances.

25 So, I would ask that the Board keep

1 that in consideration in going forward in terms of
2 the addressing this application.

3 Now, in terms of the usage of the room,
4 it is my understanding that that room will be used
5 predominantly for parties, family events during the
6 afternoon. I cannot say, of course, that it will
7 never be used in the evenings, but talking to
8 Mr. Constantatos, who is here and who is available
9 to answer any of your questions, most of the usage
10 would be during the afternoon.

11 COUNCILMAN MACAGNONE: We hope that
12 Mr. Constantatos' business does wonderful and is
13 full at all hours he is open. We like to see every
14 business flourish.

15 MR. APICELLA: And, by the way, he is a
16 very conscientious owner. And, I should say that
17 since they acquired this property in October of
18 2002, there has not be been one building code or
19 Town code violation issued to this owner or the
20 tenant. And I think that says something for a
21 restaurant to have 17 years of no issues with
22 regard to subject municipality.

23 And I would ask the Board consider that
24 as well.

25 COUNCILMAN IMBROTO: Mr. Apicella, when

1 does the construction commence if this is to be
2 approved?

3 MR. APICELLA: As soon as possible.

4 COUNCILMAN IMBROTO: So, it's not there
5 now, right?

6 MR. APICELLA: No, no, no, no.

7 What we have right now is a kitchen
8 storage area which we want to convert to dining
9 mostly for local use, for family parties, that type
10 of thing.

11 And, again, the emphasis would be on
12 usage during the afternoon rather than the
13 evenings.

14 COUNCILMAN IMBROTO: Let's say there
15 were some sort of major sporting event or something
16 that would increase the use of the facility, would
17 they be amenable to making arrangements for parking
18 at the neighboring sites; is that something that is
19 possible?

20 MR. APICELLA: We have no problem with
21 that.

22 Again, I want emphasize that the owner
23 has a very good relationship with the surrounding
24 property owners, commercial as well as residential,
25 which I think has added something to the

1 cooperative spirit between the owner and tenant and
2 the surrounding community.

3 COUNCILMAN MACAGNONE: In my twenty
4 years on this Board, I have not heard one complaint
5 from a resident about noise, garbage -- of course,
6 I see a hand come up as soon as I say that.

7 COUNCILMAN IMBROTO: No. They've been
8 a good neighbor, I think so.

9 Do the Constantatos live next to door
10 to the restaurant?

11 MR. APICELLA: His mother lives next
12 door to the restaurant in that house.

13 COUNCILMAN MACAGNONE: (Inaudible.)

14 MR. APICELLA: I'm sorry?

15 COUNCILMAN IMBROTO: Maybe she could
16 let people use her driveway.

17 MR. APICELLA: There you go.

18 Do you have any questions of
19 Mr. Constantatos since he is here and available for
20 any questions?

21 COUNCILMAN MACAGNONE: We wish him much
22 success -- continued success.

23 MR. APICELLA: Thank you very much.

24 Thank you for your time and
25 consideration.

1 SUPERVISOR SALADINO: Any other
2 questions for counsel?

3 (No verbal response given.)

4 SUPERVISOR SALADINO: Thank you very
5 much.

6 We have a resident who would like to be
7 heard on this. Please step forward.

8 Would you kindly begin by giving us
9 your name and address?

10 MS. LEVINE: Sure.

11 My name is Phyllis Levine. I live at
12 111 Lincoln Road East which is about a block and a
13 half south of the restaurant.

14 SUPERVISOR SALADINO: Please proceed.

15 MS. LEVINE: You know whenever there is
16 a major sporting event going in my neighborhood
17 because the cars are all over the neighborhood.
18 You don't have to think about it. There are a lot
19 of sports. College, pro. I can name all the
20 sports, you all know what it is. And in my
21 neighborhood, the cars are parked all over the
22 place and now I'm hearing why because you can hold
23 200 people in this place and they only have to have
24 77 parking spots.

25 So where are they parking? They're not

1 parking on Old Country Road because there is no
2 parking allowed there. They don't have an
3 agreement, apparently, with any of the local
4 businesses. They're parking in the residential
5 neighborhood.

6 There is always parking along Lincoln
7 Road North, my street coming down the street on
8 Lincoln Road East, along Grohmans. These are all
9 residents who live in homes that have one-car
10 garages but we all own at least two cars. And we
11 need this on street parking. So, an increase in
12 people and especially a party room where all the
13 people will be arriving at the same time and need a
14 place to park would be a huge problem for the
15 neighborhood.

16 COUNCILMAN IMBROTO: In your
17 experience, has there been an issue with a lot of
18 cars parking in your neighborhood? You said --

19 MS. LEVINE: Yes, yes.

20 COUNCILMAN IMBROTO: Other than the
21 major sporting events?

22 MS. LEVINE: I would say it probably
23 coincides with games just because, you know, I'll
24 see a lot of parking -- the cars are coming down
25 the street. You know, they are parked everywhere

1 and I'll ask my husband what's going on tonight and
2 he'll say the Yankees are playing, you know,
3 Boston. You know, I don't know. It seems to
4 coincide with sporting events.

5 COUNCILMAN MUSCARELLA: Would you say
6 that's weekly or monthly?

7 MS. LEVINE: It's way more than
8 monthly. I mean, how many sporting events are
9 there? Lots of them. It's a sports bar.

10 COUNCILMAN IMBROTO: You mean the
11 regular Yankee game that's on, you'll see an uptake
12 in on street parking in your neighborhood?

13 MS. LEVINE: Yes, sure.

14 COUNCILMAN IMBROTO: Not just the World
15 Series or Playoffs?

16 MS. LEVINE: No, no. It's not just the
17 World Series. It's any important -- any Playoff
18 game. Anytime there is a rivalry that people are
19 excited about, the parking is all over the
20 residential neighborhood.

21 COUNCILMAN MACAGNONE: After the event,
22 do you get a lot of noise, cars slamming doors?

23 MS. LEVINE: No. I'm about a block and
24 a half away and I'd say I don't hear noise from
25 restaurant and they have done a nice job with the

1 landscaping, but that's not the issue. Parking is
2 the issue.

3 COUNCILMAN MACAGNONE: Okay.

4 Thank you.

5 COUNCILMAN LABRIOLA: Are there parking
6 restrictions on your street?

7 MS. LEVINE: Excuse me?

8 COUNCILMAN LABRIOLA: Are there parking
9 restrictions on your street?

10 MS. LEVINE: No.

11 COUNCILMAN LABRIOLA: Is that something
12 that you seek?

13 COUNCILMAN IMBROTO: She said she needs
14 the on-street parking.

15 COUNCILMAN LABRIOLA: I understand that
16 but.

17 MS. LEVINE: The residents need it. We
18 have a one-car garage. Most of us -- a lot of us
19 have one-car driveways. Some of us enlarged the
20 driveway just to get the cars off the street when
21 we can but we also have company. I had very
22 elderly parents. I had to do things with jockeying
23 cars to make sure they could park their car in my
24 driveway when they were visiting because they
25 couldn't walk from far away and if coincided with

1 some big sporting event, that would be my tough
2 luck, right, because the cars are --

3 COUNCILMAN IMBROTO: In my experience,
4 it's often difficult to find a parking spot in the
5 lot. I've gone there not for a major sporting
6 event but --

7 MS. LEVINE: Exactly.

8 COUNCILMAN IMBROTO: But maybe there
9 was a major sporting event going on and I would
10 drive around for ten, fifteen minutes before I
11 found a spot.

12 MS. LEVINE: And on a Thursday, Friday
13 or Saturday, I've never seen 30 empty spots in that
14 lot. I mean not that I'm counting, but I pass by
15 the business all the time coming and going from my
16 house, because Grohmans is the street that would,
17 you know, get me out of the neighborhood and onto
18 Old Country Road.

19 Parking is a problem. Please consider
20 the residents.

21 COUNCILMAN LABRIOLA: Ms. Levine, in
22 certain communities where we have neighborhood
23 businesses abutting residential properties, parking
24 restrictions have been successful in mitigating --
25 I know that sometimes that is an inconvenience on

1 the residents themselves, but if it's in a
2 particular timeframe; for instance, if it's just
3 Friday evening from 9:00 p.m. until 11:00 p.m.,
4 those are restrictions that sometimes the Town can
5 be very flexible with where we can mitigate the
6 problem, so it's something we could consider.

7 MS. LEVINE: I don't know one-car
8 garages. I can't imagine.

9 COUNCILMAN IMBROTO: You need a spot if
10 somebody is in it? Not that you just want nobody
11 parking in front of your house --

12 MS. LEVINE: Yes.

13 COUNCILMAN IMBROTO: You want to park
14 in front of the house, right?

15 MS. LEVINE: Yes.

16 COUNCILMAN IMBROTO: So whatever
17 restriction we had would apply to you just as much
18 as --

19 MS. LEVINE: A lot of people --
20 residents need these spots to park on the street.

21 SUPERVISOR SALADINO: Ms. Levine, have
22 you spoken with your neighbors about this issue?

23 MS. LEVINE: I haven't, no.

24 SUPERVISOR SALADINO: Would you be able
25 to guess whether this is a common complaint on the

1 block of other people? Have you heard other people
2 bring this to your attention that they also share
3 your concern?

4 MS. LEVINE: At my end of the block,
5 probably not because I don't think the cars are
6 parking as common as my end because I'm the south
7 end of the block. I'm sure at the northern end of
8 the block, people are very unhappy. I don't know
9 most of the people, but, you know, I could speak to
10 them. I'm sure they're not happy about the cars
11 and I think with an increase in people, I'm
12 concerned they're going to park even further down
13 the block to where I am.

14 COUNCILMAN MACAGNONE: Just move
15 further down to you?

16 MS. LEVINE: But I feel for the people
17 who live at the northern end of the block and on
18 Grohman's and Lincoln Road North because any
19 sporting event there is, there is no parking on the
20 -- left on those streets.

21 SUPERVISOR SALADINO: Does anyone have
22 any questions for Ms. Levine?

23 (No verbal response given.)

24 SUPERVISOR SALADINO: We're not going to
25 decide on this today, but we are going to leave

1 things open so residents can let us know how they
2 feel about it.

3 MS. LEVINE: I will encourage my
4 neighbors to contact the Town.

5 SUPERVISOR SALADINO: We're also going
6 to reach out to the owner to ask them to strongly
7 consider making arrangements with other property
8 owners for ancillary parking.

9 MS. LEVINE: Valet parking would be a
10 terrific option.

11 COUNCILMAN IMBROTO: I mean surrounding
12 this is all commercial property that would be
13 completely vacant at the peak hours I'm sure.

14 COUNCILMAN MACAGNONE: Nights and
15 weekends. It would make perfect sense.

16 COUNCILMAN IMBROTO: Ms. Levine, you're
17 on Lincoln Road North, you said?

18 MS. LEVINE: I'm on East, Lincoln Road
19 East.

20 COUNCILMAN IMBROTO: Which number are
21 you?

22 MS. LEVINE: 111.

23 COUNCILMAN IMBROTO: You're outside of
24 our radius map here, but okay. Just wondering.

25 MS. LEVINE: The cars come starting a

1 third of the way down the block on events and along
2 Lincoln Road North.

3 COUNCILMAN IMBROTO: How many houses
4 away from the restaurant would you say you are?

5 MS. LEVINE: Oh, I don't know.

6 COUNCILMAN IMBROTO: Twenty?

7 MS. LEVINE: Probably not that many,
8 no.

9 COUNCILMAN IMBROTO: So less than
10 twenty?

11 MS. LEVINE: Yeah, I think so.

12 COUNCILMAN IMBROTO: Okay.

13 SUPERVISOR SALADINO: So, as I stated,
14 we'll keep the roles open. We'll continue
15 listening to the residents, your opinions, your
16 views, your issues, your problems that you're
17 having are very, very important to us and we'll be
18 giving a very strong recommendation to the
19 applicant for them to consider more off-street --
20 arranging for more off-street parking before making
21 a decision.

22 MS. LEVINE: Thank you. I appreciate
23 that.

24 SUPERVISOR SALADINO: Thank you for
25 being with us.

1 Commissioner MacCarone, would you also
2 like to step forward, please?

3 Would you please state your presence?

4 COMMISSIONER MACCARONE: Good morning.

5 Elizabeth MacCarone, Commissioner of
6 Planning and Development.

7 SUPERVISOR SALADINO: Would you shed
8 more light on what's going on here between the
9 parking issues and others aspects of this
10 application?

11 COMMISSIONER MACCARONE: Yes, so as the
12 attorney had indicated, the original application or
13 the original approved plan when it came back in
14 last year, and they came in for the increase in
15 occupancy, the first thing we do is we review at
16 public assembly. Come up with a total occupant
17 count. At that point, we look at what's the
18 required parking.

19 So, in this case, 77 spaces were
20 required for an occupancy of 230. We then look at
21 the existing site plan that was submitted and we
22 had realized that there were some deficiencies in
23 the existing plan in terms of the size of existing
24 parking spaces that did not comply with our code,
25 as well as the aisle widths, and for safety

1 reasons, as well as compliance with our Town Zoning
2 code, we had them revise the plan to come up with a
3 code compliant plan which meets setbacks, parking,
4 the number of parking spaces, the size of the
5 stalls, as well as the aisles. With that, the plan
6 ended up being two additional spots over.

7 So whereas it was indicated that they
8 had additional parking, you have to realize those
9 parking spaces in aisle widths did not comply with
10 the code, so we strived to obtain plans that meet
11 the requirements of the Town Zoning code. That's
12 kind of where we are at. So they are, in theory,
13 losing parking spaces; however, the plan does
14 comply with the required parking.

15 SUPERVISOR SALADINO: Just to
16 reiterate, if this was approved, would they have
17 sufficient parking spaces there?

18 COMMISSIONER MACCARONE: Yes, they
19 would, as well as aisles and safety
20 maneuverability, loading spaces and so forth.

21 COUNCILMAN LABRIOLA: Commissioner,
22 just for clarification, I'm doing this from memory,
23 in a neighborhood business zone such as this, a
24 restaurant, by right, would only be entitled to 75
25 seats without coming for a Special Use Permit?

1 COMMISSIONER MACCARONE: Special Use
2 Permit, right.

3 COUNCILMAN LABRIOLA: So back in the
4 day when they first took occupancy here, the Town
5 Board modified or gave a Special Use Permit to
6 permit them come up to 202 spaces -- 202 occupants.

7 COMMISSIONER MACCARONE: That's
8 correct, 202 occupants.

9 COUNCILMAN LABRIOLA: And for the
10 purposes of clarification for Ms. Levine, it's one
11 space per every three --

12 COMMISSIONER MACCARONE: For every
13 three occupants.

14 COUNCILMAN LABRIOLA: Per three
15 occupants and that's how you get to a figure of 77?

16 COMMISSIONER MACCARONE: That's
17 correct.

18 COUNCILMAN LABRIOLA: My problem here,
19 is, first of all, I want to know if they've been a
20 good neighbor. I'd like to know if there is a
21 history where we've had a problem with neighbors
22 complaining to the Town about, not just parking,
23 but litter, debris, noise, et cetera, I'd like to
24 know that if they have been a good neighbor
25 firstly.

1 COMMISSIONER MACCARONE: We not
2 received any complaints, so whether or not, you
3 know --

4 COUNCILMAN IMBROTO: Anecdotally, I
5 don't know of any complaints.

6 COMMISSIONER MACCARONE: People
7 sometimes just don't file formal complaints
8 regarding a property, but --

9 COUNCILMAN IMBROTO: Even the chatter
10 in the neighborhood, there's never -- they've
11 always been --

12 COMMISSIONER MACCARONE: Escalated to a
13 point, right, that it would rise to our level.

14 COUNCILMAN LABRIOLA: I think it's
15 sometimes trying to put 10 pounds of potatoes in a
16 5-pound sack and I think that's where sometimes you
17 get these problems in neighborhood businesses.
18 There is a more appropriate zone for larger
19 restaurant.

20 Isn't that the central business or the
21 general business zone?

22 COMMISSIONER MACCARONE: General
23 business, correct, the GB zone.

24 COUNCILMAN LABRIOLA: When you're
25 putting large restaurants in neighborhood

1 businesses, this is where you end up having this
2 spillover into the community and I think this is
3 where the Town Board and we, as Town Council, have
4 to be concerned about the impact.

5 So the Town Board, back in the day,
6 allowed this larger than required restaurant at 202
7 seats.

8 COMMISSIONER MACCARONE: That's
9 correct.

10 COUNCILMAN LABRIOLA: Now we're coming
11 back, the restaurant owner is coming here and
12 asking us to even further expand his occupancy.

13 COMMISSIONER MACCARONE: Right, and I
14 believe --

15 COUNCILMAN LABRIOLA: For a business
16 zone.

17 COMMISSIONER MACCARONE: -- their
18 existing occupancy was somewhere in the range of
19 like 192, so they were less than what they were
20 permitted. That's why we looked at this -- it was
21 an increase of 20 occupants to the actual approval;
22 although, it's a 30-seat party room because they
23 had the ability to use an extra 10 occupants and
24 they weren't using it, so that's where it comes
25 into play.

1 COUNCILMAN IMBROTO: Can I ask you, how
2 is the parking calculated when not dealing with a
3 table, but you're dealing with a large bar area
4 where many people are standing, they are not seated
5 at the bar?

6 COMMISSIONER MACCARONE: That's
7 correct. So, the parking or the occupancy
8 requirement is higher which then plays into an
9 increase of parking. That's all dictated by the
10 State code.

11 COUNCILMAN MACAGNONE: Commissioner --

12 COMMISSIONER MACCARONE: So whether
13 it's fixed seating, bench-style seating or standing
14 room only, we look at -- that's where public
15 assembly comes in and calculates --

16 COUNCILMAN IMBROTO: How is it
17 calculated? People are two or three deep at a bar.

18 COMMISSIONER MACCARONE: I believe it's
19 one spot for every six square feet.

20 Correct, Tim?

21 One spot for every six square feet. If
22 it's fixed seating, it's one spot for every 15
23 square feet. There are different calculations
24 depending if it's bench -- a table with movable
25 seats or the bar area.

1 COUNCILMAN MACAGNONE: Commissioner, we
2 realize that parking even though there might not
3 enough spots, people, human nature, they're going
4 to look for the easiest spot to park to get in and
5 to get out.

6 COMMISSIONER MACCARONE: Absolutely.

7 COUNCILMAN MACAGNONE: So that's a
8 concern.

9 COUNCILMAN LABRIOLA: I know in the
10 past in other instances, this Town Board has
11 imposed a Covenant and Restriction where they
12 require valet parking during certain events.

13 COMMISSIONER MACCARONE: Peak hours.

14 COUNCILMAN LABRIOLA: Or peak events or
15 when the restaurant is expected to be extremely
16 crowded, and this offers some sense of control as
17 to where people are going to put their vehicles.

18 I think that's something that needs to
19 be considered, but it really does come down to
20 whether or not -- you know, we have this existing
21 restaurant that is allowed a greater occupancy than
22 it would otherwise be entitled to by code. Here
23 we're now -- we may be creating a problem that does
24 not exist just yet, so it's something that we have
25 to consider.

1 COMMISSIONER MACCARONE: Absolutely.

2 COUNCILMAN IMBROTO: I just think it's
3 really something that should to be considered
4 because it seems like this restaurant has been
5 there for a very long time. It's always been, you
6 know, a part of our community. It's always been a
7 good neighbor, but I think everybody knows that
8 sometimes you just can't park there and if there is
9 a way to address that, before we increase the
10 impact --

11 COMMISSIONER MACCARONE: Absolutely.

12 COUNCILMAN IMBROTO: -- I think we
13 should really look into that.

14 COMMISSIONER MACCARONE: And look at
15 the neighboring properties to see.

16 COUNCILMAN IMBROTO: Delineate --

17 COMMISSIONER MACCARONE: Valet.

18 COUNCILMAN IMBROTO: -- times of the
19 year where they would institute a parking plan.
20 Across the street, the two parking lots are
21 virtually empty at any time that you would go to
22 this restaurant.

23 COUNCILMAN LABRIOLA: I also want to
24 state, so that the owner of the restaurant
25 understands, we are always looking to help people

1 grow their businesses.

2 You, I think, happen to be a victim of
3 your own success in the sense that you have such a
4 such a successful place of business, but we do have
5 to take into consideration the impact upon the
6 neighborhood and that is why we have restrictions
7 in these neighborhood business zones.

8 So, I just want you to understand that,
9 too. So, it's about striking the right balance,
10 sir. That's really what this is about.

11 SUPERVISOR SALADINO: Are any other
12 questions for the Commissioner?

13 (No verbal response given.)

14 MR. SALADINO: Thank you, Commissioner.

15 COUNCILMAN MACAGNONE: Yes.

16 Commissioner, I know you'll continue to
17 work with the applicant to fine tune it to make it
18 so it least impacts on the residents around.

19 COMMISSIONER MACCARONE: Absolutely.

20 COUNCILMAN MACAGNONE: And keep doing
21 the great job you guys do.

22 COMMISSIONER MACCARONE: Thank you.

23 SUPERVISOR SALADINO: Thank you.

24 We don't have any other slips on this
25 application on this hearing.

1 Is there any correspondence?

2 MR. ALTADONNA: The attorney for the
3 applicant filed an Affidavit of Services and
4 Disclosures.

5 The communications are as follows: We
6 have memos from the Department of Planning and
7 Development including a review of the required
8 off-street parking. The Nassau County Land and Tax
9 Map indicates the property is Section 46, Block A,
10 Lot 32.

11 According to the Town Town of Oyster
12 Bay Zoning maps, the property is located within the
13 NB Neighborhood Business zone. There are no
14 variances or open prior code compliances,
15 enforcement bureau cases; however, there are Town
16 Board Resolutions on file.

17 There is no other further
18 correspondence.

19 SUPERVISOR SALADINO: May I have a
20 motion?

21 COUNCILMAN MUSCARELLA: Supervisor, I
22 make a motion that this public hearing be closed
23 and the decision be reserved.

24 COUNCILMAN MACAGNONE: Second.

25 SUPERVISOR SALADINO: All in favor,

1 please signify by saying "Aye."

2 COUNCILMAN MUSCARELLA: "Aye."

3 COUNCILMAN MACAGNONE: "Aye."

4 COUNCILMAN IMBROTO: "Aye."

5 COUNCILMAN HAND: "Aye."

6 COUNCILMAN LABRIOLA: "Aye."

7 SUPERVISOR SALADINO: All those

8 opposed, "Nay."

9 (No verbal response given.)

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

12 And, ladies and gentlemen we'll keep
13 the roles open and if anyone would like to give us
14 any other information, any neighbor, anyone, please
15 feel free to do that.

16 Thank you.

17 (TIME NOTED: 11:13 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
AUGUST 20, 2019
11:14 A.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
COUNCILMAN STEVEN L. LABRIOLA

A B S E N T:

COUNCILWOMAN MICHELE M. JOHNSON

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Now, we will
2 entertain the regular Action Calendar.

3 MR. ALTADONNA: First order of business
4 is, may I have a motion to table Resolution 513?

5 COUNCILMAN MUSCARELLA: So moved.

6 COUNCILMAN MACAGNONE: One second.

7 MR. ALTADONNA: It's a Resolution
8 authorizing adoption of the ten principles required
9 to become part of the Climate Smart Community
10 Program.

11 COUNCILMAN MACAGNONE: Okay, table,
12 second.

13 Motion made by Councilman Muscarella.

14 Second by Councilman Macagnone.

15 On the vote:

16 Supervisor?

17 SUPERVISOR SALADINO: "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilwoman Johnson is
23 absent.

24 Councilman Imbroto?

25 COUNCILMAN IMBROTO: "Aye."

1 MR. ALTADONNA: Councilman Hand?

2 COUNCILMAN HAND: "Aye."

3 MR. ALTADONNA: Councilman Labriola?

4 COUNCILMAN LABRIOLA: "Aye."

5 MR. ALTADONNA: Motion to table

6 Resolution 513 passes with six "Ayes."

7 May we have a motion to suspend the
8 rules and add Resolutions No. 522, 523, 524 and
9 525? They were on the back of the calendar.

10 **RESOLUTION NO. 522-2019;** Resolution
11 authorizing an Inter-Municipal Fuel Agreement with
12 the Massapequa Public School District for the
13 period August 1, 2019 through July 31, 2029. (M.D.
14 8/13/19 #14).

15 **RESOLUTION NO. 523-2019;** Resolution
16 authorizing the Supervisor to execute a License
17 Agreement for the use of property at the Old
18 Bethpage Solid Waste Disposal Complex. (M.D.
19 8/13/19 #15).

20 **RESOLUTION NO. 524- 2019;** Resolution
21 granting request from the Syosset Woodbury Chamber
22 of Commerce, for Town assistance in conducting
23 their Annual Street Fair on September 15, 2019 and
24 to use of various Town equipment for the event.
25 (M.D. 8/13/19 #16).

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RESOLUTION NO. 525-2019; Resolution
authorizing sponsorship of the Annual Fall Oyster
Bay Harbor and Beach Cleanup in conjunction with
the International Coastal Cleanup Event on
September 14, 2019 at Theodore Roosevelt Memorial
Park, Beekman Beach, Centre Island Beach and Stehli
Beach. (M.D 8/13/19 #17).

On the motion?

COUNCILMAN MUSCARELLA: So moved.

COUNCILMAN MACAGNONE: Second.

MR. ALTADONNA: Motion made by
Councilman Muscarella.

Second by Councilman Macagnone.

On the vote:

Supervisor?

SUPERVISOR SALADINO: "Aye."

MR. ALTADONNA: Councilman Muscarella?

COUNCILMAN MUSCARELLA: "Aye."

MR. ALTADONNA: Councilman Macagnone?

COUNCILMAN MACAGNONE: "Aye," Clerk.

MR. ALTADONNA: Councilman Imbroto?

COUNCILMAN IMBROTO: "Aye."

MR. ALTADONNA: Councilman Hand?

COUNCILMAN HAND: "Aye."

MR. ALTADONNA: Councilman Labriola?

1 COUNCILMAN LABRIOLA: "Aye."

2 MR. ALTADONNA: Motion to suspend the
3 rules and add Resolutions No. 522, 523, 524 and 525
4 passes with six "Ayes."

5 Still one more.

6 May I have a motion to resuspend the
7 rules and add the following Walk-on Resolution No.
8 526 which is a Resolution pertaining to
9 satisfaction of negligence claim. Claimant
10 Nationwide Insurance Company of America, a/s/o
11 Derek Scheer versus Town of Oyster Bay and Donald
12 Bruwer; Nassau County District Court No. 2975/2016,
13 Matter ID No. 2016-5237, Account No. TWN AMS 1910
14 43010 602 0000 0000.

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Before we vote
18 on this, can I be brought up-to-date by the Town
19 attorney's office, please?

20 MR. NOCELLA: Certainly.

21 Joseph Nocella, Town Attorney.

22 Good morning.

23 This is a case involving a street
24 sweeper by which I mean the machine itself and the
25 employee who is the equipment operator who was

1 driving it. It appeared to be a trialable case
2 involving damage to the plaintiff's vehicle. It
3 went to trial and judgment was entered for the
4 plaintiff in the amount of \$11,000. Not precisely
5 \$11,000. I think the exact amount may not be in
6 the Resolution, but it was 11,800-odd dollars.

7 A Notice of Appeal was immediately
8 filed; however, in the meantime interest was
9 accruing at the State statutory rate of 9 percent.

10 COUNCILMAN MACAGNONE: So we did our
11 due diligence and we lost?

12 MR. NOCELLA: Correct.

13 COUNCILMAN MACAGNONE: Which happens.
14 Thank you.

15 MR. NOCELLA: Thank you.

16 COUNCILMAN MACAGNONE: Second.

17 MR. ALTADONNA: A motion was made by
18 Councilman Muscarella.

19 Second by Councilman Macagnone.

20 On the vote:

21 Supervisor?

22 SUPERVISOR SALADINO: "Aye."

23 MR. ALTADONNA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: "Aye."

25 MR. ALTADONNA: Councilman Macagnone?

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COUNCILMAN MACAGNONE: "Aye."

MR. ALTADONNA: Councilman Imbroto?

COUNCILMAN IMBROTO: "Aye."

MR. ALTADONNA: Councilman Hand?

COUNCILMAN HAND: "Aye."

MR. ALTADONNA: Councilman Labriola?

COUNCILMAN LABRIOLA: "Aye."

MR. ALTADONNA: Motion to resuspend the rules and add the following Walk-on Resolution 526 passes with six "Ayes."

Now, we'll go to the regular calendar, noting that all those are now included.

May I have a motion to adopt Resolutions P-15-19 and PA-7-19. Let's put in TF-14-19 through 526, noting that 513 is tabled.

PERSONNEL RESOLUTION NO. P-15-19 and PA-7-19; Resolution pertaining to various personnel of various departments within the Town of Oyster Bay.

TRANSFER OF FUNDS RESOLUTION NO. TF-14-19; Resolution pertaining to Transfer of Funds within various departments accounts for the Year 2019.

RESOLUTION NO. 467-2019; Resolution granting request from Oyster Bay Flotilla 22-05, to

1 have all fees waived for the use of one slip at
2 Theodore Roosevelt Marina for the 2019 Summer
3 season. (M.D. 7/23/19 #4).

4 **RESOLUTION NO. 468-2019;** Resolution
5 authorizing Operation SPLASH (Stop Polluting,
6 Littering and Save Harbors) to dock their vessel at
7 John J. Burns Park ramp from April 15, 2019 through
8 November 10, 2019. (M.D. 7/23/19 #5).

9 **RESOLUTION NO. 469-2019;** Resolution
10 designating the Town depositories for 2019. (M.D.
11 7/23/19 #8).

12 **RESOLUTION NO. 470-2019;** Resolution
13 terminating Resolution No. 751-98 and to reinstate
14 Resolution No. 117-69 in connection with 85 Glen
15 Head Road, Glen Head, since the unrestricted tow
16 car operation use has discontinued. (M.D. 7/23/19
17 #9).

18 **RESOLUTION NO. 471-2019;** Resolution
19 pertaining to Contract No. PWC20-18, On-Call
20 Engineering Services relative to Tank Management,
21 in connection with continuation and completion of
22 services for regulatory compliance of Town Pools.
23 Account No. PKS H 7197 20000 000 1504 013. (M.D.
24 7/23/19 #11).

25 **RESOLUTION NO. 472-2019;** Resolution

1 authorizing agreement for the Lords of 52nd Street
2 Concert, to be held on September 21, 2019, at
3 John J. Burns Town Park in Massapequa and for the
4 Supervisor or his designee to execute said
5 agreement. Account No. CYS A 7020 47660 000 0000.
6 (M.D. 7/30/19 #5).

7 **RESOLUTION NO. 473-2019;** Resolution
8 authorizing the Annual 9/11 Memorial Ceremony at
9 Tobay Beach (bay side) on September 5, 2019,
10 employment of a vocalist, the services of a tent
11 company and for the Supervisor or his designee to
12 execute an agreement. Account No. CYS A 7020 47660
13 000 0000 and CYS A 7020 41800 000 0000. (M.D.
14 7/30/19 #6).

15 **RESOLUTION NO. 474-2019;** Resolution
16 granting request from Angela Strano to donate a
17 memorial plaque and bench, to be placed in Bethpage
18 at B-9 Parklet in memory of Christopher Raymond
19 Brown. (M.D. 7/30/19 #7).

20 **RESOLUTION NO. 475-2019;** Resolution
21 granting request from Jennifer Reedy to donate a
22 memorial plaque to be placed on an existing bench
23 at Tobay Beach in memory of Michael Reedy. (M.D.
24 7/30/19 #8).

25 **RESOLUTION NO. 476-2019;** Resolution

1 authorizing issuance of a refund for the Summer
2 Recreation Program at Tappen Beach to C. Hoover.
3 Account No. PKS A 0001 02001 510 0000. (M.D.
4 7/30/19 #9).

5 **RESOLUTION NO. 477-2019;** Resolution
6 pertaining to Modification of Restrictive Covenants
7 at premises located at 163 South Service Road,
8 Plainview, New York. (M.D. 7/30/19 #11).

9 **RESOLUTION NO. 478-2019;** Resolution
10 granting request from Syosset Fire District to use
11 two roll-off containers from September 27, 2019
12 through September 30, 2019 for their Annual Fire
13 Prevention Day "Open House." (M.D. 7/30/19 #23).

14 **RESOLUTION NO. 479-2019;** Resolution
15 pertaining to the filing of Town of Oyster Bay
16 External Audit Report, NYS Department of
17 Transportation, for the period ended December 31,
18 2018 and ratifying the actions of the Town Clerk in
19 publishing said report. (M.D. 7/30/19 #13).

20 **RESOLUTION NO. 480-2019;** Resolution
21 pertaining to the filing of Town of Oyster Bay
22 External Audit Report, Office of the Town Clerk,
23 for the period ending December 31, 2018 and
24 ratifying the actions of the Town Clerk in
25 publishing said report. (M.D. 7/30/19 #14).

1 **RESOLUTION NO. 481-2019;** Resolution
2 authorizing the assessment for securing property at
3 23 Radcliff Lane, Farmingdale, New York, performed
4 on June 6, 2019, be referred to the County of
5 Nassau for placement on the Nassau County Tax
6 Assessment Rolls. (M.D. 7/30/19 #15).

7 **RESOLUTION NO. 482-2019;** Resolution
8 authorizing the property cleanup assessment of
9 9 The Brae, Woodbury, New York, performed on
10 June 4, 2019, be referred to the County of Nassau
11 for placement on the Nassau County Tax Assessment
12 Rolls. (M.D. 7/30/19 #16).

13 **RESOLUTION NO. 483-2019;** Resolution
14 authorizing the property cleanup assessment of
15 2 Colonial Gate, Plainview, New York, performed on
16 June 4, 2019, be referred to the County of Nassau
17 for placement on the Nassau County Tax Assessment
18 Rolls. (M.D. 7/30/19 #17).

19 **RESOLUTION NO. 484-2019;** Resolution
20 authorizing the property cleanup assessment of
21 74 Kuhl Avenue, Hicksville, New York, performed on
22 June 4, 2019, be referred to the County of Nassau
23 for placement on the Nassau County Tax Assessment
24 Rolls. (M.D. 7/30/19 #18).

25 **RESOLUTION NO. 485-2019;** Resolution

1 authorizing the property cleanup assessment of
2 20 Fourteenth Street, Locust Valley, New York
3 performed on May 15, 2019, be referred to the
4 County of Nassau for placement on the Nassau County
5 Tax Assessment Rolls. (M.D. 7/30/19 #19).

6 **RESOLUTION NO. 486-2019;** Resolution
7 authorizing the property cleanup assessment of
8 37 Garfield Avenue, Glen Head, New York, performed
9 on June 5, 2019, be referred to the County of
10 Nassau for placement on the Nassau County Tax
11 Assessment Rolls. (M.D. 7/30/19 #20).

12 **RESOLUTION NO. 487-2019;** Resolution
13 authorizing the property cleanup assessment of
14 165 Wilfred Boulevard, Hicksville, New York,
15 performed on May 2, 2019, be referred to the County
16 of Nassau for placement on the Nassau County Tax
17 Assessment Rolls. (M.D. 7/30/19 #21).

18 **RESOLUTION NO. 488-2019;** Resolution
19 authorizing the property cleanup assessment of
20 124 Louis Street, North Massapequa, New York,
21 performed on May 22, 2019, be referred to the
22 County of Nassau for placement on the Nassau County
23 Tax Assessment Rolls. (M.D. 7/30/19 #22).

24 **RESOLUTION NO. 489-2019;** Resolution
25 amending Resolution No. 108-2019 to include the

1 payment of the food permit fee in connection with
2 the Town of Oyster Bay sponsored Bluefish
3 Tournament to be held September 15, 2019. Account
4 No. TWN TA 0000 00085 474 0000. (M.D. 8/6/19 #4).

5 **RESOLUTION NO. 490-2019;** Resolution
6 authorizing payment for the New York State
7 Insurance Fund for the Workers' Compensation
8 Insurance for the youth that are enrolled in the
9 Summer Youth Employment and Training Program.
10 Account No. IGA CD 6293 43000 000 CW18. (M.D.
11 8/6/19 #15).

12 **RESOLUTION NO. 491-2019;** Resolution
13 authorizing a Clean Vessel Assistance Operation and
14 Maintenance Agreement with the New York State
15 Environmental Facilities Corporation in order to
16 receive grant funding and for the Supervisor and
17 his authorized designee, to execute documents in
18 connection with said program. (M.D. 8/6/19 #16).

19 **RESOLUTION NO. 492-2019;** Resolution
20 directing the Town Clerk to publish a notice in
21 connection with a request for proposals for the
22 delivery of youth employment and training services
23 for out-of-school youth aged 16-24 under the
24 Workforce Innovation and Opportunity Act for the
25 period October 15, 2019 through September 14, 202.

1 Account No. IGA CD 6293 47900 000 CW18. (M.D.
2 8/6/19 #17).

3 **RESOLUTION NO. 493-2019;** Resolution
4 authorizing award of contract for Telecommunications
5 Facilities Consultant for the Town of Oyster Bay,
6 commencing September 15, 2019 through December 31,
7 2021 and authorizing the Supervisor or his designee
8 to execute said agreement. (M.D. 8/6/19 #20).

9 **RESOLUTION NO. 494-2019;** Resolution
10 pertaining to expenditures for outside counsel for
11 the Zoning Board of Appeals legal services for
12 zoning and land use litigation. Account No. PAD B
13 8010 44800 000 0000. (M.D. 8/6/19 #21).

14 **RESOLUTION NO. 495-2019;** Resolution
15 pertaining to an amended site plan review and
16 approval for Syosset Fire District, 205 South
17 Oyster Bay Road, Syosset. (M.D. 8/6/19 #22).

18 **RESOLUTION NO. 496-2019;** Resolution
19 directing the Town Clerk to publish a Notice of
20 Hearing on a proposed local law entitled: "A Local
21 Law Amending Chapter 205 Streets and Sidewalks,
22 Article II, Sidewalks, Curbs and Gutters, Section
23 205-11, Application and Issuance of Permit, of the
24 Town Code of the Town of Oyster Bay." Hearing date:
25 September 17, 2019. (M.D. 8/6/19 #26).

1 **RESOLUTION NO. 497-2019;** Resolution
2 directing the Town Clerk to advertise a Notice of
3 Hearing in connection with the application of KRE
4 Broadway Owner, LLC, for a Special Use Permit to
5 permit the construction and operation of a fitness
6 center on premises known as the Broadway Mall
7 Shopping Center, located on the west side of
8 Broadway, Hicksville, New York. Hearing Date:
9 September 17, 2019. (M.D. 8/6/19 #27).

10 **RESOLUTION NO. 498-2019;** Resolution
11 directing the Town Clerk to advertise a Notice of
12 Hearing in connection with the application of KRE
13 Broadway Owner, LLC, for a Special Use Permit to
14 permit the expansion of an active recreation use
15 with game room, on premises known as the Broadway
16 Mall Shopping Center, located on the west side of
17 Broadway, Hicksville, New York. Hearing Date:
18 September 17, 2019. (M.D. 8/6/19 #28).

19 **RESOLUTION NO. 499-2019;** Resolution
20 directing the Town Clerk to advertise a Notice of
21 Hearing in connection with the application of KRE
22 Broadway Owner, LLC, for a Special Use Permit to
23 permit the construction and operation of a motor
24 vehicle rental facility, on premises known as the
25 Broadway Mall Shopping Center, located on the west

1 side of Broadway, Hicksville, New York. Hearing
2 Date: September 17, 2019. (M.D. 8/6/19 #29).

3 **RESOLUTION NO. 500-2019;** Resolution
4 authorizing the property cleanup assessment of
5 2 Colonial Gate, Plainview, New York, performed on
6 June 11, 2019, be referred to the County of Nassau
7 for placement on the Nassau County Tax Assessment
8 Rolls. (M.D. 8/6/19 #31).

9 **RESOLUTION NO. 501-2019;** Resolution
10 authorizing the property cleanup assessment of
11 89 Cleveland Avenue, Massapequa, New York,
12 performed on June 4, 2019, be referred to the
13 County of Nassau for placement on the Nassau County
14 Tax Assessment Rolls. (M.D. 8/6/19 #32).

15 **RESOLUTION NO. 502-2019;** Resolution
16 authorizing the property cleanup assessment of
17 116 Thorne Drive, Bethpage, New York, performed on
18 June 11, 2019, be referred to the County of Nassau
19 for placement on the Nassau County Tax Assessment
20 Rolls. (M.D. 8/6/19 #33).

21 **RESOLUTION NO. 503-2019;** Resolution
22 authorizing the property cleanup assessment of
23 63 Vandewater Street, Farmingdale, New York,
24 performed on June 5, 2019, be referred to the
25 County of Nassau for placement on the Nassau County

1 Tax Assessment Rolls. (M.D. 8/6/19 #34).

2 **RESOLUTION NO. 504-2019;** Resolution
3 pertaining to settlement of negligence claim;
4 Claimant: Daniel R. Essex v. Town of Oyster Bay.
5 Account No. TWN AMS 1910 43010 602 0000 000. (M.D.
6 8/6/19 #35).

7 **RESOLUTION NO. 505-2019;** Resolution
8 authorizing acceptance of the Design and entrance
9 into Bid & Construction Phases of Contract No. DPW
10 19-200, Littauer Estate Roof Replacement. (M.D.
11 8/6/19 #38).

12 **RESOLUTION NO. 506-2019;** Resolution
13 authorizing use of a sub-consultant for topographic
14 and bathymetric survey services relative to
15 Environmental Engineering in connection with the
16 Western Waterfront Dock Installations East Side -
17 Contract No. PWC 23-16. (M.D. 8/6/19 #39).

18 **RESOLUTION NO. 507-2019;** Resolution
19 authorizing use of a sub-consultant for topographic
20 and bathymetric survey services relative to
21 Mechanical Engineering in connection with Oyster
22 Bay Western Waterfront Dock Installations East Side
23 - Contract No. PWC08-18. (M.D. 8/6/19 #40).

24 **RESOLUTION NO. 508-2019;** Resolution
25 pertaining to Contract No. PWC12-18, On-Call

1 Consultant Service Request relative to
2 Environmental Sciences in connection with Harbor
3 Management Programs. Account No. DER A 8090 44500
4 000 0000. (M.D. 8/6/19 #41).

5 **RESOLUTION NO. 509-2019;** Resolution
6 pertaining to Contract No. PWC12-18, On-Call
7 Consultant Service Request relative to
8 Environmental Sciences in connection with Shellfish
9 Management Programs. Account No. DER A 8090 44500
10 000 0000. (M.D. 8/6/19 #42).

11 **RESOLUTION NO. 510-2019;** Resolution
12 granting request from Holy Trinity Greek Orthodox
13 Church in Hicksville, for Town assistance in
14 conducting their annual Grecian Festival on
15 September 6, 7 and 8, 2019, to use various Town
16 equipment as well as the posting of temporary "No
17 Parking" signs on various streets in the area of
18 the event. (M.D. 8/6/19 #43).

19 **RESOLUTION NO. 511-2019;** Resolution
20 granting request from Pakistan Day Parade Long
21 Island, for Town assistance in conducting their
22 Pakistan Day Parade on August 25, 2019 in
23 Hicksville, to use Parking Field H-14, and for the
24 use of various Town equipment. (M.D. 8/6/19 #44).

25 **RESOLUTION NO. 512-2019;** Resolution

1 granting request from the Bethpage-Central Park
2 Kiwanis Club, for Town assistance in conducting
3 their annual Fall Festival on October 6, 2019, to
4 use various Town equipment, as well as the posting
5 of temporary "No Parking" and "Road Closure" signs
6 on Broadway in Bethpage. (M.D. 8/6/19 #45).

7 **RESOLUTION NO. 514-2019;** Resolution
8 directing the Town Clerk to publish a Notice of
9 Hearing on a proposed local law entitled: "A Local
10 Law Amending Chapter 168 Parks & Recreation,
11 Section 168-19, Animals, of the Town Code of the
12 Town of Oyster Bay." Hearing date: September 17,
13 2019. (M.D. 8/6/19 #50).

14 **RESOLUTION NO. 515-2019;** Resolution
15 directing the Comptroller to encumber funds for the
16 Oyster Bay East Norwich Community Band in
17 connection with the Independence Day Celebration in
18 the Hamlet of Oyster Bay, which is sponsored by the
19 Quentin Roosevelt Post #4 American Legion, held on
20 July 4, 2019. Account No. TWN A 7510 47900 000
21 0000. (M.D. 8/6/19 #48).

22 **RESOLUTION NO. 516-2019;** Resolution
23 authorizing award of Automated Vendor Monitoring
24 Request for Proposals and authorizing the
25 Supervisor or his designee to execute said

1 contract. Account No. DIG A 1345 44900 000 0000.
2 (M.D. 8/6/19 #52).

3 **RESOLUTION NO. 517-2019;** Resolution
4 authorizing a master contract with the State of
5 New York Department of State, for the Supervisor
6 and an additional designee to execute documents in
7 connection with the Hicksville Downtown
8 Revitalization Initiative. (M.D. 8/6/19 #18 &
9 8/13/19 #7).

10 **RESOLUTION NO. 518-2019;** Resolution
11 authorizing an Inter-Municipal agreement with the
12 County of Nassau in connection with the Syosset
13 Streetscape and Walkability Enhancement Project.
14 (M.D. 8/6/19 #19 & 8/13/19 #8).

15 **RESOLUTION NO. 519-2019;** Resolution
16 authorizing award of Electronic Security Assessment
17 Request for Proposals and authorizing the
18 Supervisor or his designee to execute said
19 contract. Account No. DIG A 1345 44900 000 0000.
20 (M.D. 8/6/19 #51).

21 **RESOLUTION NO. 520-2019;** Resolution to
22 amend the Collective Bargaining Agreement, approve
23 the Memorandum of Agreement and ratify its
24 execution. (M.D. 8/6/19 #30 & 8/13/19 #18).

25 **RESOLUTION NO. 521-2019;** Resolution

1 pertaining to the decision for Amendments to the
2 Code of the Town of Oyster Bay, New York, amending
3 Chapter 233 of the said Code pertaining to parking,
4 stopping, crossing, loading zones, thru traffic,
5 trucking operations and other traffic regulations.
6 Hearing held: July 30, 2019. (M.D. 7/30/19 #4).

7 **RESOLUTION NO. 522-2019;** Resolution
8 authorizing an Inter-Municipal Fuel Agreement with
9 the Massapequa Public School District for the
10 period August 1, 2019 through July 31, 2029. (M.D.
11 8/13/19 #14).

12 **RESOLUTION NO. 523-2019;** Resolution
13 authorizing the Supervisor to execute a License
14 Agreement for the use of property at the Old
15 Bethpage Solid Waste Disposal Complex. (M.D.
16 8/13/19 #15).

17 **RESOLUTION NO. 524-2019;** Resolution
18 granting request from the Syosset Woodbury Chamber
19 of Commerce, for Town assistance in conducting
20 their Annual Street Fair on September 15, 2019 and
21 to use of various Town equipment for the event.
22 (M.D. 8/13/19 #16).

23 **RESOLUTION NO. 525-2019;** Resolution
24 authorizing sponsorship of the Annual Fall Oyster
25 Bay Harbor and Beach Cleanup in conjunction with

1 the International Coastal Cleanup Event on
2 September 14, 2019 at Theodore Roosevelt Memorial
3 Park, Beekman Beach, Centre Island Beach and Stehli
4 Beach. (M.D 8/13/19 #17).

5 MR. ALTADONNA: Before we start, our
6 person needs to take a quick break. Holly needs to
7 take a quick break.

8 (Whereupon, a short recess was taken
9 from 11:17 a.m. to 11:22 a.m.)

10 SUPERVISOR SALADINO: Please continue.

11 MR. ALTADONNA: On the motion?

12 COUNCILMAN MUSCARELLA: Motion.

13 COUNCILMAN MACAGNONE: Second.

14 MR. ALTADONNA: A motion was made by
15 Councilman Muscarella.

16 Second by Councilman Macagnone.

17 MR. ALTADONNA: You okay, Councilman?

18 COUNCILMAN IMBROTO: We just thought we
19 already did this.

20 MR. ALTADONNA: No.

21 COUNCILMAN MACAGNONE: Belts and
22 suspenders, James.

23 MR. ALTADONNA: Just making sure.

24 Mr. Newhouse?

25 MR. NEWHOUSE: Thank you, Mr. Clerk.

1 Ned Newhouse, 362 Barrow Court,
2 Woodbury, New York.

3 My question relates to the transfer of
4 funds, Sanitation transport \$596,000 and then
5 another \$569,000 for recycle process.

6 Does this reflect the intermunicipal
7 agreement that we have with the Town of Hempstead
8 for transportation of the garbage and recycling?

9 SUPERVISOR SALADINO: Is this your only
10 question?

11 MR. NEWHOUSE: No.

12 SUPERVISOR SALADINO: Why don't you ask
13 all your questions?

14 MR. NEWHOUSE: I'd ask more, but I
15 don't want to waste anyone's time if it doesn't --

16 SUPERVISOR SALADINO: Why don't you
17 take a seat and we'll bring the Commissioner up.

18 MR. NEWHOUSE: I have other questions
19 if it is.

20 SUPERVISOR SALADINO: Please ask your
21 questions.

22 MR. NEWHOUSE: I know that we pay
23 \$69.75 per ton for that transportation of waste, so
24 excuse me, for them to accept the waste. So is the
25 transportation in addition to that expense and

1 also, what period of time does this 596 cover? Is
2 it -- it sounds like it's kind of half a year-ish
3 if our total expense for accepting the garbage is
4 1.1, if that makes sense.

5 That's my question. Thanks.

6 SUPERVISOR SALADINO: Thank you.

7 Commissioner Lenz, would you please
8 join us up front?

9 Please state your presence.

10 COMMISSIONER LENZ: My name is Richard
11 Lenz, Commissioner of the Department of Public
12 Works Town of Oyster Bay.

13 To answer the questions, when we did
14 the budget, which is always done August/September
15 and voted on in October, at that time, single
16 stream was still in effect. We were getting paid
17 for our single stream, bottles and cans, newspaper.
18 It wasn't until the end of the year starting into
19 this year of 2019 where we were no longer getting
20 paid. We had to pay for it.

21 So, the budget had to be modified at
22 some point in order to take on the additional
23 material -- the additional cost.

24 SUPERVISOR SALADINO: Can you speak to
25 the timeframe?

1 COMMISSIONER LENZ: Timeframe is for
2 the end of this year -- I'm sorry, from now until
3 the end of this year while while we're doing the
4 budget the next couple of months, that will be
5 modified to take into effect for next year.

6 SUPERVISOR SALADINO: Thank you,
7 Commissioner.

8 COUNCILMAN MACAGNONE: Commissioner,
9 this is for the public, I know you're busy, always
10 trying to find different ways to save us a nickle
11 here, a dime there.

12 Any prospect on any outlook?

13 COMMISSIONER LENZ: That's a very good
14 question, Councilman.

15 We did -- I meet with the Deputy
16 Supervisor, as you know, on many occasions. We
17 just talked this week about forming a committee
18 called the Solid Waste Committee Task Force that
19 we're going to hire several other consultants that
20 worked on other towns, municipalities, villages, to
21 see if we can put out a new RFP for next year for
22 requesting single stream or dual stream or MSW to
23 see what the new market is out there.

24 I had just gotten a phone call from
25 Covanter this morning. They'd like us to come over

1 and take a look at their plant.

2 This information saying -- doesn't mean
3 that we're not going with the contractors that we
4 already have.

5 COUNCILMAN MACAGNONE: No.

6 COMMISSIONER LENZ: It just means we're
7 looking towards the future.

8 COUNCILMAN MACAGNONE: Like I said, to
9 save a nickle here, a dime there. We're looking to
10 work with other municipalities because I know the
11 entire Island has the same problem.

12 SUPERVISOR SALADINO: I can tell you
13 that I've already reached out to other Town
14 supervisors to continue that discussion.

15 I've asked the Deputy Supervisor to
16 speak with the Commissioner in terms of expanding
17 on reach whether it be for recyclables or MSW.

18 COUNCILMAN MACAGNONE: If any help you
19 need, please don't hesitate to reach out to me. I
20 have a good relationship with a lot of them, as you
21 may know. I would like to see this work perfectly.

22 COMMISSIONER LENZ: That would be
23 fantastic.

24 SUPERVISOR SALADINO: As the rest of
25 us. It certainly is something -- and I'll

1 reiterate this publically that this is a very high
2 priority for us in an evolving market so you know
3 of the changes so we want to continue to work
4 toward regional approaches and regional solutions.

5 COMMISSIONER LENZ: As the Supervisor
6 said, we have met with several other towns and
7 villages to see what they are doing and that's what
8 this next task force is then going to go in and
9 give a small report to the council people to show
10 them what -- what the thoughts are for the future.

11 COUNCILMAN MACAGNONE: Thank you,
12 Commissioner.

13 COMMISSIONER LENZ: Thank you.

14 SUPERVISOR SALADINO: Thank you so much
15 for all your good work.

16 Our next speak Laura Shultz.

17 Laura?

18 COMMISSIONER LENZ: When you have a bid
19 number, it usually includes everything,
20 transportation, the disposal, so that one number
21 entails everything.

22 The contractor picks up the material at
23 our transfer station in Old Bethpage, brings it to
24 Westbury, and that's where it's taken care of in
25 Westbury.

1 SUPERVISOR SALADINO: And just for the,
2 again, public knowledge, this does not represent an
3 increase in spending; we're transferring moneys
4 from one account into another account for this
5 purpose.

6 COMMISSIONER LENZ: Exactly.

7 SUPERVISOR SALADINO: Thank you so
8 much.

9 Laura?

10 MS. SCHULTZ: Hi. I'm Laura Schultz,
11 President for Residents for a More Beautiful
12 Syosset. I live at 22 Barbara Drive, Syosset.

13 This pertains to Resolution 518. We
14 ask you, Town Board and Mr. Supervisor, to pass
15 this Resolution regarding the Syosset Streetscape
16 and Walkability Project.

17 This Resolution is a big step towards
18 the completion of the Downtown Syosset area in
19 making it more beautiful and more walkable.

20 We would especially like to thank Colin
21 Bell for all his hard work on this project. He has
22 kept us informed and been persistent and patient.

23 We also would like to thank Councilman
24 Hand and Councilman Imbroto for moving this project
25 forward.

1 Thank you very much.

2 SUPERVISOR SALADINO: Thank you so much
3 for being in support of our initiative.

4 This is something that means a lot to
5 us. We've been working on it for quite some time.

6 I also want to thank Commissioner
7 Samortano and Deputy Commissioner Bell for all of
8 your efforts on this as well as the staff.

9 Thank you.

10 SUPERVISOR SALADINO: Kevin, would you
11 like to speak?

12 MR. McKENNA: Good morning, Town Board,
13 Mr. Supervisor.

14 Kevin McKenna, 3 Edna Drive, Syosset,
15 New York.

16 Just following up on Syosset
17 Streetscape Resolution 518.

18 I would ask somebody to make the
19 Syosset community aware of what the plan is. I, in
20 the past, have asked Laura Schultz on a couple of
21 occasions to share the design plans which she says
22 she has, but for whatever the reason, she doesn't
23 want to share those with the community.

24 So, it's great that Laura does what she
25 does. Her group is really herself and one other

1 woman with no involvement from anyone else in
2 Syosset. Nobody knows what -- what's taking place.
3 I'm not suggesting you not vote for this, but I
4 would recommend that you communicate to Syosset
5 what is going to take place especially in light of
6 the fact that when the MTA did the construction of
7 the train waiting room, it caused major, major
8 havoc in Syosset. It took almost a year to build
9 that and I suspect that this project -- that's
10 probably very, very well needed and it's a terrific
11 project -- the community needs to know what's
12 coming, when it's coming, what's going to take
13 place.

14 That's that. That's all I have.

15 Thank you.

16 SUPERVISOR SALADINO: Thank you.

17 We don't have any other slips on these
18 Resolutions, so I am going to ask for a motion.

19 COUNCILMAN MACAGNONE: Excuse me, on
20 Mr. McKenna's point, can we put on our website the
21 plan because this really is a great thing that we
22 are doing for the people of Syosset and it would be
23 a great thing to publicize the great work that
24 Commissioner Samortano and Deputy Commissioner Bell
25 have done?

1 SUPERVISOR SALADINO: Yes.

2 COUNCILMAN MACAGNONE: Thank you.

3 SUPERVISOR SALADINO: Then there are no
4 other slips, we will call now for a vote.

5 MR. ALTADONNA: Just to reiterate we
6 are voting on Resolutions P-15-19, PA-7-19,
7 TF-14-19 through 526, noting that 513 has been
8 tabled.

9 On the vote:

10 Supervisor?

11 SUPERVISOR SALADINO: "Aye."

12 MR. ALTADONNA: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: "Aye" on all.

14 MR. ALTADONNA: Councilman Macagnone?

15 COUNCILMAN MACAGNONE: On 520, I'm
16 going to vote "Aye," but I wish the amount giving
17 back to our workforce was higher. These people --
18 we are doing well financially. These people stuck
19 with us when we weren't. They took slag payroll,
20 they gave back money. I wish the money were given
21 to them was higher. I hope in the future that
22 future Town boards will do that.

23 I "abstain" on 523.

24 MR. ALTADONNA: Councilman Imbroto?

25 COUNCILMAN IMBROTO: I vote "Aye" on

1 all.

2 I "abstain" on 523.

3 MR. ALTADONNA: Councilman Hand?

4 COUNCILMAN HAND: "Aye" on all.

5 MR. ALTADONNA: Councilman Labriola?

6 COUNCILMAN LABRIOLA: "Aye" on all.

7 MR. ALTADONNA: P-15-19 through 522

8 passes with six "Ayes."

9 523 passes with four "Ayes" and two

10 "abstentions."

11 524 through 526 passes with six "Ayes."

12 Our calendar is complete.

13 SUPERVISOR SALADINO: May I have a

14 motion?

15 COUNCILMAN MUSCARELLA: Supervisor, I

16 make a motion to close the meeting.

17 COUNCILMAN MACAGNONE: Second.

18 SUPERVISOR SALADINO: All in favor

19 please signify by saying "Aye."

20 COUNCILMAN MUSCARELLA: "Aye."

21 COUNCILMAN MACAGNONE: "Aye."

22 COUNCILMAN IMBROTO: "Aye."

23 COUNCILMAN HAND: "Aye."

24 COUNCILMAN LABRIOLA: "Aye."

25 SUPERVISOR SALADINO: Those opposed,

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"Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

(TIME NOTED 11:34 A.M.)