

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
October 6, 2020
10:22 a.m.

HEARING - Local Law

To consider a Local Law entitled, "A Local Law to Amend Chapter 184 - Public Nuisance, of the Code of the Town of Oyster Bay." (M.D. 9/15/20 #27).

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 COUNCILWOMAN JOHNSON: Good morning,
2 everybody.

3 We're ready to start. Can we confirm
4 if we have the Supervisor and Councilman Hand on
5 the line?

6 MR. LaMARCA: Would you like to poll
7 the Board?

8 COUNCILWOMAN JOHNSON: I just want to
9 see who's on the line before we even start.

10 MR. LaMARCA: Supervisor Saladino,
11 Councilman Hand, are you on?

12 COUNCILMAN HAND: Councilman Hand, via
13 telephone.

14 MR. LaMARCA: Supervisor?

15 COUNCILWOMAN JOHNSON: Before we start
16 and before we poll the Board, I'm going to make a
17 few comments.

18 Good morning, everyone. Welcome.

19 SUPERVISOR SALADINO: Can you hear me
20 now? I took the mute off.

21 Can you hear me now properly?

22 COUNCILWOMAN JOHNSON: Yes, we can.

23 Thank you, Supervisor.

24 SUPERVISOR SALADINO: Thank you.

25 COUNCILWOMAN JOHNSON: Good morning,

1 everyone.

2 Welcome to Town Hall for today's
3 meeting, Tuesday, October 6, 2020. I'm joined here
4 today on the dais with several of my colleagues.

5 As you can see, there's a few missing.
6 While they've tested negative for COVID-19, several
7 of them are joining us on the phone as you just
8 heard. Councilman Tom Hand, our Supervisor Joe
9 Saladino, and I believe Jeff Pravato as well may be
10 joining us, but I'm not sure. They are quarantined
11 based on possible exposure to the virus.

12 Supervisor and Councilman Hand and Tax
13 Receiver Pravato, we look forward to your return at
14 the next Board meeting. We also thank you for
15 following all CDC recommendations, which are
16 important for everyone to follow for the best
17 safety and welfare of our Town, our Town residents,
18 and our employees.

19 Now, to lead us in prayer today, please
20 welcome Rev. Dr. John Yenchko. He's a senior
21 pastor at North Shore Community Church in Oyster
22 Bay.

23 Father.

24 (Whereupon, a prayer was recited by
25 Rev. Dr. John Yenchko.)

1 (Whereupon, the Pledge of Allegiance
2 was then recited, followed by a moment of silence.)

3 COUNCILWOMAN JOHNSON: All of our first
4 responders are true heroes, and we always pray for
5 our brave doctors and those on the front lines, the
6 healthcare workers and the men and women who are in
7 the United States Armed Forces. Please keep them
8 in your thoughts always. They are all heroes.

9 Supervisor, before we consider today's
10 calendar, would you like to make a statement?

11 SUPERVISOR SALADINO: Yes, I would,
12 Councilwoman.

13 First of all, I would like to thank
14 Michelle Johnson for leading today's Board meeting.
15 I'm sure you will do a wonderful job.

16 And as our Reverend Pastor Yenchko said
17 earlier that this meeting, like all of our meetings
18 and all of our official programs and ceremonies and
19 our duties, should be embraced by our public with
20 love and respect. I am counting on everyone doing
21 that today and always, and I thank you very much.

22 First of all, I'm feeling absolutely
23 fine. I've tested negative. I'm told that my
24 other colleagues on the Town Board also all tested
25 negative, but I'm not there -- we are not there in

1 the sense of precaution as we are following the
2 Guidelines from the CDC. It is important we set
3 the right example and that we all follow the
4 recommendations of our healthcare professionals,
5 and while I might not be there at Town Hall in
6 person, I'm certainly there in spirit and working
7 with all of you every day.

8 Before we move forward with today's
9 agenda, I would like address a recent audit
10 released by our New York State Comptroller.

11 Coverage of that audit in the media
12 should have better recognized the fact that our
13 Administration and this Town of Oyster Bay Town
14 Board fully eliminated an operating budget deficit
15 that reached a high of \$44 million under the prior
16 Administration.

17 When we took over in 2017 until today,
18 we went from a multimillion-dollar operating budget
19 deficit to a \$27 million surplus in just three
20 years while cutting taxes. That's something you
21 didn't read in the paper, you didn't see that in
22 the media, and the public has a right to know.

23 So, in addition from going from that
24 \$27 million surplus -- rather from the deficit to
25 the \$27 million surplus, we did that in just three

1 years and we did it while cutting taxes.

2 Everyone knows -- most people know we
3 inherited a mess and turned around the finances and
4 cut overall taxes. Our financial turnaround has
5 been recognized by two independent Wall Street
6 firms, and we received upgrades from the Town's
7 credit rating from this year and previously, and we
8 did this even during the pandemic.

9 Moody's Financial Services and
10 Standard & Poor's Global ratings both recognized
11 our success by reducing debt by a net of \$160
12 million, and they have reported that we are in a
13 much better place financially.

14 Now, a single credit rating increase
15 during this COVID economic crisis is amazing, but
16 to receive two, two increases, is remarkable during
17 COVID.

18 As a matter of fact, we've received two
19 credit upgrades not only during COVID, but a total
20 of four since my administration took over in the
21 Town of Oyster Bay.

22 Furthermore, in the same month that the
23 State Comptroller released the audit, they also --
24 this is the New York State Comptroller -- has
25 removed the Town of Oyster Bay from their fiscal

1 stress monitoring list for the first time since the
2 program's inception in 2017.

3 So the New York State Comptroller who
4 has audited us multiple times, including the normal
5 audit that takes place every year for every
6 municipality, has removed the Town of Oyster Bay
7 from the fiscal stress list.

8 I have yet to read that in the daily
9 paper. I have yet to see that on the news. I have
10 yet to see the media's coverage of that.

11 Again, the public has the right to
12 know. This is evidence-based proof of our
13 financial turn around and successes that we
14 continue to deliver to our taxpayers and the
15 residents of the Town of Oyster Bay.

16 Again, I want to commend my colleagues
17 on the Oyster Bay Town Board and all of our
18 employees in the Town workforce to -- for their
19 help in achieving this big success, and we will
20 continue to work together and to move the Town of
21 Oyster Bay forward.

22 I appreciate, Councilwoman, all you're
23 doing, Councilwoman Johnson mand our entire Town
24 Board, our Town Clerk Rich LaMarca, and our
25 Receiver Jeff Pravato.

1 I do want to point out that today, as
2 part of this Town Board meeting, we will introduce
3 the 2021 Town budget.

4 Now, our vote today is not to accept
5 the budget, instead we move to -- we are moving it
6 from a preliminary budget to a proposed budget.
7 And this is an important piece of the normal
8 process of the Town. When I took over, we
9 committed to presenting the budget before the
10 November election and to finalize and pass a budget
11 before Election Day, and we will continue to do
12 that.

13 Now, the budget hearing will be held --
14 there will be two budget hearings so the public can
15 listen and comment on the budget, and they will be
16 held on Tuesday, October 20th.

17 The first meeting will be held at
18 10:00 a.m. and the second meeting 7:00 p.m. on the
19 same day. We'll live stream these meetings, and
20 these meetings will comply with all CDC and social
21 distancing guidelines.

22 If residents prefer to comment in the
23 (inaudible) --

24 COUNCILMAN IMBROTO: We can't hear you
25 that well.

1 SUPERVISOR SALADINO: The 2021 Town
2 budget -- I will continue.

3 We will be introducing that budget.
4 Again, two budget hearings on Tuesday, October 20th
5 at 10:00 a.m. and at 7:00 p.m. We'll live stream
6 these. The meetings will comply with all CDC and
7 social distancing guidelines.

8 Residents can attend the meeting, but
9 if they prefer to comment in writing, you can
10 e-mail us your comments at publiccomment@
11 oysterbay.com, or you can write a letter to me,
12 Supervisor Joseph Saladino, Office of the
13 Supervisor, 54 Audrey Avenue, Oyster Bay, New York
14 11771.

15 Just to give you a sense of what that
16 budget will include and what we will be talking
17 about at those budget hearings, the total 2021
18 Budget that we're introducing is a total of \$311
19 million budget. This budget, again, freezes taxes.
20 So people understand, we cut taxes back in 2018,
21 and now we followed that with three straight
22 budgets with no increase where we freeze taxes for
23 a third time.

24 As a result, a total of \$5.2 million in
25 total is being returned to the taxpayers as part of

1 this spending plan and the previous spending plan.
2 This budget is entirely balanced with no spending
3 gimmicks and no one-shot revenues. We have
4 discontinued borrowing for cash flow purposes and,
5 again, this budget includes no borrowing for cash
6 flow purposes.

7 And we further reduce our capital debt
8 by more than \$10 million in 2021, bringing about
9 over \$170 million in capital debt reduction. So
10 that's just an overview of some of the highlights
11 that we'll be getting into in the budget hearings,
12 but overall the Town's dark days are behind us and
13 we have instituted fiscal responsibility, and
14 that's been recognized, again, by two Wall Street
15 firms, which have awarded us four credit rating
16 increases.

17 And as mentioned, the New York State
18 Comptroller has removed the Town of Oyster Bay from
19 their fiscal stress list, and that's the first time
20 that the Town has been removed from this list since
21 the program's inception in 2017. I hope that
22 everyone will be reading about that in the daily
23 paper as the public clearly has the right to know.

24 So, that's some of what is going on. I
25 thank you for everyone's cooperation today as we

1 run this meeting with some of our members in-house,
2 in-person, and some through the telephone.

3 Again, I appreciate everyone's
4 cooperation for Councilwoman Johnson, and I will be
5 here on the phone throughout the whole meeting and
6 throughout public comment.

7 Councilwoman, I thank you for this
8 opportunity.

9 COUNCILWOMAN JOHNSON: Thank you,
10 Supervisor. We look forward to your safe and
11 healthy return.

12 I'd ask that the Clerk --

13 SUPERVISOR SALADINO: I just ask if the
14 volume on all the Board member's speakers be raised
15 a bit. It will be easier for me to hear everyone
16 via telephone.

17 COUNCILWOMAN JOHNSON: Absolutely.
18 Thank you.

19 I'd ask the Clerk to kindly poll the
20 Board so we can move forward with today's business.

21 MR. LaMARCA: Very well.

22 Supervisor Saladino?

23 SUPERVISOR SALADINO: Present via
24 telephone.

25 MR. LaMARCA: Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: Present.

2 MR. LaMARCA: Councilman Imbroto?

3 COUNCILMAN IMBROTO: Present.

4 MR. LaMARCA: Councilman Hand?

5 COUNCILMAN HAND: Present via

6 telephone.

7 MR. LaMARCA: Councilman Labriola?

8 COUNCILMAN LABRIOLA: Present.

9 MR. LaMARCA: Councilwoman Maier?

10 COUNCILWOMAN MAIER: Present.

11 MR. LaMARCA: Councilwoman Walsh?

12 COUNCILWOMAN WALSH: Present.

13 COUNCILWOMAN JOHNSON: Clerk, would you
14 call the first hearing, please?

15 MR. LaMARCA: Yes.

16 The first hearing today is to consider
17 Local Law entitled, "A Local Law to Amend Chapter
18 184 - Public Nuisance of the Code of the Town of
19 Oyster Bay."

20 MR. McQUAIR: Good morning, Supervisor,
21 Members of the Town Board.

22 My name is Charles McQuair. I'm here
23 to present you the Amendments to the Public
24 Nuisance Law contained in Chapter 184 of the Town
25 Code. The Amendments really address two areas that

1 need to be updated.

2 The old law, the law that we're
3 amending, required the Town to notify an offender
4 within 30 days of a predicate offense. That
5 provided a cumbersome approach for the Town
6 because, in a perfect world, we'd like to think
7 that our Police Department always contacts the Town
8 about incidents.

9 COUNCILMAN IMBROTO: Mr. McQuair, just
10 can we back up for a second and just explain to
11 everybody what the purpose of the Public Nuisance
12 Ordinance is in the first place, just so everybody
13 understands what we're talking about?

14 MR. McQUAIR: The Public Nuisance Law,
15 the purpose of it is to address, obviously, acts or
16 continuing acts that endanger, threaten public
17 safety, create quality of life issues for
18 communities and neighbors.

19 One of those quality of life problems
20 that we have recently is the emergence of zombie
21 houses. Zombie houses where people move into
22 zombie houses and the Town is forced to be in a
23 position where it has to really get the cooperation
24 of the homeowner.

25 One of the other recent incidents that

1 the Town had also was Airbnb where the parties were
2 utilized for having parties, and we've had issues
3 where there were shootings and the Town at that
4 point under the old Public Nuisance Law was kind of
5 powerless to enforce the statute.

6 The new statute for the Amendments
7 therein will allow the Town to enforce it in terms
8 of incidents.

9 COUNCILMAN IMBROTO: So under the old
10 ordinance, just for the benefit of the public, if
11 you had an incident such as drug dealing or a
12 violent crime or prostitution at a residence or a
13 property, we could use that as a basis for boarding
14 that property up, shutting it down, but our old
15 ordinance required prior convictions.

16 We're seeking to amend the ordinance to
17 just allow us to do that based on incidents rather
18 than convictions, so that we don't need a formal
19 criminal conviction in order to enforce our
20 ordinance against Public Nuisance. This was one of
21 the initiatives of the Quality of Life Task Force.

22 MR. McQUAIR: I'll submit to you that
23 not only did we need convictions, but we needed an
24 arrest. We don't always have arrests with this
25 type of behavior. So, what we did was we added the

1 word "incident" as part of the predicate offense
2 section, which will allow the Town after two
3 incidents, to be able to enforce the Public
4 Nuisance Statute.

5 Like I stated earlier, under the old
6 law, it required the Town to give 30 days' notice
7 upon either an arrest or a conviction that fell
8 under the predicate offense section of the law.
9 We've eliminated the limit the 30-day requirement
10 because the 30-day requirement acted as like a
11 quasi statute of limitations for us.

12 Like I said, we don't always get prompt
13 notice from the Police Department, although they're
14 very cooperative and they work with us, we don't
15 always get that.

16 The second Amendment would be, like I
17 stated earlier, that -- that we change this to be
18 more incident driven. The statute requires two
19 predicate offenses within a one-year period.
20 That's still -- that would show to the Commissioner
21 of Buildings that's there a pattern of activity at
22 a particular residence that would require
23 enforcement of the Public Nuisance Statute.

24 So, to enforce this statute, there has
25 to be a lot of behavior, and I believe the

1 Amendments that we have that we've proposed here
2 are going to achieve that. They'd allow the
3 Commissioner of Buildings to have a little bit
4 better tool to enforce this if she needs to.

5 COUNCILMAN IMBROTO: Essentially, it
6 streamlines the process and it takes away the
7 cumbersome requirements of arresting conviction and
8 allows us more leeway to enforce the Public
9 Nuisance Ordinance to shut down properties that are
10 known as drug hot spots or prostitution hot spots
11 with less required showing before the Town is able
12 to act.

13 MR. McQUAIR: And if this was a
14 Commissioner's Order, I mean, if this happened, it
15 would be subject to review of the Zoning Board of
16 Appeals, of course, but I don't see that the --
17 that this more prosecution oriented, you know, as a
18 matter of last resort. For you to fall under the
19 statute, you have to have a continuing pattern of
20 behavior.

21 COUNCILWOMAN JOHNSON: Excellent.

22 Is there anyone else with questions?

23 COUNCILMAN LABRIOLA: Just some
24 clarification, Counselor.

25 Under the enforcement section, does the

1 Commissioner have to come before the Town Board to
2 declare the building or structure a public nuisance
3 or does the Commissioner have the authority to do
4 this on their own?

5 MR. McQUAIR: Well, I would submit to
6 you, Councilman Labriola, that when you're dealing
7 with emergency situations, the Commissioner always
8 has that discretion.

9 The second thing is that the
10 Commissioner -- the Commissioner's Order, because
11 she's the Commissioner of Buildings and Planning,
12 she'd always be subject to the review of the Zoning
13 Board of Appeals.

14 But this statute -- and it continues to
15 have two prongs -- one prong is the Town Board gets
16 to make a decision; the other side of it is the
17 Town Attorney's Office has the right to go to the
18 Supreme Court and get injunctive relief to prevent
19 the behavior from continuing. So there's really
20 two roads that the Town can pursue.

21 COUNCILMAN IMBROTO: And there's always
22 been those two --

23 MR. McQUAIR: That hasn't changed.

24 COUNCILMAN IMBROTO: Yes.

25 COUNCILMAN LABRIOLA: So in an

1 emergency, the Commissioner can act on his or own?

2 MR. McQUAIR: On any matter.

3 COUNCILMAN LABRIOLA: In the instance
4 where we're talking about potentially boarding up a
5 structure for up to one year, that does require the
6 Commissioner to come before the Town Board,
7 correct?

8 MR. McQUAIR: Correct.

9 COUNCILMAN IMBROTO: Or the Supreme
10 Court.

11 MR. McQUAIR: Or the Supreme Court. If
12 it's in the public interest, if it's an extreme
13 threat to health and safety, I would submit that
14 the Court would always have the injunctive power to
15 do that.

16 COUNCILMAN LABRIOLA: Thank you.

17 COUNCILWOMAN JOHNSON: Is there anyone
18 in the public that would like to be heard on this?

19 MR. McQUAIR: I would just ask that the
20 public hearing be kept open until October 16th.

21 COUNCILWOMAN JOHNSON: That will be ten
22 days.

23 MR. McQUAIR: Correct.

24 COUNCILWOMAN JOHNSON: Thank you.

25 Mr. Adelman, you want to be heard on

1 this?

2 MR. ADELMAN: Good morning, Council
3 people.

4 Supervisor, I hope you're doing, okay,
5 and you too, Tom Hand.

6 My question regarding this hearing --
7 and I'm glad to hear it's open until October 16th --
8 my question centers on the fact of transparency and
9 public access to the public notice, which was
10 issued back, I think about September 25th,
11 regarding this hearing.

12 I wrote an e-mail to Town Clerk LaMarca
13 requesting a copy or a scanned copy of the amended
14 -- Amendment for Chapter 184, is it?

15 MR. LaMARCA: Yes.

16 MR. ADELMAN: I got nothing back until
17 a draft yesterday. He couldn't -- he didn't -- he
18 said he didn't have anything. He didn't reply
19 quickly.

20 This Amendment was supposed to be
21 available in the Clerk's office, so I'm a little
22 confused why it took me almost two weeks to get a
23 scanned copy of the Amendment that's in front of
24 you.

25 When I hear about something being

1 amended, I usually like to see the original and
2 compare it to the new. That was not possible. I'm
3 curious if this hearing we're having, which is open
4 until the 16th now, does this have anything or is
5 it just a coincidence that the last Resolution on
6 today's on-call calendar refers to Resolutions
7 184-2016, which is also a decorum matter?

8 COUNCILMAN IMBROTO: No. This has
9 nothing to do with decorum.

10 This is about quality of life. This is
11 people dealing drugs in their homes, prostitution.
12 This has absolutely nothing to do --

13 MR. ADELMAN: Like zombie homes and all
14 that.

15 COUNCILMAN IMBROTO: Yes.

16 MR. ADELMAN: Right. So it's just a
17 coincidence that both items used the numbers 184.

18 COUNCILMAN IMBROTO: Yeah. One is a
19 section of the Town Code.

20 MR. ADELMAN: So, in other words, I
21 should go play those numbers today.

22 COUNCILWOMAN JOHNSON: Any comment on
23 the actual Amendment?

24 MR. ADELMAN: Well, now that it's open
25 until October 16th, I think between Mr. LaMarca and

1 myself, I'll be able to get a proper copy of the
2 amended chapter and be able to review whatever I
3 want to, and if I have any questions prior to then
4 I will address them.

5 Thank you.

6 THE STENOGRAPHER: For the record, your
7 name and address.

8 MR. ADELMAN: For the record, my name
9 is Arthur Adelman, 110 Dubois Avenue, Sea Cliff,
10 New York.

11 COUNCILMAN LABRIOLA: Mr. Adelman, I
12 just wanted to state quickly for clarification for
13 the public who may be listening, whenever we have a
14 hearing on a Local Law it can be amended from the
15 Board members right here, you know, it doesn't have
16 to be the verbatim text that you have. It's always
17 subject to Amendment, and that's why we're keeping
18 the record open. We're certainly are interested in
19 what the public has to say also.

20 COUNCILMAN IMBROTO: And we won't be
21 voting on the Amendment today.

22 Before we close the hearing, I just
23 want to say that I support this Amendment. I hope
24 that everybody joins me in supporting it. This was
25 something that the Quality of Life Task Force and

1 the Town Attorney's office worked very hard on, and
2 it's going to give us a lot more power to address
3 some of the major issues that we've been having.

4 COUNCILWOMAN JOHNSON: We appreciate
5 all your hard work and the Task Force's hard work
6 in making this a better Town.

7 COUNCILMAN IMBROTO: Thank you.

8 COUNCILMAN LABRIOLA: I would agree,
9 Councilman.

10 I know how sometimes we feel that we
11 need to put more arrows in our quiver, so to speak,
12 when we go after these problems in the community
13 that are sometimes very daunting for our Department
14 of Planning and Development, our Code Enforcement,
15 and even our Police Department. So I think that
16 this goes a long way towards handling some of those
17 very difficult problems that we've encountered, so
18 I appreciate your work too, Councilman.

19 Thank you.

20 COUNCILWOMAN JOHNSON: Is there anyone
21 else that would like to be heard?

22 I see Mr. McKenna jumping up and down.

23 Mr. McKenna?

24 MR. McKENNA: Good morning.

25 Kevin McKenna, Edna Drive, Syosset,

1 New York.

2 I wasn't going to speak, but in light
3 of what Councilman Imbroto just talked about
4 regarding the Quality of Life Task Force as it
5 relates to this hearing, Mr. Imbroto just stated
6 that the Quality of Life Task Force met and
7 discussed this issue.

8 I just want to go on the record to
9 state that I submitted a FOIL request to Town of
10 Oyster Bay and --

11 COUNCILMAN IMBROTO: Mr. McKenna.

12 MR. McKENNA: I received nothing back
13 from --

14 COUNCILMAN IMBROTO: Amendment. This
15 isn't about --

16 MR. McKENNA: Excuse me. My time. I'm
17 talking about the hearing. I'm talking about the
18 hearing.

19 COUNCILMAN IMBROTO: No, you're not.

20 MR. McKENNA: I'm talking about this
21 hearing.

22 COUNCILMAN IMBROTO: No, you're not.

23 MR. McKENNA: I submitted a FOIL
24 request, and there is nothing documented in the
25 Town of Oyster Bay that the Quality of Life Task

1 Force ever met and discussed this issue.

2 Thank you.

3 COUNCILMAN IMBROTO: Thank you,
4 Mr. McKenna.

5 COUNCILWOMAN JOHNSON: Mr. Clerk, do we
6 have any correspondence relating to this hearing?

7 MR. LaMARCA: Councilwoman, we have
8 affidavits of postings and publications.

9 There is no other correspondence.

10 COUNCILWOMAN JOHNSON: Thank you.

11 May I have a motion?

12 COUNCILMAN IMBROTO: So moved to close
13 the hearing -- adjourn the hearing until
14 October 16th. Keep the record open.

15 COUNCILWOMAN JOHNSON: We have one more
16 comment?

17 MR. SCALERA: No, no. The website for
18 comment.

19 COUNCILMAN IMBROTO: Keep the record
20 open for comment, written comments and
21 correspondence, publiccomment@
22 townofosterbay-ny.gov.

23 MR. SCALERA: That's it.

24 COUNCILMAN IMBROTO: That all has to be
25 in the motion?

1 COUNCILWOMAN JOHNSON: Second.

2 COUNCILMAN LABRIOLA: Second.

3 COUNCILWOMAN JOHNSON: Thank you.

4 COUNCILMAN HAND: Second.

5 COUNCILWOMAN JOHNSON: All in favor,
6 signify by saying, "Aye."

7 ALL: "Aye."

8 SUPERVISOR SALADINO: "Aye."

9 COUNCILMAN HAND: "Aye."

10 COUNCILWOMAN JOHNSON: The "Ayes" have
11 it.

12 Thank you.

13 (TIME NOTED: 10:55 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
October 6, 2020
10:56 a.m.

HEARING - P-7-20

To consider the application of Engel Burman at Bethpage, LLC, contract vendee, for a Special Use Permit, Site Plan Approval and Modification of Restrictive Covenants to allow for the construction and operation of an assisted living facility at premises located at 1055 Stewart Avenue, Bethpage, New York. (M.D. 9/1/20 #21)

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 COUNCILWOMAN JOHNSON: Would you call
2 the next hearing, please?

3 MR. LaMARCA: The second hearing is to
4 consider the application of Engel Burman at
5 Bethpage, LLC, contract vendee, for a Special Use
6 Permit, Site Plan Approval and Modification of
7 Restrictive Covenants to allow for the construction
8 and operation of an assisted living facility at
9 premises located at 1055 Stewart Avenue, Bethpage,
10 New York.

11 MR. CAPPADORA: Good morning.

12 COUNCILWOMAN JOHNSON: How are you
13 today?

14 MR. CAPPADORA: Good morning,
15 Councilwoman Johnson, Honorable Members of the
16 Board, virtual hello to the Supervisor and
17 Councilman Hand.

18 My appearance for the record, Nicholas
19 Cappadora, partner at Sahn Ward Coschignano,
20 offices at 333 Earl Ovington Boulevard, Suite 601
21 in Uniondale 11553.

22 I just want to introduce my team and
23 some of the principals and my clients here. From
24 the Engel Burman Group, we have Mr. Jan Burman,
25 Mr. David Burman, Mr. Scott Burman, and Steven

1 Krieger.

2 For our professionals, we have David
3 Mammina from H2M Architects. We have Dale Koch
4 from Bohler Engineering. We have Patrick Lenihan
5 from VHP and Mr. John Elsworth from VHP.

6 A couple of housekeeping items before I
7 get started. I just want to state that the mailing
8 for this public hearing went out to the neighbors,
9 which was completed on September 21st. I have some
10 green cards that I'll hand up that were returned to
11 us, affidavit of mailing submitted to legislative
12 affairs. And the signs, the required signs, were
13 posted on property on September 19th and there's an
14 affidavit of posting on record with legislative
15 affairs.

16 So the subject premises part of this
17 application today is located on the south side of
18 Stewart Avenue in Bethpage. It's known on the
19 Nassau County Tax Map as Section 46, Block G, Lot
20 76, 1055-1065 Stewart Avenue. The overall parcel
21 is a little over 17 and a half acres, and it's
22 zoned General Business.

23 The premises is currently improved with
24 a single two-story building, which was previously
25 used as the Briarcliff College Campus before that

1 closed in 2018. It's now used as an office
2 building.

3 The remainder of the site, which
4 consists of approximately 15 acres is paved
5 parking, it's all parking right now. The
6 applicant, Engel Burman, is contract vendee of the
7 3.91 acre portion of this premises, which is
8 presently just excess parking space.

9 So, the development plan herein
10 contemplates subdividing the premises into two
11 parcels. Parcel A would be the 3.91 acre parcel
12 with an assisted living community, 145 parking
13 spaces, and all associated site improvements. I'll
14 refer to that as the Bristol lot. Parcel B will be
15 the remainder lot, which is about 13.65 acres
16 comprised of the existing office building and 1,055
17 parking spaces.

18 As shown on the overall site plan
19 prepared by Bohler, each lot would be completely
20 self-sufficient and compliant from a parking and
21 zoning perspective. There's also a detailed
22 landscaping plan that's part of our application
23 which will be implemented for the site, for the
24 Bristol site, which meets or exceeds all Town site
25 design standards, including landscape buffers on

1 all sides of the building, especially in the front
2 yard to create a nice street scape along Stewart
3 Avenue. The landscaping islands and parking areas
4 exceed the shade tree and landscaping coverage
5 requirements, a little extra green space.

6 We're here before the Board for the
7 following relief: One, a special permit pursuant
8 to Section 246-5.2 of the Town Code to construct
9 and operate the assisted living residence in a
10 General Business Zone. We're asking for site plan
11 approval from the Board as well pursuant to Section
12 246-6.2.1.1.

13 And, lastly, we're also asking the
14 Board for confirmation that approval for this
15 facility will comply with the declaration of
16 restrictive Covenants that were recorded with the
17 Nassau County Clerk's Office back in February of
18 1997. I have a copy of the CNRs, I will pass them
19 up with my other exhibits, but in pertinent part of
20 what those CNRs state is that there won't be any
21 alterations made to expand or increase the size or
22 square footage of the buildings at the premises
23 without the Town Board granting site plan approval.

24 So, an approval from the Board would
25 fulfill that requirement and we would be in

1 compliance. We comply and will comply with all the
2 other strictures in the CNRs.

3 As shown on the site plan submitted to
4 the Board, the applicant is proposing a three-story
5 152 units assisted living community to be operated
6 under the Bristal name. Forty of these units will
7 be dedicated to a specialized memory care unit that
8 helps aging adults manage Alzheimer's disease and
9 other memory-related cognitive disorders.

10 The building will be constructed as a
11 single building with recesses and courtyards, which
12 we'll go over -- Mr. Mammina will go over further
13 when he discusses the building layout, and other
14 ancillary site improvements.

15 Again, the Bristal lot has been
16 designed to be 100 percent compliant with zoning
17 and parking regulations, so no variances are
18 required. The Department of Environmental
19 Resources thoroughly analyzed the project under all
20 relevant environmental land use and zoning
21 criteria.

22 In a report dated July 6, 2020, they
23 issued a recommendation of the project be
24 classified as unlisted, as an unlisted action, and
25 that a negative declaration be adopted by the Town

1 Board pursuant to the State Environmental Quality
2 Review Act and the Town Environmental Quality
3 Review Act.

4 Also, Nassau County Planning Commission
5 issued a local determination pursuant to General
6 Municipal Law 239M at their September 10th meeting
7 and had no further comments. I have a copy of that
8 Resolution. I'll hand that up as well. This
9 project is being designed to provide a much-needed
10 service for the aging adult population of the
11 Bethpage community. They will benefit greatly from
12 having a premier assisted living community
13 developed at this underutilized commercial site.

14 An assistive living community will
15 generate less traffic and noise compared to the
16 other principal permitted uses in the General
17 Business Zone, which include things like offices,
18 retail, restaurants, or even motor vehicle
19 dealerships.

20 Furthermore, assisted living community
21 will grow the tax base in the community without
22 adding any school-aged children and have very low
23 impact on municipal resources.

24 I just want to touch on the special
25 permit criteria that the Board will be analyzing

1 this application on and the neighborhood character.

2 Again, the project's been designed to
3 meet and will be developed in accordance with all
4 the Special Use Permit criteria that the Town has
5 in its code.

6 For example, the location and use as an
7 assisted living community will comply with all the
8 bulk and area zoning regulations in the General
9 Business Zone. Height, bulk, parking, setbacks,
10 landscape buffers, et cetera, all of it will be
11 compliant and will be both visually and
12 functionally in harmony with the other properties
13 in the area.

14 As described in our petition for the
15 special permit and environmental resources
16 memorandum, the character of the surrounding
17 neighborhoods is predominantly commercial and
18 industrial. This was the old Northrop Grumman
19 facility. This used to house their corporate
20 headquarters.

21 So, on the south side of Stewart Avenue
22 that's all commercial and industrial to this day.
23 Also, Department of Environmental Resources in
24 their report stated that, "On the basis of the
25 existing land use setting described herein, it

1 would appear the proposed assisted living residence
2 will serve as a suitable transitional use between
3 the commercial and industrial uses that occupy the
4 majority of the area to the south of Stewart Avenue
5 and the mostly residential uses to the north of
6 Stewart Avenue."

7 The closest residents are more --
8 located more than 150 feet away from the proposed
9 building. It's separated by four lanes of traffic
10 and a median on Stewart Avenue. There is a
11 substantial buffer and the first thing you see is a
12 canopy and then a landscaping design that we'll go
13 into in a couple of minutes.

14 Furthermore, there'd be no adverse
15 physical or environmental impacts to the property
16 or the surrounding neighborhood. The assisted
17 living community will generate less traffic and
18 noise than other uses principally permitted, and to
19 be discussed further by Mr. Lenihan, traffic and
20 parking impacts will be negligible on existing
21 roadways and will generate very few trips to the
22 site.

23 Finally, I just want to state that the
24 project will have numerous economic -- positive
25 economic impacts to the community. This project is

1 poised to create in excess of 100 construction jobs
2 and over 70 full-time equivalent jobs as
3 stabilization. But I just want to note that no
4 more than 30 employees will be on site at a max
5 shift, so we made sure of that to coordinate the
6 shifts and employees.

7 That concludes my opening remarks.

8 Unless the Board has any questions, I
9 was going to hand it over Mr. Mammina.

10 COUNCILMAN IMBROTO: I don't know who I
11 should address my comments to, but have you had
12 meetings with the Bethpage Fire Department to
13 discuss whether they can accommodate this proposed
14 project?

15 MR. CAPPADORA: Thank you for the
16 question.

17 We did reach out to the Bethpage Fire
18 District. I know Bohler reached out to them. I
19 actually, a couple of weeks ago, spoke to their
20 counsel, Mr. Sapienza, and I forwarded him plans,
21 and I assured him that the site plan was designed
22 and created to accommodate their largest vehicle
23 and to accommodate ambulances to be able to access
24 the site.

25 I think, perhaps, Mr. Mammina or

1 Mr. Koch can speak further to it, but we did have
2 communications, and as of two weeks ago, I spoke to
3 their counsel and provided them with all the plans.

4 COUNCILMAN IMBROTO: Other than
5 speaking to counsel, if somebody can describe the
6 meetings, the communications, who you've been
7 speaking to, what their concerns have been, if
8 they've raised any.

9 MR. CAPPADORA: Okay.

10 COUNCILMAN IMBROTO: Whoever the
11 appropriate person is. It doesn't have to be you.

12 MR. CAPPADORA: I think we'll get to it
13 either in our next speaker, Councilman Imbroto, if
14 that's okay, or the one after that. We'll address
15 it. No problem.

16 COUNCILMAN IMBROTO: Thank you.

17 COUNCILWOMAN JOHNSON: Thank you.

18 MR. MAMMINA: Good morning, Council
19 people, Mr. Saladino, Supervisor.

20 My name is David Mammina. I'm the
21 architect of the project, H2M Architects and
22 Engineers, 538 Broadhollow Road, Melville, New York.

23 I guess through the Clerk, we -- I've
24 handed up just a packet if you choose to follow
25 along or take a look at it later, you know, just so

1 you can see what we are talking about
2 architecturally on that. And as Mr. Cappadora had
3 said, then our other experts will fill in after,
4 you know, after me with some more specifics, and I
5 will answer whatever questions I can.

6 But looking at the exhibits to my
7 right, I'm just going to point for one moment
8 (indicating). Stewart Avenue, that's to the east.
9 I guess as we are calling north, upwards to the
10 north, depending upon which way you're looking at
11 that. As was offered as testimony, previous to
12 being used as a corporate headquarters or sorts, it
13 was Briarcliff -- Briarcliff College. And on the
14 then west side of the site is the Optimum building,
15 a small building in there. So, the area that I'm
16 going to point to (indicating), which is colored in
17 a little bit lighter gray, that is the area of the
18 proposed site for the building (indicating).

19 So, what we see, as I had previously
20 spoken about, Stewart Avenue, let's call that
21 north, you can see below the right-hand word
22 Stewart Avenue, that is the office building, which
23 was Briarcliff. And then to the left is the
24 Bristol Building, which I will go into some of the
25 detail and information regarding that. Maybe I

1 will hold that up here so that as I'm speaking,
2 then it's going into the microphone.

3 There is currently a single curb cut
4 coming into that property, which aligns with the
5 street across the street, and that will be the
6 dominant exit and egress out of the building.

7 Actually, it is the only one. So if
8 you were going into the office building, you would
9 come in, you would move to the east, and the office
10 building is then shown in the lighter color.

11 The Bristol Building then is to the
12 west, and you would come into the site and either
13 you would turn to the right, which would be where
14 our visitor parking is located, or you can continue
15 down to the south and then in that area we have
16 employee parking, that is located in there.

17 As long as we're on the subject of
18 parking, we are proposing, which will be spoken
19 about by VHP, land banking 22 cars on here rather
20 than just paving, you know, the world in there.
21 Because I think, again, as they will testify, we
22 have more than ample amount of, you know, parking
23 for the building.

24 Just in briefly answering Councilman
25 Imbroto's question regarding the fire department, I

1 was not at those meetings, but will have testimony
2 regarding that.

3 COUNCILMAN IMBROTO: Okay, good.

4 MR. MAMMINA: But, essentially, a fire
5 engine and the geometry of the travel around the
6 building is set up so that a fire engine could
7 fight the fire from all four sides of the building.
8 So considering that the building is 33 feet high, a
9 ladder truck could really access from any point in
10 there.

11 There are fire hydrants that are out in
12 street through the Water District and through the
13 fire marshall, there will be two more fire hydrants
14 that will be at the back of the building. It is a
15 long building, so that would assist in that fire
16 fighting there. But then specific testimony
17 regarding those, those meetings can be given, but I
18 was personally involved in the location.

19 COUNCILMAN IMBROTO: I'm not just
20 asking about architecturally.

21 I mean, the volume of EMS calls, things
22 like that from assisted living.

23 MR. MAMMINA: Yes, sir. They'll speak
24 to that.

25 Without a lot of repetition in terms of

1 what Mr. Cappadora had testified, the building is
2 essentially this kind of an H-shape in here.

3 In the back portion of the building --
4 and I'll talk about this on the first floor -- we
5 have a memory care unit in there.

6 I'll talk about the way that that is
7 set up because a lot of what we're doing in here is
8 responding to COVID, and this design is different
9 than what we have done before in the past. And
10 when I take a look at the first floor plan with you
11 and the upper floor plans, I'll speak briefly about
12 that as well.

13 I will ask you when I get to the plans,
14 if I'm going into too much detail, please feel free
15 to stop me because I can talk about the building
16 all day long. The building itself is 129,000
17 square feet, which is kind of a sweet spot for
18 these buildings. In here, we have 152 units,
19 which, again, is where these building generally
20 are.

21 So, you can see then that there are two
22 courtyards that are located in that southern
23 portion at the first floor, which will serve the
24 memory care portion of the building. So there is
25 supervised access to those outdoor spaces, as well

1 as a number of activities and ways that that space
2 can be used inside as well, again which we'll speak
3 about.

4 We have two courtyards that are one on
5 the west, one on the east. Those are for the use
6 of then the general population. The one that is
7 shown on the eastern side has a swimming pool in
8 there as well as some gardens, putting green in
9 there. And then the one on the other side is more
10 for general sun and, you know, those sorts of
11 activities. These are accessible from the dining
12 areas that are in the building as well as
13 recreation spaces that are in the building.

14 The other thing which we do in all of
15 the Bristals, is that we have, you know, a walking
16 path that in a very safe and cloistered way
17 circulates the exterior of the building so that for
18 those people who wish to get out and walk and get
19 some exercise and some sunshine, you know, they are
20 then able to do that.

21 Our loading docks are shown here on the
22 west-hand side of the building. There is still the
23 required width of the traffic aisle so that when a
24 truck is in that area, they can be passed by in
25 both directions. We are landscaping that end of

1 that as well so that from the street, that is being
2 blocked.

3 As Mr. Cappadora had said, we meet all
4 of the zoning requirements for the two lots, and
5 the approximate splitting of the lots is what is
6 shown in the area of the site that is poched in
7 the little dark color.

8 We exceed the amount of trees that are
9 required. We exceed the amount of landscaping that
10 is required as well. And what I would like to say
11 whenever I'm presenting a Bristol building is that
12 we don't go to Home Depot to buy landscaping. If
13 you take a look at the -- if you were to drive by
14 the Jericho facility, which is also in the Town
15 that we just opened, you will see that those are
16 all very mature plantings that are put in there
17 and, you know, they are beautifully maintained as
18 well. You will never see a dead shrub any place in
19 there. They plant flowers in the Springtime and,
20 you know, it's decorated during holidays, so it is
21 something we feel is an asset to the community.
22 Even though in the instance of this building,
23 really the only place that it can be seen from is
24 the Stewart Avenue side of the building.

25 All of our parking spaces are of the

1 required width and length. All of our drive aisles
2 are of the required width. We have at the end of
3 each one of the parking islands, we have the
4 required six feet of landscaping in there. There
5 are trees in every one of those. You won't be
6 looking out over that sea of asphalt. You'll see
7 something that's divided up by trees, and, you
8 know, should ultimately end up being something
9 which is very aesthetic and something which is a
10 contribution to the community.

11 If there are any questions on anything
12 else as I keep going, please feel free to stop me
13 or you can hold until the end.

14 So, essentially, the portion of the
15 building that is facing onto Stewart Avenue is
16 going to be constructed the way that it is shown on
17 here. We have a series of mansard roofs that are
18 slate covered and varying materials, both stone and
19 different types of siding on that. We have a
20 canopy in the front.

21 You will see the amount of detail and
22 articulation that is within the elevation of the
23 building. You know, again, one of the things that
24 Engel Burman is most concerned with is creating
25 something that is going to be a positive

1 contribution to the community, but also something
2 that they are proud to put onto their website. So,
3 you know, the context of the building is something
4 that we feel, you know, will fit residentially,
5 even though, in this case, the residential is
6 across the street.

7 We have a drop off area in the front
8 which is protected from the weather. That's also
9 tall enough so that a bus can pull underneath
10 there, also a fire engine can pull underneath there
11 at the front door.

12 This is not a hospital, so we don't
13 have a lot of ambulance traffic that goes in and
14 out of there. This would be no different than your
15 neighborhood and, you know, occasionally you see an
16 ambulance, but it is not that type of operation.

17 Essentially, this is a residential
18 facility for well seniors. If someone is no longer
19 assessed as being someone who should not be within
20 the facility, then at that point they would be
21 identified as such and then moved to a different
22 type of facility.

23 So if you were to go here and visit
24 them, which certainly I'm sure that ownership would
25 welcome you to, you'll see a lot of activity going

1 on all day long. You'll see people swimming in the
2 swimming pool. And there is active arts and
3 crafts. Bingo is the big attraction, you know, of
4 the day, but we have a Performing Arts Center in
5 there as well, which in the evening there's music,
6 there's dancing, there's a bar bistro in there
7 where people can order food and things after hours.

8 I will say that my mom was in one of
9 the Bristol facilities for six years, and we could
10 not have asked for better care for her. No one
11 knew who I was when she was in there.

12 I won't spend a lot of the Town Board's
13 time going over the floor plans, but I certainly
14 will if you choose to see more of that. As we
15 looked at the site plan -- I'm oriented the same
16 way with Stewart Avenue up on the top.

17 Trucks and loading are something that
18 everybody's always interest in, and we always do
19 our best to try to keep that out of sight, both
20 from residents and from residents within the
21 community.

22 So, as I said, our loading area is here
23 on the side of the building (indicating), so there
24 will be no residents who are looking out and seeing
25 a truck.

1 It enters a one-story portion in this
2 central part of the building in which kitchen is in
3 there, that's a one-story portion there, and it
4 fronts onto one of the courtyards so that when
5 barbecues and things happen in Summertime, that's
6 very easily accessed.

7 The dining room is also up in this
8 left-hand corner so that, similarly, people have
9 access to a pergola-covered area in here. We have
10 also seating areas throughout this, fire pit,
11 that's been one of things we've been doing in the
12 past few buildings, that's very, very popular.

13 When we come in the front door, we have
14 a lobby, which is the equivalent of anything you
15 would see in any type of a hotel. We have a
16 fireplace as you come into there. Reception is
17 immediately to your left, and our management
18 offices are to the right if you were to come in if
19 you had interest in placing a resident within the
20 facility.

21 We have big bar bistro and a card area,
22 which is then straight ahead. Then a parlor in
23 here for reading functions, that sort of thing. We
24 also have a library, billiard room, arts and
25 crafts, a cinema.

1 Again, I would encourage you, if you
2 want to go and see one of the facilities, they
3 really are done very, very well.

4 We have a beauty salon there. I say
5 even though mom was in the memory care unit, she
6 had her hair and her nails done every week, and,
7 you know, when you'd go to visit her, that's the
8 first thing she showed you was her nails.

9 We have a Performing Arts Center here,
10 as I said, which there are many, many functions
11 that are in there. Our marketing office is also
12 off to the side.

13 One of things that we like to do is
14 that we have a Wellness Center in there. Wellness
15 Center, there are no doctors or nurses that are
16 there 24 hours a day, but, you know, they do have
17 consulting doctors, you know, that you can speak to
18 at any point. They have regular scheduled
19 appointments in this part of the building. There
20 is a case manager there to help people through
21 their Social Security, Medicare issues, that sort
22 of thing. And The way that we have it set up, it's
23 directly across from the fitness area so that if
24 there is any prescribed workout regiment or
25 something for someone, it's directly across the

1 way. The swimming pool, the putting green, the
2 courtyard here with the gazebo, all of that is
3 accessed then from that side. So that kind of
4 T-shaped portion that we looked at before is in
5 here.

6 The nice part of the way that we set up
7 the Wellness Center is that it's accessed both from
8 the side of the building where we have our
9 residents there, but also a memory care unit is at
10 this southern part of the building in here and that
11 Wellness Center is also accessed from there.

12 The rooms for that are all singles. So
13 there are no shared rooms that are in there.

14 What we have done for the COVID part,
15 which we have never done before, this will be
16 something that we think will be very effective, is
17 that we've taken the various parts of the facility,
18 and we've broken them down into four separate areas
19 so that every area has a dining area that would sit
20 ten people, so it's a very small group. It's easy
21 to keep them separated.

22 We have an activity space that is also
23 then within that. We have a lounge that opens onto
24 a courtyard in each one of those, and then we do
25 have a Towns Square in the center so that there is

1 a common activity area. I think we're all hopeful
2 that at some point COVID is going to be done, and
3 it would be able to then be group activities in
4 there.

5 There is -- also then within this
6 access then to these courtyards, that happens off
7 of every one of the lounges so that every resident
8 has the ability to be outside. As I said, that's a
9 supervised time when they are outside.

10 COUNCILMAN IMBROTO: Can I just ask you
11 about the kids' arcade? Why is there a kids'
12 arcade in a senior --

13 MR. MAMMINA: Yes. There's a kids'
14 arcade, and I'm sorry I missed that because that's
15 something that's very heavily used.

16 The kids' arcade is always at the arts
17 and crafts area because the arts and crafts area is
18 also very, very popular and many times there will
19 be very talented people who are there as residents.

20 COUNCILMAN IMBROTO: Is it for
21 visitors?

22 MR. MAMMINA: That's for visitors.
23 Yeah. So we're going to visit grandma and grandpa.
24 The children are supervised in there. There is
25 always -- in here you'll see there's an Activity

1 Director's office in there as well which has a
2 window that looks on to the kids' arcade, as well
3 as a window from within arts and crafts that looks
4 into kids' arcade.

5 So there might be some activities that
6 are put together by the Activity Director for the
7 children who can do things then with a grandmother
8 or grandfather, you know, whomever it might be, and
9 it's a very popular area there. There are, of
10 course, video games in there.

11 COUNCILMAN IMBROTO: Okay. I get it.
12 You mentioned COVID.

13 Does the HVAC system contemplate any
14 sort of filtration --

15 MR. MAMMINA: I'm coming to that. Yes.

16 COUNCILMAN IMBROTO: Okay.

17 MR. MAMMINA: We're going to be doing
18 two things for that, and, actually, we had H2M
19 along with the Bristol group with Mr. Krieger, as
20 well as one of our healthcare attorneys that they
21 work with frequently, that I work with frequently.
22 We did a webinar probably about two, three months
23 ago, and that was one of the things that we focused
24 on heavily because we -- at H2M as a company, we
25 have mechanical, electrical, plumbing. We have

1 water resource department and so all of the things
2 that -- as well as architecture, of course -- that
3 would help to answer COVID as we all understand it
4 now. Now many of those things are being introduced
5 into the HVAC systems, which is heating,
6 ventilating, and air conditioning, that's the HVAC,
7 what it stands for. So we're going to be putting
8 ionization systems, you know, in there and if you
9 ask me for all the details of exactly how it works,
10 it has a way that it attracts the COVID to it and
11 it then kills it.

12 The other thing, and thank you for
13 reminding me, is we're also going to be increasing
14 the amount of fresh air that comes into every one
15 of the units, and we'll be changing out using a
16 different filtration system.

17 The other thing that we are doing in
18 here is that we have added a third elevator into
19 the buildings for residents' use. Normally, we
20 have two elevators. We have a third elevator so
21 that we can move people more quickly through the
22 building, you know, in that way and keep them
23 separated.

24 Also, one of the things that we are --
25 COUNCILMAN IMBROTO: We're all in

1 different spots so we're not used to the logistics
2 of our --

3 COUNCILWOMAN MAIER: That means time's
4 almost done, right? Kidding.

5 MR. MAMMINA: One of the things that we
6 are also doing is that, you know, there is a use of
7 ultraviolet light. Ultraviolet light will kill
8 COVID, and we are investigating now there are
9 lighting systems that will go across the perimeter
10 of an elevator so that when the elevator has nobody
11 in it, those light will come on, wash that down,
12 and we'd be able to deal with it in that way.

13 There are also -- another thing we're
14 investigating is that there are also ultraviolet
15 light systems that can be brought in portably.
16 Like to a dining room, you know, so that overnight
17 that can be on and would definitively deal with the
18 COVID portion of that.

19 I was going to talk about the elevator
20 on the next -- the next floor plan. The second and
21 third floor plans are, essentially, the same. So I
22 will stop at the third floor, but we feel that the
23 extra elevator is going to be well worth the
24 expense for that in that the majority of the
25 residents, you know, have walkers. And they're not

1 the usual walkers that you're used to seeing. They
2 have wheels on them and they're kind of set up like
3 a ten-speed bike where they've got brakes on it and
4 the whole thing. The pocketbook goes into there
5 and they can sit on it while they're waiting, you
6 know. It's become a big part of their lives.

7 So we need to accommodate that as it
8 evolves, and within our dining rooms, we have
9 walker storage in there. Also, all the dining
10 rooms are oversized because many of the ladies
11 don't want to let that walker out of their sight
12 because that's their whole thing. But by adding
13 that third elevator -- all of our elevators are
14 hospital-sized elevators. They're decorated very,
15 very nicely inside. You don't feel like you're
16 going into a hospital elevator, but they're larger
17 for that reason. So that third elevator is added
18 at a substantial cost, but, you know, we felt that
19 would be worth it.

20 Of course, there'd be screening exactly
21 the way you're screening here as residents are
22 coming in and out. But the other thing that we are
23 doing, which we have not done before, because this
24 is not a nursing home and it's not a hospital, is
25 that we are adding a nurses' station to each one of

1 floors, which is outside of the elevators.

2 So if someone is having a problem, you
3 know, they would be able to speak with someone
4 immediately. And if someone who's in the nurses'
5 station, because these would be manned nurses'
6 stations, they would then be able to see that
7 person coming out of the elevator and say, whoops,
8 wait a minute, I don't like what I see here, you
9 know, I better give that a check. That is being
10 added on the second and third floor.

11 I would say that the only difference
12 between the second and third floor is that when we
13 enter the building in the front -- I mean, there is
14 a good level of elegance that is within that first
15 impression, and there is a grand stair that is
16 immediately visible from that front area from
17 reception, and that grand stair is open to the two
18 floors of the first and the second floor, so it
19 pops up then on that second floor right in here, if
20 you take a look at those small plans that we have
21 there.

22 And then when we look at the rest of
23 the floor in here, we have elevators down at this
24 end, we've added a third elevator down over --
25 actually, up here because we usually do one

1 elevator at each end, so we minimized the walk for
2 the residents, so that second elevator is added
3 down in that area.

4 And then this is a mixture of studio
5 apartments and one-bedroom apartments. I do not
6 honestly remember how many two bedrooms we have in
7 here, but it's typically just a handful. If
8 someone has an aide that is going to be staying
9 with them, that would be the purpose of that second
10 bedroom.

11 Each one of the units has its own
12 handicapped accessible bathroom within it, and they
13 have a small kitchenette. That small kitchenette
14 is a warming kitchenette. So it's not anything
15 that there's a flame or cooktop within that.
16 There's a microwave. There's a refrigerator with a
17 freezer so, you know, they can have ice cream there
18 or Sara Lee cake and it can be stored in there.
19 The microwave can be used for heating up something,
20 for making tea and coffee maker, that sort of
21 thing. Then they have kitchen cabinets like we
22 would have at home.

23 COUNCILMAN IMBROTO: Are the studios
24 and the one bedrooms, are they single occupancy or
25 is it the policy to allow occupancy of a couple?

1 MR. MAMMINA: I would honestly have to
2 say I don't know that it's a policy, but I've never
3 seen or been aware of any studio that has two
4 people in it. There's not two beds.

5 COUNCILMAN IMBROTO: Do you know how
6 many total residents are contemplated by this
7 project?

8 MR. MAMMINA: We have 152 rooms.

9 COUNCILMAN IMBROTO: Units, but how
10 many people?

11 MR. MAMMINA: 154. Because we have two
12 bedded, and if someone -- certainly, if it was a
13 husband wife, you know, and they wanted to both
14 live in the one apartment, they could certainly do
15 that.

16 COUNCILWOMAN MAIER: Do you know how
17 large each of the units are?

18 MR. MAMMINA: The units range in size
19 from approximately 400 square feet for the studios,
20 you know, between 350 and 400, and the one bedrooms
21 will go up to 450 to 500, in there. So, they're a
22 very nice size. The goal, of course, is that the
23 residents, while they're not restricted in any way,
24 that they're not spending their day in there, in
25 their room. They're coming on down to the public

1 spaces and they're socializing, you know, that sort
2 of thing.

3 COUNCILMAN IMBROTO: Of the 152, do you
4 know how many are two-bedroom units?

5 MR. MAMMINA: Yeah. I have --

6 COUNCILMAN IMBROTO: Don't go crazy.
7 If you could just get me the number at some point
8 in the presentation.

9 MR. MAMMINA: I can do that.

10 You a have number?

11 COUNCILMAN IMBROTO: Why don't we just
12 continue on and then when somebody has the
13 information --

14 MR. MAMMINA: Okay. I know I have it
15 within -- within here somewhere. I can get you
16 that next.

17 COUNCILMAN HAND: Councilman Hand on
18 the telephone.

19 One quick point of reference. I
20 appreciate the architectural design, the HVAC, the
21 attention to the UV light, extra elevators, nurses'
22 station, et cetera, my concern or question is:
23 What is the protocol for infectious disease to
24 community spread? How is that going to be
25 (inaudible) --

1 MR. MAMMINA: What I'm going to do is
2 I'm going to leave that --

3 COUNCILWOMAN JOHNSON: I just want to
4 make sure that our court reporter could hear that.

5 Could you repeat that a little louder,
6 please, Councilman Hand?

7 COUNCILMAN HAND: Absolutely.

8 I appreciate the architectural design,
9 the HVAC attention to detail, the UV lights, the
10 extra elevators, the nurses' station, everything
11 that's been discussed.

12 My concern is the protocol with
13 infectious disease that may be community spread.
14 How are they going to protect the residents, are
15 they going to isolate, quarantine in place, or
16 hospitalized?

17 MR. MAMMINA: I'm going to have
18 Mr. Krieger come up on that. I mean, he and I
19 generally do a lot of these presentations and he's
20 very familiar with operations. He's very involved
21 in operations.

22 And that's an excellent question
23 because that's, you know, something that certainly
24 everyone is concerned with.

25 So, if there are no other questions --

1 COUNCILWOMAN JOHNSON: I just have a
2 quick question regarding the bistro grill.

3 Do you serve alcohol there or is it
4 strictly food.

5 MR. MAMMINA: There is alcohol served
6 there with permission of the family.

7 COUNCILWOMAN JOHNSON: Okay.

8 COUNCILWOMAN MAIER: I have a few
9 questions. I'm not sure -- thank you for your
10 presentation -- if this is something we should hold
11 off on and wait, but I'll just throw it out there.

12 There's 152 units, do you know how that
13 compares to other Bristals on the Island?

14 MR. MAMMINA: Say that again.

15 COUNCILWOMAN MAIER: There are a 152
16 units proposed --

17 MR. MAMMINA: Yes.

18 COUNCILWOMAN MAIER: -- do you how many
19 other Bristals there are, first on the Island, and
20 how does that compare to the others? Are they the
21 same size? Is this one larger?

22 MR. MAMMINA: We have 14 on Long
23 Island, and in terms of the size, as I said, this
24 is kind of their sweet spot. The average is 135 or
25 136 to about 150. I don't think we have, but maybe

1 one or two that are any bigger or smaller.

2 COUNCILWOMAN MAIER: Do you know the
3 occupancy of the other units? Are they full?

4 MR. MAMMINA: I'm going to let
5 Mr. Krieger --

6 COUNCILWOMAN MAIER: Okay. I can hold
7 off on my question. I'll wait.

8 MR. MAMMINA: Well, I think if there
9 are any other questions for me or any other ones
10 come up, I'll gladly come on back up.

11 SUPERVISOR SALADINO: Yes.

12 I have a question. This is Supervisor
13 Saladino.

14 You spoke to many of the COVID
15 compliant safety measures that were designed into
16 your plan and that's very important to us.

17 In terms of the HVAC filtration, are
18 you designing a system that meets or exceeds the
19 State recommendations, the latest COVID State
20 recommendations, as it relates to, say, the opening
21 of shopping malls, there's a level which the State
22 mandates is met or exceeded.

23 Can you just speak to us about the
24 filtration capacity that's being designed for this
25 building and will it filter out the COVID virus?

1 MR. MAMMINA: Yes.

2 Essentially, we're using what's called
3 a MERV system, M-E-R-V, as well as HEPA filters,
4 and those are hospital grade. So, essentially,
5 this would be the same thing that we would put into
6 a hospital kind of environment.

7 I could not say to you, Mr. Supervisor,
8 that I have checked as to what a restaurant is
9 required to have, but I know that we indeed do have
10 what would be considered the top of the technology
11 in terms of the filtration and the ionization, so
12 we have a redundancy --

13 SUPERVISOR SALADINO: What about the
14 grading system through the pandemic? Can you tell
15 us what number on the MERV spectrum these filters
16 will reach?

17 MR. MAMMINA: 20.

18 SUPERVISOR SALADINO: 20, two-zero?

19 MR. MAMMINA: Yes, two-zero.

20 SUPERVISOR SALADINO: Thank you.

21 MR. MAMMINA: Thank you.

22 And, of course, that's in conjunction
23 with the ionization system as well and the
24 increased air flow. Because increased air flow is,
25 of course, key. It's the reason why we all wear

1 masks because we want to keep the air moving.

2 Thank you.

3 COUNCILWOMAN JOHNSON: Thank you.

4 Do you have another speaker for us?

5 MR. MAMMINA: I think Mr. Krieger.

6 COUNCILWOMAN JOHNSON: I apologize. I
7 didn't see you back there.

8 MR. CAPPADORA: Again, I just wanted to
9 as a housekeeping item, first of all, give you
10 exhibits that I wanted to give earlier, submit them
11 to the Town Clerk, the green cards for mailing, a
12 copy of the covenants and restrictions and Planning
13 Commissioner's determination (handing).

14 I also wanted to have Mr. Mammina's
15 testimony admitted nunc pro tunc as an expert, as
16 an expert in architectural design. He has vast
17 number of decades of experience at H2M, and as a
18 housekeeping item, I should have done this at the
19 beginning, but I would like to now have his
20 testimony as you just heard and any further future
21 testimony that Mr. Mammina gives be included as
22 expert architect for this presentation.

23 COUNCILWOMAN JOHNSON: Thank you,
24 Mr. Cappadora.

25 We accept that.

1 MR. CAPPADORA: I have Mr. Steven
2 Krieger here to answer any operational questions.

3 If you want to hear from him now, we
4 have a couple of other professionals which we can
5 get to afterwards if that's okay.

6 COUNCILWOMAN JOHNSON: Thank you.

7 MR. CAPPADORA: Thank you.

8 COUNCILWOMAN JOHNSON: Mr. Krieger.

9 MR. KRIEGER: Members of the Board,
10 Supervisor Saladino, thank you.

11 COUNCILMAN IMBROTO: Mr. Krieger, if
12 you're comfortable, could you please remove your
13 mask? Thank you.

14 MR. KRIEGER: I'll start again.

15 Members of the Board, Councilman
16 Saladino, Steven Krieger. I'm a partner at Engel
17 Burman.

18 I'm here to answer any questions,
19 specific questions you may have regarding the
20 operations of the community.

21 COUNCILWOMAN MAIER: Thank you.

22 I have a few questions. If we can just
23 circle back to the number of units and how it
24 compares to the other facilities on the Island.

25 MR. KRIEGER: Yes. Sure.

1 That's about the average of the number
2 of units we have in most of our communities on Long
3 Island. We have some buildings that have 136. Our
4 building in Jericho has 180. Our building on the
5 LIE, which you see at Exit 63 in Holtsville, has
6 155. So it's the average.

7 We always do this based upon what we
8 call a "needs analysis." We do a needs analysis
9 when you do a market study to make sure there's a
10 need. Right now in Bethpage, the numbers are
11 showing a huge need. That's why we built 150 units
12 in that community. We could probably fill, we
13 think, based upon the needs analysis and study that
14 was done, closer to 180, but we wanted to be safe
15 and we proposed 150.

16 COUNCILWOMAN MAIER: So, I'm assuming
17 since you did the analysis, what is your occupancy
18 from the other facilities? Are you at occupancy?

19 MR. KRIEGER: So, yes.

20 So, typically, we operate in the low
21 90s. Right now I'd say we're in the mid 80s as a
22 result of COVID. Right now, we're getting people
23 coming back into the buildings.

24 Unfortunately, we weren't able to have
25 visitors in a lot of the buildings as a result of

1 COVID, so a lot of family members felt
2 uncomfortable dropping off their mom or dad and
3 saying hi, here you are at Bristal, but we can't
4 come visit you.

5 So right now we have no cases in any of
6 our buildings right now, none. So visitation is
7 open -- out of our 23 operating buildings right now
8 in New York State, visitation is open in every
9 single one of our buildings except for one. So
10 people are moving their loved ones back into the
11 buildings as a result of having the ability to come
12 visit them.

13 COUNCILWOMAN MAIER: How do you -- the
14 price, how does one come in? Is it, you know, per
15 month and is it a package so, like, you can add on
16 to that?

17 MR. KRIEGER: Yeah.

18 So, typically, our residents sign a
19 one-year residency agreement, which is approved by
20 the New York State Department of Health. Our
21 residents also have the ability to cancel upon 30
22 days written notice in the event they have an
23 occurrence where they can't stay in the community
24 any longer. Monthly rents are set.

25 In addition to monthly rents, depending

1 upon the amount time that care is necessary for a
2 resident, there will be an additional charge for
3 care based upon the amount of time that a resident
4 requires.

5 COUNCILMAN IMBROTO: Mr. Krieger, do
6 you have a traffic engineer that's going --

7 MR. KRIEGER: We do. We have a traffic
8 engineer, and so I'll call him up now.

9 COUNCILMAN IMBROTO: Okay.
10 Before you do, could you address the
11 EMS call volume? How many calls are anticipated?

12 MR. KRIEGER: Sure.

13 I don't have the exact figures on me
14 right now, but I will tell you that one of things
15 that we've done in every one of our communities is
16 we have individual contracts with ambulance
17 companies.

18 And, so as a result of us being
19 licensed by the New York State Department of
20 Health, we take care of our residents and we
21 monitor all of our residents, so we rarely have
22 emergency calls. The emergency calls that we get
23 in the building are for, you know, someone having a
24 cardiac event, or someone having a really bad fall
25 event where we can do a quick diagnosis and see or

1 feel that we need to call an ambulance.

2 Regular ambulance visits back and forth
3 to the hospitals are not emergency situations, and
4 as a result of those, we've been able to keep those
5 emergency calls down to a very, very small level.

6 COUNCILMAN IMBROTO: Do you have a
7 number you can give?

8 MR. KRIEGER: I don't have it on me,
9 but I can get you something if you'd like.

10 But I will tell you this, our building
11 in Jericho, you've had no issues in the Town of
12 Oyster Bay as far as emergency calls. I'm sure you
13 haven't heard of any.

14 I think our building in Massapequa,
15 which is also in the Town of Oyster Bay, we haven't
16 had any issues with any of our emergency calls
17 there. And we really don't have any issues with
18 any of our buildings with an abundance of emergency
19 calls.

20 As I said, we're monitoring our
21 residents, we're taking care of our residents and
22 any scheduled visits to hospitals or any scheduled
23 visits out are all done by a contract ambulance.

24 COUNCILMAN IMBROTO: Do you have an
25 automatic fire alarm system?

1 MR. KRIEGER: We do. We have an
2 automatic fire alarm system. We have emergency
3 call in the bedrooms for all the residents in
4 addition to the bathrooms for the residents. We
5 have pull cords. A lot of our residents wear
6 pendants. A lot of things are handled in-house.

7 COUNCILMAN IMBROTO: Okay.

8 If you could get me the average number
9 of ambulance calls per year --

10 MR. KRIEGER: Sure.

11 COUNCILMAN IMBROTO: -- from Jericho,
12 from Massapequa.

13 MR. KRIEGER: Yes.

14 MR. LaMARCA: Facility.

15 MR. KRIEGER: I might be able do that.
16 When I sit down I might be able to do that and then
17 come back to the mic and give you the answer. I'll
18 call our Operations people. I'll walk outside and
19 call them.

20 COUNCILMAN IMBROTO: Thank you.

21 Do you know how many of these units are
22 two bedrooms versus one bedroom?

23 MR. KRIEGER: You know, I didn't look
24 into that, but I think most of the -- what David's
25 designated as two bedrooms, I think they were --

1 they were one bedroom with a den; is that right?

2 So David's showing me there are two. Two.

3 COUNCILMAN IMBROTO: Two in the whole
4 facility?

5 MR. KRIEGER: Two in the whole
6 community, yes. There are two in the whole
7 community.

8 COUNCILMAN IMBROTO: Thank you.

9 MR. KRIEGER: Okay.

10 COUNCILWOMAN JOHNSON: I'm sorry.

11 I don't know if he had answered
12 Councilman Hand's question.

13 COUNCILMAN IMBROTO: Councilman Hand,
14 were you satisfied or did you have more questions?

15 COUNCILMAN HAND: The question was
16 primarily the protocol for infectious disease that
17 may be community spread.

18 How will they protect other residents,
19 isolate, quarantine in place or hospitalization?

20 MR. CAPPADORA: We'll have Mr. Krieger
21 come answer that.

22 MR. KRIEGER: So as I said before, we
23 currently have no residents in any of our buildings
24 that have COVID right now, to the best of our
25 knowledge.

1 As a regular protocol, we're required
2 by the New York State Department of Health to test
3 all of our employees once per week. In addition
4 that, we test our residents on a regular basis. If
5 there is a resident that does come down with --

6 COUNCILWOMAN JOHNSON: I'm sorry, does
7 staff also test?

8 MR. KRIEGER: Yes.

9 Staff is tested once per week in
10 accordance with New York State Department of Health
11 regulations. The Governor has said that all staff
12 has to be tested. I think it's once every two
13 weeks now. Originally, it was once every week, and
14 now it's once every two weeks all staff has to be
15 tested.

16 As far as someone coming down with
17 COVID in the building, that resident would be
18 hospitalized, would not be admitted to the building
19 until they had two negative COVID tests back into
20 the building.

21 COUNCILWOMAN JOHNSON: Is that
22 sufficient, Councilman Hand?

23 COUNCILMAN HAND: Thank you.

24 That's terrific. Thank you.

25 MR. CAPPADORA: Councilman Imbroto, I

1 just wanted to make sure that your question from
2 earlier about the fire department communications
3 was adequately addressed.

4 I have Dale Koch from Bohler
5 Engineering to answer that question. I'd like to
6 have Dale Koch from Bohler Engineering admitted as
7 our site and civil engineering expert on this
8 project. He can answer any questions about that.

9 MR. KRIEGER: Can I give the answer on
10 the other? I have the answer.

11 COUNCILMAN IMBROTO: Yes.

12 MR. KRIEGER: Just real quickly, the
13 answer is that -- I'm going to read this from the
14 environmental report that was submitted to the Town
15 of Oyster Bay and I'm going to read from that.
16 Okay?

17 "Available information shows the
18 proposed community will only occasionally
19 experience medical emergencies that require
20 ambulance arrivals. A survey of such activity was
21 presented in the November 15th expanded
22 environmental assessment form was filed with the
23 Town in connection with the application for the
24 Bristal at Jericho.

25 "They examined a number of ambulance

1 calls at seven existing Bristol facilities: East
2 Meadow, Westbury, North Hills, Massapequa,
3 Lynbrook, East Northport, and Lake Grove over a
4 32-month period. The data shows an average of
5 fewer than two ambulance calls at each facility per
6 month.

7 "Furthermore, it's important to
8 recognize the presence --" this was on a specific
9 one -- "it's important to recognize the presence of
10 the Bethpage Fire Department on Stewart Avenue
11 immediately to the southwest of the overall
12 property."

13 That's it. Thank you.

14 COUNCILMAN IMBROTO: Thank you.

15 MR. KRIEGER: I hope that answers the
16 question.

17 COUNCILMAN IMBROTO: It does.

18 MR. CAPPADORA: If that information was
19 satisfactory then, Councilman Imbroto, we can move
20 to the traffic engineer and his testimony, if
21 that's okay or do you have --

22 COUNCILMAN IMBROTO: Yeah.

23 I mean, I would like someone to speak
24 to whether meetings were conducted with the fire
25 department because some people have expressed

1 concern about this, and I just want to make sure
2 that that specific answer is addressed.

3 MR. CAPPADORA: Understood. I'll call
4 Dale Koch to speak to that.

5 MR. KOCH: Good morning, Board Members.

6 My name is Dale Koch. I'm with the
7 firm Bohler Engineering. We're located at
8 2929 Expressway Drive North in Hauppauge, New York.

9 Just some credentials. I'm a
10 professional engineer with the State of New York.
11 I'm also a Planning Board Member with the Village
12 of Northport just, you know, in terms of site
13 planning and presentation to various Planning
14 Boards on Long Island.

15 Just to answer your quick question, we
16 reached out to the Bethpage Fire Department,
17 specifically a gentleman named Gregg Setty. We had
18 gone down to the dispatcher's office and that's who
19 they recommended we get in touch with.

20 Our conversations have been
21 specifically geared toward site access and fire
22 coverage. We worked with them to ensure that the
23 hydrant was designed and located in a way -- in a
24 position where it could get to the building.

25 We also worked with them to make sure

1 the fire access worked. They provided us, actually
2 on a previous project, their turning templates and
3 their truck sizes to make sure the circulation
4 worked for all of their largest vehicles on and off
5 the site.

6 We did not have any in-person meetings,
7 but we corresponded with them via e-mail and
8 telephone.

9 COUNCILMAN IMBROTO: If they continued
10 to have concerns after this hearing, would you meet
11 with them in person?

12 MR. KOCH: We would be more than happy
13 to meet with them. We do that often. Just as an
14 example with other projects, we've met with other
15 fire departments throughout the project, through
16 construction, and, you know, we're happy to
17 coordinate and accommodate those meetings,
18 absolutely.

19 Unless the Board has any questions --

20 COUNCILMAN IMBROTO: On that issue
21 that's sufficient.

22 What about water, sanitary?

23 MR. KOCH: Sure. I can go through.

24 We designed the site, we have a full
25 set of civil plans, we've submitted not only to the

1 Town of Oyster Bay, but also the Nassau County DPW.

2 We've gotten no comments back from the
3 Town that have any significance towards the design.
4 We have come very close to getting full approval
5 from the Nassau County DPW for an on-site drainage
6 system that will accommodate their five-inch
7 rainfall. So a whole new drainage system will be
8 installed for this new subdivided lot.

9 We are also designing new utilities.
10 Water has been designed. We've been working very
11 closely with the Water District to ensure that the
12 backfill preventers and the service has all been
13 designed in accordance with their guidelines.
14 We've gone back and forth with them, actually,
15 multiple times to make sure their employees can
16 easily access this site to see what's going on
17 along with, you know, just general construction and
18 the constructability of the site.

19 Then sewer will be connecting to the
20 Nassau County Sewer. No issues with capacity or
21 design there. I think Mr. Mammina did a great job
22 explaining the landscaping and other site features,
23 but, again, I'm happy to answer any specific
24 questions that the Board may have.

25 COUNCILMAN IMBROTO: Is there an

1 irrigation system for the landscaping?

2 MR. KOCH: There will be.

3 COUNCILWOMAN JOHNSON: Do any members
4 of the Board have any questions?

5 MR. KOCH: All right. Thank you.

6 COUNCILWOMAN WALSH: Can you turn the
7 board around?

8 COUNCILWOMAN JOHNSON: Put over to the
9 corner to the side if my other colleagues are okay
10 with that.

11 COUNCILMAN IMBROTO: We have the
12 drawings so we don't need to see the board. If you
13 can show everybody.

14 MR. CAPPADORA: I'll introduce the next
15 speaker and then I'll move it when I go back.
16 We're going to move it so that it's facing the
17 audience.

18 At this time, I'd like to call Patrick
19 Lenihan from VHP. He's our transportation and
20 traffic expert. I have a resume from Mr. Lenihan.
21 He has over 30 years professional experience
22 testifying in complex traffic engineering projects
23 across Long Island. I'll let his reputation and
24 his resume speak for itself. I'd like to hand it
25 to the Town Clerk to submit and have him sworn in

1 or admitted as an expert in his field.

2 COUNCILWOMAN JOHNSON: Thank you.

3 I know that Mr. Lenihan has testified
4 before us on multiple occasions. I have no
5 objection to accepting him.

6 COUNCILMAN LABRIOLA: Sure.

7 MR. LENIHAN: Thank you.

8 I am a professional engineer in
9 New York State. I have testified, as the attorney
10 said, before this Board a number of times.

11 And good morning, Supervisor Saladino,
12 from a distance and Councilperson Hand. Good
13 morning to the rest of the Town Council and staff.

14 My name is Patrick Lenihan. I'm the
15 Director of Transportation at VHP's Hauppauge's
16 office at 100 Motor Parkway.

17 I'm going to need these. Okay.

18 VHP was retained by the Engel Burman
19 Group to study the parking and traffic issues
20 relating to the proposed Bristol Assisted Living
21 project in Bethpage which is before you today.

22 We prepared a comprehensive study as
23 required by the Town. It was included in the
24 environmental documents submitted to the Town.
25 This included a review of existing traffic

1 conditions based on counts we collected pre-COVID
2 earlier this year, projections of traffic which
3 would be generated by this project, an analysis of
4 future traffic conditions, taking into
5 consideration traffic expected from the Bristal, an
6 evaluation of the site access points, a review of
7 the proposed parking to be provided for the site,
8 and preparation of the detailed report.

9 This report was reviewed by the
10 Department of Environmental Resources, which
11 determined it to be acceptable. And, as I
12 understand, they have recommended adoption of the
13 negative declaration based on the entirety of the
14 documentation.

15 With respect to traffic in the Bristal,
16 it is important to understand that an assisted
17 living facility is a very low traffic generator as
18 documented by extensive research published by the
19 Institute of Traffic Engineers and also by VHPs
20 experience at eight other Bristal facilities that
21 we've worked on for Engel Burman on Long Island.

22 The staff shift changes do not overlap
23 with traditional peak hours of traffic, and very
24 few, if any, of the residents drive. The trip
25 generation numbers indicate the frequency of

1 additional vehicles traveling on Stewart Avenue
2 would be in the range of one extra vehicle every
3 two and a half to three and a half minutes. These
4 increases would not affect the capacity or traffic
5 flow along Stewart Avenue and would not be
6 perceptible to the motoring public.

7 We also took a look at what traffic
8 would be -- the site could generate if it was
9 developed As-of-Right as an office building or
10 retail building. And what we found was that either
11 use would generate greater peak hour traffic
12 volumes than the proposed Bristol Assisted Living
13 facility.

14 Mr. Mammina talked the access some,
15 but, quickly, in order to efficiently handle site
16 traffic, the project has been designed with three
17 access points. The primary would be directly into
18 the site at an existing driveway on Stewart Avenue
19 opposite Cedar Avenue.

20 This will be improved by providing a
21 left-turn lane into the site as approved by Nassau
22 County Department of Public Works. There will also
23 be two secondary access points onto Stewart Avenue.
24 To the east of this site using the traffic signal
25 at Arumdaun Avenue reached by cross access

1 connection through the adjoining property to the
2 east and by the traffic signal at Plainville Road
3 -- Plainview Road, excuse me, using the rear
4 connection from the parking lot to that road to the
5 west.

6 These three access points will disperse
7 the traffic very efficiently, and our analysis
8 demonstrates, as included in our report, that the
9 traffic flow conditions will not be significantly
10 affected in any manner.

11 With respect to parking, the site plan
12 provides 145 spaces, which exceeds the 144 spaces
13 required by Town Code. Our own independent studies
14 show that this will be more than adequate to
15 accommodate the maximum parking demand.

16 In fact, Mr. Mammina mentioned again
17 that we're proposing to land bank 22 spaces. Those
18 spaces will be on the westerly and southerly
19 perimeter of the property furthest from the
20 building and will also provide an additional green
21 buffer to the south and west.

22 In summary, it is my professional
23 opinion that the redevelopment of the site with the
24 proposed assisted living facility will not result
25 in any significant traffic flow issues and that

1 very adequate parking will be provided on the site.

2 Thank you for your time. I will take
3 any questions you would have at this time or come
4 back later, however you want to do it.

5 COUNCILMAN IMBROTO: What are the peak
6 hours for the traffic generation?

7 MR. LENIHAN: So, as us traffic
8 engineers normally do, we look at the a.m. and p.m.
9 peak hours of traffic during the week and then we
10 have a Saturday peak hour, but for this facility,
11 we also included a Sunday peak hour as well.

12 So, during the weekday a.m. peak hour,
13 we have 33 trips, and that's combined entering and
14 exiting. Weekday p.m. peak hour, 46 trips. Again,
15 combined entering and exiting. Saturday, 47, and
16 Sunday, 49.

17 So when those trips are disbursed onto
18 Stewart Avenue east and west, that's where we wind
19 up with that, you know, one trip every two and a
20 half to three and a half minutes on Stewart Avenue,
21 which, in my opinion, will not affect traffic flow.

22 COUNCILMAN IMBROTO: Thank you.

23 MR. LENIHAN: Thank you.

24 COUNCILWOMAN JOHNSON: Does anyone else
25 have any other questions?

1 Thank you.

2 MR. CAPPADORA: So, at this point, the
3 Board has heard from everybody on our team, all the
4 professionals, from our principal, and I just have
5 a couple of concluding remarks and then, of course,
6 any questions for our engineers, our architect, or
7 principals, we're all happy to entertain them.

8 You've heard for the reasons stated,
9 hearing by all of our experts and the client, and
10 the testimony provided to the Board, we're
11 respectfully requesting the Town Board approve this
12 application for Special Use Permit and follow the
13 Department of Environmental Resources'
14 recommendation classifying the project as unlisted
15 and adopting a local -- a negative declaration
16 pursuant to SEQA and PEQA.

17 Again, granting that Special Permit for
18 assisted living use in the General Business Zone,
19 granting site plan approval for the plans submitted
20 and articulated and detailed to the Board today,
21 and confirm that our development is consistent with
22 the existing CNRs.

23 And, obviously, you heard thoroughly
24 from everyone that the project will have a positive
25 impact on the Bethpage community, will create

1 economic and quality of life benefits, preserve the
2 character of Bethpage community, and, most
3 importantly, provide a service, a much-needed
4 service, to the aging adult population while having
5 minimal impact on traffic and other municipal
6 resources.

7 I want thank the Board for allowing us
8 present in person today, for your time, and we wish
9 everyone well. With that I will -- any other
10 questions that the Board might have?

11 COUNCILWOMAN JOHNSON: Just as a
12 housekeeping matter, would you kindly forward to
13 our office all of the resumes or curriculum vitae
14 that you might have for all of your experts if any
15 of them were missed today?

16 MR. CAPPADORA: Yes. Absolutely, I
17 will, Councilwoman.

18 (Speaking from the audience.)

19 COUNCILWOMAN JOHNSON: I apologize,
20 Mr. McKenna. I have the microphone on. I will try
21 to speak louder for you.

22 COUNCILMAN IMBROTO: And if you could
23 please try not to disrupt the hearing from the
24 audience.

25 COUNCILWOMAN JOHNSON: I had said if

1 there were any outstanding resumes that were not
2 provided for any of the experts, would
3 Mr. Cappadora kindly forward them to our Clerk's
4 office so that the record is complete and we have
5 them.

6 I apologize if I wasn't speaking loud
7 enough.

8 Thank you.

9 I believe Councilman Labriola had a few
10 comments or questions.

11 COUNCILMAN LABRIOLA: Yes, I do.

12 Thank you.

13 Mr. Cappadora, just a followup on
14 Councilwoman Maier's question with regards to the
15 affordability of the unit.

16 Bristol's reputation is well-known
17 throughout Oyster Bay for, you know, elegant,
18 luxury lifestyles for our senior population who
19 require assisted living, so I just was curious
20 myself when you mentioned -- or was it Mr. Krieger
21 who mentioned -- that there is a baseline for that
22 12-month rental, and then, of course, the price is
23 adjusted based upon the needs of the particular
24 senior, so could you just -- are you able to go
25 through that or do you are able speak to that?

1 MR. CAPPADORA: I would defer to
2 someone from the Engel Burman Group. I'll defer to
3 Mr. Krieger again to speak more proficiently on
4 that.

5 COUNCILMAN LABRIOLA: Thank you.

6 MR. CAPPADORA: Any other questions
7 while we're waiting?

8 COUNCILMAN LABRIOLA: Yes. While he's
9 coming up, I have a question with regards to the
10 National IDA.

11 Is it your intention to seek any kind
12 of tax abatement?

13 MR. CAPPADORA: I believe one is being
14 sought. Mr. Krieger can confirm that. We're not
15 IDA, Counsel, but I'll hand it over, and he might
16 be able to answer those questions more thoroughly.

17 Thank you.

18 COUNCILMAN LABRIOLA: When you come
19 back, I'll have a couple more.

20 MR. CAPPADORA: Okay. I will be right
21 here.

22 MR. KRIEGER: Hi.

23 Steve Krieger, Engel Burman.

24 So, the first question, yes, we have an
25 application pending with Nassau County IDA, and as

1 part of that application, there will be some units
2 set aside for affordability. Not exactly sure yet
3 what that amount is going to be -- what the amount
4 of affordability is but typically in our Bristals
5 do have a -- set aside for a certain number units
6 for affordability.

7 I think you asked a question of what
8 the rates start at. The studios start in the high
9 fives.

10 COUNCILWOMAN MAIER: What does that
11 mean, "high fives"?

12 MR. KRIEGER: High \$5,000s. In the
13 \$5,000 per month range. That includes, you know,
14 three meals per day. It includes recreation. It
15 includes transportation. It includes all the
16 activities in the building. It includes snacks
17 throughout the day. It includes a full staff of
18 Recreation Directors of Housekeeping Directors. It
19 includes rooms being cleaned every day. It
20 includes your laundry. So you really have to pay
21 for nothing in the building.

22 The only thing you have to pay for is
23 really your own medical care and all the residents
24 in our building have their own insurance and pay
25 for their own medical care. One of the things we

1 also provide is we provide a service -- we have
2 visiting doctors that come into the buildings on a
3 regular basis so that the residents don't have to
4 leave the building to go visit doctors.

5 So we have some doctors that come and
6 visit. A typical doctor can come in and see, you
7 know, 20 of our residents in one day. So it is
8 pretty convenient for all our residents.

9 It's -- it becomes -- when you talk
10 about three meals per day for all the residents and
11 snacks throughout the day and recreation throughout
12 the day and activities throughout the day, you
13 know, we have dancing and songs, even arts and
14 crafts that are available during the day, all this
15 is included.

16 COUNCILMAN LABRIOLA: Is that
17 standardized throughout the Towns, you know, on the
18 South Shore as well as the North Shore?

19 MR. KRIEGER: For all of our buildings,
20 that's standard. I'm not sure what everybody else
21 is doing, but we're -- that's standard for us.

22 COUNCILMAN LABRIOLA: Another question
23 with regards to operations, if I can follow up, in
24 terms of the memory units that were spoken about,
25 we're talking about people who have early onset

1 Alzheimer's, dementia, et cetera, right?

2 MR. KRIEGER: Correct.

3 COUNCILMAN LABRIOLA: They would move
4 into these rooms or would they initially be
5 accepted into the facility having that condition?

6 MR. KRIEGER: Everybody that moves into
7 one of our buildings gets an assessment and gets an
8 individual service plan. We have a Wellness
9 Director that would typically be either an LPN or
10 RN who assesses all of our residents, and if a
11 resident we deem is needed to be in a secure
12 environment, then from the day that they would move
13 into the building, we would have them in that
14 secured environment that we call Reflections.

15 We have specially trained staff in that
16 Reflections -- we call it, a wing of the building,
17 which is a secure environment that takes care of
18 these residents. So all the housekeepers, all of
19 the food service staff, and all the aides in that
20 particular wing of the building are trained to take
21 care of people with early stages of dementia,
22 Alzheimer's, and those residents would start in
23 that portion of the building.

24 Because we're seeing a lot of the
25 residents right now, especially in Nassau County,

1 coming into our buildings, even elderly, a lot of
2 the residents are moving directly into that part,
3 that wing of the building.

4 Typically, a lot of the residents as
5 they age in place, you know, start to exhibit signs
6 where they need additional help and sometimes we
7 would transfer some of those residents into that
8 wing of the building based on a new assessment
9 that's done.

10 COUNCILMAN LABRIOLA: So at some point
11 in time, a resident will -- if they come in as
12 assisted living, they transition to the memory
13 unit --

14 MR. KRIEGER: Correct.

15 COUNCILMAN LABRIOLA: -- and then,
16 ultimately, I would assume they're going to be
17 evaluated and transitioned into a nursing home; is
18 that what happens?

19 MR. KRIEGER: Yes.

20 So one of the things that we're doing
21 right now is we're getting an enhanced license,
22 which allows us to keep the residents and provide
23 for the residents a little bit longer, and one of
24 the reasons we're doing that is because it's
25 disruptive for a resident, you know, when they're

1 living in one place to be moved to another place.

2 What so we're doing now is we are --
3 we've gone to the New York State Department of
4 Health to get an enhanced license, which allows us,
5 for instance, to take care of food service so that
6 we can put their food in a blender and blend their
7 food so that if they have a problem eating solids,
8 they can do that. So these are some of the things
9 that we're able to do to keep our residents longer.

10 Remember, we're not taking care of
11 people in our buildings that are sick. We're just
12 taking care of people in our building that are
13 elderly that need help with activities of daily
14 living, eating, bathing, grooming, dressing,
15 toileting. When someone gets really sick, they
16 need to move into a nursing home. We're really a
17 nonmedical model.

18 COUNCILMAN LABRIOLA: I appreciate that
19 having gone through an experience with my own mom.
20 And not being able to qualify for assisted living,
21 she went directly into a nursing home. I like what
22 you're doing here in terms of transitioning. I
23 haven't heard anybody else doing something like
24 that, so I congratulate you.

25 MR. KRIEGER: Thank you.

1 COUNCILMAN LABRIOLA: I think it's a
2 really nice thing to add to the facility. I'm also
3 impressed with what you've done in terms of making
4 sure that the building is safe, the air that the
5 residents breathe, and going through the extra
6 expense of having additional elevators. So all of
7 those things, you know, they speak to your
8 reputation, and as the Bristal has been certainly
9 well-known throughout the Town of Oyster Bay as a
10 preeminent facility.

11 Going back to the IDA, when you
12 mentioned that you are before them, you didn't
13 mention exactly what you were asking for in terms
14 of abatement.

15 Can you share that with us?

16 MR. KRIEGER: Sure.

17 We're asking for an abatement, which is
18 a delay in the full assessment of the real estate
19 taxes because right now we're going to start where
20 the land is, where the real estate taxes currently
21 exist, and rather than have full taxes kick in for
22 the first year, we're going to abate -- we're going
23 to have the taxes phased in over a number of years.

24 I'm not sure what that number of years
25 is yet because we're going back and forth with the

1 Industrial Development Agency right now. They have
2 a typical plan that they'll adhere to, but I will
3 say that the real estate taxes, whatever they are
4 now, that's where the real estate taxes will start.

5 And remember, we are going to increase
6 the tax base. We're going to have between 70 and
7 80 full-time employees as a result this building
8 being built. In addition to that, we're going to
9 have over 100 full-time construction jobs for at
10 least 18 months while the community is being built.

11 So I think, you know, we all know that
12 the real estate taxes are very high on Long Island,
13 and this just gives us a little bit of a start so
14 we can have the ability to stabilize the building
15 during rent up.

16 COUNCILMAN LABRIOLA: Thank you.

17 MR. KRIEGER: You're welcome.

18 Thank you.

19 COUNCILWOMAN JOHNSON: Do any members
20 of the Board have any more questions?

21 (No verbal response.)

22 COUNCILWOMAN JOHNSON: Mr. Cappadora,
23 did you want to say anything else?

24 MR. CAPPADORA: Only if there are
25 questions from the Board.

1 I have no further remarks other than
2 I'll make sure that the Town Clerk gets the resumes
3 for all our experts, and if there's any other
4 questions from the Board.

5 COUNCILWOMAN JOHNSON: Thank you.

6 We do have several members of the
7 public who'd like to be heard on this hearing.

8 Carol Dabovich, would you kindly come
9 up.

10 Can everyone hear me?

11 Good morning, Ms. Dabovich.

12 Could you please state your name and
13 address for the record?

14 MS. DABOVICH: Good morning, everyone.

15 My name is Carol Dabovich.

16 COUNCILWOMAN JOHNSON: Dabovich, I
17 apologize.

18 MS. DABOVICH: I live at 215 Evergreen
19 Avenue in Bethpage. I live pretty close to this
20 building that they're proposing. This is the first
21 time I ever spoken in this capacity. If I don't do
22 it correctly, please bear with me.

23 COUNCILMAN IMBROTO: You're doing
24 great.

25 MS. DABOVICH: I'm not in favor of this

1 building going up. I have no prepared speech. I'm
2 just going to tell you my feelings.

3 It's a huge undertaking. They have all
4 these experts saying that the traffic isn't going
5 to be impacted.

6 How can it not be with all the
7 facilities that they are proposing for their people
8 that are going to live there?

9 There's going to be so many employees.
10 It's just going to be a mess. I know that. One of
11 the Bristal facility's in Massapequa, the traffic
12 there is horrendous to this day. They are saying
13 like year and a half for it to be erected. What a
14 mess that's going to be.

15 I mean, we have so many big buildings
16 on Stewart Avenue already, plus we have the high
17 school. You know, it's a matter of safety and, you
18 know, in Bethpage, we're just trying to come to the
19 point where we're getting our water where it should
20 be. If we have all this traffic and then this bad
21 reputation about our water, that is not going
22 attract any new families in the area. I just feel
23 it's a bad move.

24 Thank you.

25 COUNCILMAN IMBROTO: Thank you so much.

1 COUNCILWOMAN JOHNSON: Thank you.

2 Arthur Adelman?

3 MR. ADELMAN: Arthur Adelman.

4 How are you again?

5 110 Dubois Avenue, Sea Cliff.

6 Having known the Burman family, the
7 developers of this project, for well over 25 years,
8 their integrity is beyond reproach. I think -- I
9 see Bristals all over the Metropolitan area and
10 every time I drive by one, I marvel at the -- like
11 Councilman Labriola said, the quality of the
12 building itself.

13 My only question regarding the
14 development would be with their IDA. I know we
15 have no control over that, but I would request in
16 lieu of what's going on in Suffolk County with
17 labor unions and the alleged misconduct of the
18 leaders there, that no one require Engel Burman to
19 utilize union labor. They should be free to use
20 the labor they choose, be it union or not union,
21 but I don't feel it's in the -- it's in our
22 Council's, our Board's best interest to require
23 them to do that. Because I've heard --

24 COUNCILMAN IMBROTO: Mr. Adelman, I
25 don't think it's fair to paint all labor unions

1 with one brush because of misconduct alleged in one
2 single union. That's not fair.

3 MR. ADELMAN: But I just don't think --

4 COUNCILMAN IMBROTO: And that should
5 not be a consideration with whether they decide to
6 use union labor or not.

7 MR. ADELMAN: If they decide.

8 I don't think it should be impounded on
9 them that you have to do it, otherwise we're not
10 going to give you your variance. Because I've
11 heard that before here where we say, "Are you going
12 use union labor?" We say, "Say yes," then it is
13 another plus mark on their application.

14 I don't think that should be part of
15 this application today. It wasn't. You never
16 mentioned it.

17 COUNCILMAN IMBROTO: Now, that it's
18 been mentioned, I am curious whether or not the
19 developers plan to use a union labor or not.

20 MR. KRIEGER: Can I come up?

21 COUNCILMAN IMBROTO: When everyone is
22 done maybe. At the end, yeah.

23 MR. ADELMAN: Whatever that may be. I
24 was only here to endorse the project and say I
25 think --

1 COUNCILWOMAN JOHNSON: Is this project
2 located near your home?

3 MR. ADELMAN: It would be more --

4 COUNCILWOMAN JOHNSON: Have an impact
5 on your --

6 MR. ADELMAN: It would be more
7 convenient for my kids.

8 COUNCILWOMAN JOHNSON: You're planning
9 on moving in?

10 MR. ADELMAN: You never know.

11 When I think of 5,000 a month, when you
12 think about it, it's a lot money, but it's
13 basically a good portion of my Social Security
14 payment, but I wouldn't have any -- relatively any
15 other expenses.

16 COUNCILWOMAN JOHNSON: This proposed
17 project is not located near your home was my
18 question.

19 MR. ADELMAN: No. I'm in Sea Cliff.
20 This is Bethpage.

21 COUNCILWOMAN JOHNSON: Thank you.

22 MR. ADELMAN: I understand, but on the
23 other end, if it's denied, an office building can
24 go in there as-of-right with less oversight by the
25 Board; am I correct?

1 COUNCILWOMAN JOHNSON: I believe so.

2 COUNCILMAN IMBROTO: That calls for a
3 legal conclusion. We're not the Town Attorney.

4 MR. ADELMAN: Well, I thought there was
5 an as-of-right on the property that an office
6 building or a strip mall can go in there.

7 COUNCILMAN IMBROTO: Do you have
8 specific questions --

9 COUNCILWOMAN JOHNSON: I can ask our
10 Commissioner of Planning and Development to address
11 that.

12 MR. ADELMAN: That's what I understood
13 from the conversation earlier. That's all. I
14 don't want to get myself in any trouble here.

15 COUNCILMAN IMBROTO: Thank you, Arthur.

16 COUNCILWOMAN JOHNSON: Thank you,
17 Mr. Adelman.

18 Was there any other persons that wish
19 to be heard on this application?

20 Mr. McKenna, please come up.

21 MR. McKENNA: Hi.

22 Kevin McKenna, again. Syosset, New
23 York, Edna Drive.

24 I -- first off, I'm not from Bethpage.
25 As you know, I live in Syosset, and the reason that

1 it's important to me -- just in case you suggest
2 that I don't live in Bethpage is that right now I'm
3 representing Town of Oyster Bay news on Facebook
4 and just so you know --

5 COUNCILWOMAN JOHNSON: Is that a
6 newspaper publication?

7 MR. McKENNA: No, it's not. It's a
8 blog.

9 COUNCILWOMAN JOHNSON: So you're
10 representing yourself?

11 MR. McKENNA: The reason I bring that
12 up is because for the last half an hour the Town of
13 Oyster Bay's live stream has been down, and I just
14 want you all to know that I've been able to provide
15 this service for you all to the public because for
16 some the reason the Town's live stream's been down.

17 COUNCILWOMAN JOHNSON: Are you going to
18 comment on the --

19 MR. McKENNA: As a courtesy, I'm doing
20 that for you.

21 COUNCILMAN IMBROTO: Thank you.

22 COUNCILWOMAN JOHNSON: Mr. McKenna --

23 COUNCILMAN IMBROTO: Do you have
24 comments about the hearing?

25 MR. McKENNA: Yes.

1 About the hearing, I'm curious to know
2 1055 Stewart Avenue, I'm curious to know who owns
3 that property, and I'm wondering if the deed is
4 even in the applicant's name.

5 And the reason that I say that -- and
6 I'm bringing this up because -- Councilman
7 Labriola, I very much appreciate and I'm sure the
8 residents do, I very much appreciate the smart,
9 articulate questions that you ask as a Board
10 member, and I really appreciate that.

11 COUNCILMAN LABRIOLA: Thank you.

12 MR. McKENNA: Thank you.

13 So as far as the IDA -- or before I get
14 to that, 1055 Stewart Avenue, if my memory serves
15 me correct, was purchased by the Town of Oyster Bay
16 about a year ago. And it was under the guise that
17 the Town needed that property in order to house the
18 Town of Oyster Bay public service vehicles on
19 150 Miller Place because at that time there was
20 consideration by the Town to move. And did the
21 Town of Oyster Bay since then, did they sell the
22 property to --

23 COUNCILMAN IMBROTO: I think you're
24 mixing up different properties.

25 MR. McKENNA: -- Engel Burman? Or am I

1 thinking of a different property?

2 COUNCILWOMAN JOHNSON: We'll get that
3 answered for you. Continue.

4 MR. McKENNA: Okay. I'd like to have
5 the applicant tell us who owns the property right
6 now.

7 Number two, I find this very, very
8 interesting, because as you all know, there was a
9 major outcry in Jericho -- well, actually, what I'd
10 like to ask is if there is any allocation of the
11 units for homeless people to be able to possibly
12 utilize the facility with the homeless problem?

13 And what I'm getting at is that, as you
14 know, the Town of Oyster Bay recently stopped --
15 they stopped the homeless shelter in Jericho
16 because there was not transparency to the public
17 about that proposal.

18 And what I'm getting at is --

19 COUNCILMAN IMBROTO: That wasn't the
20 reason but -- that wasn't the reason.

21 MR. McKENNA: The reason has to do with
22 zoning issues, I understand that. But what I'm
23 getting at is, this is a major project. I am very,
24 very surprised that the Bethpage Fire Department is
25 not here to express their --

1 COUNCILMAN IMBROTO: Many of them
2 expressed their desire to be here, but for
3 scheduling reasons --

4 MR. McKENNA: I heard the applicant
5 talk about, like, a phone conversation with the
6 Bethpage Fire Department. Not that I disbelieve
7 them, but with -- did the microphone get turned
8 off?

9 COUNCILMAN IMBROTO: No. We can still
10 hear you.

11 MR. McKENNA: With the importance of
12 this, I would think that you would've invited the
13 Bethpage Fire Department to come here so that the
14 public can hear what they have to say.

15 And I hope that the individual that
16 you're talking to from the Bethpage Fire
17 Department, I hope that he's not an employee of the
18 Town of Oyster Bay because a lot of the fire
19 departments have employees that work for the Town
20 of Oyster Bay.

21 COUNCILWOMAN JOHNSON: Mr. McKenna, I'm
22 not really sure where you're going, but I want you
23 to know just for your own information and everyone
24 else's edification, the petition lists the owner of
25 the property as 1055 Stewart Avenue Realty, LLC.

1 It's not the Town of Oyster Bay. Just so you --

2 MR. McKENNA: I'm just curious

3 though --

4 COUNCILWOMAN JOHNSON: I don't want you

5 to start down a road where you're making --

6 MR. McKENNA: No, no, no. Thank you

7 very much.

8 I'm just curious, was that the

9 property, was that the same property that the Town

10 bought a year and a half ago? Did it some how it

11 get transferred?

12 COUNCILWOMAN JOHNSON: Not to my

13 knowledge, no.

14 COUNCILMAN IMBROTO: We never owned

15 this property.

16 MR. McKENNA: Because the Town did buy

17 property at 1055.

18 COUNCILWOMAN JOHNSON: I believe you're

19 mistaken. We will clarify that.

20 COUNCILMAN IMBROTO: This is the former

21 Briarcliff College property and the parking lot

22 next to it.

23 MR. McKENNA: Let me move on and I'll

24 finish up.

25 With the importance of transparency to

1 the community, especially in light of what happened
2 in Jericho, could the applicant tell us how they
3 communicated this to the residents in that area,
4 because there is a residential area there, and most
5 important, can you tell us if you have communicated
6 this to Legislator Rose Walker's office who is the
7 legislator for that district so that she can let
8 her constituents know about this huge project in
9 their community?

10 COUNCILWOMAN JOHNSON: Thank you,
11 Mr. McKenna.

12 MR. McKENNA: I'd really like to know
13 if Legislator Walker knows about this, and if
14 Legislator Walker does know about this --

15 COUNCILWOMAN JOHNSON: Mr. McKenna,
16 your time is up. Thank you for your time.

17 MR. McKENNA: In closing, I just -- I
18 would think that Legislator Rose Walker would come
19 here and represent her constituents on this
20 important project.

21 COUNCILWOMAN JOHNSON: Thank you,
22 Mr. McKenna.

23 The record will be kept open for 30
24 days.

25 Is there anyone else who wishes to

1 speak with regard to this hearing?

2 COUNCILMAN IMBROTO: I believe
3 Mr. Krieger is going to address the labor issue,
4 and if Commissioner MacCarone can just address the
5 existing permitted uses at the property because
6 that came up.

7 COMMISSIONER MACCARONE: Good
8 afternoon.

9 Elizabeth MacCarone, Commissioner of
10 Planning and Development.

11 The property is located in the General
12 Business GB Zone, and offices are permitted use in
13 that zone. That would not require a Town Board
14 hearing.

15 COUNCILMAN IMBROTO: For the adjacent
16 property, the property that's currently just a
17 parking lot, what would be the permitted use of
18 that portion of the property?

19 Could use be extended with no further
20 action by the Town Board?

21 COMMISSIONER MACCARONE: Yes, it could
22 be.

23 For office -- you have the Covenants
24 and Restrictions that were part of the submission.
25 I don't have them currently.

1 Nick, do you have a copy of that list?

2 COUNCILMAN IMBROTO: Do the existing
3 Covenants prevent any other use from any other
4 development on the adjacent property?

5 COMMISSIONER MACCARONE: Well, they
6 list specifically what can be put on the property,
7 but office is permitted on the property.

8 Do you have that list? Do you want me
9 to go through it?

10 COUNCILMAN IMBROTO: Is it part of the
11 materials that were submitted?

12 MR. LaMARCA: Yes.

13 COUNCILMAN IMBROTO: I don't know that
14 it's necessary to go into that much detail.

15 COMMISSIONER MACCARONE: Okay.

16 COUNCILMAN IMBROTO: Just because there
17 was a question about it.

18 COMMISSIONER MACCARONE: The
19 following -- so, you have to understand how the
20 ordinance is written, but the current restrictive
21 Covenants that are on the property, they hereby
22 prohibit the following uses that are in the GB
23 zone: Churches and similar worships, shops and
24 stores, personal service, minor garages,
25 restaurants, commercial bathhouses, motor vehicle

1 sales room, bus passenger stations, electric
2 substations. Those are what currently would be
3 prohibited on this property.

4 Offices are a permitted use in the
5 General Business Zone, so an office would be
6 permitted to be built on this site without coming
7 to the Town Board.

8 Thank you.

9 COUNCILMAN IMBROTO: Thank you.

10 COUNCILWOMAN JOHNSON: Thank you,
11 Commissioner.

12 I just -- for anyone else's
13 clarification, I'm being told that our live stream
14 is working properly.

15 MR. KRIEGER: Councilwoman, I just
16 received a text that the live stream is also
17 working properly. I have someone watching the live
18 stream.

19 COUNCILWOMAN JOHNSON: I appreciate
20 that.

21 MR. KRIEGER: My pleasure. I'm here to
22 answer the question that was posed regarding labor.

23 Engel Burman operates as a construction
24 business. It's affiliated company as an open shop,
25 which means that union contractors or nonunion

1 contractors typically bid on all of our jobs and,
2 typically, the way it is, is on most of our jobs it
3 ends up being a 50/50 split between union labor and
4 nonunion labor. It depends on the subcontractor,
5 it depends on the availability of labor in the
6 market at the time, but we're an open shop, and we
7 welcome union and nonunion companies to bid on our
8 jobs.

9 COUNCILMAN IMBROTO: Did you ever have
10 labor disputes, like, for instance, at the property
11 at Jericho?

12 MR. KRIEGER: To the best of my
13 knowledge, we did not have a labor dispute at the
14 Bristal at Jericho.

15 To the best of my knowledge, we did not
16 have a labor dispute up in Massapequa.

17 I don't remember any. We have had
18 labor disputes over the years. We're in business
19 for -- me, as one of the founding members of Engel
20 Burman, we're in business over twenty years. My
21 partners have been in business collectively over
22 one hundred years, so we do our best and we have
23 great relationships with labor.

24 COUNCILMAN IMBROTO: This project
25 obviously would comply with all requirements for

1 apprenticeship programs and things like that?

2 MR. KRIEGER: This property will comply
3 with all required zoning ordinances and whatever
4 else we're required to do, as we always do.

5 COUNCILMAN IMBROTO: Okay. Thank you.

6 COUNCILWOMAN JOHNSON: Thank you.

7 MR. KRIEGER: Thank you.

8 COUNCILWOMAN JOHNSON: Is there anyone
9 else in the public that wishes to comment or to be
10 heard?

11 (No verbal response.)

12 COUNCILWOMAN JOHNSON: Mr. Clerk, was
13 there any correspondence?

14 MR. LaMARCA: The attorney for the
15 applicant has filed his affidavit of service and
16 disclosure and communications are as follows: We
17 have memos from the Department of Planning and
18 Development, including a review of the required
19 off-street parking.

20 The Nassau County Land and Tax Map
21 indicates the property is Section 46, Block G, Lot
22 76.

23 According to the Town of Oyster Bay
24 zoning maps, the property is located within the
25 General Business Zone. There are no variances or

1 open prior code enforcement bureau cases; however,
2 there are Town Board Resolutions on file.

3 There is no further correspondence.

4 COUNCILWOMAN JOHNSON: Thank you.

5 May I have a motion to close the
6 hearing?

7 COUNCILMAN IMBROTO: Motion to adjourn --

8 COUNCILWOMAN JOHNSON: Motion to
9 adjourn --

10 COUNCILMAN IMBROTO: -- the hearing and
11 keep the record open for 30 days for further
12 correspondence.

13 COUNCILWOMAN JOHNSON: Second?

14 COUNCILMAN HAND: Second.

15 COUNCILWOMAN JOHNSON: All in favor,
16 signify by saying, "Aye."

17 ALL: "Aye."

18 SUPERVISOR SALADINO: "Aye."

19 COUNCILMAN HAND: "Aye."

20 COUNCILWOMAN JOHNSON: Those opposed,
21 "Nay."

22 (No verbal response.)

23 COUNCILWOMAN JOHNSON: The "Ayes" have
24 it.

25 Thank you.

1 Does our stenographer need a break at
2 this point?

3 THE STENOGRAPHER: Yes.

4 COUNCILWOMAN JOHNSON: We're going to
5 take a short adjournment for our stenographer and
6 we will continue with the next hearing.

7 Thank you, everyone, for attending.

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

9 (Whereupon, a recess was taken at this
10 time.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
October 6, 2020
12:49 p.m.

HEARING - P-8-20

To consider the application of Stavan Center L.P., fee owner, and Kang Lu USA Corp. d/b/a MoCA Asian Bistro, tenant, for a Special Use Permit to allow an increase in the permitted occupancy at premises located at the Northeast corner of Jericho Turnpike and Southwoods Road, Woodbury, New York. (M.D. 9/1/20 #19).

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 COUNCILWOMAN JOHNSON: Will everyone
2 please sit down? Kindly take your seats so we
3 could continue.

4 COUNCILMAN IMBROTO: If everybody can
5 please take your seats, we're going to get started
6 again.

7 COUNCILWOMAN JOHNSON: Am I on because
8 it says I'm on? It doesn't sound on, but it's on.

9 Can I just confirm that we still have
10 the Supervisor and Councilman Hand?

11 COUNCILMAN HAND: Councilman Hand here
12 on the phone.

13 COUNCILWOMAN JOHNSON: And the
14 Supervisor?

15 SUPERVISOR SALADINO: Supervisor
16 Saladino.

17 I can hear you.

18 Can you hear me?

19 COUNCILWOMAN JOHNSON: Yes. Thank you.

20 So we're going to continue with this
21 morning's business, and I would ask that the Town
22 Clerk to call the next hearing.

23 FROM THE AUDIENCE: Can't hear you.

24 MR. LaMARCA: Councilwoman, the next
25 hearing --

1 COUNCILWOMAN JOHNSON: I had asked the
2 Town Clerk to call the next hearing.

3 MR. LaMARCA: Councilwoman, the next
4 hearing is to consider the application of Stavan
5 Center L.P., fee owner and Kang Lu USA Corp. doing
6 business as MoCA Asian Bistro, tenant, for Special
7 Use Permit to allow an increase in the permitted
8 occupancy at the premises located at the Northeast
9 corner of Jericho Turnpike and Southwoods Road,
10 Woodbury, New York.

11 MR. ABBATE: Thank you very much.

12 Good morning, Councilwoman Johnson,
13 Members of the Town Board, Supervisor Saladino
14 remotely.

15 My name is Tom Abbate, A-B-B-A-T-E.
16 Although Holly has spelled it so many times, I
17 don't know why I still do that. I'm an attorney
18 with offices at 88 Sunnyside Boulevard in
19 Plainview.

20 And this is an application to expand an
21 existing restaurant in my hometown of Woodbury.
22 It's, as the Town Clerk described, at the northeast
23 corner of Jericho Turnpike and Southwoods Road, but
24 to make it crystal clear, it's right across the
25 street from the Town of Oyster Bay Golf Course, so

1 I think we all know where that is.

2 The center is called Woodbury Village.
3 It sits on over nine acres of lot area, and we've
4 got over 93,000 square feet of building on it. The
5 subject restaurant is MoCA Asian Bistro. As a
6 resident and as a customer, if you haven't been
7 there, I strongly encourage you to go. It is
8 phenomenal.

9 We are here solely because of the
10 availability of abutting vacant space in the
11 center. MoCA now occupies 5,200 square feet. If
12 this application is approved, we will increase to
13 7,200 square foot. So a net increase of 2,000
14 square feet. But please note, we are not changing
15 the footprint of the building. We are not changing
16 this building in any respect. It is solely
17 interior renovation.

18 If you look at our site plan that you
19 have in your file, the shaded area is MoCA. Right
20 now, it's just a long rectangle. If you approve
21 this application, it will be an L-shaped restaurant
22 with the L being at back of the building
23 (indicating).

24 Now, any time you increase a
25 restaurant's square footage, you increase its

1 occupancy.

2 Under our code, under 246-5.2, you can
3 have a restaurant in the NB zone -- that's where
4 this is, in the Neighborhood Business District --
5 up to 75 feet -- 75-person occupancy, rather,
6 permitted principal use. It's once you breach that
7 barrier that you need a special permit from the
8 Board, and that's why I am here.

9 Just to be a tad esoteric, that 220
10 number doesn't mean 220 seats. Occupancy is based
11 solely on square footage. It comes from the
12 New York State Building Code, and they have charts.

13 For instance, in a restaurant they
14 allocate for every 15 square feet, one person. At
15 the bar for every seven square feet, one person.
16 So that's where this 220 number comes from. It's
17 occupancy; it's not seats.

18 Our parking code does the same thing.
19 We don't say you have to have one stall for every
20 three seats at a restaurant. We say we have to
21 have one stall for every three occupants.

22 Now that leads to my next point.
23 Should you find favor with this application and
24 should you issue this special permit, we will then
25 be off to the Zoning Board of Appeals for a parking

1 variance, but I posit to you it's a very, very
2 small variance.

3 Right now this nine-acre center has 558
4 parking stalls on site. If this is permitted, if
5 MoCA gets the extra 2,000 square feet, we will be
6 deficient by 25 stalls. 25 stalls in relation to
7 our 583 is a variation of just over 4 percent.
8 It's as we lawyers often want to say, a de minimus
9 reduction.

10 Moreover, as I'll explain to the Zoning
11 Board and have expert testimony, of the 34 stalls
12 -- 34 stores here in this center, only four others
13 are restaurants. Those 30 remaining stores are
14 closed or closing by the time MoCA and the other
15 restaurants even begin to reach their evening and
16 weekend peak. As a resident, as someone who
17 regularly patronizes this center, I can attest to
18 you that there is ample, ample parking in the
19 evening.

20 Lastly, perceived impacts. This is the
21 center. On two sides, you have roadways. You've
22 got state roadway, Jericho Turnpike on one side.
23 We've got the County roadway, Southwoods Road on
24 the other. In the back we have property owned by
25 the Jericho Water District, go figure. Then

1 abutting us where the back of MoCA is, that's
2 another retail center. So it's commercial abutting
3 commercial.

4 That back will continue to be where we
5 accept deliveries. It does presently have our
6 compactor, which I might note is masonry enclosed.
7 It's a brick structure with stone caps, and, again,
8 it abuts a residential center, so there is no
9 impact whatsoever.

10 Lastly, this is not just merely an
11 expansion. Should you issue this special permit,
12 Johnson Chen and, true to his form, is not just
13 going to blow out the back, he is going to close
14 down the entire restaurant and engage in a complete
15 renovation, which, if you've been to the site, been
16 to the store, it's kind of hard to imagine because
17 it's visually stunning as is. But I bring it up
18 because it shows Mr. Chen's commitment. Not only
19 to his restaurant and not only to this center, but
20 the community. That's my case.

21 I have Michael Richtman from our
22 project architect if you have any detailed
23 questions. That's it. I told you four minutes or
24 less.

25 COUNCILMAN IMBROTO: Mr. Abbate, long

1 story short, they're expanding the back room; is
2 that it?

3 MR. ABBATE: Correct.

4 COUNCILMAN IMBROTO: Not additional
5 dining, but is that for --

6 MR. ABBATE: Oh, no. It will be
7 additional dining. They will give us three
8 catering rooms as it's laid out now. That could
9 change because, again, it's all about square
10 footage of the occupancy. So however we lay it out
11 is probably to be determined, but we do want more
12 catering space.

13 COUNCILWOMAN MAIER: What's currently
14 in that vacant space?

15 MR. ABBATE: It was a photographic
16 studio and now has been vacant for the longest
17 time.

18 COUNCILWOMAN MAIER: So the occupancy,
19 currently the occupancy is 70 --

20 MR. ABBATE: 75.

21 COUNCILWOMAN MAIER: 75 going to 220.

22 MR. ABBATE: 220, but, again, that's
23 based on square footage.

24 COUNCILWOMAN MAIER: Correct. I
25 understand that, the difference between seating.

1 What, currently, are they allowed
2 seating-wise and what is that going to?

3 MR. ABBATE: We're allowed seating-wise
4 75. Based upon the preliminary layouts we have, it
5 will be in the 150 to 160 range in terms of
6 seating, and that's includes --

7 COUNCILWOMAN MAIER: And how many are
8 dedicated to the catering hall?

9 MR. ABBATE: They have -- well, we have
10 three rooms as it's set up now. One of those rooms
11 can be opened up, so I think the biggest room would
12 accommodate 50 people and the other one 25. This
13 is not really a catering hall as it is a restaurant
14 where you'd have, you know, perhaps a christening
15 party or something like that, small family events.

16 COUNCILMAN IMBROTO: And The other
17 restaurants in the center are -- two of them are on
18 a far -- three of them are on the far side of the
19 center, not near where this restaurant is?

20 MR. ABBATE: That's absolutely correct.
21 The closest one to us is Sage Bistro, and that's
22 still about eight stores away. And precisely as
23 you just stated, Councilman, we've got Butera's and
24 we have Rustic Root down at the other end.

25 COUNCILMAN IMBROTO: So, as far as

1 parking, there wouldn't really be interaction
2 between the various restaurants other than Sage and
3 then --

4 MR. ABBATE: Not at all --

5 COUNCILMAN IMBROTO: -- Starbucks.

6 MR. ABBATE: They are so well spaced
7 out. Yeah. If you want to count Starbucks as a
8 restaurant, I guess you could. It's really a food
9 shop, but they close down rather early at night.
10 They really have an a.m. and lunch time peak.
11 That's my case.

12 COUNCILWOMAN JOHNSON: Any questions?

13 COUNCILMAN LABRIOLA: Good.

14 MR. ABBATE: We're good? Okay. Great.
15 Thank you very much.

16 COUNCILWOMAN JOHNSON: Commissioner
17 Maccarone, would you kindly come up?

18 COMMISSIONER MACCARONE: Hello again.

19 COUNCILWOMAN JOHNSON: I believe that
20 Councilman Labriola --

21 COUNCILMAN LABRIOLA: Yes.

22 Commissioner, I just wanted to inquire
23 what some of your knowledge and experience about --
24 in the Neighborhood Business Zone where we are
25 asking for such a dramatic increase in the

1 occupancy. The counselor said that it was based
2 upon square feet as opposed to seats, and I always
3 thought that our parking code was based upon how
4 many seats in a restaurant. I guess maybe things
5 changed.

6 COMMISSIONER MACCARONE: You have to
7 plug into the calculations the New York State
8 Building Code in terms of occupants. That's what
9 counsel was talking about.

10 So, this would go to our Public
11 Assembly Officer. He reviews the plan based upon
12 the New York State Building Code, and there are
13 different calculations as he indicated, if it's
14 standing room a long the bar or offices -- I'm
15 sorry -- a bar, fixed seating, benched seating.
16 There's different calculations, so we come up with
17 the calculation of how many occupants can be in
18 there, and then it's based upon one per three
19 occupants.

20 COUNCILMAN LABRIOLA: Not one per three
21 seats?

22 MS. MACCARONE: Not one per three
23 seats. We do look at the worst-case scenario
24 because if you're going to have a lively, you know,
25 maybe happy hour scene where you could have a bunch

1 of people congregating around the bar, we want to
2 capture those parking spaces as well for when
3 visitors come there and that we're not going to
4 have a situation where there'd be a parking issue.

5 COUNCILMAN LABRIOLA: In terms of
6 asking or requesting for such a dramatic increase
7 in the Neighborhood Business Zone, I mean, we're
8 basically -- we're almost going three times what's
9 permitted by code.

10 COMMISSIONER MACCARONE: Yes.

11 COUNCILMAN LABRIOLA: I know this
12 particular shopping center is -- I mean, it's
13 busier than your typical Neighborhood Business.

14 COMMISSIONER MACCARONE: It's a unique
15 piece of property, correct.

16 COUNCILMAN LABRIOLA: It actually -- it
17 actually looks like a General Business Zone to
18 me --

19 COMMISSIONER MACCARONE: Absolutely.

20 COUNCILMAN LABRIOLA: -- when you drive
21 by, but I do see that there are neighbors -- there
22 are residential properties abutting the -- I guess
23 it would be the northern portion, the northeastern
24 portion. I see that there's streets abutting, but
25 there's no access, correct?

1 COMMISSIONER MACCARONE: That's
2 correct.

3 I'm not positive of the zoning
4 classification, but I do believe those are
5 oversized lots, and as part of this property -- and
6 I'm going back many years from when I originally
7 started here, I believe there is a required buffer.

8 If you look at the SP1 zone, you will
9 see on the northern property line, this property is
10 adjoined by a highlighted area that includes a
11 50-foot-wide natural buffer. And that was put in
12 when the shopping center was created for added
13 relief to the neighboring properties to the north,
14 so that is remaining. That has always remained.
15 We do not allow any prior uses that had come before
16 the Board to impede upon that.

17 COUNCILMAN IMBROTO: But Commissioner,
18 the residential portion, that's nowhere near where
19 this restaurant is located?

20 COMMISSIONER MACCARONE: That's
21 correct. It's behind Butera's, where as this is
22 closer to Jericho Turnpike.

23 COUNCILMAN LABRIOLA: Right, right.

24 In terms of the complaints regarding
25 this particular parcel, the entire parcels, 560 and

1 737, how have they been in terms of being a good
2 neighbor?

3 COMMISSIONER MACCARONE: To my
4 knowledge, fine. I don't believe we've had any
5 complaints. I'm looking to see if there's any open
6 cases. I know there haven't been. It is one of
7 our premier properties in the Town. It's owned
8 by Stavan -- I don't know the specific owner, but
9 it's the Stavan Organization, and they run a very
10 nice facility. It's always maintained. We never
11 have any problems, never had any issues with
12 complaints about the restaurant.

13 I mean, those are the types of uses if
14 we were, we don't have any litter and debris
15 complaints. They run a very tight operation. So,
16 it's a fairly straightforward application.
17 Although the occupancy that they're asking for is a
18 high number in the Neighborhood Business Zone, this
19 is unique. It's not a typical Neighborhood
20 Business piece of property that's your typical,
21 I'll say retail strip center, adjoining,
22 immediately adjoining residential properties.

23 COUNCILMAN LABRIOLA: And that's what I
24 was getting at. To me it does seem unique, it does
25 seem an intense Neighborhood Business property, but

1 it does seem to be adequately buffered from the
2 residents.

3 And although it is a dramatic increase
4 in occupancy, you don't have any general
5 objections, in particular?

6 COMMISSIONER MACCARONE: No, I don't.
7 The beauty of it is, is that it is a Neighborhood
8 Business Zone. So any time these properties want
9 to turn over these tenancies, if they want to go
10 over 75 seats, they have to come to this Board. If
11 it was in the General Business Zone, they wouldn't
12 be here today.

13 So it is an added extra step and
14 control that they're here before you today. You
15 know, it makes them run a good operation so that
16 there are no issues when they come up to the Board
17 or the Zoning Board of Appeals asking for relief.

18 COUNCILMAN LABRIOLA: Thank you,
19 Commissioner.

20 I don't have any further questions.

21 SUPERVISOR SALADINO: I have a question
22 for the Commissioner.

23 This is Supervisor Saladino.

24 Commissioner Maccarone, have we ever
25 received a complaint related to parking at the site

1 or in the nearby vicinity; meaning, on the public
2 streets surrounding? Have we ever had a situation
3 where the parking lot becomes overloaded, people
4 were parking on the grass or any other parking
5 issue at this location?

6 COMMISSIONER MACCARONE: No, not at
7 all, Supervisor.

8 In fact, I believe Butera's is
9 currently taking advantage of the outdoor seating
10 that the Town Board allowed for this pandemic time.
11 We haven't had any problems with them taking over
12 some of the spots in the parking lot as well.

13 COUNCILMAN IMBROTO: As is MoCA, I
14 believe, right?

15 COMMISSIONER MACCARONE: Yeah. I'm
16 more familiar with Butera's when I drive by, but,
17 yeah. We have not had any previous complaints, nor
18 any this past year during the COVID situation.

19 SUPERVISOR SALADINO: Thank you.

20 COMMISSIONER MACCARONE: Thank you.

21 COUNCILMAN IMBROTO: Thank you,
22 Commissioner.

23 MR. ABBATE: If I may, Councilwoman
24 Johnson, just to add two more points to expand on
25 what you were saying, Councilman Labriola. If this

1 weren't MoCA expanding and we just maybe had two
2 other restaurants in the center, we wouldn't be
3 here. It's precisely what Commissioner MacCarone
4 said. If there were 75 occupants or less, you'd
5 never know about it.

6 By granting this, while it's a big jump
7 for this particular restaurant, it's now
8 self-limiting for the center. Why? Because I
9 explained to you that, albeit it's going to be a
10 small parking lot variance, any new restaurant in
11 the center now will increase the magnitude of that
12 variance. So any new restaurant that may go
13 into -- and Star Associates who runs Stavan
14 Center -- will go to the Zoning Board. As the
15 magnitude gets larger, the chances of relief get
16 smaller. So it's self-limiting.

17 COUNCILMAN LABRIOLA: Thank you.

18 MR. ABBATE: Thank you.

19 COUNCILWOMAN JOHNSON: Thank you.

20 Any other questions from any of the
21 Board members?

22 (No verbal response.)

23 COUNCILWOMAN JOHNSON: I do believe I
24 have a speaker here.

25 Arthur Adelman?

1 COUNCILMAN IMBROTO: Do you want to
2 speak, Arthur, or are you satisfied?

3 COUNCILWOMAN JOHNSON: Can everyone
4 hear me?

5 I apologize, Arthur. Did you not hear
6 me?

7 MR. ADELMAN: We have hearing aids, but
8 they're not all that they're made of.

9 COUNCILWOMAN JOHNSON: Did you want to
10 speak on this resolution, on this hearing?

11 MR. ADELMAN: You're just a little far
12 from your microphone.

13 I've got one question for Mr. Abbate,
14 A-B-B-A-T-E. Yes?

15 He mentioned the impeccable appearance
16 of this facility the way it is today, that it is
17 kept beautifully, right? You mentioned --

18 MR. ABBATE: Yes. The store itself.

19 MR. ADELMAN: My question is: Why ruin
20 the visual appearance as you drive by the current
21 property with advertisements all over the fence
22 along Jericho?

23 COUNCILMAN IMBROTO: I think you have
24 the properties mixed up. This is a different
25 property. This is by the golf course.

1 MR. ADELMAN: This isn't the Cotillion
2 one?

3 COUNCILMAN IMBROTO: No.

4 MR. ADELMAN: Oh, I apologize. I'll
5 take a seat.

6 COUNCILWOMAN JOHNSON: You want to
7 speak on the next hearing then?

8 MR. ADELMAN: Yes.

9 COUNCILWOMAN JOHNSON: Does anyone else
10 care to speak?

11 Mr. McKenna?

12 MR. McKENNA: Thank you, Councilwoman.

13 COUNCILWOMAN JOHNSON: Kindly step up,
14 please.

15 MR. McKENNA: Kevin McKenna at 3 Edna
16 Drive, Syosset, New York.

17 Really a simple question. I live very,
18 very close to this site, so I'm very, very
19 familiar. As a matter of fact, you all took a
20 picture, you all did a photo-op at Butera's just
21 recently.

22 COUNCILWOMAN JOHNSON: We're all aware.
23 You can kindly continue.

24 MR. McKENNA: I think I just saw it on
25 the page, which is a very nice picture.

1 But the question is: I simply want to
2 know if you have alerted Legislator Josh Lafazan to
3 this project.

4 COUNCILWOMAN JOHNSON: Okay. Thank
5 you, Mr. McKenna.

6 MR. McKENNA: Can I get the answer to
7 that.

8 COUNCILWOMAN JOHNSON: Thank you,
9 Mr. McKenna. Sure. I have not personally.

10 MR. McKENNA: No, not you. I'm asking
11 the applicant if they have notified --

12 COUNCILMAN IMBROTO: This is a Town
13 application, not County.

14 COUNCILWOMAN JOHNSON: We're asking --

15 MR. McKENNA: Legislator Lafazan so
16 that we can be sure that the community is aware of
17 this. I'm trying to help you guys.

18 COUNCILWOMAN JOHNSON: Thank you,
19 Mr. McKenna.

20 COUNCILMAN IMBROTO: How does alerting
21 Legislator Lafazan make the community more aware?

22 COUNCILWOMAN JOHNSON: I don't believe
23 there's any requisite for anyone to give,
24 specifically, Legislator Josh Lafazan notice.

25 Thank you.

1 MR. McKENNA: So you're refusing to get
2 me the answer?

3 COUNCILWOMAN JOHNSON: I'm not refusing
4 anything.

5 MR. ABBATE: I'll answer the question.

6 MR. McKENNA: Oh, you will answer the
7 question.

8 MR. ABBATE: I'll answer the question.

9 MR. McKENNA: Very nice.
10 Are you related to Mr. Abbate from
11 Jericho Water?

12 MR. ABBATE: One in the same.

13 MR. McKENNA: You look just like him.

14 COUNCILMAN IMBROTO: This one has a
15 beard.

16 COUNCILWOMAN JOHNSON: That was the
17 whole point. That was the point to ask that
18 question. Okay. Next.

19 MR. ABBATE: I didn't personally notify
20 Legislator Lafazan, but if Mr. McKenna would like,
21 I'll text him right now. We're very good friends.

22 COUNCILWOMAN JOHNSON: Thank you.

23 Thank you so much.

24 COUNCILMAN IMBROTO: And just to be
25 clear, he does not have any input in this project.

1 This is a Town application, not a
2 County, correct?

3 MR. ABBATE: This is a Town
4 application. But knowing Mr. Lafazan like I do,
5 he's probably been a customer of this restaurant
6 numerous times.

7 FROM THE AUDIENCE: As per the rules, I
8 get to rebut.

9 COUNCILWOMAN JOHNSON: No, no, no.
10 We're moving on.

11 Is there any correspondence?

12 FROM THE AUDIENCE: As per the rules,
13 the rules state that you can rebut on a hearing; is
14 that correct?

15 COUNCILMAN IMBROTO: Within the
16 presiding officer's discretion. She's exercising
17 her discretion --

18 FROM THE AUDIENCE: The rules state
19 that you can rebut on a hearing.

20 COUNCILWOMAN JOHNSON: We kind of went
21 off track there. There wasn't really a comment.
22 It was a question as to whether or not they were
23 notified.

24 FROM THE AUDIENCE: I just want to make
25 a simple -- I thought the Town was open and

1 transparent.

2 COUNCILWOMAN JOHNSON: We are.

3 Thank you, Mr. McKenna.

4 Are there any correspondence?

5 I know that the next applicant has been
6 waiting very patiently. These women are here.
7 They asked us to skip them in line, and we didn't
8 want to do that because it wouldn't be fair to this
9 applicant. So I'm trying to move things along as
10 expeditiously as possible. Perhaps you can ask it
11 at your next time up.

12 Mr. Town Clerk, is there any
13 correspondence?

14 MR. LaMARCA: The attorney for the
15 applicant has filed his affidavit of service and
16 disclosure.

17 The communications are as follows: We
18 have memos from the Department of Planning and
19 Development, including a review of the required
20 off-street parking. The Nassau County Land and Tax
21 Map indicates the property is Section 14, Block D,
22 Lots 560, 737 and 738.

23 According to the Town of Oyster Bay
24 zoning maps, the property is located within a
25 Neighborhood Business Zone. There are no open

1 compliance cases on the subject premises; however,
2 there are Town Board Resolutions and variance
3 decisions on file.

4 There is no further correspondence.

5 COUNCILWOMAN JOHNSON: Thank you.

6 May I have a motion to adjourn?

7 COUNCILMAN IMBROTO: I move to adjourn
8 this hearing and keep the record open for 30 days
9 for further comment.

10 COUNCILWOMAN JOHNSON: Second?

11 COUNCILMAN HAND: Second.

12 COUNCILWOMAN JOHNSON: All in favor,
13 signify by saying, "Aye."

14 ALL: "Aye."

15 COUNCILMAN HAND: "Aye."

16 COUNCILWOMAN JOHNSON: All opposed,
17 "Nay."

18 SUPERVISOR SALADINO: "Aye."

19 COUNCILWOMAN JOHNSON: All opposed,
20 "Nay."

21 (No verbal response.)

22 COUNCILWOMAN JOHNSON: The "Ayes" have
23 it. Thank you.

24 (Speaking from the audience.)

25 (TIME NOTED: 1:11 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
October 6, 2020
1:12 p.m.

HEARING - P-9-20

To consider the application of Nakanant Realty Corp., fee owner and Ted Ned, Inc., d/b/a Cotillion, tenant, for a Special Use Permit to allow catering use at premises located at 440 Jericho Turnpike, Jericho, New York. (M.D. 9/1/20 #22).

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 COUNCILWOMAN JOHNSON: Mr. Town Clerk,
2 would you call the next hearing, please?

3 MR. LaMARCA: Councilwoman, the final
4 hearing today is to consider the application of
5 Nakanant Realty Corp., fee owner and Ted Ned, Inc.,
6 doing business as Cotillion, tenant, for a Special
7 Use Permit to allow catering use at premises
8 located at 440 Jericho Turnpike, Jericho, New York.

9 MR. AVRUTINE: Good afternoon,
10 everyone.

11 Good afternoon, Supervisor Saladino
12 remotely, and to the Town Board.

13 Appearing for the applicants, Howard
14 Avrutine, 575 Underhill Boulevard, Syosset.

15 This is the application for Nakanant
16 Realty Corp. and Ted Ned, Inc., d/b/a Cotillion for
17 a Special Use Permit in connection with an existing
18 catering facility.

19 The premises under application is
20 located on the westerly side of Jericho Turnpike,
21 also, of course, known as New York State Route 25,
22 197.70 feet south of Old Jericho Turnpike in
23 Jericho. It has a street address of 440 Jericho
24 Turnpike, and it's also known as Section 12, Block
25 37, Lots 135, 144, and 145 on the Nassau County

1 Land and Tax Map.

2 The premises has a lot area of 97,146
3 square feet or 2.2302 acres. The subject premises
4 is zoned Neighborhood Business District on the
5 zoning map of the Town of Oyster Bay and is
6 improved with a one and two-story building utilized
7 as a motel, restaurant, and catering facility and a
8 two-story masonry building utilized as motel
9 offices, as well as a two and three-story masonry
10 building utilized as a motel.

11 All of the uses described above at the
12 premises are currently permitted with the exception
13 of the catering use. The petitioners seek approval
14 to operate a catering facility in a portion of one
15 of the buildings on the site as depicted in the
16 plans that are on file with the Board, which you
17 have before you. Those plans were prepared by
18 Helen Bogdanos, PE, and, of course, they are part
19 of the Board's file. Ms. Bogdanos is here in case
20 the Board has specific questions regarding the
21 plans.

22 The applicant, Nakanant Realty Corp.,
23 owns the property and operates the hotel. The
24 applicant Ted Ned, Inc. operates the restaurant and
25 catering facility and is a tenant of the premises.

1 In 1956, the premises was rezoned from
2 the residence -- what was known as the Residence C
3 Zoning District at that time to Business F, which
4 is the current NB Neighborhood Business District.

5 At that time, a Special Use Permit was
6 issued by this Board for a motel.

7 I think this history is important
8 because while there was not a specific approval of
9 a Special Use Permit for the catering facility,
10 this premises has been operated as a catering
11 facility since late 1950s.

12 I'd like to submit some documentation.
13 With the protocols, is that okay; otherwise, I can
14 submit it separately?

15 MR. LaMARCA: Absolutely.

16 MR. AVRUTINE: I have series of
17 documents. I'll just hand them all in at once and
18 then I can go through them quickly (handing).

19 Thank you.

20 So, the documents that I submitted to
21 the Town Clerk consist of records from the Building
22 Department files for the property. And in
23 reviewing them, it will become apparent that, for
24 instance, there is a signed permit drawing for what
25 was known in the late 1950s, I believe for many,

1 many years after that, as the Golden Meadowbrook
2 Caterers at this property. The sign was approved
3 and the sign existed for many, many years in
4 connection with the Golden Meadowbrook Catering
5 facility.

6 In 1957, there are notations in the
7 building file regarding -- I will read from it --
8 "a two-story motel, restaurant and place of public
9 assembly," referring to the catering use.

10 The Certificate of Occupancy for the
11 premises, Certificate of Occupancy No. 4532, dated
12 June 27, 1958, refers to a two-story motel,
13 restaurant and place of public assembly.

14 And there are several documents with
15 similar notations. I won't read through them all.
16 But it is very relevant to the fact that this
17 facility has been utilized since that time as a
18 catering facility as well as the other uses that I
19 mentioned. There's a document contained, also in
20 the file, there's a gentleman named Lawrence
21 Ingoglia, I'll spell that, I-N-G-O-G-L-I-A, and he
22 was the owner of the premises at the time, and this
23 document was signed on June 17, 1958.

24 And it said the structure on the
25 premises shall be use for a motel, restaurant,

1 cocktail lounge, and banquet rooms. Banquet rooms,
2 of course, would connote catering.

3 So, clearly, this premises was used for
4 the better part of exceeding half a century for the
5 catering use. The applicant Ted Ned, Inc.,
6 acquired the restaurant and catering business in
7 2003 and operated it in that fashion as both a
8 restaurant and catering facility since that time.

9 In 2016, in connection with the renewal
10 process for its Public Assembly License, the
11 applicant was advised that, in fact, there was no
12 Special Use Permit ever granted for the catering
13 use, notwithstanding all the information that I
14 just went through.

15 So, since the catering use was never
16 approved by virtue of a Special Use Permit by this
17 Board, the applicant was directed to procedure
18 through the site plan approval and Special Use
19 Permit application process to get to this point.
20 Hence, we are here today.

21 The Board will note that the
22 application has gone through the extensive site
23 plan review process. The site plan before the
24 Board depicts extensive improvements to the site.
25 Repaving, restriping of the parking areas, full

1 compliance with the Americans with Disabilities
2 Act, an extensive landscaping plan, all in
3 accordance with the Town specifications and all
4 rigorously reviewed by the Town's Department of
5 Planning and Development, which, of course, had to
6 happen before we got to a public hearing. It also
7 has been reviewed by the Town's Department of
8 Environmental Resources as well.

9 So we are here today seeking the
10 approval for the catering use in order to fully
11 legalize the operations at the facility. As far as
12 the way the facility operates, there is -- they're
13 open for lunch -- the restaurant is open for lunch
14 seven days a week from 12:00 to 3:00.

15 In addition, the catering -- now to
16 discuss catering during COVID time and catering
17 during what I like to call normal times, obviously,
18 it's significantly different.

19 I'll go through what the hours and how
20 it works during normal times, if we will, so that
21 way the Board will get a better understanding that
22 in the event we come out of this COVID situation
23 and can resume some sense of normality, that the
24 operation will be as I described it.

25 Typically, a catered party lasts for

1 five hours. So it can start from 6:00 p.m.,
2 7:00 p.m. or 8:00 p.m., and then run five hours
3 beyond that. So latest closing for party would be
4 1:00 a.m., assuming an 8:00 p.m. start. Catered
5 parties are typically Thursdays, Fridays, and
6 Saturdays at night, so that's generally the
7 operation before the pandemic struck.

8 As far as deliveries are concerned,
9 deliveries are made on one day a week -- either
10 Tuesday, Wednesday or Thursday midday, and that's a
11 box truck. There are -- you will notice on the
12 site plan there are two trash containers with
13 enclosures proposed, one for the motel building and
14 one for the catering use. There are approximately
15 ten employees, including the owners who are there
16 at all times.

17 And so that is essentially what we are
18 here for. I've been made aware that there have
19 been some concerns regarding noise from premises.
20 I know that there is counsel here to address those
21 concerns on behalf of his clients. I will say that
22 I've spoken to the operators at length about this,
23 about steps that they can take and that they need
24 to take to ensure that there -- that there aren't
25 noises that emanate from the premises that disturb

1 others.

2 One of the things that we talked about
3 is that during catered parties, that there be a
4 security people, a person in the parking area to
5 ensure that there is no activity outside that is
6 generating noise, and that the person would be
7 dedicated during the duration of the party to
8 ensure that does not happen.

9 Also to ensure that the doors do not
10 open if there is a DJ playing music, and that by
11 opening doors, sound is not permitted to leave the
12 building. Also, the applicant has made it
13 mandatory that they control the volume of the DJ's
14 equipment, not the DJ themselves.

15 I've always -- I was joking about this
16 the other day why people want music so loud at
17 their affairs that you can't talk to the person
18 standing next to you when you're inside, but I did
19 stress that the volumes have to be kept at a
20 manageable level so they don't disturb surrounding
21 residents.

22 Also, I know there was an issue -- I
23 became aware of an issue regarding a loud drum
24 sound which caused some disturbance. That's in
25 connection with a Sheikh tradition when a bride and

1 groom enters the party, there is a drum that
2 accompanies that. And I stressed to them -- I
3 think on past occasions that might have taken place
4 outdoors -- I stressed to them that cannot occur.
5 If it's going to take place at all, it has to take
6 place indoors so that the sound can be contained.

7 So we're very, very aware of the
8 concerns of the neighbors regarding the noise, and
9 I, as the representative of the applicant, as well
10 as the applicants -- and their representatives are
11 here -- commit to working with the community to
12 ensure that the disturbances are eliminated so that
13 everyone can live in peace and harmony with each
14 other going forward.

15 To the extent that that hasn't always
16 happened in the past, we're here and we want to
17 make sure that those issues are resolved to
18 everyone's satisfaction.

19 So, I'm here to answer any questions
20 the Board has. My clients are here as well, as
21 well as the project engineer.

22 COUNCILWOMAN JOHNSON: Do any of the
23 Board members have a question?

24 COUNCILWOMAN MAIER: I just have one
25 quick question.

1 Speaking to some of the issues with
2 volume, noise complaints, maybe we should bring up
3 Commissioner Maccarone, are there any open code
4 violations regarding this property?

5 COUNCILMAN IMBROTO: And I'd like to
6 hear from -- you know, the opposing residents
7 before asking any of my questions.

8 MR. AVRUTINE: Before asking me?

9 COUNCILMAN IMBROTO: Before asking you.

10 MR. AVRUTINE: Oh, okay.

11 COMMISSIONER MACCARONE: Hello, again.

12 So on this property, we currently do
13 have an open case on the premises. Summonses were
14 issued back in February of 2020, this past
15 February, for Dumpster violation, as well as lack
16 of Public Assembly License. So they have been
17 going through the process with us for about two
18 years with the site plan rules and regulations.

19 This is on a State road. They needed
20 to get New York State DOT. They had to go through
21 the environmental process. So that's why we are
22 here today, but we do have an open summons -- to
23 answer your specific question, we do have open
24 summonses on the property.

25 COUNCILMAN IMBROTO: Commissioner,

1 this, for the record, is closed, in a state of
2 partial closure because of COVID?

3 COMMISSIONER MACCARONE: Yes. They
4 actually opened last week on a limited basis, but
5 hopefully as the weeks and months go on, we will
6 get more of our cases before the bench.

7 COUNCILMAN IMBROTO: So the Court --
8 when the summons is issued, the Court that it goes
9 to is District Court in Hempstead, and due to
10 COVID-19, it's been closed for a substantial period
11 of time or only open on a very extremely limited
12 basis?

13 COMMISSIONER MACCARONE: Yes.

14 And you have to understand, until we
15 can get through this process, whatever this Board
16 decides, they have to obtain their Public Assembly
17 License, so that court case must remain open as we
18 go through this process.

19 So if the Board looks favorable upon
20 this, we then still have to issue the Building
21 permit, and then go through all the inspection
22 processes, so it could remain open for a long time
23 as we go through this, as well as the Dumpster
24 issues.

25 There's a lot of site amenities that we

1 are asking for in this project to upgrade the whole
2 facility, the parking lot, all the landscape along
3 the rear street, all new curb cuts along there.
4 It's a lengthy process depending on how we move
5 forward from this hearing.

6 COUNCILWOMAN MAIER: Regarding the
7 Public Assembly License, that seems like that's
8 something that's been out of compliance for some
9 time, correct, even before the COVID crisis?

10 COMMISSIONER MACCARONE: Yes.

11 COUNCILWOMAN MAIER: I mean, I don't
12 want to put you on the spot, but help me
13 understand, me being a business owner, a restaurant
14 owner myself, are they even able to really operate
15 the restaurant considering they don't have a
16 valid --

17 COMMISSIONER MACCARONE: Well, they're
18 working towards compliance. Obviously, they are in
19 court. We've issued the summonses and, you know,
20 they are working toward compliance.

21 In terms of their safety of the actual
22 facility, that's all, you know, been inspected and
23 so forth.

24 The issue really, as counselor had
25 indicated, is this issue of the use and whether or

1 not had a Special Use Permit for the catering
2 facility, which goes back to the '50s. He
3 indicated this came up in 2016. Deputy
4 Commissioner Zike originally made the determination
5 after reading hearing records back in the 1950s.
6 There was no mention of a catering facility.

7 How the permits were issued in '50s,
8 none of us were here as it evolved from a
9 restaurant to a catering facility, but we wanted to
10 set the record straight. We're here today to have
11 the hearing for the catering facility and,
12 hopefully, put down some conditions as to, if you
13 look favorable upon this, how they will move
14 forward in the operation to address the issues of
15 the residents in terms of the noise and the music
16 and so forth, and also the garbage refuse situation
17 and the lack of maintenance on the property.

18 COUNCILWOMAN JOHNSON: Anything else?

19 COUNCILMAN LABRIOLA: I'm going to
20 hold. I'm going to wait.

21 COUNCILWOMAN JOHNSON: Mr. Avrutine,
22 you mentioned you brought some other experts,
23 perhaps, with you.

24 Could you bring them up to discuss the
25 work done or did I misunderstand you?

1 MR. AVRUTINE: No. They don't have
2 formal testimony. Only to answer questions that
3 any of the Council members may have or the
4 Supervisor.

5 COUNCILWOMAN JOHNSON: Fine.

6 Thank you.

7 At this time, no other council members
8 have questions. We do have a number of speakers.

9 I don't know whether I have Anita
10 Greenhouse.

11 FROM THE AUDIENCE: Should our attorney
12 go first?

13 COUNCILWOMAN JOHNSON: Sure.

14 What's her name or his name?

15 MR. SCHNEIDER: Robert Schneider.

16 COUNCILWOMAN JOHNSON: Did you put in a
17 slip?

18 MR. SCHNEIDER: Yeah, I did.

19 COUNCILWOMAN JOHNSON: Okay. I
20 apologize. Kindly step up. I see it here.

21 Mr. Schneider, welcome.

22 Who do you represent?

23 MR. SCHNEIDER: Good morning,
24 Supervisor, Town Board.

25 My name is Marc Schneider, Schneider,

1 LLP. I am counsel for the Manors at Jericho, which
2 is the neighboring residential condominium directly
3 across the street from the applicant.

4 I actually am here speak for my client
5 and also there's a resident who couldn't come, so I
6 would ask you give me a little indulgence on the
7 time who gave me a prepared statement that is
8 definitely less than five minutes.

9 COUNCILWOMAN JOHNSON: I just have a
10 quick question.

11 When you say you represent the Manors
12 at Jericho Condominium, were you hired by the
13 Board?

14 MR. SCHNEIDER: The Board.

15 COUNCILWOMAN JOHNSON: Were you hired
16 by just those two individuals?

17 MR. SCHNEIDER: No. I'm here on behalf
18 of the Board of Managers. So I speak for the
19 entire condominium and the residents.

20 And, in fact, you'll hear me say at
21 some point, there are a number of residents that
22 have submitted letters. I have a few more to hand
23 up tonight -- today.

24 Unfortunately, not everybody is here.
25 As you know, there are limitations on the number of

1 people in the room, so they were advised of that.
2 And there are others that don't want to come into a
3 public place such as this presently.

4 Thank you very much.

5 I'm here -- what I'd like to do is I'd
6 like to read the statement of the resident first
7 because I think it sets a tone for my comments and
8 the residence is --

9 COUNCILWOMAN JOHNSON: Be mindful of
10 our time clock.

11 MR. SCHNEIDER: That's why I asked.

12 I said can you consider the statement
13 of the resident as one and me as the other?

14 I should be able to finish the
15 resident's statement in less than the 3:49 up
16 there.

17 COUNCILWOMAN JOHNSON: Continue.

18 MR. SCHNEIDER: This is from Rene Carlo
19 who is a resident at 53 Manors Drive.

20 She writes: "My name is Rene Carlo and
21 I send this statement as I am unable to attend the
22 Town meeting regarding the Cotillion's application
23 for special permit.

24 "I'm a resident of the Manors at
25 Jericho at 53 Manors Drive, which is directly south

1 of the Cotillion. I've been living here for 32
2 years. Over the last five years plus, I believe
3 around the time the Cotillion put the sliding glass
4 doors on the south side of the premises, the noise
5 level from there became intolerable. It has also
6 gotten worse over last two years.

7 "Also, the noise is extremely loud on
8 weekdays, especially on Thursdays after 10:00 p.m.
9 and Sundays after 11:00 p.m.

10 "In addition, the base from the indoor
11 speakers is so thundering that my headboard
12 vibrates as well as the floor of my bathroom on the
13 south side of my home. The vibrations and base
14 have woken me from a dead sleep and also woken my
15 grandmother who sleeps over frequently and whose
16 room is on that side of our home.

17 "Prior to my retirement, which was two
18 years ago, I would call the Cotillion and ask them
19 to turn down the volume, always after 11:00 on
20 weekends and after 10:00 on weekdays. The person
21 who answered the phone would tell me he has to
22 check or he didn't realize it was loud. If they
23 did not lower the music and not pick up calls to
24 remind them, I would call the police who sometimes
25 went over.

1 "Once I spoke to the owner as he
2 identified himself as such and he assured me it
3 would not happen again, which it did. When I
4 called him again for the same issues, he blamed his
5 son.

6 "The major problem is no matter how
7 many times I or other members of our community have
8 called, there has been Zero change in the noise or
9 compliance with the time constraints. Over the
10 last five to six years, I've personally called the
11 police approximately 25 times. All times I have
12 called have been after 10:00 p.m. on weekdays and
13 after 11:00 on weekends.

14 "The music is always very loud from the
15 afternoon, on. After I retired two years ago, I
16 now go out of my house, walk up the hill to Jericho
17 Turnpike, cross Jericho Turnpike to make sure the
18 music is coming from them and then ask them to turn
19 it down.

20 "I've walked through front the doors
21 and have also observed DJs with huge speakers and
22 amps. The noise is overpowering inside and the
23 glass doors are open which allows the music to
24 spill out and the doors directly face our
25 development.

1 "I have walked over to the Cotillion 12
2 to 15 times in the last two years since I retired.
3 When I walk over, my husband yells at me for going
4 out alone in the dark so we fight about that.

5 "Also, my blood pressure is increasing
6 the disruption of my sleep and the aggravation of
7 trying to be a good neighborhood and not having any
8 cooperation from the Cotillion, despite many
9 promises to be compliant.

10 "When I have been over there late at
11 night, I have seen cars and limos in the parking
12 area with their doors open and extremely loud music
13 blasting from inside the cars and limos as well.
14 There is just no consideration by the facility and
15 its guests considering they're in a quiet
16 neighborhood and disturbing the residents.

17 "To be clear, this music and really the
18 base wakes me up from a dead sleep in the middle of
19 the night. I have gotten up and crossed Jericho
20 Turnpike to speak to the Cotillion over 12 to 15
21 times in the last two years. Prior to that, I
22 called frequently at least one to times per week
23 during Spring, Summer and the Fall.

24 "The noise seems worse on Thursdays and
25 Sundays. When I've gone at night after 11:00 p.m.

1 I go inside and the doors facing south and front
2 doors are open and there are speakers on the south
3 side facing outside. Despite all of the promises,
4 nothing has changed. Actually, it has gotten
5 worse.

6 "When I've gone there, I've observed
7 people barbecuing and outdoor tables with loud
8 music pouring out into the street. Again, these
9 observations have all been after the hours where
10 the noise is supposed to stop.

11 "The activities from the Cotillion
12 occur three to four times per week starting in the
13 afternoon and going into the middle of the night
14 and includes banging of steel drums, bells and
15 livestock in the parking area as well excessively
16 loud music. The parties are more frequent in the
17 Spring, Summer and Fall."

18 Perfect. Look at that. I actually
19 have a copy for the record.

20 COUNCILWOMAN JOHNSON: Kindly pass it
21 to our Clerk.

22 I'm just not sure if this was
23 permissible. Going forward, I can't do that. I'm
24 realizing now that I should have just had you hand
25 that to the Clerk, and I apologize to anyone else

1 that I might have disenfranchised.

2 MR. SCHNEIDER: Moving right along, as
3 you've heard, I represent the condominium which is
4 located directly across the street. There are 67
5 homes. This is a Residential District as you've
6 heard and knowing where this application is.

7 The Cotillion restaurant is basically
8 seeking to use portions of the building where it is
9 located for catering services and has provided the
10 Town now a site plan. Of course, they're talking
11 about new landscaping.

12 The Cotillion is also -- importantly,
13 which I didn't hear mentioned here, is seeking to
14 be able to reduce the number of required parking
15 spaces that are required for this facility as well.

16 I'm assuming that that would have to go
17 to the Zoning Board if this application were
18 granted because I would think that would be a
19 variance that would be required. But it's
20 important to note that there isn't enough parking
21 either, putting aside all the noise problems that
22 we presently have.

23 The Cotillion is in a Neighborhood
24 Business District and can only perform catering
25 services if they have a special permit. We know

1 what the Town Code 246.5.2 states, and there are
2 various things that we need to consider.

3 Most importantly, the purpose of a
4 Neighborhood Business Zone is to provide the
5 opportunity for the development and maintenance of
6 local oriented retail and services business uses as
7 well as multifamily residents uses in or adjacent
8 to the Town's Hamlet Center.

9 The restaurant -- this facility is not
10 just a restaurant -- It's a restaurant, it's a
11 catering facility, you've heard that from
12 applicant. So the restaurant is apparently for 65
13 patrons that complies.

14 The catering on other hand, which you
15 can see from the signs in the street, is where the
16 issue stems from. You've seen -- heard now a list
17 of complaints that I've described from one
18 resident, and you're going to hear from other
19 residents. And, as I said, there are a whole bunch
20 of other letters that I'd like to hand up right now
21 as well that speak to some of the complaints as
22 well (handing).

23 It's very interesting here because what
24 you've heard here is, hey, we have some noise
25 concerns. You heard Mr. Avrutine say that I was

1 going to speak. We believe we're going to work
2 with them and deal with them, but they haven't
3 dealt with them.

4 I'm not saying that the owners are not
5 nice people. You've heard one of our residents has
6 gone there and spoken to them, and they get the
7 sense that it's going to be dealt with, but this
8 has gone on now for years. And while Mr. Avrutine
9 says that a prior owner may have operated a
10 catering facility, that doesn't give them a license
11 to continue to do it.

12 That's like telling the police officer
13 who pulled you over after going 70 miles an hour on
14 the expressway, "I've been doing it for the last
15 two years, so I should be able to drive 70 on the
16 expressway now." It doesn't fly.

17 There are a number of complaints. You
18 heard about the code -- recent code violation. I
19 believe there's a 2011 open violation, which
20 actually deals with specific issues of noise and
21 otherwise. I think if we search the records, you
22 will find it.

23 There have been complaints as recent as
24 just about week ago. At 10:06 p.m., one of the
25 residents said the music was so loud she could

1 still hear it with her windows closed and the air
2 conditioner on. The other resident had her floor
3 vibrating.

4 So I believe there are two open
5 violations. I believe that their operation, by the
6 way, is incomplete violation of the Town Code.
7 Interestingly, they're still operating, but they
8 don't have the right to operate.

9 Now, there are performance standards
10 set forth in Section 246.10 of the code, and of
11 those performance standards, if you go to
12 Subsection 10, it's to control noise above ambient
13 levels. It's to prevent the dissemination of
14 vibrations beyond site boundaries, prevent physical
15 hazards, regulate the generation and flow of
16 vehicular traffic.

17 You've heard Mr. Avrutine speak, and he
18 says that during catering parties, there will be a
19 security person in the parking area. What is a
20 security person going to do about the noise coming
21 from inside? And why haven't they had the security
22 person for the last number of years that my clients
23 have been complaining about this facility?

24 They have no indication, they have not
25 demonstrated that they will be able to comply with

1 any reasonable conditions that you put onto this
2 property, so I'm actually saying to you that you
3 shouldn't be thinking about conditions, you should
4 be thinking about denying, and we're certainly
5 recommending that you deny this Special Use Permit.

6 Not only deny the Special Use Permit,
7 but we believe that you should enforce your code so
8 that they are not operating presently, because you
9 shouldn't be able to operate when you don't have a
10 permit to operate as you are presently operating.

11 (Clapping.)

12 MR. SCHNEIDER: In closing, I would
13 like to state again, I would like to indicate that
14 my client certainly opposes the Special Use Permit
15 being granted. And, again, please, we don't want
16 to grant it with conditions. It shouldn't be
17 granted at all, and I think that when you hear from
18 some of the other residents -- I'm going to defer
19 to them -- with 17 seconds left -- you'll realize
20 that this is not just a matter of one or two
21 instances, this is nonstop repeated violation.

22 By the way, just one other point, you
23 said that the catering parties starts between 6:00,
24 I think it was between 6:00 and 8:00 and goes for
25 five hours. It is unreasonable in a Neighborhood

1 District to have to put up with what goes on in the
2 hours it should be quiet.

3 Thank you very much.

4 COUNCILWOMAN JOHNSON: Thank you.

5 COUNCILMAN IMBROTO: If you can stay
6 up. I just have a few questions for you.

7 MR. SCHNEIDER: Sure.

8 COUNCILMAN IMBROTO: When did this
9 start? Because this has been a catering hall for
10 as long as I've been alive.

11 Was this always a problem going back
12 then or did something change that it began to be
13 problem? And, if so, what was it that changed,
14 when did it change, and could you speculate as to
15 why?

16 MR. SCHNEIDER: From what I'm told,
17 this has been a problem now for a number of years.
18 As you've heard, I have clients that are calling
19 the police constantly and, respectfully, my clients
20 believe that nobody's enforcing anything. And
21 they, frankly, were surprised that this has been
22 allowed to continue.

23 So they've filed the complaints. They
24 called the police, but nothing happens. You've
25 heard, they're still operating a catering facility

1 without a permit.

2 Why haven't they been shut down?

3 COUNCILMAN IMBROTO: How long has it
4 been going on where there's been the noise, the
5 impacts on the surrounding community?

6 MR. SCHNEIDER: You're going to hear
7 that it's been a few years. And there also was a
8 patio that they opened --

9 COUNCILMAN IMBROTO: If somebody could
10 address that.

11 MR. SCHNEIDER: Councilman, I think
12 that they added a patio, they added doors to a
13 patio that opened to the outside.

14 COUNCILMAN IMBROTO: Was that for COVID
15 compliance or --

16 MR. SCHNEIDER: No.

17 COUNCILMAN IMBROTO: -- is that
18 something that predates COVID?

19 MR. SCHNEIDER: No. I just want to
20 give you a couple of pictures so that you can
21 understand and appreciate it.

22 Thank you for asking the questions.

23 So, I can hand this up (indicating).

24 (Speaking from the audience.)

25 COUNCILWOMAN JOHNSON: Kindly wait

1 until you're called up, I would appreciate it.

2 FROM THE AUDIENCE: I'm sorry, what?

3 COUNCILWOMAN JOHNSON: If you could
4 kindly wait until you're called up, I would
5 appreciate it.

6 FROM THE AUDIENCE: Sorry.

7 MR. SCHNEIDER: One other so you can
8 see the proximity of just how close this is and why
9 this is such a problem.

10 COUNCILMAN IMBROTO: And this is right
11 on the front side, right on Jericho, this patio?

12 MR. SCHNEIDER: If you want to see
13 what's going on inside the facility, this is right
14 from the web. This is publicly out there as to
15 what is going on inside this facility, which will
16 show you exactly why it's such a disturbance.

17 COUNCILMAN IMBROTO: And you mentioned
18 speakers facing outside?

19 MR. SCHNEIDER: No. We're not saying
20 the speakers are facing out. It's just the noise
21 emanating from these large amounts of volume that
22 are coming from these big speakers that are inside.

23 I heard Mr. Avrutine say, "We'll make
24 sure we don't have anything on the outside." It's
25 not just the noise from the outside. The noise is

1 coming from inside, too.

2 COUNCILMAN IMBROTO: Are the drums and
3 bells outside or are they inside?

4 MR. SCHNEIDER: I don't know the answer
5 as to whether -- I think they've been both.

6 COUNCILMAN IMBROTO: The reason I'm
7 asking is, if this activity were moved inside,
8 would that address it --

9 MR. SCHNEIDER: No.

10 COUNCILMAN IMBROTO: -- it's still
11 going to be an issue --

12 MR. SCHNEIDER: No.

13 COUNCILMAN IMBROTO: -- whether it's
14 happening inside, outside?

15 MR. SCHNEIDER: The answer is, in my
16 opinion, from what I've been told, no. This is a
17 problem both out and in.

18 You'll see -- actually, I believe one
19 of the people that's going to speak has a video
20 that she took, and it's not outside. It's inside.
21 You hear it as you're walking up the street. I
22 think if you -- when the complaints are made and
23 someone calls, people should really be listening to
24 it and probably be stopping them from what they're
25 doing, but it's not, unfortunately, being stopped.

1 It's just continuing.

2 COUNCILMAN IMBROTO: And are the
3 complaints being made to the Town or to the Nassau
4 PD or both?

5 MR. SCHNEIDER: I believe both.

6 COUNCILMAN IMBROTO: Thank you.

7 COUNCILWOMAN JOHNSON: I'm just
8 confused as to why you're asking me to allow you to
9 read one statement and thereafter handed in a stack
10 of statements. If you had thought it was proper
11 just to read the one, I would have appreciated your
12 forthrightness.

13 MR. SCHNEIDER: No. That's not me not
14 being forthright. There was a resident that wanted
15 to appear and her statement is different than
16 letters that you received.

17 I was given those letters today by one
18 of the other Board members who said, "Can you
19 please hand these in?"

20 COUNCILWOMAN JOHNSON: Okay. Thank
21 you.

22 MR. SCHNEIDER: I would be nothing but
23 forthright with you. It wasn't in my effort to get
24 a little extra speaking time. She would have been
25 here herself to speak if she could have been.

1 COUNCILMAN IMBROTO: Mr. Schneider is a
2 preeminent attorney.

3 COUNCILWOMAN JOHNSON: I'm not doubting
4 that.

5 MR. SCHNEIDER: Thank you very much,
6 Councilman Imbroto.

7 COUNCILWOMAN JOHNSON: Ms. Greenhouse,
8 would you like to come up now?

9 MR. SCHNEIDER: Thank you very much.

10 MS. GREENHOUSE: Yes, I would.

11 I just want to say I'm as nervous as a
12 bedbug.

13 COUNCILWOMAN JOHNSON: Don't be
14 nervous.

15 COUNCILMAN IMBROTO: You're going to do
16 great. Don't be nervous.

17 COUNCILWOMAN JOHNSON: We welcome you
18 here.

19 MS. GREENHOUSE: My name is Anita
20 Greenhouse. I live in the Manors and I think it's
21 time that you heard what we hear. It's a video.

22 COUNCILWOMAN JOHNSON: I don't know
23 that we can accept a video.

24 MS. GREENHOUSE: Well, you should hear
25 what we hear. (Video was played.) This video is

1 from my -- in front of my house at 12:00 at night
2 all the way back from 2018.

3 COUNCILMAN IMBROTO: That video was
4 recorded from where you live?

5 MS. GREENHOUSE: My house. You can see
6 it. I don't want to use my time up. You can see
7 it later.

8 COUNCILWOMAN JOHNSON: The record will
9 be kept open and you can e-mail it to us.

10 COUNCILMAN IMBROTO: Yes, please.

11 MS. GREENHOUSE: Because the noise and
12 music didn't stop -- I'm sorry, because the noise
13 and music didn't stop, as Ms. Carlos stated, over
14 the last three years, the community complained
15 constantly. I met with owner of the Cotillion, Ted
16 Nedunilam.

17 When that didn't stop, I spoke to Jim
18 Josevski from Code Enforcement many times, and I
19 met with Scott Burns at the Town.

20 I also want to give in -- this is a
21 picture of (handing) where the video was taken. I
22 wrote letters to Elizabeth Maccarone and Michael
23 Esposito. The neighbors called the police. The
24 community filed formal complaints to the Town. All
25 proved fruitless.

1 The Cotillion's request for a Special
2 Use Permit states the request hearing will permit
3 the reasonable utilization of the subject premises
4 with no adverse effect upon any surrounding area.

5 As I have -- what I tried to prove,
6 you'll see my videos, we've made many complaints.
7 I am going to give you all of the complaints that
8 we have.

9 The music and the outdoor drum banging
10 have significantly and negatively impacted the
11 quality of our lives, and the outdoor partying on
12 the patio is particularly disruptive. Here is a
13 picture of the outdoor patio where they have their
14 cocktail hour and parties. Here's a letter from
15 Maccarone. Here's the outstanding complaints we
16 have (handing).

17 The petition continues with the
18 Cotillion writing, the existing uses have been
19 operating at the subject premises since the 1950s.

20 As a result, the proposed use will have
21 no different impact upon the surrounding area. As
22 a result, the proposed use is completely
23 appropriate and suitable for the subject premises
24 and the surrounding area.

25 Although the Cotillion may have been

1 conducting its business prior to 2015, it wasn't
2 until the Cotillion broke through the stone wall to
3 create the door and expand it to include parties in
4 the outdoor patio area with music and events,
5 that's when it's business became a nuisance.
6 Here's the picture of the outdoor patio with the
7 door and the window (handing).

8 COUNCILMAN IMBROTO: So there was
9 previously a stone wall on Jericho?

10 MS. GREENHOUSE: You can see the stone
11 wall.

12 COUNCILMAN IMBROTO: Like a sound
13 buffer?

14 MS. GREENHOUSE: Let me finish because
15 I have no time.

16 And once the door was there and the
17 soundproofing aspect of the stone wall was
18 breached, the community began to hear the music
19 from inside and outside the venue. Even when there
20 is no party on the patio, every time that door is
21 opened, we can hear the music from inside the
22 Cotillion at the Manors.

23 Over the past few years, the Cotillion
24 has consistently, constantly, and knowingly
25 flaunted County regulations making a mockery of our

1 zoning laws. If they have ignored existing
2 regulations to date, who knows what rules and
3 regulations they will ignore in the future.

4 One time when I crossed the street to
5 complain of the music, the Cotillion was using a
6 large rectangular fire pit in the outdoor patio.
7 And one month ago at 12:30 at night, we heard loud
8 music. At this time -- actually, me and
9 Ms. Carlos, we went across the street, 12:30 at
10 night, it was coming from an SUV parked by the
11 front door of the Cotillion. The hatch was open
12 and the speakers were blaring. It wasn't until
13 Rene and I walked over and complained to the
14 manager that he told the car to stop the music. He
15 couldn't care less that we were awakened late at
16 night.

17 Just this weekend, ignoring County
18 COVID regulations, the parking lot was packed and a
19 party was going on.

20 Do you want to reward bad behavior by
21 approving the Special Use Permit? The Cotillion
22 needs to follow existing regulations, be a good
23 neighbor, and desist from being a neighborhood
24 nuisance.

25 (Clapping.)

1 COUNCILMAN IMBROTO: Thank you,
2 Ms. Greenhouse.

3 I just have a couple of questions for
4 you.

5 MS. GREENHOUSE: Sure.

6 COUNCILMAN IMBROTO: Where you took
7 that video, it looks like you're across Jericho
8 Turnpike, a full block --

9 MS. GREENHOUSE: Correct.

10 COUNCILMAN IMBROTO: -- across another
11 street, and that's where you took that video?

12 MS. GREENHOUSE: I have it. And I have
13 four of them.

14 The most recent video I have is from
15 August 2020. I can send them to you.

16 COUNCILMAN IMBROTO: Yes, please.
17 Please do.

18 MS. GREENHOUSE: I have videos where
19 you can see it's from my house. I have videos of
20 the banging. They do the banging before some -- in
21 the parking lot.

22 COUNCILMAN IMBROTO: That's done
23 outside?

24 MS. GREENHOUSE: Outside. And I have
25 it. I will send it to you.

1 COUNCILMAN IMBROTO: You've seen
2 activity at 12:30 in the morning on the outdoor
3 patio?

4 MS. GREENHOUSE: The videos. The
5 videos have times on them, and you'll see it's
6 after 11:00.

7 COUNCILMAN IMBROTO: And that activity
8 is outside?

9 MS. GREENHOUSE: It's a DJ in August
10 also. What happens is, that DJ was on that outdoor
11 patio area. Before then, we didn't even know what
12 was going on inside.

13 COUNCILMAN IMBROTO: You think the
14 thing that changed is they built the patio?

15 MS. GREENHOUSE: Yes. They put the
16 hedges. They put the hedges there because they
17 thought maybe we wouldn't see it.

18 COUNCILMAN IMBROTO: Do they leave this
19 door open?

20 MS. GREENHOUSE: Well, the door is
21 adjacent to the restaurant. And then the catering
22 part -- let's not even talk about the zoning and
23 the catering use aspect of whether you can do that
24 in an NB Zone.

25 But so what happens in the restaurant

1 and in the bar, they walk in and out, in and out.
2 So even if there's no party outside on the patio,
3 they walk in and out from the restaurant, and every
4 time that door opens, you can hear. It's -- you
5 know, that's why I took the video because when I
6 tell my friends they say, "It can't be that loud."

7 COUNCILMAN IMBROTO: And previously was
8 there no door on this stone wall?

9 MS. GREENHOUSE: We did -- all I can
10 say is we never heard anything until -- you know,
11 looking back it's hard. At first you think it's a
12 neighbor's party, you know.

13 So, around 2015, 2016 is when we
14 started -- now I moved in, in 2008, never heard a
15 thing.

16 Then it was around -- my first video
17 was 2018, so I think it's '17 was when we were
18 really complaining to them, and that's when we were
19 getting nowhere that I said we need a record of
20 this. So somewhere -- had to happen somewhere in
21 about '15, '16, '17.

22 The only thing I can say -- because we
23 never paid attention to the building before. It
24 was only when we heard the noise that we went over
25 there and said what's going on -- that we saw the

1 patio.

2 Now, was the patio there before? I
3 don't know. I would presume not because we never
4 heard anything.

5 COUNCILMAN IMBROTO: So you're not sure
6 what, but something changed in around 2015 to 2017
7 when a use that was never previously a problem all
8 of a sudden started to be a problem?

9 MS. GREENHOUSE: Well, back in 2011,
10 there is an outstanding -- I don't have that one,
11 but it's --

12 COUNCILMAN IMBROTO: As far as the
13 noise.

14 MS. GREENHOUSE: In 2011, there was a
15 complaint made, but they were having noise in the
16 parking lot.

17 COUNCILMAN IMBROTO: Do you remember it
18 being a consistent problem back then?

19 MS. GREENHOUSE: It gradually -- I have
20 to say I didn't notice it until -- yes. I saw the
21 camel, but who cared. It was a camel. Somebody
22 shlepped this poor camel to the parking lot. I
23 mean, it was too bad for the animal, but anyway, we
24 didn't pay attention. We thought it was fleeting.

25 I saw Ted. I met with Mr. Nedunilam

1 personally, and I said, "Please be a good
2 neighbor."

3 In fact, I spoke to Jim Josevski and he
4 said, you know, it's nice that people are trying to
5 resolve this amicably.

6 And Ted gave me his personal phone
7 number. I have it in my contacts. I called him.
8 After the first two or three times, everything went
9 to voicemail, ignored us. I have gone over there
10 in my pajamas. I've walked in at 12:30 at night to
11 the catering hall.

12 I said, "You woke me up. This is
13 ridiculous."

14 COUNCILMAN IMBROTO: Do they lower the
15 noise at that point or they just ignore you?

16 MS. GREENHOUSE: "We'll see what we can
17 do. We'll see what we can do."

18 By then, the party is over.

19 COUNCILMAN IMBROTO: Do they ever call
20 you back nowadays?

21 MS. GREENHOUSE: What?

22 COUNCILMAN IMBROTO: Do they ever call
23 you back nowadays?

24 MS. GREENHOUSE: Oh, no. I'm persona
25 non grata. It's constant. It's persistent.

1 You know, when the drums go at 3:00 on
2 a Sunday afternoon people say, well, you know,
3 you're allowed to have music until 10:00 at night.

4 But when we're sitting in our backyard
5 or at the pool and every Saturday and every
6 Sunday -- and they've been having parties now too
7 even with COVID, let me tell you. We're sitting in
8 our backyards and we have to hear drums or music
9 from that outdoor patio area. It's consistent and
10 it's going to get worse if they get this permit,
11 because it's going to be every Saturday, every
12 Sunday. Who knows? It's going to be 24/7. We're
13 not going to be able to sit in our backyard.

14 That's why I said you have to hear this
15 video because you can't believe how loud it is.
16 Because I think from -- I can't -- I think from the
17 outdoor patio area, they have speakers, and I do
18 have a video. There was a DJ and that was in
19 August. And I went there's a DJ and they're doing,
20 like, party games.

21 COUNCILMAN IMBROTO: All right. If you
22 could please send us all the material.

23 MS. GREENHOUSE: I will.

24 COUNCILWOMAN JOHNSON: Thank you,
25 Ms. Greenhouse.

1 COUNCILMAN IMBROTO: Thank you.

2 MS. GREENHOUSE: I'm still nervous.

3 COUNCILWOMAN JOHNSON: You did great.
4 You killed it.

5 MS. GREENHOUSE: I'm nervous because I
6 don't want to have to live with this until -- how
7 long -- 'til I end up in the Bristol.

8 (Laughter ensues.)

9 COUNCILWOMAN JOHNSON: Elizabeth
10 Brakeman?

11 FROM THE AUDIENCE: I came. I'm not
12 prepared to say anything.

13 COUNCILWOMAN JOHNSON: So you do not
14 wish to speak?

15 FROM THE AUDIENCE: She would do
16 leftover.

17 COUNCILWOMAN JOHNSON: We can't speak
18 from the audience, but thank you, so I'm going to
19 put your comment card aside.

20 COUNCILMAN IMBROTO: If you wish to
21 submit something in writing, you can e-mail to
22 publiccomment@oysterbay-ny.gov.

23 COUNCILWOMAN JOHNSON: Thank you for
24 coming.

25 Again, I have another one from

1 Ms. Greenhouse, so, actually, that's all I have.

2 Were there other speakers?

3 MS. GREENHOUSE: Should I give you
4 these?

5 COUNCILWOMAN JOHNSON: You can hand it
6 to the Clerk if you have any documents you'd like
7 to submit.

8 Mr. Adelman?

9 COUNCILMAN LABRIOLA: Before
10 Mr. Adelman comes up, I just wanted to say
11 something to the residents, Mrs. Greenhouse, and
12 others who live over at the Manors.

13 Just so you know how this works in the
14 Special Use Permit, when the applicant comes before
15 this Board, if we -- hypothetically speaking, if we
16 were to deny the applicant, there's a very good
17 likelihood that the applicant will take us to court
18 and a Judge may render a decision that may be
19 something that you are not in favor of.

20 So what I put out there for you to
21 discuss -- since you have an attorney to represent
22 yourself, that you could -- that you may want to
23 consider somehow bringing him back to that 19 --
24 2015 operation where you can live with it while you
25 can. Otherwise, we may have a situation -- you

1 know, just be aware of that these things happen.
2 I'm not sure how familiar you are with the way it
3 works, but in a Special Use Permit, you know, the
4 applicant has the opportunity to readdress their
5 grievance with the Court.

6 COUNCILMAN IMBROTO: There is a level
7 of review of our decision too, which can get
8 overturned by the Court.

9 COUNCILMAN LABRIOLA: I want the
10 residents to know that they have an opportunity to
11 work with their attorney, with their attorney, and
12 we are not going render a decision today. I don't
13 know how long the record is going to be kept open
14 up. That will be up to the Supervisor and the
15 presiding officer, madam presiding officer.

16 COUNCILWOMAN JOHNSON: My understanding
17 is 30 days.

18 COUNCILMAN LABRIOLA: Therefore, I urge
19 you to see if that's possible. Otherwise, you
20 know, we'll see how it goes. We have to,
21 obviously, deliberate and we're going to take into
22 consideration all of the residents' remarks, the
23 petitions, et cetera, and everything that's been
24 put on the record. I just wanted you to know that
25 for your own information.

1 COUNCILMAN IMBROTO: Before we hear
2 from Mr. Adelman, could the applicant please
3 respond to the residents, the neighbors issues that
4 they raised?

5 Would you be okay with that,
6 Counselwoman?

7 COUNCILWOMAN JOHNSON: Is the Town
8 Attorney okay with it?

9 If the applicant would like to speak
10 and respond to some of these allegations, we
11 welcome them.

12 MR. AVRUTINE: Good afternoon, again.

13 I can't personally attest to the truth
14 or untruth of anything that's been said, but I will
15 say this, I'm not going stand here and say those
16 complaints aren't legitimate and that these
17 incidents haven't occurred. I did speak about
18 activities outside be terminated, that is something
19 clearly that will not happen going forward.

20 COUNCILMAN IMBROTO: Let's say that
21 what was said was completely true -- and I'm not
22 taking a position one way or the other -- how would
23 the applicant address those issues?

24 MR. AVRUTINE: What I think makes the
25 most sense and what I was going to propose after

1 everyone was finished -- and I know the Board is
2 not rendering a decision today, the record will be
3 kept open for a period of time, and the Board will
4 deliberate -- but what I think is in the best
5 interest of both my client, the applicants, as well
6 as the community, is my client will retain the
7 services of an acoustical expert engineer who will
8 come to the premises, analyze the situation, and
9 come up with something that will eradicate the
10 problems.

11 COUNCILMAN IMBROTO: Is the owner
12 present in the room today?

13 MR. AVRUTINE: Yes. They're here.

14 COUNCILMAN IMBROTO: Are you
15 comfortable with them coming up to speak?

16 MR. AVRUTINE: Certainly, they can --
17 they're here. They can speak. They're here to
18 answer any questions the Board may have.

19 I think that unfortunately --

20 COUNCILMAN IMBROTO: With Counsel's
21 permission.

22 MR. AVRUTINE: -- that's fine. I
23 certainly wouldn't want a situation where either
24 the community or the Board felt that I was trying
25 to withhold.

1 COUNCILMAN IMBROTO: No. We know that
2 you wouldn't do that.

3 I'm just concerned with a lot of
4 allegations were made about late night parties
5 outside, things like that, noise, that I think is
6 rather egregious, and you can't personally speak to
7 it, but perhaps the owner could.

8 MR. AVRUTINE: Sure.

9 MR. NEDUNILAM: My name is Tony.

10 COUNCILMAN IMBROTO: How are you, sir?

11 COUNCILWOMAN JOHNSON: Your full name
12 for the record.

13 MR. NEDUNILAM: Tony Nedunilam.

14 THE STENOGRAPHER: Can you spell it?

15 MR. NEDUNILAM: N-E-D-U-N-I-L-A-M.

16 COUNCILWOMAN JOHNSON: And your
17 address, please?

18 MR. NEDUNILAM: 440 Jericho Turnpike,
19 Jericho, New York 11753.

20 COUNCILWOMAN JOHNSON: You are the
21 owner?

22 MR. NEDUNILAM: Yes.

23 COUNCILMAN IMBROTO: Are you the
24 gentleman that Ms. Greenhouse had been speaking
25 with?

1 MR. NEDUNILAM: I'd spoken to her once
2 or twice as well.

3 COUNCILMAN IMBROTO: And what was the
4 result of that?

5 MR. NEDUNILAM: I mean, we would always
6 tell the DJ to turn it down as soon as --

7 COUNCILWOMAN JOHNSON: I want to
8 clarify that you are the owner of the property, not
9 the --

10 MR. NEDUNILAM: No. The tenant. We're
11 the tenant.

12 COUNCILWOMAN JOHNSON: The tenant.
13 Thank you.

14 COUNCILMAN IMBROTO: The owner of
15 Cotillion?

16 MR. NEDUNILAM: Correct.

17 COUNCILMAN IMBROTO: But the tenant of
18 the property?

19 MR. NEDUNILAM: Yes.

20 COUNCILMAN IMBROTO: So are you guys
21 having parties late into the evening with outdoor
22 music?

23 MR. NEDUNILAM: We don't have outdoor
24 music, so that stopped several years ago, actually.
25 We did that maybe a month out of the year, and then

1 we stopped when complaints came in completely.

2 Now, because of COVID, we're just
3 dining outdoors. Still no music, no speakers
4 outside, nothing.

5 COUNCILMAN IMBROTO: When you're having
6 these late night parties, is there loud music after
7 midnight, after 11:00?

8 MR. NEDUNILAM: From indoors, not
9 outdoors.

10 COUNCILMAN IMBROTO: Can it be heard
11 from outdoors?

12 MR. NEDUNILAM: It wouldn't be from
13 outdoors. Once or twice maybe some -- one of the
14 guests may turn their car speakers on, that's what
15 she was mentioning maybe, before they're leaving,
16 that could what it is. That's something -- that's
17 why our lawyer had said that we'll put security
18 outdoors to make sure that stops.

19 COUNCILMAN IMBROTO: When
20 Mrs. Greenhouse calls, do you return the phone call
21 and try to promptly address the issues that she
22 has?

23 MS. NEDUNILAM: We do. I mean, it's
24 been going on for several years. We would walk
25 across the street, and we don't hear what they're

1 hearing from inside. You know, just talking about
2 the base and things like that. It's a six-lane
3 highway, you know, between us.

4 COUNCILMAN IMBROTO: Is it fair to say
5 that what the residents brought to our attention is
6 generally accurate and true?

7 MS. NEDUNILAM: Yes. To an extent,
8 yes.

9 COUNCILMAN IMBROTO: Okay. Thank you.
10 I believe Ms. Greenhouse is raising her
11 hand.

12 COUNCILWOMAN JOHNSON: Ms. Greenhouse,
13 if you have further comments, kindly submit them in
14 an e-mail. We can't do rebuttal comments, but I
15 appreciate your time and concern.

16 Are there any other persons who wish to
17 speak on this hearing?

18 Mr. McKenna -- oh, Mr. Adelman. I
19 forgot. I thought you spoke already. I've seen
20 you so many times already. You've almost moved in
21 into the Bristal.

22 MR. ADELMAN: Arthur Adelman,
23 110 Dubois Avenue.

24 What I find fascinating is you come to
25 a hearing and you don't -- you have one thing to

1 make a comment on, and then you hear what the topic
2 of the hearing is really about, because I had no
3 idea there were issues between the neighborhood and
4 the Cotillion.

5 I was only up here to make a comment
6 that the owner of the property, probably not the
7 tenant, they claim -- they talk about quality of
8 life and, you know, keeping your surroundings
9 beautiful with nice hedges and nice landscaping.

10 I just found it offensive that you can
11 drive by now and see advertisements hanging from
12 the property's fences. I think it's very -- you
13 know, it's a very, very ugly sight. I don't
14 understand why people are allowed to -- or should
15 be allowed to advertise on their space that faces,
16 you know, public right-of-way.

17 I'm not saying because it's political
18 or not political. These happen to be political
19 signs, even for a friend of mine that's running,
20 you know, Ed Smith. The signs are really offensive
21 when they hang along -- out of, you know, in the
22 countryside.

23 As for the other things I'm hearing at
24 this hearing, I feel for the residents. And I
25 really hope something can be worked out. Was this

1 -- the way I understand it, they opened up a side
2 of the building on the south side that used to be
3 cement and would have kept the noise in. They
4 broke through and put a sliding glass door.

5 From what I understand, that would be
6 probably the cause of all the issues we're having
7 today if that was done in 2015.

8 And the other issue I have is the way
9 the Town is following up on issues in court.

10 COUNCILWOMAN JOHNSON: I would just
11 like to speak to that as a practicing attorney.
12 Court is not open. It's not the Town's fault.
13 It's not any fault of any municipality. Court is
14 not open.

15 MR. ADELMAN: District Court is.

16 COUNCILWOMAN JOHNSON: I was there for
17 a landlord/tenant last week. It's a ghost town.
18 The Town Court is not open.

19 COUNCILMAN IMBROTO: There's a
20 different part in the District Court that handles
21 Town matters and it's closed. It's been closed for
22 several months.

23 MR. ADELMAN: So people that are
24 breaking the law can continue with whatever they
25 want?

1 COUNCILMAN IMBROTO: Write a letter to
2 the State, to the Office of Court Administration.

3 COUNCILWOMAN JOHNSON: We have not --
4 to the Office of Court Administration. This is not
5 a Town matter, that's the Office of Court
6 Administration.

7 MR. ADELMAN: All righty. That's it.
8 I'll see you later.

9 COUNCILWOMAN JOHNSON: Thank you,
10 Mr. Adelman.

11 Mr. McKenna, are you ready?

12 MR. McKENNA: Kevin McKenna again.
13 Edna Drive, Syosset.

14 I just want to -- the attorney for the
15 residents and the facility across the street talked
16 about how other residents couldn't come here or
17 didn't want come here.

18 And I just want to point out to the
19 Town that the Town of Hempstead allows residents to
20 be able to call in during meetings for exactly that
21 reason.

22 I don't understand why the Town of
23 Oyster Bay --

24 COUNCILWOMAN JOHNSON: Are you here to
25 comment on the --

1 MR. McKENNA: -- can't do exactly what
2 they're doing in Hempstead.

3 COUNCILWOMAN JOHNSON: Do you have a
4 comment on --

5 MR. McKENNA: Sure.

6 Don't you appreciate suggestions?

7 COUNCILMAN IMBROTO: Thank you.

8 COUNCILWOMAN JOHNSON: Yes, but we're
9 trying to move things along.

10 You can always make that suggestion in
11 an e-mail or phone call --

12 MR. McKENNA: Okay.

13 All I want to say is that it is
14 absolutely absurd that the Town of Oyster Bay sent
15 seven code enforcement officers to stop a homeless
16 shelter and yet --

17 COUNCILWOMAN MAIER: Mr. McKenna, what
18 does this have to do with this hearing?

19 MR. McKENNA: -- and yet this facility
20 has not had a Public Assembly License, houses the
21 same homeless people --

22 COUNCILWOMAN MAIER: Mr. McKenna --

23 MR. McKENNA: You are not stopping --
24 you're not stopping --

25 COUNCILWOMAN JOHNSON: Mr. McKenna --

1 MR. McKENNA: -- this facility from
2 operating. It's absolutely absurd.

3 COUNCILWOMAN JOHNSON: Mr. McKenna
4 (inaudible) --

5 MR. McKENNA: You should all be ashamed
6 of yourselves. Not you. You need to find out why
7 Elizabeth MacCarone's department --

8 COUNCILWOMAN JOHNSON: You are not
9 commenting --

10 MR. McKENNA: You need to find out why
11 Elizabeth MacCarone's department is not.

12 COUNCILWOMAN JOHNSON: Hearing --

13 MR. McKENNA: Closing down this
14 facility.

15 COUNCILMAN IMBROTO: Are you --

16 MR. McKENNA: When they can close down
17 a homeless shelter --

18 COUNCILMAN IMBROTO: -- speaking on a
19 specific application --

20 MR. McKENNA: It's absurd. You should
21 be ashamed of yourself. Thank you.

22 SUPERVISOR SALADINO: This is
23 Supervisor Saladino, Mr. McKenna.

24 FROM THE AUDIENCE: Why do you let him
25 in?

1 FROM THE AUDIENCE: I have a right to
2 express myself.

3 COUNCILWOMAN JOHNSON: Thank you.

4 COUNCILWOMAN MAIER: Public comment,
5 Mr. McKenna.

6 FROM THE AUDIENCE: He's a looney.

7 FROM THE AUDIENCE: I have a right to
8 express myself.

9 FROM THE AUDIENCE: He's a looney.
10 Everybody knows about you.

11 COUNCILWOMAN JOHNSON: Our Supervisor
12 is trying to say something.

13 FROM THE AUDIENCE: We are professional
14 here.

15 SUPERVISOR SALADINO: Excuse me,
16 everyone. This is Supervisor Saladino.

17 There is a promise made by this Town
18 and its residents for everyone to be heard and that
19 means respectfully.

20 Now, Mr. McKenna, you've been heard on
21 every single hearing.

22 FROM THE AUDIENCE: I can't hear you.

23 SUPERVISOR SALADINO: Mr. McKenna, we
24 will not entertain you if you're going to shout, if
25 you're going to come up with issues that are not --

1 FROM THE AUDIENCE: The only reason I
2 need to raise my voice --

3 COUNCILWOMAN JOHNSON: Mr. McKenna,
4 you're not allowed to interrupt from the floor.

5 FROM THE AUDIENCE: The only reason I'm
6 speaking loud is because I was interrupted during
7 my time.

8 SUPERVISOR SALADINO: Mr. McKenna --

9 COUNCILWOMAN JOHNSON: I would ask
10 that --

11 SUPERVISOR SALADINO: Mr. McKenna --

12 FROM THE AUDIENCE: I have a right to
13 speak and you should not interrupt me when I speak.

14 SUPERVISOR SALADINO: Mr. McKenna --

15 COUNCILMAN IMBROTO: You do not have
16 the right to disrupt the meeting, Mr. McKenna.

17 FROM THE AUDIENCE: Get away from me.
18 Get away. Get six feet away from me.

19 SUPERVISOR SALADINO: Mr. McKenna --

20 COUNCILWOMAN JOHNSON: Excuse me.

21 Supervisor, hold on one minute, please.

22 SUPERVISOR SALADINO: Mr. McKenna --

23 COUNCILWOMAN JOHNSON: Mr. McKenna, if
24 you want him six feet away, cover your nose. It's
25 not a chin diaper.

1 FROM THE AUDIENCE: I can't hear you,
2 Ms. Johnson.

3 COUNCILWOMAN JOHNSON: Yes.

4 SUPERVISOR SALADINO: Mr. McKenna, your
5 comments have to be germane to the hearing at hand.
6 Every resident's comments have to be --

7 FROM THE AUDIENCE: I shouldn't be
8 interrupted when I speak.

9 SUPERVISOR SALADINO: Comments open
10 this up --

11 FROM THE AUDIENCE: Don't interrupt me.

12 SUPERVISOR SALADINO: -- opportunity --

13 FROM THE AUDIENCE: I won't have to
14 raise my voice if you don't interrupt me.

15 SUPERVISOR SALADINO: Mr. McKenna, have
16 you considered giving up your time --

17 FROM THE AUDIENCE: Supervisor, I hope
18 you feel better.

19 SUPERVISOR SALADINO: -- so that
20 someone from the community can be heard on this
21 hearing. I notice you don't give up your seat for
22 a resident to be heard on this hearing.

23 So your comments will continue to be
24 germane; otherwise, you're not allowed to continue
25 on this hearing.

1 (Clapping.)

2 FROM THE AUDIENCE: That's ridiculous.

3 FROM THE AUDIENCE: You have to leave.

4 Get up. Disruptive.

5 FROM THE AUDIENCE: No, I wasn't. I

6 was speaking.

7 FROM THE AUDIENCE: You should also

8 find out why political signs are there.

9 Is there a quid quo pro going on?

10 COUNCILWOMAN JOHNSON: Always a

11 conspiracy, Mr. McKenna.

12 FROM THE AUDIENCE: Those political

13 signs have been there for three straight years.

14 COUNCILMAN IMBROTO: Mr. McKenna,

15 you're not entitled to disrupt the meeting from the

16 audience.

17 FROM THE AUDIENCE: The owner of the

18 property is getting permission to put the signs

19 there so that they don't have to have a --

20 COUNCILMAN IMBROTO: We don't

21 appreciate your suggestions.

22 COUNCILWOMAN JOHNSON: When you come

23 up, kindly give us your name and address for the

24 record.

25 MS. RAIFMAN: My name is Elizabeth

1 Raifman, R-A-I-F-M-A-N. I live at 38 Manors Drive.

2 COUNCILWOMAN JOHNSON: Thank you for
3 joining us today.

4 MS. RAIFMAN: Thank you for having me.

5 COUNCILMAN IMBROTO: I'm sorry. You
6 had to experience that.

7 MS. RAIFMAN: The one thing that I
8 heard that made me want to come up is somebody
9 mentioned that the outdoor dining was because of
10 COVID. That is not true.

11 This outside was opened a few year ago,
12 maybe a year ago. The speakers -- I live at the
13 furthest end of the Manors.

14 I don't hear the words of the music,
15 but I hear the base or the drum or whatever the
16 boom, boom is. I close my windows. I'm far enough
17 away it doesn't bother me. All the people in the
18 front -- I'm on the Board of the Manors also --
19 they all hear it.

20 Some complain, some sleep and they
21 don't have to get up. But I know that this lady
22 has gone with the President of the Board in their
23 pajamas at 12:00 at night. I've heard it from
24 their husbands, to complain.

25 So, basically, just with COVID thing, I

1 didn't like the misrepresent -- misrepresent -- I
2 didn't like how it was being misrepresented.

3 COUNCILWOMAN JOHNSON: When do you --

4 MS. RAIFMAN: Because it had been open
5 before.

6 COUNCILWOMAN JOHNSON: When do you
7 believe the outdoor dining began?

8 MS. RAIFMAN: I know it was before. It
9 could be at least a year. You know, they put these
10 big pretty trees up. I don't know if there's a
11 speaker outside. That, I don't know. So there
12 could be.

13 COUNCILWOMAN JOHNSON: Thank you for
14 your comments.

15 MS. RAIFMAN: Thank you very much.

16 COUNCILWOMAN JOHNSON: I would ask that
17 our Commissioner of Planning and Development kindly
18 come up.

19 (Speaking from the audience.)

20 COUNCILWOMAN JOHNSON: Could you wait
21 until the Commissioner speaks?

22 (Speaking from the audience.)

23 COUNCILWOMAN JOHNSON: No problem,
24 Mr. Margolis.

25 (Speaking from the audience.)

1 COUNCILWOMAN JOHNSON: Would you mind
2 letting Mr. Margolis go first? He might have
3 something that you might be able to add to.

4 Mr. Margolis, before you start, I just
5 want apologize to you. After we were last here, I
6 did receive your packet, and I began to review it
7 and during my review is when the Judge actually
8 handed down the decision to dismiss the Town of
9 Oyster Bay, but mea culpa, I never actually
10 communicated to you thereafter. But to let you
11 know, I most certainly was reading, was looking
12 into it.

13 MR. MARGOLIS: Thank you.

14 COUNCILWOMAN JOHNSON: But I failed to
15 actually communicate with you thereafter.

16 MR. MARGOLIS: Thank you.

17 COUNCILWOMAN JOHNSON: Anyway, thank
18 you for coming today.

19 What would you like to add to this?

20 THE STENOGRAPHER: Your name and
21 address.

22 MR. MARGOLIS: Michael Margolis,
23 97 Northern Parkway West, Plainview, New York
24 11803.

25 I know we're just speaking on this

1 topic, so I'm just staying to this. I appreciate
2 that comment. I think what Mr. McKenna was trying
3 to say in a nice way without getting -- it's hard
4 to be on his side -- when people -- just for his
5 respect, it's very difficult to be on this side
6 when you're speaking and month after month you're
7 not really getting anywhere. You know, to get
8 frustrated a little, I can see why that happens.

9 Maybe you don't understand because
10 you're not on this side, but it gets very
11 frustrating on this side. But I think in a way
12 what he's trying to say, and for the people that
13 are here and the people, the three or four people
14 that come here regularly every month is, how is it
15 that -- not that we're against business or
16 businesses operating, obviously we need businesses.
17 We need community members that have parties and
18 stuff like that.

19 But how is it that a business can
20 operate without a public assembly permit, admit
21 that they're operating without this permit, and
22 continue to operate without this permit, and for
23 the length of time that it appears to be going on
24 for? While other things that seems so blatantly
25 obvious that should happen, don't happen. And I

1 think that's what the Board needs to address to the
2 people.

3 COUNCILMAN IMBROTO: Mr. Margolis, we
4 appreciate you speaking to us in a respectful
5 manner. You get a lot further when you treat
6 people with respect than when you come up like a
7 bull in a China shop and yell at people.

8 COUNCILWOMAN JOHNSON: I agree.

9 FROM THE AUDIENCE: You didn't
10 interrupt him.

11 COUNCILWOMAN JOHNSON: I agree.

12 Thank you. Now --

13 FROM THE AUDIENCE: You didn't
14 interrupt him.

15 COUNCILWOMAN JOHNSON: Now the
16 Commissioner can answer your questions, and we
17 won't have to bring her back up more than once.

18 Commissioner Maccarone, can you address
19 not only Mr. Margolis' question, but I do believe
20 Councilman Labriola had a few questions.

21 COUNCILMAN LABRIOLA: Yes, thank you.

22 COMMISSIONER MACCARONE: Again, I just
23 did want to also clarify when Councilwoman Maier
24 had asked about if there's any current summonses
25 that were issued and I explained there were.

1 There were previous summonses that were
2 issued back in 2015 and in 2018. Fines were paid
3 and thus in 2018, the application was submitted for
4 this -- as to where we are here today.

5 COUNCILMAN IMBROTO: Was that part of
6 their compliance for the 2018 violation?

7 COMMISSIONER MACCARONE: That's
8 correct.

9 COUNCILMAN IMBROTO: Is this
10 application part of their compliance that's
11 necessary to get a Public Assembly License?

12 COMMISSIONER MACCARONE: Absolutely,
13 yes. That's why we're here today.

14 So, Councilman, did you have a
15 question?

16 COUNCILMAN LABRIOLA: Yes.

17 In terms of what I heard from the
18 residents about the tenant or owner, I'm not sure
19 who did it, making renovations to the exterior of
20 the building thereby allowing people to spill out
21 into open --

22 COMMISSIONER MACCARONE: Right, onto
23 Jericho Turnpike.

24 COUNCILMAN LABRIOLA: Is there any
25 record of the Department having permits for that

1 kind of --

2 COMMISSIONER MACCARONE: I don't
3 believe so.

4 COUNCILMAN LABRIOLA: -- modification?

5 COMMISSIONER MACCARONE: I don't
6 believe so for that patio area and that's why --

7 COUNCILMAN IMBROTO: Or the sliding
8 door?

9 COMMISSIONER MACCARONE: And the
10 sliding doors, right.

11 So, I think as we go forward, again,
12 that's something we should be looking at in terms
13 of whether or not that would remain if the Board
14 were to look favorable or not because that seems to
15 be one of the issues with the noise and the loud
16 speakers coming through those sliding glass doors.
17 As well as, as we heard today, even with the doors
18 that are shut, it seems like the operator allows
19 for the music to be very loud which is, you know,
20 even though it's 106 heading north, the residents
21 obviously hear the noise.

22 COUNCILMAN IMBROTO: I'm personally of
23 the opinion that I think these issues need to be
24 addressed before we make any decision on the
25 application.

1 I think they need to address this part
2 of the application --

3 COMMISSIONER MACCARONE: Absolutely.

4 COUNCILMAN IMBROTO: -- to make sure
5 that there is no possible way -- not just relying
6 on the good faith of the operators. I know they're
7 probably trying to operate in good faith, but there
8 have to be measures to mitigate this noise, so that
9 this can't happen in the future even if different
10 people take over and they're not acting in good
11 faith.

12 COMMISSIONER MACCARONE: Right. It
13 isn't an issue from COVID, from them just having
14 the restaurant outside.

15 They've been using this area, you know,
16 whether it's for ceremonies and so forth.

17 COUNCILMAN LABRIOLA: So the restaurant
18 that's in the facility is an ancillary use to the
19 motel?

20 COUNCILMAN IMBROTO: No. Totally
21 separate uses.

22 COMMISSIONER MACCARONE: It was
23 originally set up that way.

24 COUNCILMAN LABRIOLA: It's how it was
25 originally permitted by this Town Board.

1 COMMISSIONER MACCARONE: Right. It
2 seems now that -- I mean, I guess people who
3 patronize the motel can go to the restaurant. But
4 it seems to have been -- there is a separate
5 arrangement now that you have the motel operator
6 and you have this restaurant catering facility.

7 COUNCILMAN IMBROTO: This has been a
8 catering facility for how many years, the Golden
9 Meadowbrook, correct?

10 COMMISSIONER MACCARONE: That's where
11 the issue -- again, that's why we are here today.
12 The original Special Use Permit hearing back in the
13 '50s did not indicate a catering facility on the
14 premises. It was a motel --

15 COUNCILMAN LABRIOLA: And a banquet
16 lounge in the 1950s is not a catering facility in
17 2020.

18 COMMISSIONER MACCARONE: Again, I
19 didn't see the documents that Mr. Avrutine
20 submitted in terms of the permits and so forth.
21 It's my understanding that it was a hotel with an
22 ancillary restaurant.

23 COUNCILMAN IMBROTO: I think Councilman
24 Labriola's question though is in the '50s when you
25 say banquet lounge, did you mean a catering

1 facility or --

2 COUNCILMAN LABRIOLA: Right. Thank
3 you, Councilman.

4 COMMISSIONER MACCARONE: Again, I'm not
5 sure. I'd have to look at the record to see if the
6 banquet facility was mentioned in the 1950s.

7 COUNCILMAN IMBROTO: This has been
8 catering for at least since the '70s.

9 COUNCILMAN LABRIOLA: The only reason I
10 bring that issue up, I'm sure there'll be -- it's
11 something that has to be determined by our Town
12 Attorney, but I know that there are times where
13 owners may, you know, imply to tenants that they
14 have such permission, and then the tenant goes and
15 they create a business around --

16 COMMISSIONER MACCARONE: Around that.

17 COUNCILMAN LABRIOLA: -- what was
18 perceived by the owner or what was projected by the
19 owner.

20 So, it's unfortunate because it looks
21 like this particular tenant has been led to believe
22 that he has the right to operate as a catering
23 facility, and that may not be the fault of anyone
24 other than the particular owner who created the
25 lease and this gentlemen, Mr. Ned, has invested

1 quite a bit of money.

2 And, of course, our job is not trying
3 to put people out of business. Now that we have
4 this situation, we have to try to somehow figure
5 out a way in which we can bring peace back to the
6 neighborhood where we have a Neighborhood Business
7 Zone. We understand, you know, what should be
8 placed in that zone. There's General Business,
9 there's Central Business, and, of course, there's
10 Neighborhood Business, and there's a difference in
11 the intensity and the use.

12 So this is where we have a problem now
13 and we have to try to come to some kind of
14 agreement or decision. And I'm sure that in a
15 situation like this, not everybody is always going
16 to be happy, but we need to protect the integrity
17 of our zoning, and I think that's an important
18 point to make that, you know, operators, tenants,
19 owners have to operate within the confines of the
20 law.

21 (Clapping.)

22 COMMISSIONER MACCARONE: Yes.

23 I think the issue for the tenant, if
24 you look at the file, there were permits that were
25 issued that indicated that it was catering facility

1 and so forth.

2 So, it's not a clear cut-and-dry case.
3 This one that is before you. That is the reason
4 why we are here to set the record straight, to have
5 the hearing on whether or not they can continue to
6 use it as a catering facility, and why we're at
7 this point to clear up all the records from the
8 past going back from the '50s to here.

9 That's why, you know, it's easy for
10 people to say shut them down, shut them down.
11 They -- as you indicated, they took over this
12 property, thinking they could operate as catering
13 facility.

14 Yes, they obviously have issues with
15 being good neighbors. That definitely needs to be
16 addressed. But we have to square away what the
17 original use was, where we are today, and whether
18 or not we're going to allow it to continue as the
19 catering facility.

20 COUNCILMAN LABRIOLA: Thank you,
21 Commissioner.

22 COUNCILWOMAN JOHNSON: Are there any
23 more questions from the Board?

24 (Speaking from the audience.)

25 COUNCILWOMAN JOHNSON: Mr. Margolis, I

1 did just tell the other person we weren't bringing
2 anyone up for a rebuttal.

3 FROM THE AUDIENCE: Do they have any
4 other facilities that they operate within the Town
5 or the County?

6 COUNCILWOMAN JOHNSON: I could not
7 answer that question.

8 Does Mr. Avrutine have a closing
9 statement?

10 MR. AVRUTINE: Thank you, Councilwoman
11 Johnson.

12 I did want to reiterate -- and I know
13 Commissioner Maccarone spoke to it extensively --
14 this is a unique situation. This is not a new
15 business seeking an approval in the first instance.

16 When they acquired the business and
17 signed a lease, all of the relevant documentation,
18 much of which I've submitted as part of the record
19 and which is part of the Building Department file,
20 indicated that there was catering facility here,
21 that there were banquet rooms listed on the
22 Certificate of Occupancy from 1957, that there was
23 a statement of that original applicant indicating
24 banquet rooms.

25 Now, Councilman Labriola, as you

1 pointed out, does banquet room equal catering in
2 1957? I couldn't begin to say, but I think what I
3 can say is that a reasonable person not versed in
4 the intricacies of the code and zoning law might
5 reach the conclusion, of course, what else am I
6 going to do in a banquet room other than have a
7 banquet?

8 And, so it was reasonable to believe
9 that all of this was approved. And the fact that a
10 sign was issued for an establishment called Golden
11 Meadowbrook Caterers, which many of us remember
12 having driven by that sign countless times over the
13 years. So, there was a catering facility here for
14 50 years. I think that that goes without saying.
15 It's the truth. There were Public Assembly
16 Licenses issued on an annual basis by the Town
17 during that period of time.

18 I want, for the record, for the
19 edification of the record, I know the Board is
20 aware, but also for the folks who are here today,
21 this is not a situation where someone is flouting
22 the law and operating without a Public Assembly
23 License.

24 The reason this entire episode
25 unfolded, as far as the application to the Town

1 Board is concerned, is because during the process
2 of applying for renewal of their then-valid Public
3 Assembly License, they were told we have this
4 problem because the original documentation, Deputy
5 Commissioner Zike went through the file, reviewed
6 it, he came to the conclusion that the application
7 back in the 1950s did not specifically reference
8 catering. While there were all sorts of
9 indications in it that catering was part of it, it
10 didn't say it specifically.

11 So the determination was made that the
12 applicant had to get that approval. And because
13 the Town made the determination, Deputy
14 Commissioner Zike made the determination that this
15 application was required, the Town further
16 concluded it could not issue a new Public Assembly
17 License for which the applicant had applied.

18 COUNCILMAN IMBROTO: But during that
19 entire time, you've done what's necessary to come
20 into compliance to address all those issues?

21 MR. AVRUTINE: Of course.

22 As you know, Councilman Imbroto,
23 sometimes the site plan review process, you know,
24 has numerous steps, resubmissions of drawings. If
25 you take a look at the site plan, you will see that

1 there's painstaking detail on there. And I know
2 that both Commissioner Maccarone and Deputy
3 Commissioner Zike, as well as Mr. Burn, the
4 Superintendent, were very, very fastidious as far
5 as what they were going to require on this site
6 plan, and there were numerous submissions as it
7 worked its way through the process.

8 Unfortunately, sometimes the Town Board
9 application does take, what some people who are not
10 familiar with it, a long period of time. And
11 that's just the nature of the beast, unfortunately,
12 in certain circumstance. But we're here today,
13 we're trying to do the right thing.

14 We've all heard the neighbors and what
15 the concerns are. I will reiterate, again, that
16 the applicant will retain the services of an
17 engineer who focuses in acoustical issues and come
18 in and let them make recommendations as to how this
19 problem can be dealt with.

20 COUNCILMAN IMBROTO: Will you do that
21 before a decision is made on the application to
22 have a plan to mitigate these issues?

23 MR. AVRUTINE: I will do whatever the
24 pleasure of the Council is. That sounds like it
25 makes a lot of sense. This way the Board can

1 reserve decision, close the record, whatever
2 procedures you wish to follow while we work towards
3 this, I'll be happy to work with Mr. Schneider in
4 an attempt to come to a resolution that works for
5 everyone.

6 I know the folks are upset about it. I
7 heard it in their voices. I heard what they had to
8 say. And I'm not deminimizing their discomforts
9 and the things that have occurred, but at the same
10 time, we have an applicant who expended significant
11 funds in justifiable reliance upon paperwork that
12 the Town issued.

13 I'm not saying no, the Town has to
14 grant it because of the fact that he relied. We
15 know that the law doesn't require that. But at the
16 same time, I know this Board has a basic sense of
17 fairness about these type of things, and under the
18 unique circumstances of this case with someone who
19 made a reasonable decision to invest in this
20 business at this location, based upon documentation
21 that exists in the Town files, ought to be given a
22 chance to resolve the situation as opposed to just
23 getting a blank denial and be told to go away.

24 COUNCILMAN IMBROTO: Was the decision
25 about the catering use, was that ever litigated

1 prior to this application, the decision to deny
2 Public Assembly?

3 MR. AVRUTINE: No. I think the
4 applicant's viewpoint was if the Town is saying we
5 have to go through the process, we'll go through
6 the process. They were not interested in
7 challenging the Town in court and going through a
8 whole thing like that. They were more than -- I
9 mean, they weren't happy about it, obviously, it's
10 an expense and a procedure and a problem that they
11 were faced with, one which, clearly, they had no
12 reason to expect would happen, but sometimes that
13 happens in life and you've got to do what you got
14 to do, and they are doing it.

15 It is unfortunate that there are all of
16 these problems that are associated with it.
17 Unfortunate, not just for the applicants, but
18 clearly for the folks who are here. We want to
19 work with them and try to make it work, and,
20 hopefully, we can gain a sense of trust, which I
21 know doesn't exist as I stand here, but we can only
22 do the best we can.

23 COUNCILMAN IMBROTO: What's the plan to
24 address these issues while the expert opinion is
25 pending and before a decision is made?

1 MR. AVRUTINE: I'm going to have to
2 speak to them.

3 In all honesty, I haven't heard the
4 breath and depth of the concerns until today. I
5 mean, I knew there were noise problems and I've
6 heard that in the last few weeks leading up to the
7 hearing.

8 COUNCILWOMAN JOHNSON: I just ask that
9 everyone quiet down a little bit, please.

10 Thank you.

11 COUNCILMAN IMBROTO: I think after
12 today, everybody's aware what the issues are. So
13 nobody can say they didn't know. Nobody can say
14 they weren't aware there was a problem.

15 And I think in interim between now and
16 a decision being made, I think it's in the
17 applicant's interest to not have any further
18 problems.

19 MR. AVRUTINE: Of course.

20 COUNCILMAN IMBROTO: If we can have
21 some representation as to what the short-term plan
22 is before there's a permanent solution reached, we
23 would like to hear that.

24 MR. AVRUTINE: I will work on that with
25 them. I can submit something within the 30-day

1 timeframe, if that's acceptable to the Board.

2 As far as things -- I did mention some
3 things about nothing outside and security, keeping
4 the doors closed, but I suspect that that's only
5 going to be something of an interim basis.

6 What's needed and I can tell -- I've
7 been doing this long enough, like I said, an
8 acoustical expert is going to need to come to the
9 property during the party, assess the situation,
10 and tell us what we have to do make this right.

11 COUNCILMAN IMBROTO: So, I mean, we
12 heard that the worst night of the week is Thursday.
13 We have Thursday coming up.

14 Is there going to be a problem this
15 Thursday coming up?

16 MR. AVRUTINE: I certainly hope not,
17 sir. That's my sincere desire.

18 COUNCILWOMAN JOHNSON: Thank you.

19 COUNCILMAN LABRIOLA: Mr. Avrutine, I
20 just want to state, and I hope the residents are
21 listening, the residents of the Manors at home, to
22 hear the opportunity that Mr. Avrutine is giving
23 you, I think he is true to his word. He is a
24 gentlemen and a scholar. We know him from many,
25 many years representing clients.

1 I'm sure that you will guide your
2 client accordingly in this instance because this is
3 a heavy lift as you can hear, and as you know
4 particularly with this variance of parking, so I
5 would urge you to try work this out before the
6 Board renders a decision.

7 Thank you.

8 MR. AVRUTINE: It is my sincere hope as
9 well. We will do our best.

10 Thank you.

11 COUNCILWOMAN JOHNSON: Thank you.

12 Commissioner MacCarone?

13 COMMISSIONER MACCARONE: I did want to
14 add to the record that back in '50s a catering
15 facility would require a Special Use Permit by the
16 Town Board. And The documents that were issued in
17 the '50s indicated that it was for a motel. There
18 was no mention of a catering facility, and that is
19 the reason why Deputy Commissioner Zike reviewed
20 the transcripts back from that hearing to see if
21 there was any mention of the catering facility, and
22 that is the reason why we are here today, again, to
23 legalize the Special Use Permit portion for the
24 catering facility, but it was required back in the
25 '50s as it is today.

1 COUNCILWOMAN MAIER: Question regarding
2 Public Assembly, being that there's two different
3 uses, two different buildings, correct, would you
4 require two different Public Assembly Licenses, one
5 for the catering and one for the restaurant?

6 COUNCILMAN IMBROTO: No.

7 COMMISSIONER MACCARONE: It's all in
8 one.

9 COUNCILMAN IMBROTO: The hotel is a
10 separate building.

11 COUNCILWOMAN MAIER: The hotel is
12 separate.

13 COMMISSIONER MACCARONE: The hotel is a
14 separate building.

15 COUNCILWOMAN JOHNSON: Is there any
16 more questions from the Board?

17 (No verbal response.)

18 COUNCILWOMAN JOHNSON: Are there any
19 more comments from the public that have not spoken
20 yet?

21 (No verbal response.)

22 COUNCILWOMAN JOHNSON: Clerk, do you
23 have any correspondence?

24 MR. LaMARCA: The attorney for the
25 applicant has filed his affidavit of service and

1 disclosure.

2 The communications are as follows: We
3 have memos from the Department of Planning and
4 Development including review of the required
5 off-street parking. The Nassau County Land and Tax
6 Map indicates the property is Section 12, Block 37,
7 Lots 135, 144, and 145.

8 According to the Town of Oyster Bay
9 zoning maps, the property is located within a
10 Neighborhood Business Zone. There are Town Board
11 Resolutions and variances issued on file. There
12 are letters on file from residents, which have been
13 distributed to the Town Board.

14 COUNCILWOMAN JOHNSON: Thank you.

15 May I have a motion to adjourn this
16 hearing?

17 COUNCILMAN IMBROTO: Motion to adjourn
18 this hearing for 30 days. Keep the record open for
19 further correspondence.

20 COUNCILWOMAN JOHNSON: Second?

21 COUNCILMAN HAND: Second.

22 COUNCILWOMAN JOHNSON: All in favor,
23 signify by saying, "Aye."

24 ALL: "Aye."

25 SUPERVISOR SALADINO: "Aye."

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COUNCILMAN HAND: "Aye."

COUNCILWOMAN JOHNSON: Those opposed,
"Nay."

(No verbal response.)

COUNCILWOMAN JOHNSON: The "Ayes" have
it.

Thank you.

We will take another short recess for
our stenographer.

(TIME NOTED: 2:35 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
October 6, 2020
2:47 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 OSTEEN
Reporter/Notary Public

1 COUNCILWOMAN JOHNSON: I think we are
2 waiting for the timekeeper and our Town Attorney.

3 COUNCILMAN IMBROTO: Town Attorney is
4 here.

5 COUNCILWOMAN JOHNSON: We are just
6 waiting for our timekeeper.

7 I think we are ready to continue.
8 Supervisor Saladino, are you with us?
9 Councilman Hand?

10 COUNCILMAN HAND: Yes, I'm here.

11 COUNCILWOMAN JOHNSON: Supervisor?

12 SUPERVISOR SALADINO: Yes, I'm here.
13 Continuing to listen to everything.

14 COUNCILWOMAN JOHNSON: Thank you.

15 Mr. Town Clerk, would you please call
16 the regular Action Calendar?

17 MR. LaMARCA: Yes, Councilwoman.

18 We are removing two Resolutions from
19 the calendar.

20 So may I please have a motion to table
21 Resolutions Nos. 525 and 531-2020?

22 COUNCILMAN IMBROTO: Motion to table
23 Resolutions 525 and 531.

24 MR. LaMARCA: Motion made by Councilman
25 Imbroto.

1 May I have a second?

2 COUNCILMAN HAND: Second.

3 MR. LaMARCA: I believe that was
4 Supervisor Saladino?

5 COUNCILMAN HAND: That was Councilman
6 Hand.

7 COUNCILWOMAN JOHNSON: All in favor
8 signify --

9 MR. LaMARCA: Motion made by Councilman
10 Imbroto, seconded by Councilman Hand.

11 On the vote, please:

12 Supervisor Saladino?

13 SUPERVISOR SALADINO: "Aye."

14 MR. LaMARCA: Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: "Aye."

16 MR. LaMARCA: Councilman Imbroto?

17 COUNCILMAN IMBROTO: "Aye."

18 MR. LaMARCA: Councilman Hand?

19 COUNCILMAN HAND: "Aye."

20 MR. LaMARCA: Councilman Labriola?

21 COUNCILMAN LABRIOLA: "Aye."

22 MR. LaMARCA: Councilwoman Maier?

23 COUNCILWOMAN MAIER: "Aye."

24 MR. LaMARCA: Councilwoman Walsh?

25 COUNCILWOMAN WALSH: "Aye."

1 MR. LaMARCA: Motion to table
2 Resolution Nos. 525 and 531-2020 passes with seven
3 "Ayes."

4 We are going to add a Resolution that
5 was tabled earlier back to the calendar.

6 May I have a motion -- that motion --
7 that Resolution, excuse me, is a Resolution
8 pertaining to the dock application of Frank Marino,
9 294 East Shore Drive, Massapequa, New York.

10 May I have a motion, please, to remove
11 Resolution 471-2020 from the table which was tabled
12 on September 15, 2020?

13 COUNCILMAN IMBROTO: So moved.

14 MR. LaMARCA: Motion made by Councilman
15 Imbroto.

16 May I have a second, please?

17 COUNCILMAN HAND: Second, Councilman
18 Hand.

19 MR. LaMARCA: Motion made by Councilman
20 Imbroto, seconded by Councilman Hand.

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 remove

12 Resolution 471-2020 from the table passes with

13 seven "Ayes."

14 May I have a motion to suspend the

15 rules and add Resolution Nos. 563 through 567-2020?

16 **RESOLUTION NO. 563-2020;** Resolution to

17 adopt the Golden Age Housing Re-Sale Policy, which

18 will be administered by the Department of Community

19 and Youth Services. (M.D. 9/29/20 #14).

20 **RESOLUTION NO. 564-2020;** Resolution

21 granting request from Oyster Bay Main Street

22 Association for Town assistance in conducting their

23 Oyster Bay Farmers Market on October 4, 2020 and

24 October 18, 2020, and for the use of various Town

25 equipment for the events. (M.D. 9/29/20 #15).

1 **RESOLUTION NO. 565-2020;** Resolution
2 pertaining to settlement of negligence claim;
3 Claimant: Plainview Water District, Matter ID No.
4 2019-7470. Account No. TWN AMS 1910 43010 602
5 0000 000. (M.D. 9/29/20 #16).

6 **RESOLUTION NO. 566-2020;** Resolution to
7 ratify the Memorandum of Agreement, dated
8 October 1, 2020, which amends Section 7-1.1.5 of
9 the Collective Bargaining Agreement. (M.D. 9/29/20
10 #17).

11 **RESOLUTION NO. 567-2020;** Resolution
12 amending Resolution No. 184-2016 in connection with
13 the Rules of Decorum to be followed at Town Board
14 meetings. (M.D. 9/29/20 #18).

15 On the motion?

16 COUNCILMAN IMBROTO: So moved.

17 MR. LaMARCA: Motion made by Councilman
18 Imbroto.

19 May I have a second?

20 COUNCILMAN HAND: Second, Councilman --
21 Councilman Hand.

22 MR. LaMARCA: Seconded by Councilman
23 Hand.

24 On the vote:

25 Supervisor Saladino?

1 SUPERVISOR SALADINO: "Aye."

2 MR. LaMARCA: Councilwoman Johnson?

3 COUNCILWOMAN JOHNSON: "Aye."

4 MR. LaMARCA: Councilman Imbroto?

5 COUNCILMAN IMBROTO: "Aye."

6 MR. LaMARCA: Councilman Hand?

7 COUNCILMAN HAND: "Aye."

8 MR. LaMARCA: Councilman Labriola?

9 COUNCILMAN LABRIOLA: "Aye."

10 MR. LaMARCA: Councilwoman Maier?

11 COUNCILWOMAN MAIER: "Aye."

12 MR. LaMARCA: Councilwoman Walsh?

13 COUNCILWOMAN WALSH: "Aye."

14 MR. LaMARCA: Motion to suspend the
15 rules and add Resolution Nos. 563 through 567-2020
16 passes with seven "Ayes."

17 May I have a motion to adopt Resolution
18 Nos. P-15-20 through 567-2020 noting that
19 Resolutions 525 and 531 have been tabled, and
20 Resolution No. 471-2020 has been added -- removed
21 from the table, added back to the calendar?

22 **RESOLUTION NO. 471-2020;** Resolution
23 pertaining to the Dock Application of Frank Marino,
24 294 East Shore Drive, Massapequa, New York. (M.D.
25 8/25/20 #14).

PERSONNEL RESOLUTION NO. P-15-20;

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

TRANSFER OF FUNDS RESOLUTION NO.

TF-14-20; Resolution pertaining to transfer of funds within various departments' accounts for the Year 2020.

RESOLUTION NO. 509-2020; Resolution

authorizing the issuance of refunds to various participants of the TOBAY Summer Recreation Program, due to COVID-19. Account No. PKS A 0001 02001 510 0000. (M.D. 9/8/20 #4).

RESOLUTION NO. 510-2020; Resolution

authorizing acceptance of a donation of a memorial plaque and bench from K. Rodehau, to be placed in Bayfront Park in memory of Connie Cunningham. (M.D. 9/8/20 #5).

RESOLUTION NO. 511-2020; Resolution

pertaining to Contract PWC19-20, On-Call Consultant Services relative to Structural Engineering in connection with Inspection, Conditional Evaluation, Soil Borings, and Replacement Options for bulkhead replacement at John J. Burns Town Park. Account No. PKS H 7197 20000 000 1902 001. (M.D. 9/8/20 #9).

RESOLUTION NO. 512-2020; Resolution

1 authorizing Animal Behavior Consulting Services
2 relative to the animal control and adoption policy.
3 Account No. DER A 3510 44900 000 0000. (MAB) (M.D.
4 9/8/20 #10).

5 **RESOLUTION NO. 513-2020;** Resolution
6 authorizing Animal Behavior Policy Consulting
7 Services relative to the animal control and
8 adoption policy. Account No. DER A 3510 44900 000
9 0000. (ABA) (M.D. 9/8/20 #11).

10 **RESOLUTION NO. 514-2020;** Resolution
11 authorizing a "Free Adoption Month" event and to
12 waive adoption fees for the month of September
13 2020. (M.D. 9/8/20 #12).

14 **RESOLUTION NO. 515-2020;** Resolution
15 authorizing implementation of the Winter Storage
16 Operation and Fee Schedule for the 2020-2021
17 season. (M.D. 9/15/20 #4).

18 **RESOLUTION NO. 516-2020;** Resolution
19 authorizing acceptance of a donation of a memorial
20 plaque and bench from D. Ambroselli, to be placed
21 in Bayfront Park in memory of Frances Ambroselli.
22 (M.D. 9/15/20 #5).

23 **RESOLUTION NO. 517-2020;** Resolution
24 relating to External Audit Reports - Office of the
25 State Comptroller, Division of Local Government and

1 School Accountability, Report of Examination dated
2 September 2020 and ratifying the actions of the
3 Town Clerk in publishing said report as required by
4 law. (M.D. 9/15/20 #13).

5 **RESOLUTION NO. 518-2020;** Resolution
6 authorizing the property cleanup assessment of
7 45 Thirteenth Street, Locust Valley, New York,
8 performed on June 4, 2020, be referred to the
9 County of Nassau for placement on the Nassau County
10 Tax Assessment Rolls. (M.D. 9/15/20 #14).

11 **RESOLUTION NO. 519-2020;** Resolution
12 authorizing the property cleanup assessment of
13 30 Arch Lane, Hicksville, New York, performed on
14 June 29, 2020, be referred to the County of Nassau
15 for placement on the Nassau County Tax Assessment
16 Rolls. (M.D. 9/15/20 #15).

17 **RESOLUTION NO. 520-2020;** Resolution
18 authorizing the property cleanup assessment of
19 191 North Detroit Avenue, Massapequa, New York,
20 performed on June 26, 2020, be referred to the
21 County of Nassau for placement on the Nassau County
22 Tax Assessment Rolls. (M.D. 9/15/20 #16).

23 **RESOLUTION NO. 521-2020;** Resolution
24 authorizing the property cleanup assessment of
25 4230 Florence Road, Bethpage, New York, performed

1 on June 26, 2020, be referred to the County of
2 Nassau for placement on the Nassau County Tax
3 Assessment Rolls. (M.D. 9/15/20 #17).

4 **RESOLUTION NO. 522-2020;** Resolution
5 authorizing the property cleanup assessment of
6 Newbridge Road, Hicksville, New York, performed on
7 July 21, 2020, be referred to the County of Nassau
8 for placement on the Nassau County Tax Assessment
9 Rolls. (M.D. 9/15/20 #18).

10 **RESOLUTION NO. 523-2020;** Resolution
11 authorizing property cleanup assessment of
12 259 North Rutherford Avenue, Massapequa, New York,
13 performed on July 2, 2020, be referred to the
14 County of Nassau for placement on the Nassau County
15 Tax Assessment Rolls. (M.D. 9/15/20 #19).

16 **RESOLUTION NO. 524-2020;** Resolution
17 authorizing the use of Workforce Innovation and
18 Opportunity Act funds for Workforce Development
19 Board meeting expenses, for a period of
20 September 1, 2020 through December 31, 2021, at no
21 cost to the Town. Account No. IGA CD 6293 47900 000
22 CS20. (M.D. 9/15/20 #21).

23 **RESOLUTION NO. 526-2020;** Resolution
24 authorizing two DPW employees to take NYSDEC
25 Erosion and Sediment Control Training which is

1 required for employees responsible for Stormwater
2 Pollution Prevention Plan implementation and
3 inspections. Account No. DPW A 1490 44140 000 0000.
4 (M.D. 9/15/20 #24).

5 **RESOLUTION NO. 527-2020;** Resolution
6 authorizing Matthew Russo, P.E., to take the
7 Occupational Safety & Health Administration (OSHA)
8 Hazardous Waste Operations and Emergency Response
9 (HAZWOPER) 40-Hour Training Course, which is a
10 requirement for remediation projects. Account No.
11 DPW A 1490 44140 000 0000. (M.D. 9/15/20 #25).

12 **RESOLUTION NO. 528-2020;** Resolution
13 amending Resolution 472-2020 to add a fourth movie
14 and increase the "cost not to exceed" of the
15 Drive-in series. Account No. CYS A 7020 41800 000
16 0000 and CYS A 7020 45100 000 0000. (M.D. 9/22/20
17 #4).

18 **RESOLUTION NO. 529-2020;** Resolution
19 authorizing the employment of the services of
20 various performers for GAP Program participants on
21 various dates and for the Supervisor or his
22 designee or the Commissioner of Community & Youth
23 Services to execute an agreement for said services.
24 Account No. CYS A 7020 47660 000 0000. (M.D.
25 9/22/20 #5).

1 **RESOLUTION NO. 530-2020;** Resolution
2 authorizing a holiday toy drive in cooperation with
3 the United States Marine Corp Toys for Tots Program
4 to be held December 5, 2020 and to accept the
5 addition of sponsors for the event. (M.D. 9/22/20
6 #6).

7 **RESOLUTION NO. 532-2020;** Resolution
8 authorizing the implementation of a "Hometown
9 Heroes" Program in recognition and appreciation of
10 all Town of Oyster Bay veterans and active duty
11 personnel who have served in the United States
12 Armed Forces and for the addition of a sponsor
13 and/or sponsors of the program. Account No. TWN
14 0000 00085 436 0000. (M.D. 9/22/20 #8).

15 **RESOLUTION NO. 533-2020;** Resolution
16 authorizing acceptance of a donation of a memorial
17 plaque and bench from T. Fitzgerald, to be placed
18 in Jericho Park J5 in memory of Julie Fitzgerald.
19 (M.D. 9/22/20 #9).

20 **RESOLUTION NO. 534-2020;** Resolution
21 authorizing the Supervisor, or his designee, to
22 enter into a Contract Agreement for the Forty Sixth
23 Program Year (2020-2021) with Nassau County in
24 connection with Community Development Block Grant
25 Program. (M.D. 9/22/20 #19).

1 **RESOLUTION NO. 535-2020;** Resolution
2 authorizing publication of a legal notice
3 pertaining to the 2020-2021 School Tax. Account No.
4 ROT A 1330 44100 000 0000. (M.D. 9/22/20 #22).

5 **RESOLUTION NO. 536-2020;** Resolution
6 amending Resolution No. 832-2019 for an increase
7 for additional Planning Services. Account No. PAD B
8 8020 44800 000 0000. (M.D. 9/22/20 #23).

9 **RESOLUTION NO. 537-2020;** Resolution
10 adopting the Preliminary Budget of the Town of
11 Oyster Bay for the Year 2021 and directing the Town
12 Clerk to advertise a Notice of Hearing. Hearing
13 Date: October 20, 2020 at 10:00 a.m. and 7:00 p.m.
14 (M.D. 9/22/20 #24).

15 **RESOLUTION NO. 538-2020;** Resolution
16 relating to the filing of Town of Oyster Bay
17 External Audit Report, Office of the Town Clerk for
18 the period ended December 31, 2019 and ratifying
19 the actions of the Town Clerk in publishing said
20 report as required by law. (M.D. 9/22/20 #25).

21 **RESOLUTION NO. 539-2020;** Resolution
22 relating to the filing of Town of Oyster Bay
23 External Audit Report, Office of the Receiver of
24 Taxes for the period ended September 30, 2019 and
25 ratifying the actions of the Town Clerk in

1 publishing said report as required by law. (M.D.
2 9/22/20 #26).

3 **RESOLUTION NO. 540-2020;** Resolution
4 relating to the filing of Town of Oyster Bay
5 External Audit Report - Federal Single Audit Report
6 for the period ended December 31, 2019 and
7 ratifying the actions of the Town Clerk in
8 publishing said report as required by law. (M.D.
9 9/22/20 #27).

10 **RESOLUTION NO. 541-2020;** Resolution
11 relating to the filing of Town of Oyster Bay -
12 External Audit Report, NYS Department of
13 Transportation, for the period ended December 31,
14 2019 and ratifying the actions of the Town Clerk in
15 publishing said report as required by law. (M.D.
16 9/22/20 #28).

17 **RESOLUTION NO. 542-2020;** Resolution
18 authorizing the property cleanup assessment of
19 39 Irving Street, Bethpage, New York, performed on
20 May 20, 2020, be referred to the County of Nassau
21 for placement on the Nassau County Tax Assessment
22 Rolls. (M.D. 9/22/20 #29).

23 **RESOLUTION NO. 543-2020;** Resolution
24 authorizing the property cleanup assessment of
25 116 Thorne Drive, Bethpage, New York, performed on

1 June 26, 2020, be referred to the County of Nassau
2 for placement on the Nassau County Tax Assessment
3 Rolls. (M.D. 9/22/20 #30).

4 **RESOLUTION NO. 544-2020;** Resolution
5 authorizing the property cleanup assessment of
6 3982 Kingsberry Road, Seaford, New York, performed
7 on June 19, 2020, be referred to the County of
8 Nassau for placement on the Nassau County Tax
9 Assessment Rolls. (M.D. 9/22/20 #31).

10 **RESOLUTION NO. 545-2020;** Resolution
11 authorizing the property cleanup assessment of
12 Newbridge Road, Hicksville, New York, performed on
13 June 4, 2020, be referred to the County of Nassau
14 for placement on the Nassau County Tax Assessment
15 Rolls. (M.D. 9/22/20 #32).

16 **RESOLUTION NO. 546-2020;** Resolution
17 authorizing the property cleanup assessment of
18 2 Summit Court, Oyster Bay, New York, performed on
19 June 26, 2020, be referred to the County of Nassau
20 for placement on the Nassau County Tax Assessment
21 Rolls. (M.D. 9/22/20 #33).

22 **RESOLUTION NO. 547-2020;** Resolution
23 authorizing the property cleanup assessment of
24 12 Deepwater Avenue, Massapequa, New York,
25 performed on July 16, 2020, be referred to the

1 County of Nassau for placement on the Nassau County
2 Tax Assessment Rolls. (M.D. 9/22/20 #34).

3 **RESOLUTION NO. 548-2020;** Resolution
4 authorizing the property cleanup assessment of
5 13 Dogwood Place, Massapequa, New York, performed
6 on June 26, 2020, be referred to the County
7 of Nassau for placement on the Nassau County Tax
8 Assessment Rolls. (M.D. 9/22/20 #35).

9 **RESOLUTION NO. 549-2020;** Resolution
10 authorizing the property cleanup assessment of
11 107 Pittsburgh Avenue, Massapequa, New York,
12 performed on July 17, 2020, be referred to the
13 County of Nassau for placement on the Nassau County
14 Tax Assessment Rolls. (M.D. 9/22/20 #36).

15 **RESOLUTION NO. 550-2020;** Resolution
16 authorizing the property cleanup assessment of
17 153 Ocean Avenue, Massapequa, New York, performed
18 on June 19, 2020, be referred to the County of
19 Nassau for placement on the Nassau County Tax
20 Assessment Rolls. (M.D. 9/22/20 #37).

21 **RESOLUTION NO. 551-2020;** Resolution
22 authorizing the property cleanup assessment of
23 28 Terrehans Lane, Syosset, New York, performed on
24 July 1, 2020 be referred to the County of Nassau
25 for placement on the Nassau County Tax Assessment

1 Rolls. (M.D. 9/22/20 #38).

2 **RESOLUTION NO. 552-2020;** Resolution
3 authorizing the property cleanup assessment of
4 163 Massachusetts Avenue, Massapequa, New York,
5 performed on July 8, 2020, be referred to the
6 County of Nassau for placement on the Nassau County
7 Tax Assessment Rolls. (M.D. 9/22/20 #39).

8 **RESOLUTION NO. 553-2020;** Resolution
9 pertaining to Contract PWC09-20, On-Call Technical
10 Assistance Relative to Site Development in
11 connection with design, bid and construction
12 inspection services regarding the installation of a
13 Needle Point Bipolar Ionization System at 54 Audrey
14 Avenue, Oyster Bay. Account No. DGS H 1997 20000
15 000 2010 001 0000. (M.D. 9/22/20 #41).

16 **RESOLUTION NO. 554-2020;** Resolution
17 granting request from First Presbyterian Church,
18 Oyster Bay, to use a roll off container for their
19 yard clean-up from October 6, 2020 through
20 October 13, 2020 without a charge as it does not
21 constitute a profit-making or fundraising event.
22 (M.D. 9/22/20 #42).

23 **RESOLUTION NO. 555-2020;** Resolution
24 directing the Town Clerk to publish a Request for
25 Proposals for the Transfer, Haul and Disposal of

1 Solid Wastes from the Town of Oyster Bay Disposal
2 District under Contract No. DPW20-205. (M.D.
3 9/22/20 #43).

4 **RESOLUTION NO. 556-2020;** Resolution
5 authorizing the Supervisor to sign a contract for
6 youth employment and training services for
7 In-School youth aged 14-21 for the period
8 October 1, 2020 through September 30, 2023 with
9 Career and Employment Options (CEO) in connection
10 with the Workforce Innovation and Opportunity Act
11 (WIOA) Account No. IGA CD 6293 47850 000 CW20.
12 (M.D. 9/22/20 #21 & 9/29/20 #9).

13 **RESOLUTION NO. 557-2020;** Resolution
14 pertaining to settlement of a negligence claim;
15 Claimant: GEICO General Ins. Co/Sundaram v. Town of
16 Oyster Bay/Carbone, Matter ID No. 2018-6782, Nassau
17 County Index No. 602968/2019. Account No. TWN AMS
18 1910 43020 602 0000 000. (M.D. 9/22/20 #45).

19 **RESOLUTION NO. 558-2020;** Resolution
20 authorizing a License Agreement in connection with
21 storage of vehicles at the Old Bethpage Solid Waste
22 Disposal Complex, for the period October 1, 2020
23 through September 30, 2021. (M.D. 9/22/20 #46).

24 **RESOLUTION NO. 559-2020;** Resolution
25 authorizing the Supervisor, or his designee to

1 execute an agreement for management consultant
2 services at the Town of Oyster Bay Ice Skating
3 Center for the period September 1, 2020 through
4 August 31, 2021. (M.D. 9/22/20 #47 and 9/29/20 #6).

5 **RESOLUTION NO. 560-2020;** Resolution
6 authorizing the Supervisor to sign a contract for
7 youth employment and training services for
8 In-School youth aged 14-21 for the period
9 October 1, 2020 through September 30, 2023 with
10 Nassau County BOCES in connection with the
11 Workforce Innovation and Opportunity Act (WIOA)
12 Account No. IGA CD 6293 47850 000 CW20. (M.D.
13 9/22/20 #20 & 9/29/20 #8).

14 **RESOLUTION NO. 561-2020;** Resolution
15 pertaining to the decision on the Hydrant Rental
16 Agreements for the Glenwood-Glen Head Fire
17 Protection District and New York American Water
18 Company, Inc. For the period January 1, 2020
19 through December 31, 2020.

20 **RESOLUTION NO. 562-2020;** Resolution
21 pertaining to the decision on the application of
22 56 Washington Parkway, Inc. For a Special Use
23 Permit to allow for the operation of an automobile
24 repair shop on premises located at 56 Washington
25 Parkway, Hicksville, New York. Hearing held

1 2/25/20. (M.D. 2/25/20 #7).

2 **RESOLUTION NO. 563-2020;** Resolution to
3 adopt the Golden Age Housing Re-Sale Policy, which
4 will be administered by the Department of Community
5 and Youth Services. (M.D. 9/29/20 #14).

6 **RESOLUTION NO. 564-2020;** Resolution
7 granting request from Oyster Bay Main Street
8 Association for Town assistance in conducting their
9 Oyster Bay Farmers Market on October 4, 2020 and
10 October 18, 2020, and for the use of various Town
11 equipment for the events. (M.D. 9/29/20 #15).

12 **RESOLUTION NO. 565-2020;** Resolution
13 pertaining to settlement of negligence claim;
14 Claimant: Plainview Water District, Matter ID No.
15 2019-7470. Account No. TWN AMS 1910 43010 602
16 0000 000. (M.D. 9/29/20 #16).

17 **RESOLUTION NO. 566-2020;** Resolution to
18 ratify the Memorandum of Agreement, dated
19 October 1, 2020, which amends Section 7-1.1.5 of
20 the Collective Bargaining Agreement. (M.D. 9/29/20
21 #17).

22 **RESOLUTION NO. 567-2020;** Resolution
23 amending Resolution No. 184-2016 in connection with
24 the Rules of Decorum to be followed at Town Board
25 meetings. (M.D. 9/29/20 #18).

1 COUNCILMAN IMBROTO: So moved.

2 MR. LaMARCA: Motion made by Councilman
3 Imbroto.

4 May I have a second?

5 COUNCILMAN HAND: Second, Councilman
6 Hand.

7 MR. LaMARCA: Seconded by Councilman
8 Hand.

9 I think we have some speakers.

10 COUNCILWOMAN JOHNSON: We do.

11 Arthur Adelman, I believe you want to
12 speak on five Resolutions?

13 MR. ADELMAN: Yes.

14 Hello, Arthur Adelman, 110 Dubois
15 Avenue, Sea Cliff, New York.

16 As Councilwoman Johnson mentioned, I
17 have five Resolutions I would like to get some
18 answers on.

19 The first is P-15-20. I brought this
20 up to discuss transparency that we are always
21 talking about here in the Town. I cannot fathom
22 the reluctance of the Town from totalling the
23 proposed changes in salaries in these Personnel
24 Resolutions. I don't understand why we -- it isn't
25 made public what position they are in and how much

1 the salary is changing.

2 I was fortunate enough to see a FOIL of
3 the data from the August Personnel Resolution that
4 was passed and it listed over 50 changes in
5 personnel that worked for the Town. It included
6 two or three jobs added in August.

7 This is all in the midst of a pandemic
8 where all over this area people are being
9 furloughed out of jobs, on unemployment and we're
10 making changes increasing our costs by over
11 \$300,000.

12 There is no reason that this listing of
13 changes in wages wasn't made public and available
14 prior to the meeting. I don't even know if any of
15 you saw the two pages of changes.

16 53 listings were on that document, 53
17 getting wage increases of anywhere from 3 to
18 \$10,000. People going from 159,000 to 169,000.

19 Now, understand -- yes, Lou. There
20 were people -- somebody -- one of the departments.

21 COUNCILMAN IMBROTO: I don't know why
22 you addressed me, specifically.

23 MR. ADELMAN: I'm not addressing
24 anybody specifically because I'm not supposed to.

25 Anyway --

1 COUNCILMAN IMBROTO: You said my name,
2 that's addressing me specifically.

3 MR. ADELMAN: My request or question is
4 why can't the data for Personnel Resolution be
5 brought up for vote? Why can't the Town list the
6 job descriptions, the current salary, and the new
7 proposed salary before you vote on it?

8 I think that would be -- should be done
9 in the name of transparency.

10 That's Resolutions 512 and 513. I'll
11 group them together. They relate to spending money
12 for consultations for the animal behaviorist. I
13 thought this was something that was taken care of
14 last Spring or early Summer when the behaviorist
15 did have a consultation with McMillan, and then we
16 changed our policy towards euthanasia, and based on
17 that changed policy, we have euthanized I think at
18 least three dogs that I know of for nonquality of
19 life issues, but purely behaviorial issues.

20 Lastly, on the animal shelter, we're
21 doing Resolutions 514 for an after fact Resolution
22 to lower the cost of adoptions in the month of
23 September. It's now October 6th. So I would like
24 to know how successful that policy -- what that
25 event was. Did the shelter adopt out any

1 additional dogs or cats during the month of
2 September as they lowered the cost of adoption?

3 Lastly, Resolution 567. The way I read
4 this draft in the back of documentation I was able
5 to obtain online, this Resolution gives a presiding
6 officer of a meeting the power to remove a person
7 who is disruptive during the meeting based on their
8 own objective or subjective feelings. Not only can
9 the presiding officer get the person removed from
10 the meeting, there is a possibility of that person
11 being charged with a crime. I don't know if it's a
12 misdemeanor event -- whatever they can be charged
13 with disturbing the peace.

14 I think putting this power of something
15 like this on the Board or presiding officer is
16 taking everything a step further than we need to.

17 I've witnessed all the outbursts here,
18 and I think the presiding officer in every case has
19 -- had it controlled and been able to restore calm
20 without any need to removing people physically and
21 then threatening them with a violation or jail.
22 That's my feeling.

23 I think there is enough back and forth
24 discussion that we can get past that. I would just
25 like to see that voted down. I would like to get

1 an explanation of why we are considering that. And
2 I would like to get an answer on the possibility of
3 the transparency on Personnel Resolutions from
4 today onward. I would like to know why it's not
5 available for us before we go in so we can discuss
6 these increases in pay when the rest of the world
7 is starving almost. That we are all -- there are
8 so many neighbors I have that are out of work and
9 the ones who are working in municipality -- for
10 municipalities are getting raises.

11 I think it's ridiculous when people are
12 having trouble paying their taxes, you extend the
13 due date of our school tax, but it doesn't reduce
14 our school tax. I just don't think it's proper to
15 increase our commitment on wages by over -- I
16 didn't add it up it. It wasn't --

17 COUNCILMAN IMBROTO: Have you taken
18 into account people retiring?

19 MR. ADELMAN: No.

20 COUNCILMAN IMBROTO: So you're only
21 looking at one side of the ledger.

22 MR. ADELMAN: No. I'm looking at --
23 excuse me.

24 COUNCILMAN IMBROTO: So it's not fair
25 to say increasing payroll.

1 Do you know what the total payroll is?

2 MR. ADELMAN: Hello. I'm only talking
3 about on a Personnel Resolution.

4 I would assume -- I don't know what
5 number it was in August. Okay. There were 53
6 lines of entry. And three of them were for
7 creating new jobs. You created a new job in the
8 Bay Constable area. There was a new hire. I don't
9 know if someone else retired, but there was a new
10 hire. That is acceptable.

11 What isn't acceptable is the pay
12 increases that I'm seeing when we are all
13 struggling. We're all limited in our incomes. And
14 people are being furloughed. Furlough is not being
15 fired. Furlough means you're temporary --
16 temporarily fired, collect unemployment and we
17 might pay your health insurance.

18 But I don't understand the
19 nontransparency of not coming out and saying here's
20 a list of 20 people that have been working three
21 years without a raise, and we're going to give them
22 a raise finally, but the way -- the numbers I saw
23 were people -- there was a good I would say 30
24 percent of the increases were for positions that
25 were making six figures and up. You know, mid low

1 to middle six figures.

2 I just don't get it. You know, I just
3 don't get it. So I want to know why we can't see
4 it before the vote. I'm curious if the Board sees
5 this list before the vote.

6 Why don't we do Personnel Resolution
7 where we make wage changes which will increase our
8 wages by 350, \$400,000, let us know. We have a
9 budget but now we're raising -- I just don't know
10 how you stay on budget.

11 COUNCILMAN IMBROTO: There are legal
12 and privacy reasons why it's not done.

13 MR. ADELMAN: But we're not listing
14 names.

15 Job positions, that's it. That's all.
16 We've got -- someone FOILED it and got -- it says
17 job description, new wage, old wage. That's it.

18 I think it should be out there for us
19 to see before a vote is taken. I think the people
20 want to know.

21 You know, I always thought this was
22 like a two-line item when I see it on the
23 Resolution page, you know. How does it read to
24 discuss wages and whatever for Town employees? I
25 thought it would affect two or three people. But

1 when I saw that list of 50 individuals got raises,
2 I want to know and my question is can we make it
3 public before the vote in the future?

4 COUNCILWOMAN JOHNSON: Thank you,
5 Mr. Adelman.

6 Would our Town Attorney, Mr. Scalera
7 kindly come up?

8 FROM THE AUDIENCE: Five questions that
9 I'd like.

10 COUNCILWOMAN JOHNSON: I hope
11 Mr. Scalera took copious notes of all the questions
12 you have for you.

13 Would you kindly give Mr. Adelman some
14 of the answers he's seeking, we would appreciate
15 it?

16 MR. SCALERA: Good afternoon, Frank
17 Scalera Town Attorney.

18 I'll have three, but I will ask
19 Mr. Adelman the last two.

20 The animal shelter, the policy that was
21 drafted and the protocol that was drafted which you
22 passed upon, I guess it was a couple of months ago,
23 or a few months ago, those expenses related to
24 that. That was to assist in writing that policy.
25 It's not new charges. It's charges from them that

1 we owed the two experts and those are the two
2 Resolutions for that. That's pretty
3 straightforward and that Resolution was passed and
4 the policy is out there and it's public. I believe
5 it's on the website.

6 The personnel, as Councilman --
7 Councilman Imbroto aptly stated, there is a
8 confidentiality and a privacy aspect of revealing
9 peoples names before it's voted upon. I understand
10 Mr. Adelman's point. However, you can understand
11 we have -- we have a thousand employees. They are
12 entitled to their own privacy and personal life.

13 Fifty people, if it was 50, represents
14 less than -- less than 5 percent of the workforce
15 to put it in context. We have about a thousand
16 workers down from 1,200 from several years ago.

17 Again, I respect Mr. Adelman's comment,
18 his suggestions but, however, the policy that we
19 followed was for the confidentiality and the
20 privacy of the employee. After it's passed because
21 at times, sometimes it's not passed. If it's
22 passed, thereafter that's a different story.

23 The rules of decorum, most of the rules
24 that you see in the proposed Resolution, they're
25 pretty much the same as the former Resolution.

1 There were some modifications in the Amendments to
2 it. There is an aspect of disorderly conduct, but
3 to be clear, disorderly conduct in my
4 understanding, I don't do Criminal Law, but it's a
5 violation, not a misdemeanor a felony. So it's not
6 a crime for purposes of --

7 COUNCILMAN IMBROTO: And would that
8 determination be made by us or the police officer
9 who chooses in their discretion to --

10 MR. SCALERA: Correct, correct,
11 correct.

12 We will follow all protocols if we ever
13 reach that level. I don't believe we will. But
14 there have, you know, there's been incidents over
15 the last five to seven years. There has been --
16 and there has been some legitimate threats made to
17 Council people, folks that sat here before you. I
18 don't want to scare you, but there were some
19 legitimate threats made to some of our electives,
20 and, again, if -- we have to ensure the safety of
21 everybody, including you guys even, though you guys
22 are the ones that get yelled at all the time, but
23 we still have to ensure your safety as well.

24 What was the fourth and fifth
25 questions?

1 FROM THE AUDIENCE: The last one was
2 county adoptions.

3 MR. SCALERA: I don't know the answer
4 to that. I'll get you an answer -- we have Kristen
5 from the animal shelter.

6 FROM THE AUDIENCE: Who is this?

7 MR. SCALERA: This is Kristen from the
8 animal shelter.

9 MS. TRENTINELLA: Kristy.

10 MR. SCALERA: Kristy, I'm sorry.

11 MS. TRENTINELLA: It's okay. I'm
12 Kristy. I'm from the animal shelter. I just got
13 the numbers. We had 15 pet adoptions.

14 COUNCILMAN IMBROTO: Hold on. We're
15 going to wipe your microphone down.

16 MS. TRENTINELLA: Trentinella,
17 T-R-E-N-T-I-N-E-L-L-A.

18 SO we had -- this is an event that the
19 Town holds every year for the whole month of
20 September. We have many of our residents that look
21 forward to adopting these animals. This year our
22 numbers were low due to COVID, but we still
23 successfully adopted 15 cats, and two dogs out of
24 our facility.

25 COUNCILMAN IMBROTO: During that one

1 event?

2 MS. TRENTINELLA: It's the whole month
3 of September, but yes.

4 COUNCILWOMAN JOHNSON: That's great.
5 Anything else?

6 COUNCILMAN IMBROTO: Thank you.

7 I think that was the only question.

8 FROM THE AUDIENCE: Can I just ask one
9 question procedure -- part of.

10 COUNCILWOMAN JOHNSON: Arthur, come on.

11 Sorry, Arthur -- Arthur, ten minutes.

12 I apologize.

13 If you have another question, kindly
14 just e-mail it to us --

15 FROM THE AUDIENCE: I have 29 seconds
16 left.

17 COUNCILWOMAN JOHNSON: 29 seconds, come
18 up.

19 COUNCILMAN IMBROTO: To be fair, I
20 think the timer's been stopped longer than 29
21 seconds.

22 MR. ADELMAN: The question I think has
23 got to do with management. We've been seeing too
24 many things from the animal shelter. Everything is
25 coming after the fact. We're paying bills six --

1 approving bills six months after we get them. The
2 same thing happened last February when we
3 approved --

4 COUNCILWOMAN JOHNSON: Somehow they
5 forgot to keep your clock ticking.

6 MR. ADELMAN: Last time, we approved a
7 \$57,000 bill from the previous August. So the
8 shelter does have an issue with management.

9 COUNCILWOMAN JOHNSON: That's not
10 germane to a specific Resolution.

11 MR. ADELMAN: Okay, but thank you for
12 allowing me time.

13 COUNCILWOMAN JOHNSON: Thanks for
14 coming back up and speaking your mind.

15 I believe next is Mr. Margolis.

16 Is it Margolis or Margoless?

17 FROM THE AUDIENCE: Margolis.

18 COUNCILWOMAN JOHNSON: I apologize
19 again.

20 Welcome, Michael.

21 MS. FAUGHNAN: How many Resos?

22 COUNCILWOMAN JOHNSON: There's one
23 Reso. It's difficult to read.

24 MR. MARGOLIS: Talking about negligence
25 related, but one is fine. We'll save some time

1 today.

2 COUNCILWOMAN JOHNSON: What Resolution
3 are you referring to?

4 MR. MARGOLIS: Specifically 567.

5 COUNCILWOMAN JOHNSON: Thank you.

6 MR. MARGOLIS: I know Arthur touched on
7 this Resolution, and I'm just looking down at this
8 plaque all day saying 1653. And we never had to
9 put in some kind of Resolution regarding Penal Law.

10 Also on the way in here today I was
11 late. I didn't get here until about 12:30 and I
12 took a picture of how many people actually signed
13 into this meeting and I believe at 12:30, it was
14 eight or nine. So really --

15 COUNCILWOMAN JOHNSON: On the live
16 stream?

17 MR. MARGOLIS: No. That actually
18 signed in to come down here today.

19 COUNCILMAN IMBROTO: All it takes is
20 one, Mr. Margolis.

21 MR. MARGOLIS: I understand that, but
22 there is no reason, you know, if you're worried
23 about your safety, or if that's the case, then have
24 a safety officer here. I agree.

25 I'm not saying not to have security,

1 but to give one person the autonomy to just throw
2 somebody out of this meeting because they don't
3 like what somebody necessarily is saying --

4 COUNCILMAN IMBROTO: That's not what
5 the Resolution says.

6 MR. MARGOLIS: That's --

7 COUNCILWOMAN JOHNSON: I'll have the
8 Town Attorney come up and speak to that again, if
9 you'd like.

10 MR. MARGOLIS: It just seems like -- if
11 you go into the history of the Supreme Court -- I'm
12 not sure if any of you are familiar with it, but if
13 you go back to 1653 or whenever, these kinds of --
14 these kinds of events that -- these meetings and
15 court appearances, the reason -- those things kind
16 of turned into spectacles and, yes, there was
17 fighting and there was arguing because there was no
18 TV at the time. So people actually came to these
19 things as a source of entertainment.

20 Okay. So in those things, in fact, the
21 Supreme Court hearings of the United States were
22 held at night so to let people come, and they would
23 physically come.

24 And I'm saying this because like I said
25 before, when we -- you know, it's hard to be on the

1 side as well. It's especially hard to be on this
2 side, time and time again, when you feel that
3 nobody is listening to you. You might feel
4 differently, okay, because you're on the other
5 side, but you know -- I -- you all, know I'm an
6 attorney, and I go to court a lot. It took me a
7 very long time, you know -- I'm telling the Judge
8 something, and in my head no matter how you break
9 it up and as I come here today, one plus one is
10 two. Okay. You can't tell me that one plus one is
11 seven but yet, time and time again, many of you are
12 attorneys, many of you are in the public, somebody
13 says one plus one is seven, and they're convinced
14 one plus one is seven.

15 All I'm saying is that I'm not saying
16 that someone should have the right to come in here
17 and curse and scream and yell and get out of line.
18 Okay. But there has to be a way to give that
19 person a warning. Okay. And maybe even a second
20 warning just like they do in court. They just
21 don't say, oh, Mr. Margolis cursed. I've cursed in
22 court. Is it right, no.

23 COUNCILMAN IMBROTO: You could be held
24 in contempt for cursing a single time.

25 MR. MARGOLIS: No. They have to give

1 you -- they have to give you a warning. That's not
2 true. You have to get a warning. Okay.

3 So all I'm saying is, to me, it seems
4 like this rule is being designed to -- for a
5 certain group of people, let's say.

6 I've been coming to this meeting now --
7 not regularly, you know, almost regularly, for
8 three years -- excuse me, two years. And basically
9 it's the same three people that are here every
10 time, so it's being designed to three people.

11 COUNCILMAN IMBROTO: The Resolution
12 targets conduct and not people and all it requires
13 is that you observe basic decorum and respect, the
14 same way they do in Supreme Court, the same way
15 they do it in the Senate, in Congress, in the State
16 Senate, in the State Assembly. It's very basic.
17 It's not about speech. It's not about disagreeing
18 with someone. It's about acting appropriately in
19 public. That's all.

20 MR. MARGOLIS: I think then you have to
21 have it go back two ways as well. In some -- in
22 some occasions. That's what I'm going to leave it
23 at.

24 COUNCILWOMAN JOHNSON: Thank you,
25 Mr. Margolis.

1 MR. MARGOLIS: Thank you.

2 SUPERVISOR SALADINO: I would like to
3 address Mr. Margolis and the gallery on the issue
4 that he brought up.

5 The Law says the rights of one person
6 to control -- the Town Board in our case, but that
7 is the right of the Judge who has control of the
8 contaminants. It's the right of the Chair in
9 New York State Assembly, the Chair in the New York
10 State Senate. There are so many examples where the
11 chair has the right and, quite frankly, the
12 responsibility for decorum in the proceedings.

13 Just like Michelle Johnson is doing a
14 wonderful job chairing this meeting, but you're
15 going to get outbursts. And Mr. Margolis, you've
16 been to a few meetings. You have seen how one or
17 two people try to disrupt, try to disrespect the
18 public who come to these meetings. They get plenty
19 of warnings, far more -- in some cases far more
20 than they should get.

21 We will continue to have meetings that
22 are professional and respectful and everyone has to
23 respect the Chair and whoever is speaking whether
24 it's the public. We are not going to have people
25 shouting out over others. We are not going to have

1 people yelling out accusations. And we're not
2 going to have people speaking out on issues that
3 are not germane to the hearing at hand.

4 That's what public comment is for at
5 the end we sit there, and we listen respectfully,
6 but we are not going to turn any Town Board meeting
7 ever into a circus.

8 And as I stated earlier, Michelle
9 Johnson is our Councilwoman, who is doing a
10 wonderful job and deserves our respect and our
11 appreciation. And she should not be harassed or
12 abused.

13 We've seen abuse. We caught gestures,
14 sexual gestures on camera. We have had so many
15 instances --

16 (Audience member laughing.)

17 COUNCILWOMAN JOHNSON: So glad you
18 think it's funny.

19 SUPERVISOR SALADINO: I want to make
20 the point that what is being done is just, proper,
21 and is respectful of all who want to speak.
22 Whether it's the applicant, whether it's the
23 residents, whether it's the Board meetings. We
24 will continue to have Board meetings that are
25 productive and professional. And this seems to be

1 one step in that direction.

2 COUNCILWOMAN JOHNSON: Thank you,
3 Supervisor, and thank you for your words of
4 support.

5 I do believe we have one more speaker.
6 Anyone guess?

7 Kevin McKenna.

8 MS. FAUGHNAN: How many Resolutions?

9 COUNCILWOMAN JOHNSON: One, two, three
10 Resolutions.

11 MR. McKENNA: It's just three.

12 COUNCILWOMAN JOHNSON: Good afternoon,
13 Kevin.

14 MR. McKENNA: It's just three. Kevin
15 McKenna, Edna Drive, Syosset, New York.

16 On the Personnel Resolution, I could
17 argue and I will state that I believe that Open
18 Meetings Law dictates that you need to provide the
19 names of the individuals that you're giving raises
20 to. I would make that argument, but --

21 COUNCILMAN IMBROTO: What Section in
22 the Open Meetings Law says that?

23 MR. McKENNA: The fact of the matter is
24 last year you actually had Vicky Spinelli when
25 Robert Frier asked, like today you have a Personnel

1 Resolution.

2 So right now on the record, I'm
3 officially requesting that you tell us the -- at
4 least if you don't want to give us the names, you
5 should at least give us the names of all the
6 positions as I received in the FOIL that
7 Mr. Adelman referenced. They gave me it and they
8 said it was copied to all of you on Town Board.

9 So you should, right now, have a list
10 of all the positions that are getting increases
11 because the document that I got which I believe you
12 also got, it didn't have the names. So it's my
13 understanding that today's Personnel Resolutions,
14 if there is position increases -- you have a list
15 right now and that list states all the positions
16 that are getting salary increases.

17 At least you can do -- I'm not even
18 looking for names. Not I'm trying to -- I don't
19 need the names, but you have an obligation -- and I
20 request right now that when I sit down, that you
21 provide us with all the positions that are -- that
22 you're going to vote -- consider voting on today to
23 give salary increases to. And if you don't do that
24 today, I'm just going to FOIL it and we're going to
25 be talking about this in another month and a half,

1 two months. So it's up to you guys. I have the
2 list, the same list that you all have. So why
3 can't you be open and transparent? Don't give us
4 the names. I'm not looking for the names, although
5 I believe you should give the names. Just give us
6 the positions that are getting salary increases
7 today.

8 We have -- the public, we have a right
9 to see that, you know. Over 50 increases as
10 Mr. Adelman stated August 15th. The public can
11 make an argument that a lot of people that got -- a
12 lot of the people who are attached to those
13 positions that got these salary increases --

14 COUNCILMAN IMBROTO: Which Resolution
15 are you talking about?

16 MR. McKENNA: The Personnel Resolution
17 at the August 15th meeting.

18 COUNCILMAN IMBROTO: That's not on the
19 agenda today.

20 MR. McKENNA: No, no. I'm just talking
21 -- I'm talking about I have a list of 50 plus
22 increases from August 15th.

23 COUNCILMAN IMBROTO: Right now you're
24 on the timer. Let's talk about today.

25 MR. McKENNA: Again, it's my time.

1 This is my time.

2 COUNCILMAN IMBROTO: Well, the rules
3 say you have to talk about Resolutions on --

4 MR. McKENNA: Okay. I'm going back to
5 this Resolution again.

6 I reiterate, I request that you tell
7 the public the names of the positions that you're
8 going to vote on today, that you're going to give
9 salary increases to at today's meeting. That's a
10 request.

11 On Resolution No. 565, pertaining to
12 the settlement of negligence where the settlement
13 between Plainview Water District and Town of Oyster
14 Bay, I believe, and others believe that there is
15 severe conflict of interest on the Resolution
16 because Carman, Callahan & Ingham, Mr. Michael
17 Ingham, who is a partner of Carman, Callahan &
18 Ingham represents the Plainview Water District.
19 Deputy Supervisor Greg Carman of the Town of Oyster
20 Bay is, in fact, a partner in Carman, Callahan &
21 Ingham.

22 The negotiations are taking place with
23 the same parties. It's a conflict -- it's a clear
24 conflict of interest. I can't believe the --

25 COUNCILMAN IMBROTO: Who are the

1 parties that are --

2 MR. McKENNA: I can't believe that our
3 Plainview Water District is not complaining saying
4 how could we have Michael Ingham who is a partner
5 at Carman -- how can we have Mike -- how can you
6 negotiate with the same law firm?

7 COUNCILMAN IMBROTO: Which is the law
8 firm?

9 MR. McKENNA: Take that as it may. I'm
10 going to move on to the next and last point in my
11 five minutes left, Resolution 567.

12 I'm glad -- I'm glad you're going to
13 vote on this Resolution today. I actually hope --
14 I actually hope you pass this Resolution today so
15 that if I may, submit this to the Town Clerk for
16 all the Board members. This is a legal Notice of
17 Claim (handing).

18 I officially served this Notice of
19 Claim this morning upon the Town Clerk's office.
20 They accepted it this morning at the window
21 outside.

22 By the way, the window is very nice.
23 You should make the opening to the plexiglass maybe
24 a little higher so you can hear each other. But
25 that is a Notice of Claim which is self-explanatory

1 and I'm glad that in that Notice of Claim we will
2 be in Federal Court.

3 We will be immediately -- if you vote
4 on this today and you -- and you -- if you accept
5 this Resolution as a Board, we will immediately be
6 opposing it in Federal Court. I don't know whether
7 you're all aware of it, but, you know, that the
8 Town Attorney's office and Legislative Affairs who
9 put together this Resolution, that you're all going
10 to rubber stamp today, do you know that you as Town
11 Board members, that the Supervisor is taking the
12 authority away from you Board members. You Board
13 members will have no say in what he decides. I
14 don't know whether you're aware of that.

15 COUNCILMAN IMBROTO: I don't think
16 that's what the Resolution says either.

17 MR. MCKENNA: Yes. I hope that you
18 approve it today so that we can -- we can try to
19 strike it down in Federal Court.

20 Unfortunately, that will cost the
21 taxpayers more money, but then again -- I don't
22 know that I don't know if Town Attorneys will
23 handle it in Federal Court because everything is
24 subcontracted out. It might cost taxpayers money
25 to fight my lawsuit that we will follow up on this

1 Notice of Claim.

2 Thank you very much.

3 COUNCILWOMAN JOHNSON: Thank you,
4 Mr. McKenna.

5 Do any Board members have any questions
6 on the Resolutions?

7 COUNCILMAN LABRIOLA: I have a comment.

8 COUNCILWOMAN JOHNSON: Comment.

9 COUNCILMAN LABRIOLA: Yes. Before we
10 vote, first I wanted to speak on Resolution 532.

11 I want the listening public there to
12 know and understand what we are doing here. This
13 is an initiative that I'm very proud of called
14 Hometown Heroes issue and a lot of Board members
15 here -- I know all the Board members up here
16 support it. I know the Supervisor supports it.

17 It's a very timely thing for us to do
18 in light of what we see happening around our State,
19 and around our Country in terms of the civil
20 unrest, et cetera, and I think that it's an
21 opportunity for us to remind the residents,
22 especially our young people, that when they look
23 for heroes, sometimes they're looking in the wrong
24 place.

25 They're looking towards Hollywood or

1 looking towards MTV or sports figures, when, in
2 fact, right in their our own backyard sometimes
3 they'll find some of the most amazing heroes who
4 live amongst them quietly, living out their daily
5 life, working hard for a living, paying taxes. And
6 they're people who served our country, sacrificed a
7 great deal. Some of them have medas to show the
8 kind of valor that they served with.

9 And then we have our active duty
10 personnel who -- my nephew just shipped out
11 yesterday to South Korea. He's going to spend a
12 year away from his family. Those are the kind of
13 things we have to remind our community, sometimes
14 when they need some hope and they need some heroes.

15 So this is an opportunity for us to
16 allow families to place a banner right in the
17 Business District of their particular family member
18 who has served or is serving, just letting the
19 community know as they drive through and doing
20 shopping or they're walking down the Business
21 District, they can look up and say, that makes me
22 proud. I'm proud of this person who is related to
23 me or my neighbor here served.

24 It's a daily reminder of the hundreds,
25 if not thousands, of heroes we have among us, and

1 an opportunity for our residents at very little
2 cost. I believe the Resolution was amended to say
3 \$75. For that price, they'll get a banner of their
4 family member to be displayed.

5 We're going to start the program in
6 February 2021. The banners will be displayed up
7 until Veterans Day and then we'll begin the next
8 cycle. I'm sure it's going to be well received by
9 the public and I'm very excited about it.

10 Thank you.

11 COUNCILWOMAN JOHNSON: Thank you,
12 Councilman Labriola.

13 COUNCILWOMAN WALSH: Thank you,
14 Councilman Labriola.

15 This is such an incredible way to honor
16 our hometown heroes. I, myself, being a scout
17 leader, every year we have a dinner for our
18 Veterans, and this is the first year we can't do
19 it.

20 So knowing that this is going to be out
21 there for them for next year, throughout the next
22 year, is just incredible.

23 I'm honored as Town of Oyster Bay
24 Councilwoman to vote in favor of this great
25 program. I thank you very much. Every day is

1 Veterans Day in our Town.

2 Thank you.

3 COUNCILMAN LABRIOLA: That's great.

4 COUNCILWOMAN JOHNSON: Does anyone else
5 have any comments or concerns before we vote?

6 COUNCILMAN LABRIOLA: I just have a
7 couple more Resolutions.

8 COUNCILWOMAN JOHNSON: I'm sorry.

9 COUNCILMAN LABRIOLA: I know there's a
10 lot of things happening today. I know it's been a
11 long meeting. I hate to belabor things.

12 On Resolution 553, I just wanted to
13 point out that it looks like a very scientific
14 thing we're doing called Needle Point Bipolar
15 Ionization System.

16 I was so impressed when I read about it
17 that the engineers that we've retained to take a
18 look at the air quality in the buildings that our
19 employees work in and to make sure that they are
20 further protected by taking on this new -- I guess
21 -- I guess it's a kind of brand-new science that
22 will assure or reassure our employees, the people
23 who serve in these buildings and residents who come
24 into this buildings that we've gone to great
25 lengths to make sure that the air quality here is

1 safe.

2 You know, one of things that we offer
3 here is that the government never closes down.
4 Well, this is the first time during this pandemic
5 that we've come as close as you ever get to closing
6 down and we never did. This Town always remained
7 open. Our employees came to work each and every
8 day, only to meet the requirements of the Executive
9 Order of our governor. Of course, that was the
10 only thing that limited us, but we continued to
11 provide all the services that ensure that our
12 township functions properly, and I think that this
13 is such a terrific idea.

14 I congratulate our Supervisor and our
15 Department of Public Works and the engineers
16 involved, and I hope it's successful, and I hope it
17 does what it is supposed to do.

18 The last Resolution that I just wanted
19 to talk about and maybe the Town Attorney can -- I
20 don't know, I think he just left the room regarding
21 the Golden Age Zone Resolution 563.

22 With regard to the resale policy, I
23 know this has been a point of contention for a lot
24 of our seniors who made improvements to their units
25 in the Golden Age Zone and that this is a way in

1 which we're attempting to resolve it so that some
2 of our residents who made these improvements will
3 be, I guess, rewarded or I should say compensated
4 in the final sale, but I thought if the Town
5 Attorney could just answer my question with regards
6 to why we are limiting this up until 2018, there
7 must be a reason for that.

8 COUNCILMAN IMBROTO: It's a compromise.
9 It's a compromise because they weren't entitled to
10 this at all, but there may seem to be a
11 misunderstanding that should have been cleared up
12 after that time whether they would be compensated
13 for those improvements.

14 So it's sort of a cutoff so that people
15 who may have relied upon misrep- -- this is my
16 opinion. So that people who may have relied on
17 that representation are able to be compensated, but
18 that this is not a permanent policy going forward.

19 COUNCILMAN LABRIOLA: Thank you,
20 Councilman.

21 MR. ROZEA: I would have said exactly
22 that. So 2018 is the cutoff date. Yes.

23 As Councilman Imbroto was stating, we
24 had to pick a point in time where the policy would
25 pick up and what we were seeing in looking at the

1 prices upon purchase or original purchase and
2 resale was that the intention of the program which
3 was to maintain affordable housing for our seniors
4 was not being realized because based upon the
5 improvements that were being put into the premises,
6 prices were outpacing any measure, I guess, of
7 appreciable growth whether, CPI or otherwise.

8 So this was just one way that we could
9 control I guess what was happening with respect to
10 the value of the improvements that was being put in
11 while not entirely penalizing the homeowner in
12 deciding to improve the home.

13 As you probably see in the schedule,
14 this is the depreciation schedule to account for
15 the fact that improvements see a devaluation over
16 time. We felt that after a long set of discussions
17 and rounds of conversation, that this was a fair
18 compromise to address the issues that we're seeing
19 and the price.

20 COUNCILMAN LABRIOLA: You didn't answer
21 my question about the date 2018.

22 Why was it decided that that was the
23 date? Is that significant in any way?

24 MR. ROZEA: I wouldn't say it was
25 significant. Only that it seemed to make sense

1 based upon where certain properties were in terms
2 of the purchase dates. What we were anticipating
3 in terms of potential resale, we tried to capture
4 -- what we tried to do was capture the properties
5 in a way that the homeowner can see some credit
6 given back while accounting for the depreciation
7 and while accounting for the passage of time. It's
8 not affixed to any particular event or milestone.

9 COUNCILMAN LABRIOLA: We want our
10 residents, our seniors that reside in these units
11 to keep them up.

12 MR. ROZEA: Of course.

13 COUNCILMAN LABRIOLA: We want to
14 encourage them to make the improvements necessary.

15 MR. ROZEA: Of course.

16 COUNCILMAN LABRIOLA: I know that
17 they're aware of the contract that is the consumer
18 price index.

19 MR. ROZEA: Right.

20 COUNCILMAN LABRIOLA: That gauges how
21 much, I guess, how much more money they will get on
22 resale.

23 MR. ROZEA: Absolutely, yes.

24 COUNCILMAN LABRIOLA: But many of them
25 stay for many, many, many years and need to upkeep

1 the units.

2 MR. ROZEA: You're right about that. I
3 should also note --

4 COUNCILMAN IMBROTO: You see things
5 like bills for totally renovated modern kitchens
6 that almost cost as much as the unit itself and
7 that's --

8 MR. ROZEA: There's a little bit of
9 discretion in terms of what will be subject to the
10 credit. Ordinary repairs are not subject to credit
11 because that's something that we would expect a
12 homeowner as it was.

13 I think it's also important to know
14 that we passed the proposed policy -- the policy
15 that the Board is considering today passed council
16 for a number of the communities. Each community
17 has their own Board. We passed it through council
18 just to get their comments. We incorporated what
19 comments there were. That way we had in effect the
20 homeowners side of things as part of discussion.

21 COUNCILMAN LABRIOLA: Thank you.

22 COUNCILWOMAN JOHNSON: I believe
23 everybody has had an opportunity to speak.

24 No further questions.

25 I ask the Clerk for a vote.

1 MR. LaMARCA: Yes, Councilwoman.

2 I just want to clarify what we're
3 voting on. We're voting on Resolutions P-15-20
4 through 567-2020 knowing 525, 531-2020 have been
5 tabled. We are also voting on Resolution 471-2020
6 which has been removed from the table.

7 On the vote:

8 Supervisor Saladino?

9 SUPERVISOR SALADINO: "Aye."

10 MR. LaMARCA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: I am "recusing"
12 on TF-14-20 and 536-20.

13 "Aye" on all the rest.

14 MR. LaMARCA: 536?

15 COUNCILWOMAN JOHNSON: 536, thank you.

16 MR. LaMARCA: Councilman Hand?

17 COUNCILMAN HAND: "Aye" on all.

18 MR. LaMARCA: Councilman Imbroto?

19 COUNCILMAN IMBROTO: "Aye" on all
20 except 558.

21 "No," on 558.

22 MR. LaMARCA: "No" on 558.

23 Councilman Labriola?

24 COUNCILMAN LABRIOLA: "Aye" on all.

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye" on all.

2 MR. LaMARCA: Councilwoman Walsh?

3 COUNCILWOMAN WALSH: "Aye" on all.

4 MR. LaMARCA: Motion to adopt

5 Resolution 471-2020 passes with seven "Ayes."

6 Motion to adopt Resolution P-15-20

7 passes with seven "Ayes."

8 Motion to adopt Resolution TF-14-2020

9 passes with six "Ayes" and one "recusal."

10 Motion to adopt Resolutions 509 through

11 524-2020 passes with seven "Ayes."

12 Resolution 525 has been tabled.

13 Resolution 526 through 530 passes with
14 seven "Ayes."

15 Resolution 531 has been tabled.

16 Resolutions 532 through 535 passes with
17 seven "Ayes."

18 Resolution 536 passes with six "Ayes"
19 and one "recusal."

20 Resolutions 537 through 557 passes with
21 seven "Ayes."

22 Resolution 558 passes with six "Ayes"
23 and one "Nay."

24 Resolution 559 through 567 passes with
25 seven "Ayes."

1 COUNCILWOMAN JOHNSON: Thank you.

2 MR. LaMARCA: Councilwoman, the
3 calendar is complete.

4 COUNCILWOMAN JOHNSON: Thank you so
5 much and I thank our stenographer for going the
6 distance today.

7 Supervisor, we hope you're feeling
8 well. I guess we're moving on to public comment
9 now.

10 And you Councilman Hand, are you still
11 hanging in there?

12 MR. LaMARCA: We have to close the
13 meeting.

14 COUNCILWOMAN JOHNSON: May I have a
15 motion to close the meeting? Our stenographer is
16 looking at me like yes.

17 May I have a motion to close the
18 meeting?

19 COUNCILMAN IMBROTO: So moved.

20 COUNCILWOMAN JOHNSON: Second?

21 COUNCILMAN HAND: Second, Councilman
22 Hand.

23 COUNCILWOMAN JOHNSON: All in favor,
24 signify by saying, "Aye."

25 ALL: "Aye."

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SUPERVISOR SALADINO: "Aye."

COUNCILWOMAN JOHNSON: Those opposed,
"Nay."

(No verbal response.)

COUNCILWOMAN JOHNSON: The "Ayes" have
it, so the meeting is complete.

Thank you.

(TIME NOTED: 3:36 P.M.)